



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Communications**



➤ **Guide to varying approvals in ROVER**

January 2022

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Updated January 2022 to:

- provide more practical guidance on how to complete and submit an application to vary an approval in ROVER
- guide applicants on when to apply to vary an approval and to consolidate all the changes they want to make to their approval in a single application to vary – as withdrawing, updating and resubmitting variation applications can be resource-intensive
- explain how the department will assess applications to vary approved Model Reports under section 87 of the *Road Vehicle Standards Rules 2019* (the Rules), as these are slightly different from other variation applications, and
- remove all references to the interim application process for varying approvals. This process was discontinued in October 2021.

Overview

Approval holders – and those authorised to act on their behalf – may apply to the Department of Infrastructure, Transport, Regional Development and Communications (the department) to vary their approvals under the Road Vehicle Standards (RVS) legislation.

This guide explains how to apply to vary an approval in ROVER, the department's online portal for managing all RVS activities and approvals. The guide also identifies what the department will consider when assessing variation applications and when fees are payable.

What approvals may be varied?

The department considers applications to change or update current **approvals** granted under the RVS legislation (i.e. an approval that has not expired).

The variation provisions explained in this guide do not extend to changing advisory notices – for example, an advisory notice that a thing is not a road vehicle granted under section 13(2) of the *Road Vehicle Standards Act 2018* (RVSA).

Advisory notices are not approvals and are therefore not covered by the variation provisions.

Varying administrative information vs varying approvals

The RVS legislation distinguishes between applicants who apply to:

- change administrative information (e.g. contact information) associated with an approval, and
- vary their approval, including the scope of what the approval allows them to do. Examples include:
 - o requests to modify (add, remove or change) approval conditions
 - o update the supporting evidence for an approval
 - o update an approval to account for changes to national road vehicle standards, or
 - o to add or remove road vehicle variants covered in a vehicle type approval.

The process for applying to vary an approval through ROVER allows you to submit a single application to vary both the administrative information linked to your approval and your approval at the same time.

As the department cannot assess multiple applications to vary the same approval concurrently, you are strongly encouraged to submit a single application covering all of your proposed changes to an approval. You should note that the department cannot fast track a decision for a variation application based on the applicant approval holder needing to re-apply for further changes to their approval.

Varying administrative information

The department can consider applications to change administrative information linked to an RVS approval on the condition that the applicant approval holder provides the documentation and evidence required to support their requested change.

Please note: the department **will not** consider requests to transfer an approval to an alternate approval holder as the RVSA does not provide scope to transfer approvals.

Varying approvals

The RVS legislation limits the changes the department can apply to an approval in response to a variation application. The department cannot use the variation provisions to remove the minimum requirements (i.e. standard conditions) for holding the relevant approval type, as set out in the Road Vehicle Standards Rules 2019 (the Rules).

The department must be satisfied that it would grant the revised approval, as per the variation application, if it were presented as a new application.

The department may:

- refuse to grant a variation to an approval, or
- suggest changes to the approval that the applicant approval holder did not request, to comply with the relevant Rules provisions. In this case, the department will notify the approval holder of the proposed changes, but will not move to update the published approval without the applicant approval holder's agreement.

Checking if a variation application is required

In some cases, manufacturers will be required to update and retain information to demonstrate continued compliance with Australian Design Rules (ADRs). For example, retaining information relating to changes to ADR compliant road vehicle components that don't require additional testing to confirm compliance. While the RVS legislation requires the manufacturer to retain information to demonstrate compliance, they would not need to make an application to vary an approval for these components. If you are unsure about whether a variation application is required, please contact the department by submitting an [online enquiry](#).

Varying Model Reports and Model Report approvals

The Rules set out separate provisions for varying the content of an approved Model Report. They include:

- adding or removing variants
- adding supporting information, or
- improving work instructions or checklists.

Noting this, ROVER offers a consolidated variation application process for:

- varying an approved Model Report
- the Model Report approval
- administrative information linked to a Model Report approval, or
- all of these elements.

This is explained below.

Who may apply to vary an approval?

The department will accept an application to vary an approval from the approval holder or person they authorise to act on their behalf. The 'My Approvals' section in ROVER controls who can apply to vary an approval by listing:

- the approvals a registered user has approval holder status for, and
- all approvals a registered ROVER user has been granted an authority to act on.

How do I apply to vary an approval?

You can apply to vary an approval in ROVER, as one of the actions in the ROVER 'My Approvals' portal. ROVER clearly sets out the information and supporting documentation you need to provide with your application.

Approval number	Approval type	Commencement	Status	Approval expiry	Actions
[Redacted]	Vehicle Type	2021-07-31	In Force	2026-07-30	Vary Suspend Revoke

When you click on the 'Vary' action for a current approval, ROVER will pre-populate the application with some information from the existing approval. There are 5 key steps that help identify the scope of changes you want to make to your approval and provide relevant supporting material. Table 1 explains these steps, the requirements for applicants and how the department uses the information to decide applications.

Table 1: Standard application features for varying approvals in ROVER

Step	ROVER prompt	Requirements for applicants	How responses are used
Applicant confirms their readiness to commence an application to vary their approval.	Before you begin	<p>Applications to vary an approval have a specific 'before you begin' text. All applicants, including those who are familiar with applying for an approval, must pay particular attention to this text before commencing an application to either vary:</p> <ul style="list-style-type: none"> • their approval, or • the administrative information linked to an approval. 	<p>Declaring an understanding of this text confirms for the department that you are familiar with:</p> <ul style="list-style-type: none"> • the requirements for applying to vary your approval, and • how your application will be assessed.
Applicant confirms the scope of their application	Changing approval holder details	<p>Applicants seeking to vary the administrative information linked to their approval under section 197A should check 'yes'.</p> <p>Note: You will be able to provide information and supporting material in the 'Comments and Further Information' section of the application (see below).</p>	<p>The collective ROVER prompts alert the Department's assessors to the likely scope of the variation application.</p> <p>Applicant approval holders:</p> <ul style="list-style-type: none"> • must take care to answer these questions accurately, as ROVER will use the responses to determine what they will be asked to provide in later parts of their application, and • should note that the department does not assign priority to variation applications based on responses to these questions.
	Vary a condition of your approval Would you like to vary a condition of your approval?	<p>The ROVER prompt for this question explains the meaning of conditions of approval.</p> <p>Applicants who are only applying to vary administrative information linked to their approval should check 'no'.</p> <p>Applicants should check 'yes' if they are seeking to change the conditions or scope of their approval. For example:</p> <ul style="list-style-type: none"> • adding vehicle variants or suggesting other changes to increase the scope of an approval • keeping an approval valid by adding evidence of compliance with newly applicable ADRs, or • adding evidence related to a change of supplier of ADR specific components/systems. 	

Step	ROVER prompt	Requirements for applicants	How responses are used
		<p>Note: the department will generally not vary or remove standard conditions for holding an approval.</p>	
	<p>Model Report approvals Are you seeking to vary an approved Model Report, a Model Report approval including related administrative information, or both?</p>	<p>This is a specific prompt for Model Report approval holders. The department offers a single variation application process for varying Model Reports (as a tool under the RVS legislation) and Model Report approvals. Model Report approval holders, or their agents, should indicate what they are seeking to vary when they submit their application.</p>	
<p>Applicant confirms the approval condition(s) they are seeking to vary and provides justification.</p>	<p>Which condition of your approval would you like to vary?</p>	<p>Note: Applicants who indicated they are not varying approval conditions will not see this.</p> <p>ROVER provides a free text response option for this question. Responses should clearly identify the specific condition(s) of your approval that you are seeking to change.</p>	<p>Accurate responses to these questions assist the department's assessors to understand the application, the reasons for the application and the availability of supporting material.</p>
	<p>What is the justification for this request to vary a condition? If you would like to add supporting documentation, use the upload below.</p>	<p>Note: Applicants who have indicated they are not varying approval conditions will not see this.</p> <p>ROVER provides a free text response option for this question and the ability to upload documentation. You should provide clear reasons to support varying the identified condition(s) and refer to the below advice about appropriate supporting documentation.</p>	
<p>Applicant provides comments and supporting documentation to support changes to their approval, other than changes to the approval conditions.</p>	<p>Comments and other matters</p>	<p>ROVER allows applicants to provide comments or other information to support:</p> <ul style="list-style-type: none"> • items they have previously identified, and • additional items in their approval that they are seeking to vary. <p>The applicant will be able to upload documents supporting their variation application.</p> <p>Applicants should refer to the below advice about appropriate supporting documentation.</p>	<p>Some applicants will provide most of their application here, including those seeking to:</p> <ul style="list-style-type: none"> • add or remove a variant from a road vehicle type approval • update the evidence previously provided to support an approval • update an approval in response to a change in the national road vehicle standards, or • vary their approved Model Report.

Step	ROVER prompt	Requirements for applicants	How responses are used
Applicant makes declarations to support their variation application.	Contraventions declaration Has the applicant, or for a body corporate, any member of the key management personnel, contravened or may have contravened, road vehicle legislation?	Approval holders are required to make a full and accurate contraventions declaration, when applying to vary an approval. This is the same contraventions declaration that applicants make when submitting a new approval application under the RVS legislation.	The department's assessors will check these as part of the process for ensuring an applicant approval holder remains eligible to hold the type of approval they have applied to vary.
	Applicant declarations	Applicants are required to declare they understand the conditions for varying an approval under the RVS legislation. ROVER will generate a declaration that is specific to the type of approval the applicant is seeking to vary.	

Providing supporting documentation

You can upload supporting documentation for your variation application. Before uploading your documents, there are some important factors to consider:

1. Ensure documents and evidence are actually relevant to, and support your variation application. Most RVS approval types require approval holders to maintain documents and evidence. These materials are not necessarily required to support a variation application. When deciding what to submit, you should consider:
 - o what documents, evidence and declarations have I already provided to the department and therefore do not need to provide again with the variation application?
 - o what documents and evidence need to be updated to support any requested changes to conditions or other elements of an approval?
 - o is there new information that must be provided to support the requested changes?
2. Ensure contact names, business names and addresses are correct. When applying to vary administrative information linked to an approval under the provisions of section 197A of the Rules, please ensure there is sufficient information to link any requested changes to a business name or address to the approval holder's Australian Business Number (ABN) or Australian Company Number (ACN). If departmental assessors cannot easily establish this link, they will need to request further information and this will delay a decision.
3. The variation provisions in the Rules do not introduce new grounds for granting an approval. This means the department will not agree to remove or vary standard conditions for holding an approval, regardless of the supporting information documents or other material you provide to justify your request.
4. Give clear and relevant names to all supporting documents. This will greatly assist departmental assessors to locate and reference material as it is required to decide applications. If you are submitting updated versions of documents, you will need to update the name of the document by adding a date and/or version number.

Before submitting a variation application

Please ensure your variation application is complete and covers all foreseeable changes you want to make to your approval **before** it is submitted. ROVER does not allow applicants to modify an application after it is submitted.

ROVER only allows applicants to have a single, active variation application for an approval at any one time. The department must finalise an open variation application before ROVER will accept a new variation application for the same approval – see *Post-submission changes to variation applications* below. You should therefore plan variation applications and include all of the changes you are seeking to make to your approval.

If you need to make further changes to your approval after submitting a variation application for assessment, you may either:

1. withdraw your application and recommence the application process if the department has not commenced its assessment (see 'post-submission changes to variation applications', below for more information), or
2. wait for the department to decide your variation application, pay the application fee (where applicable) and receive a decision. You can then submit a new application, post assessment. The normal assessment timeframe for assessing the variation application will apply. Please note the department will not fast track a decision for your variation application if you choose this option.

Post-submission changes to variation applications

Once your application to vary an approval or the administrative information linked to an approval is submitted, the department will not accept a further application to vary that same approval until the first application is decided. If the department has not started assessing your application, you may, via ROVER, request that it be withdrawn. Withdrawing your application will allow you to submit a new, updated application to vary your approval. The application timeframe resets if you withdraw and re-submit your application.

How long can a decision take?

The RVS legislation does not apply a formal timeframe for the department to assess variation applications. In keeping with standard assessment timeframes, the department expects that it will take:

- 30 business days to decide applications to vary:
 - registered automotive workshop (RAWs) approvals
 - testing facility approvals
 - authorised vehicle verifier (AVV) approvals
 - reimportation import approvals
 - non-RAV entry approvals, and
- 60 business days to decide applications to vary Model Report approvals, vehicle type approvals and component type approvals.

Applicants should note that the Department assesses applications in the order they are received and that any time an applicant takes to respond to a request for further information does not count towards these indicative timeframes.

How am I notified of the decision?

The department will notify you via email when it has decided your variation application and direct you to your ROVER account for further information and the decision notice. You will receive **one** of the following notifications:

1. a revised approval notice
2. a notification that an application fee is payable, before the department issues the final decision notice – when a fee is payable (see below)
3. a refusal notice, or
4. a refuse to consider notice.

The department will only issue a refusal notice or refuse to consider notice after advising you of its intent to make such a decision and providing you with an opportunity to respond. Decision notices will confirm:

- who made the decision and their authority to decide the variation application
- the factors the decision maker considered when making their decision, and
- where relevant, appeal rights that are available to the applicant.

Reading the new 'certificate style' approvals

If the department agrees to vary an approval or the administrative information linked to an approval, it will issue an updated approval notice confirming the conditions of the approval as varied. The approval notice will be issued after the applicant pays any outstanding application fee.



VSS.NCE.07.01

Testing Facility Approval

ABC Testing Facility Pty Ltd

123 Smith and Jones Street, Southport, QLD, 4215
has been granted testing facility approval under section 111 of the *Road Vehicle Standards Rules 2019*.

Approval holder	ABC Testing Facility Pty Ltd
Approval number	TFA-2021-0000 [REDACTED]
This approval is valid from	1 July 2021
Approval varied on	25 October 2021
The approval expires on	30 June 2026

This testing facility approval is subject to the conditions set out in the attachment to this approval notice.

The varied approval will have the same number as the original approval.

The latest variation date will always be present on the first page of the approval. Approvals that have not been varied will not have this.

Approval conditions are set out in the attachment to an approval notice.

What are the application fees?

Variation applications may incur an application fee in the following 2 circumstances:

1. Applicants seeking to vary their approved Model Report under section 87 of the Rules must pay a \$40 application fee. This fee is payable, even if the department refuses to grant the varied approval. However, this fee will not apply if the applicant applies to vary their Model Report:
 - o to reduce the number of road vehicle variants covered by their Model report, or
 - o in response to a voluntary recall notified under the Rules, a recall notice issued under the Rules, or a voluntary or compulsory recall issued in the market for which the road vehicle was originally manufactured.
2. Applicants who apply to make a material change to their approval (i.e. change the scope of what their approval allows them to do) and the department agrees to grant a variation. An application fee is **not** payable if the department refuses the variation application. Please also note that some approval types do not attract an application fee for variation applications, as per Table 2 (below).

Application fees and refuse to consider

The department has the power to refuse to consider applications, that is, close the application without granting or refusing the requested approval. The Rules identify that the department may generally apply these powers if an approval application is not accompanied by the prescribed application fee. However, this is not the case for variation applications. Application fees are payable **after** assessing a variation application, including applications to vary approved Model Reports under section 87 of the Rules.

ROVER will not prompt you to pay a fee when you submit a variation application. You do not need to worry that the department will refuse to consider your application because it is not submitted with an application fee. You will receive a notice if the department determines that an application fee is payable. Applicable fees must be paid before you can receive your decision notice, have your approval varied, or apply through ROVER to make further changes to your approval.

Material changes

Application fees are set to cover the department's costs to consider the application. In determining whether an application fee will apply to a variation application, the department considers material changes to be those that either:

- increase or change the scope of an approval, with the exception of changes that reduce the scope of what an approval holder can do under the RVSA, or
- seek to remove or reduce restrictions the department has previously applied as part of an approval.

The department generally does not charge application fees when you make a variation application to ensure your approval is compliant with revised ADRs. The decision notice will advise you if an application fee is payable. In cases where a fee is payable, the varied approval will not take effect or be published before the fee is paid. Your current approval will remain in effect until the assessment fee is paid and you are advised that the department has applied the changes to your approval.

You should also note that you will be unable to request further variations to an approval while you have an unpaid application fee. Section 252 of the Rules provides that the department may charge the following application fees when agreeing to make material changes to an approval.

Table 2: Application fees for varying an approval

Application to vary	Assessment fee
International whole vehicle type approval (IWVTA) based vehicle type approval.	\$0
Non-IWVTA based vehicle type approval for a passenger vehicle, 2 or 3-wheeled vehicle, goods vehicle or bus.	\$140
Non-IWVTA based vehicle type approval for a heavy trailer (with Model Report) or heavy trailer (without Model Report)	\$85
Non-IWVTA based vehicle type approval for a light trailer.	\$50
Concessional RAV entry approval.	\$0
Testing facility approval.	\$75
RAW approval.	\$55
AVV approval.	\$60
Non-RAV entry import approval.	\$0
Reimportation import approval.	\$0
Component type approval.	\$0
Approved Model Report that applies to a model, or one or more variants of:	\$40
- a road vehicle that is entered onto the SEVs Register	
- a used 2 or 3-wheeled vehicle that is not entered on the SEVs Register	
- a trailer with an aggregate trailer mass of more than 4.5 tonnes, or	
- a road vehicle that is entered onto the RAV and will be subject to a second stage of manufacture.	
Model Report approval.	\$0

Do I have appeal rights?

You may query the outcome of your variation application with the department by submitting an [online enquiry](#) via our website.

You may seek a review of the outcome of your variation with the Administrative Appeals Tribunal.

The Tribunal is independent of the department and can provide a merits review of administrative decisions. Further information is available from the [Tribunal's](#) website.