

Vehicle Standards Guide 26 (VSG-26)

Detainee Transport Vehicle Standards Exemption

This guide provides detailed advice on the *National Heavy Vehicle Standards (Detainee Transport Vehicle) Exemption Notice 2018 (No. 1)* (the 'exemption notice').

Introduction

As part of their routine functions, government agencies that are authorised to detain persons, such as Corrective Services departments or Police services, need to transport these persons for various reasons. To do this safely and securely, these agencies use specially designed and modified heavy vehicles that do not comply with some Australian Design Rules (ADRs).

To improve the efficiency of how these vehicles are designed, certified following modification and used in-service, the National Heavy Vehicle Regulator (NHVR) has issued the exemption notice.

Eligible vehicles

The exemption notice only applies to vehicles built or modified to be used by Commonwealth, State or Territory Government Departments or Agencies who are authorised by law to detain persons. This will most commonly be a Corrective Service department or law enforcement agencies such as police.

An entity operating on behalf of a relevant Department or Agency is also covered by the exemption notice.

All vehicles operating under the exemption notice must comply with the conditions detailed in the notice and must be converted back to a complying vehicle once it is no longer used by a relevant department or agency.

Modifications

All modifications performed to detainee transport vehicles must be certified in the correct method.

For vehicles that are modified or built prior to their supply to market (as defined by the Motor Vehicle Standards Act 1989 of the Commonwealth), the vehicle must be certified through the Federal Second-Stage-of-Manufacture (SSM) process.

For vehicles modified or built after they have been supplied to the market, the following should be followed:

- Modifications which meet the requirements of VSB 6 must be certified by an Approved Vehicle Examiner (AVE) in accordance with the relevant modification code.
- Modifications which do not meet VSB6 due to an ADR non-compliance, but the non-compliance **is provided for** by the exemption notice (see Appendix 1) may be certified by an AVE in accordance with the relevant modification code provided all exemption conditions are met.
- Modifications which do not meet VSB6 due to an ADR non-compliance, but the non-compliance **is not provided for** by the exemption notice (see Appendix 1) must be individually approved by the NHVR.
- Modifications which are not covered by VSB 6 must be individually approved by the NHVR.

While in the majority of cases detainee vehicles will be able to be certified by an AVE, there may be particular circumstances where an individual approval is required.

To apply to the NHVR for an individual modification approval, the operator or modifier must submit a modification application form www.nhvr.gov.au/safety-accreditation-compliance/vehicle-standards-and-modifications/applications-and-forms/approval-to-modify-a-heavy-vehicle

Non-compliance with Standards

As each vehicle differs in design, number of detainee seating positions, vehicle model and so on, not all of the ADR exemptions offered by the exemption notice will be required on every vehicle design.

Where a design option would allow compliance with an ADR, while still maintaining the safety of detainees, this design option must be used.

A list of acceptable ADR non-compliances and their conditions are listed in Appendix 1.

Conditions of Exemption Notice

The relevant department or agency operating the vehicle remains responsible for the safety of all persons travelling in the vehicle at all times. In addition to this, when operating under the exemption notice certain conditions must be met.

These conditions require:

- the vehicle be designed and used for the transportation of detainees
- the vehicle complies with all relevant ADRs and relevant National Standards, not listed in Appendix 1
- all modifications be carried out and approved in accordance with the *Heavy Vehicle National Law*
- all modifications certified under the appropriate VSB 6 modification codes by an AVE
- all interior surfaces must be smooth and, as far as practicable, have no sharp edges.
- the vehicle to be operated by a person who is authorised officer of the relevant Department or Agency or an entity operating on their behalf.

Note: Any seating position not designed for the transportation of a detainee must comply with all applicable ADRs.

Reference to Australian Design Rules

As ADRs are amended or superseded from time to time, the clauses referenced in Appendix 1 may only be current at the date the exemption notice is released.

It is acknowledged that:

- existing heavy vehicles covered by this exemption notice may comply with a version of an ADR that is earlier than the ADR referenced.
- if the ADRs are updated or amended in the future, new heavy vehicles that are built might be covered by different ADRs or clauses.

To ensure the exemption notice covers both of these situations, interpretive provisions have been included that ensure the correct exemptions are provided.

Complying with the Heavy Vehicle National Law

The operator of a heavy vehicle must ensure that their vehicle complies with the ADRs, HVNL, heavy vehicle safety standards and MDL Regulation. Using or permitting another person to use a defective heavy vehicle, or a heavy vehicle with unapproved modifications on a road, is an offence. It is also an offence to use a vehicle on a road that exceeds a mass or dimension limit.

Penalties can include on-the-spot fines or prosecution. Formal warnings or a defect notice may also be issued. For more information about vehicle defects, see the *Heavy vehicle defects—Compliance and enforcement bulletin* at www.nhvr.gov.au/ce-bulletins

For more information about vehicle dimension limits, see the *National heavy vehicle mass and dimension limits information sheet* at www.nhvr.gov.au/mdl

For more information:

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Appendix 1: Australian Design Rules exemption conditions

A heavy vehicle to which the exemption notice applies, which under Schedule 1, Section 2(1) is required to comply with an *Australian Design Rule (ADR)* listed in column 1 of Table 1 is exempt from complying with an *Applicable ADR requirement* in column 2, provided the *Exemption conditions* in column 3 are met.

Table 1

1		2		3
Australian Design Rule (ADR)		Applicable ADR requirement		Exemption conditions
No.	Category	Section/Clause	Element	Description
ADR 3/03	Seats and Seat Anchorages	All sections	Seats and Seat Anchorages requirements	Additional seats provided for detainees are installed in the vehicle and must, as far as practicable, meet the requirements of VSB6 section K.
ADR 4/04	Seatbelts	All sections	Seatbelts requirements	If fitted, seatbelts provided for detainees must be installed in accordance with the standards specified by the relevant Corrective Service.
ADR 5/05	Anchorages for Seatbelts	All sections	Seatbelt Anchorage requirements	If fitted, seatbelts provided for detainees must be in accordance with the standards specified by the relevant Corrective Service.
ADR 8/01	Safety Glazing Material	All sections	Safety Glazing Material requirements	Any glazing is shatter resistant and designed to reduce the danger of bodily injury.
ADR 42/04	General Safety Requirements	Clause 19.2.1	Omnibus ventilation	Each compartment is fitted with ducted air conditioning.
ADR 44/02	Specific Purpose Vehicle Requirements	Clause 44.9	Emergency exits for omnibuses	Emergency exits or service doors are provided for each passenger section and these exits are in accordance with the standards specified by the relevant Corrective Service.
ADR 58/00	Requirements for Omnibuses Designed for Hire and Reward	Clause 58.4	Aisle requirements	Emergency exits are capable of being opened manually from the outside. Each emergency exit must be at least 500mm x 550mm in size. At least one emergency exit, accessible from the detainee section, must be provided on both sides or one side and rear of the vehicle.
		Clause 58.5.1	Access from left hand side and hand grips	
		Clause 58.5.3	Access from left hand side and minimum door width	
		Clause 58.5.4	Access from right hand side of vehicle	
		Clause 58.7.2.3	Maximum access step height to a single row of seats	
		Clause 58.10	Fitting of grab handles	
		Clause 58.12	Emergency exits	
		Clause 58.13.9	Upholstered seats	
		Clause 58.15	Interior doors	
Clause 58.23.7.1	Fitting of fuel filler less than 900mm from an access opening			
ADR 68/00	Occupant Impact Protection in Buses	All Sections	Seats and Seat Anchorages requirements	If fitted, seatbelts provided for detainees must be installed in accordance with the standards specified by the relevant Corrective Service.