



Australian Government

Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

ROAD VEHICLE STANDARDS

GUIDANCE NOTE

Adding a road vehicle manufactured and/or imported under the MVSA to the Register of Approved Vehicles

The requirements and processes explained in this guidance note apply when seeking approval to enter road vehicles that were manufactured and/or imported under the conditions of the *Motor Vehicle Standards Act 1989* (MVSA) on the Register of Approved Vehicles (RAV). This guidance note specifically outlines processes that will apply for MVSA plated road vehicles that are not in the consumer's possession before 30 June 2023.

Overview of RAV entry requirements

The Road Vehicle Standards (RVS) legislation requires road vehicles to be entered on the RAV – a publicly searchable, online database of approved vehicles – before they are provided for the first time in Australia for use in transport on public roads.

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the department) is administering transitional arrangements that allow MVSA plated road vehicles (including vehicles fitted with an Identification Plate, Used Vehicle Plate, or a VSB 1 Trailer Plate) to be provided in Australia without having to be entered on the RAV under certain circumstances.

These arrangements cease on **30 June 2023**. Any MVSA plated vehicles that are not provided before this date **must** be entered on the RAV before they can be provided for the first time to a consumer.

There are two pathways for RAV entry – the [vehicle type approval pathway](#) and the [concessional RAV entry approval pathway](#) – and both are referred to extensively in this guidance note.

An MVSA plated road vehicle that is not provided before 30 June 2023 must comply with the conditions of one of these pathways to be entered on the RAV.

Applications for a vehicle type approval or concessional RAV entry approval are made to the department using the ROVER system.

Importantly, a road vehicle must comply with applicable national road vehicle standards, known as Australian Design Rules (ADRs), that are in force on the date that it is entered on the RAV.

This guidance note provides specific advice regarding how MVSA plated road vehicles are assessed against this requirement under the RAV entry pathways.

While the department cannot waive an applicable standard or requirement, there are some considerations that the department may apply when determining RAV entry eligibility, particularly in the concessional space. These are also outlined below.

When can a MVSA plated vehicle be considered to be provided?

The department has created a separate [guidance note](#) that outlines when a road vehicle is taken to be provided under the RVS legislation, particularly in relation to type-approved road vehicles. This separate guidance note includes advice to cover type-approved vehicles that are provided to consumers through dealerships and second stage of manufacture (SSM) processes.

For MVSA plated vehicles that are not already in the possession of their intended owner when the RVS transitional arrangements end on 30 June 2023, the department will consider these vehicles to have been provided if they are fitted with an identification plate under the provisions of the MVSA and either:

- a contract of sale was completed between the consumer (intended owner) and either an original equipment manufacturer or a dealership before 1 July 2023; or
- they are unconditionally registered with a state or territory registration authority on or before 30 June 2023. Road vehicles subject to a temporary or limited form of registration will not be accepted to have been provided.

Road vehicles meeting these requirements can be provided to the intended owner without being added to the RAV. Road vehicles that do not meet both criteria before 1 July 2023 will need to be added to the RAV through one of the processes outlined below. If the vehicle does not meet the standards for either of the RAV entry pathways, it cannot be provided to a consumer for use in transport under the terms of the RVS legislation.

Adding a road vehicle with an identification plate to the RAV

Section 9 of the *Road Vehicle Standards Rules 2019* (the Rules) allows road vehicles that were fitted with an identification plate to be entered on the RAV if the following prerequisite conditions are satisfied:

1. The Import Plate Approval (IPA) holder:
 - manufactured the road vehicle in accordance with their IPA, or
 - imported a vehicle under a valid import approval for road vehicles fitted with identification plates.
2. The approval holder has an in-force vehicle type approval that covers the plated road vehicle that is being entered on the RAV – this means the vehicle being entered on the RAV is of the same make and model as the type-approved vehicle and also meets all applicable ADRs in the type approval. An in-force vehicle type approval can either be:
 - an IPA that was opted-in to become a type approval before 1 January 2022 and that complies with all applicable ADRs for the vehicle, such as an opted-in approval that is varied to comply with new or updated ADRs, or
 - a vehicle type approval that was granted to the vehicle provider independently of the opt-in arrangements for the same make and model of the road vehicle.
3. At the time of being entered on the RAV, the vehicle complies with applicable ADRs, as set out in the vehicle type approval. As per section 15(d) of the Rules, the build date of a road vehicle **does not** affect this requirement.

When entering a road vehicle on the RAV under a vehicle type approval, the approval holder is responsible for confirming that the vehicle being entered on the RAV meets all applicable ADRs.

For vehicles that were previously plated under an IPA, this responsibility means confirming that there have been no changes to the applicable ADRs during the period between the road vehicle being plated and being entered on the RAV. If there have been changes and new or revised ADRs are applicable, the vehicle must comply with those ADRs.

Example: Applicable ADRs for RAV entry purposes

Some ADRs became applicable to all road vehicles in certain vehicle categories on 1 November 2021, changing safety feature requirements for some passenger vehicles and motorcycles. If a road vehicle was fitted with an identification plate in October 2021 under the transitional arrangements and does not comply with the updated standards, it could not be entered to the RAV after 1 November 2021, once the updated standards took effect.

Where a vehicle was validly plated under the provisions of an IPA that was not opted-in, the approval holder can provide that vehicle without first adding it to the RAV until 30 June 2023. If the vehicle is not provided before this date, it must be covered by a vehicle type approval or a concessional RAV entry approval to satisfy RAV entry requirements as per the advice above and the summary in Table 1 (below).

Table 1: Requirements for entering vehicles plated under the MVSA on the RAV from 1 July 2023

Scenario	RAV entry requirements
The plated vehicle is covered by a vehicle type approval and fully complies with applicable ADRs.	<p>The approval holder has an in-force vehicle type approval under section 19 of the Rules.</p> <p>The plated vehicle is the same as the road vehicle type that is covered by an in-force vehicle type approval.</p> <p>The plated vehicle meets all of the applicable ADRs that apply at the time the vehicle is entered on the RAV.</p>
The plated vehicle is of a type that is covered by a vehicle type approval but does not comply with one or more applicable standards.	<p>To enter the vehicle on the RAV via the vehicle type approval pathway, the approval holder must:</p> <ul style="list-style-type: none">• apply to vary their vehicle type approval (see Guide to Varying Approvals in ROVER)• as part of the variation application, provide evidence to demonstrate the extent of the vehicle's compliance with those standards that it does not fully comply with, and• provide evidence to support why identified non-compliance should be considered for the purpose of varying and reinstating a previously granted approval. This may include evidence of why identified non-compliance with a standard should be treated as being minor and inconsequential. <p>If the department approves the variation application, the approval holder is taken to hold an in-force vehicle type approval that covers the plated vehicle.</p> <p>See below for specific advice for entering plated low aggregate trailer mass (ATM) trailers on the RAV, including trailer limits under the concessional RAV entry approval pathway.</p>
A second stage of manufacture (SSM) process will apply to the vehicle and this process is covered by a vehicle type approval.	<p>The plated vehicle is to undergo an SSM and will meet all applicable standards once this process is complete.</p> <p>There is an in-force vehicle type approval under section 19 of the Rules that allows the vehicle type to be entered on the RAV once the second stage of manufacture is complete.</p> <p>The plated vehicle meets all applicable ADRs at the time the vehicle is being entered on the RAV.</p>
No vehicle type approval applies.	<p><u>Vehicle with MVSA IPA</u></p> <p>The approval holder may apply for a concessional RAV entry approval if they can demonstrate that the vehicle they are seeking to enter on the RAV is:</p> <ul style="list-style-type: none">• consistent with their MVSA IPA, and• complied with applicable ADRs at the time the vehicle was fitted with a plate in accordance with their IPA. For example, as part of the supporting evidence for a concessional RAV entry approval application, the approval holder may choose to submit a letter of compliance that specifies how the vehicle met the applicable ADRs when it was plated for the department's consideration.

Scenario	RAV entry requirements
	<p data-bbox="416 259 863 286"><u>RAWs plated vehicle (used import plate)</u></p> <p data-bbox="416 302 1401 329">RAWs are strongly encouraged to prioritise providing these vehicles before 30 June 2023.</p> <p data-bbox="416 344 1422 405">An MVSA RAW may apply for a concessional RAV entry approval for road vehicles it imported and/or plated under the terms of its MVSA approval before 30 June 2023.</p> <p data-bbox="416 421 1437 577">RAWs that need to use this process are encouraged to make a concessional RAV entry approval application as soon as possible after 1 July 2023. An applicant will need to provide good reasons and evidence of an exceptional case before the department will allow an MVSA-approved road vehicle to be added to the RAV significantly after the transitional arrangements end.</p>

What is minor and inconsequential non-compliance?

The RVS legislation provides that the department can consider arguments that a road vehicle substantially complies with an applicable standard and that any identified non-compliance is minor and inconsequential in nature. The forms for applying for a vehicle type approval or concessional RAV entry approval in the department's ROVER system:

- select the ADRs that may be applicable to the road vehicle based on its build date and the applicable vehicle category and includes these in the application, and
- allow the applicant to identify the extent to which the road vehicle complies with each ADR (fully complies, substantially complies with non-compliance being minor and inconsequential, substantially complies but non-compliance is non-standard, or the ADR is not applicable) and provide supporting evidence.

When determining if non-compliance with an applicable ADR is minor and inconsequential, the department considers:

Minor: to mean the road vehicle substantially complies with an applicable ADR and only deviates in minor ways. The department's assessment processes seek to determine whether the design and componentry of a road vehicle presents a deviation from an applicable ADR that:

- could be classified as either significant or major, meaning the vehicle type can no longer be considered as being substantially compliant with the applicable standard(s), and
- potentially make the vehicle unsuitable for use in transport on a public road. This assessment of suitability will usually consider the consequences of granting an approval or general access to Australia's road network.

Inconsequential: to mean the identified non-compliance has only limited significance and does not present an important or significant contradiction to the intent of an applicable standard or Australia's approach to harmonising with international standards as per the objectives of the RVS legislation.

RAWs vehicles (vehicles with used import plates)

As per the advice in Table 1, the department encourages RAWs to provide road vehicles that have a used import plate to the Australian market before 30 June 2023. MVSA RAWs should note that to meet this deadline, they must:

- apply for a MVSA import approval in the RAWS system before 30 April 2023, and
- submit a Vehicle Inspection Certificate (VIC) using RAWS before 23 June 2023.

From 1 July 2023, the concessional RAV entry approval pathway will be the only option to seek approval to provide a road vehicle that either received an import approval but was not plated before 30 June 2023 due to a delivery delay or that was affixed with a used import plate but was not provided in Australia according to the above definition before this date. Road Vehicles cannot be plated under the terms of an MVSA approval after 30 June 2023.

As per the advice in Table 1, the department expects that a concessional RAV entry approval application would only be required for these vehicles because of a delay or other unforeseen circumstance. Noting this, RAWs that need to use this

process are encouraged to make a concessional RAV entry approval application as soon as is practicable after 1 July 2023.

When considering delayed applications for these vehicles, the department will be looking for good reasons for adding an MVSA-approved vehicle to the RAV significantly after the RVS transitional arrangements end.

Considering the circumstances and timing of these applications, the department would require strong reasons and evidence of an exceptional case, including good reasons for an applicant having delayed making a concessional RAV entry approval application, before it would consider approving the applicant's road vehicle for RAV entry.

An MVSA RAW will need to register and use the ROVER system to make a concessional RAV entry approval application to the department.

As the department expects that industry will be using this pathway to seek assessment of a small number of vehicles against a unique set of circumstances, the entity that imported and/or plated the vehicle under the terms of an MVSA RAW approval will be required to make the concessional RAV entry approval application.

To make an application under these circumstances, the holder of an MVSA RAW approval must:

- have been an active MVSA RAW on 30 June 2023 when the transitional arrangements cease
- register to use the ROVER system (if they have not previously done so) and complete the single road vehicle application form
- submit this form to make a concessional RAV entry approval application and pay the application fee as soon as practicable after 1 July 2023, and
- (as applicable) provide evidence to demonstrate that the vehicle they are seeking to have added to the RAV met the requirements for receiving a used vehicle import plate at the time it was affixed and has not subsequently deteriorated or been modified (i.e. is in the same state as it was when the plate was affixed).

The department assesses road vehicles individually under the concessional RAV entry approval application process and on the basis that they have concessions against the ADRs, but are otherwise suitable for use in transport on public roads.

Noting this, MVSA RAWs that identify a need to make an application under the RVS legislation to provide a road vehicle that was originally plated under the MVSA should not expect that the department will automatically grant a concessional RAV entry approval.

The department will assess concessional RAV entry approval applications within a statutory 30 business day period and will consider:

- the timing of the application (as per the advice in Table 1)
- whether the supporting material (evidence and declarations) presented with application demonstrates that the road vehicle both complied with the applicable standards in force when it was plated and that it has not subsequently been modified, and
- whether the vehicle can be considered as suitable for RAV entry on the basis that it can be used in transport on public roads. The applicant would be seeking the department's consideration that the vehicle complied with applicable standards when it was manufactured or imported under the MVSA and the process for re-complying the road vehicle with new or updated standards is duplicative, expensive and may present little benefit in terms of protection to road users when considering similar vehicles are already part of the Australian vehicle fleet.

What if my application for a used plated vehicle is unsuccessful?

While the department can assess road vehicles with a used import plate for a concessional RAV entry approval on the basis of their potential suitability for RAV entry, there may be reasons for declining an application. If the department determines that a plated road vehicle does not meet the requirements for a concessional RAV entry approval, the entity will be required to complete a more involved application process in order to meet the RVS legislation requirements for providing the vehicle to a consumer. This will include:

- meeting the requirements for obtaining an entry on the RVS SEVs Register
- securing a Model Report approval to show how the make and model of vehicle can be modified to meet applicable ADRs
- having a RAW that is approved under the RVS legislation modify the vehicle to meet applicable ADRs as per the instructions set out in the Model Report
- having an authorised vehicle verifier confirm that the vehicle has been modified according to the requirements in the Model Report, and
- making a new concessional RAV entry approval application on the basis of the above.

This process is likely to incur additional costs and will require time to work through each of the above assessment requirements. The department therefore recommends providing road vehicles that have been affixed with a used import plate before 30 June 2023 to limit the risk of having an initial application fail leaving the only option to complete this process for a vehicle that may not be able to comply with RVS legislation requirements.

Low ATM trailers

Entities that are currently providing low ATM trailers under MVSA provisions have until 30 June 2023 to plate and provide their trailers. To achieve this deadline, any applications for a vehicle import approval using the Vehicle Import System (VIS) must be made before 30 April 2023.

The department cannot accept applications for transitional import approvals that are submitted after the cut-off and trailers will need to satisfy RVS legislation standards, which includes adding the trailer to the RAV.

Entering low ATM trailers with VSB1 plates on the RAV from 1 July 2023

Once the RVS transitional period ceases on 30 June 2023, entities (individuals or companies) providing trailers in Australia for the first time must ensure their trailers meet the standards listed in [VSB 1 \(Revision 6\)](#) before they can be entered on the RAV and provided for use in transport on public roads. Trailers that were plated under the MVSA will **not be exempted** from this requirement if they are first provided after 30 June 2023. As per Table 1, an entity has the following options for adding an MVSA plated low ATM trailer on the RAV after 1 July 2023:

1. The trailer is covered by an in-force vehicle type approval that meets applicable ADRs (i.e. has been assessed as meeting the latest revision to VSB 1, currently Revision 6) and therefore qualifies to be entered on the RAV. In this scenario, the trailer is deemed to meet the requirements of the vehicle type approval pathway and the applicable ADRs on the date of RAV entry.
2. If the entity does not intend to secure a road vehicle type approval, it may make a concessional RAV entry approval application for a plated trailer. Such an application would be seeking the department's consideration that the trailer was compliant with the standards of VSB 1 (Revision 5) at the time it was manufactured and/or imported. Prospective applicants should note that there are limits on the number of trailers that may be provided under the concessional pathway (four per annum at the time of providing the guidance note) and should factor this into their transitional plans.

Please note: the concessional RAV entry pathway allows an entity to enter a **maximum** of four (4) low ATM trailers and four (4) high ATM trailers to the RAV per annum.

Entities that provide low ATM trailers in Australia should factor this limit into their plans for transitioning business operations to the RVS legislation.

Entities that are seeking to provide significant numbers of trailers of the same make should consider applying for a vehicle type approval.

Revisions to Vehicle Standards Bulletin (VSB) 1

Under the RVS legislation, trailers are required to comply with ADRs as a prerequisite for RAV entry. The department released [VSB 1 \(Revision 6\)](#) in February 2021 and this Bulletin provides an overview of the standards that apply to most common low ATM trailers. This version explains requirements for the RVS legislation, while VSB 1 (Revision 5) identifies requirements for supplying low ATM trailers under the MVSA.

VSB 1 (Revision 6) provides an overview of the requirements that must be satisfied to enter a low ATM trailer on the RAV. This document provides a summary of the ADRs that apply to common low ATM trailers as a useful starting point to identify individual standards that the department applies when assessing the eligibility of these vehicles to enter the Australian market. The individual ADRs may identify specific requirements that apply to low ATM trailers or where these vehicles are subject to an exemption from a specified requirement in addition to the information provided in VSB 1.

The department recommends trailer providers consult VSB 1 (Revision 6) before they commence an application in ROVER for a new vehicle type approval for a type of low ATM trailer.

More information

For further information, please visit the [department's website](#) or submit an [online enquiry](#)

Updated February 2023 – processes that will apply for MVSA plated road vehicles that are not in the consumer's possession before 30 June 2023 added.

Updated March 2023 –details of when the department will consider vehicles to have been provided clarified.