



Road Vehicle Standards



Vehicle type approval opt-in arrangements – overview

Transitioning an eligible identification plate approval to a vehicle type approval.

Eligible holders of some approvals under the *Motor Vehicle Standards Act 1989* (MVSA) can transition to a vehicle type approval via an opt-in process.

On 1 July 2021, the *Road Vehicle Standards Act 2018* (RVSA) replaced the MVSA. The Department of Infrastructure, Transport, Regional Development and Communications (the department) is administering this.

Transitional provisions are contained in the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018*.

The RVSA is supported by the Road Vehicle Standards Rules 2019 (the Rules). Together, with other related legislation, they are referred to as the Road Vehicle Standards (RVS) legislation.

What are the opt-in arrangements?

The opt-in arrangements help ease the transition to the RVS legislation for certain eligible approval holders under the MVSA.

These eligible MVSA approval holders can have their existing approval taken to be a road vehicle type approval, in force for 5 years, without providing supporting documentation at the time they apply.

How will compliance information be managed?

The existing evidence on the MVSA approval will be taken to satisfy requirements under the RVS legislation. Two exceptions are where:

- the evidence is found to be false, misleading or omits relevant information; or
- a variation to the new approval is sought and existing evidence used for the MVSA approval is not sufficient to the extent of the variation.

Test results from a RVS approved testing facility holder will not be required at the time of opting-in.

Who is eligible to apply?

A person is eligible for the opt-in arrangements if they held an approval, in force and up to date, immediately before the start of the RVS transitional period on 1 July 2021, under the following:

- Section 10A(1) of the MVSA – standard road vehicles
- Section 10A(2) of the MVSA – minor or inconsequential non-standard road vehicles
- Section 14A of the MVSA – non-standard road vehicles
- Regulation 20 of the MVS Regulations – non-standard road vehicles.

Where do I apply?

The opt-in application for a vehicle type approval is available in ROVER for 6 months from the start of the RVS legislation on 1 July 2021 to 11:59 AEST 31 December 2021. Your application will require:

- opt-in eligibility details and the MVSA approval number
- road vehicle details, make and model
- contact details for publishing on the department's website
- details about certain compliance information
- declarations, including that you will comply with all of the conditions of your approval, and
- optionally, a specified start date, within the 6-month opt-in period.

A \$20 application fee must be paid when submitting the opt-in application. You will receive a letter of advice that your opted-in MVSA approval has been taken to be granted as a vehicle type approval. The letter will include all the relevant conditions applying to your approval.

IMPORTANT: If you opt-in with an eligible MVSA approval that is NOT up to date, your new vehicle type approval may be suspended.

How do I apply?

The department's online IT service, ROVER, integrates all RVS legislation activities and approvals.

To apply under the opt-in arrangements, you must create a user account in, ROVER and complete an online application form providing all the required information.

IMPORTANT: If the department suspends your vehicle type approval, you will not be able to enter your road vehicles on to the RAV. You will need to vary your approval, providing eligibility documentation and, if applicable, compliance information.

Vehicle type approval holders' obligations

While applications are not assessed, as a vehicle type approval holder under the RVS legislation, you are expected to comply with the following conditions (summarised), ensuring that:

- at the time vehicles are entered on the Register of Approved Vehicles (RAV) they comply with the applicable national road vehicle standards, in force at the time
- a conformity of production system has been implemented
- errors in information entered on the RAV are notified to the department
- when requested by the department, allow access or make suitable arrangements to provide information or inspections to ensure ongoing compliance with your approval
- all records of the original and subsequent versions of the supporting information for the approval are kept up to date while the approval is in force, and for 7 years after it expires, or it is revoked.

I am eligible, what must I do and by when?

You must ensure your eligible MVSA approval is in force and up to date. You are strongly encouraged to seek any variation of your MVSA approval, if necessary, well in advance of the opt-in arrangements starting.

IMPORTANT: The department will not collect information about Australian Design Rule (ADR) 61/03 before you opt-in or once your vehicle type approval commences.

However, you can submit compliance information for ADR 61/03 the first time you request to vary your vehicle type approval. Action may be taken if ADR 61/03 is not complied with.

Complying with your responsibilities

The department monitors and enforces compliance with the RVS legislation under the RVSA (applying penalties) and the Rules (obligations of an approval holder).

The department encourages voluntary compliance, and undertakes informed risk-based compliance activities to confirm compliance with the RVS legislation.

These compliance activities may involve:

- asking you to provide information in writing to assess whether you are complying with the RVS legislation
- appointed inspectors physically entering premises to confirm compliance with the RVS legislation (monitoring powers).

What if I don't comply?

Under the RVS legislation, offences and civil penalty provisions apply that cover when a person (individual or company):

- breaches a condition of their approval
- breaches an obligation to provide records after an approval ceases to be in force
- provides a false or misleading declaration
- provides false or misleading information.

If the department identifies non-compliance, our response will be proportionate to the risk being managed. Our response may include issuing infringement notices, applying for civil penalty orders or injunctions, or entering into enforceable undertakings.

More information

More detailed information is available in the [Guide to the Opt-in arrangements](#) and the [Guide to Vehicle type approvals](#).

Please contact us:

Email RVSA for general information:

RVSAimplementation@infrastructure.gov.au

Phone: 1800 815 272 (Monday to Friday, 9am to 5pm AEST, within Australia), or +61 2 6274 7444 (calling from overseas).

Disclaimer: Please note this information is a brief summary of the Guides to Vehicle type approvals and Opt-in arrangements. We do not make any guarantees about the completeness of the information above as it is intended as easy-to-read background material/'quick guide' only