



Australian Government

Department of Infrastructure, Transport,  
Cities and Regional Development

# Road Vehicle Standards

## RVSA Implementation Consultation Framework

Concessional RAV Entry Consultation Group

*Discussion Paper CR3 – Trailers – Comparison of arrangements under the  
Motor Vehicle Standards Act 1989 and the Road Vehicle Standards legislation*

3 July 2019



## Table of Contents

<b>INTRODUCTION .....</b>	<b>3</b>
<b>ARRANGEMENTS UNDER THE MVSA.....</b>	<b>4</b>
Light trailer – new and used .....	4
New heavy trailer.....	4
Used heavy trailer .....	4
<b>ARRANGEMENTS UNDER THE RVS LEGISLATION .....</b>	<b>6</b>
Type approval pathway.....	6
Heavy trailer type approvals.....	6
Light trailer type approval .....	7
Concessional RAV entry approval pathway (trailer eligibility criterion).....	8
Transitional arrangements.....	9
Transition of approvals under the MVSA to a road vehicle type approval.....	10
<b>DISCUSSION QUESTIONS .....</b>	<b>11</b>



## Introduction

The Road Vehicle Standards (RVS) legislation has been passed by both houses of Parliament and will come into effect on 10 December 2019. In preparation for commencement of the legislation, the department is currently undertaking policy and procedures development to ensure an effective transition.

The department has continued to consult with stakeholders and is aware that some industry participants remain concerned about how certain aspects of the legislation will work in practice. The RVSA Implementation Consultation Framework was established as a mechanism to continue to engage with the road vehicle industry and in-service regulators to identify and develop practical solutions to issues relevant to the administration of the RVS legislation.

This paper compares the arrangements for supplying trailers under Motor Vehicle Standards Act 1989 (MVSA) to those under the Road Vehicles Standards (RVS) legislation.

# Arrangements under the MVSA

## Light trailer – new and used

A light trailer is a trailer with an Aggregate Trailer Mass (ATM) of 4.5 tonnes or less. Manufacturers and importers are able to self-certify a light trailer as compliant with the guidance contained in Vehicle Standards Bulletin 1 (VSB1). VSB 1 includes an approval under section 14A of the MVSA for vehicles that meet the requirements of VSB1 to be supplied to the market. The declaration of compliance is on the vehicle plate affixed to the trailer. No notification is provided to the department.

Trailers not manufactured in Australia are first required to obtain an import approval to import the vehicle. The application for an import approval collects information about compliance of the vehicle with VSB1 or who will perform the modification if the vehicle does not comply. Applications may be for one or multiple trailers of the same type. The import approval is granted under regulation 21 of the Motor Vehicle Standards Regulations 1989 (MVSR).

## New heavy trailer


A heavy trailer is a trailer with an ATM of more than 4.5 tonnes. Manufacturers/importers must hold a section 10A(1), 10A(2) or 14A approval under the MVSA for the placement of identification plates (Identification Plate Approval (IPA)) for vehicles they intend to supply to the market. An application for an IPA includes summary of evidence forms to demonstrate the vehicle complies with applicable Australian Design Rules (ADRs). The department assesses applications for an IPA and may request the applicant to submit test reports to support the information in the summary forms. An IPA, when granted, allows the holder of the approval to fit plates to vehicles of the type that match their approval. Compliance activity may be undertaken to confirm vehicles are being manufactured in accordance with the approved design.

Similar to light trailers, vehicles not manufactured in Australia are first required to obtain an import approval to import the vehicle. The import approval is granted under regulation 14 of the MVSR (new vehicle covered by an IPA). Applications may be for one or multiple trailers of the same type. If an IPA cannot be obtained before an import approval is required, the applicant needs to apply for approval to import the vehicle for test purposes to complete testing to obtain an IPA.

## Used heavy trailer

[Administrator's Circular 0-4-29](#) (0-4-29) sets out the administrative arrangements for the certification of heavy used imported trailers. This option is limited to one trailer per application.

To import a used heavy trailer, an import approval must be granted in accordance with subsection 19(1) of the MVSA. To be granted this import approval, applicants need to be registered as a licensee in the Road Vehicle Certification System (RVCS), and acknowledge they have read 0-4-29. The import approval is subject to conditions that prevent the vehicle from being used on a public road until:

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- the vehicle has been modified to comply with ADRs (current at the time the vehicle will be first supplied to the market); and
  - an approval is granted under subsection 16(2) of the MVSA to supply the vehicle to market.

The vehicle must be modified and application submitted for the approval under subsection 16(2) of the MVSA within three months of the date of importation or the vehicle exported or destroyed.

A used imported trailer may be granted an approval to be supplied to the market under subsection 16(2) of the MVSA if it complies with all the applicable ADRs that apply at the date the trailer is first supplied to the market in Australia with the following exemptions:

- clause 6.1 of ADR61/02 which requires an 'Approved Compliance Plate' to be fitted to a vehicle; and
- the applicable ADRs which the used imported trailer cannot comply with i.e., it would not be able to operate as a road vehicle in the manner or for the purpose for which it is designed and constructed if it was made to comply with the ADRs.

All used imported trailers are *non-standard*. A Vehicle Plate meeting clause 8 of ADR 61/02 must be fitted to the used imported trailer.

# Arrangements under the RVS legislation

## Type approval pathway

The criteria that the department will consider when deciding an application for the grant of a road vehicle type approval are set out in section 19 of the Road Vehicle Standards Rules 2019 (the Rules). These criteria are detailed in the paper [TA7 – Introduction to road vehicle type approvals](#).

In addition to meeting requirements related to compliance with the national road vehicle standards, for a road vehicle type approval to be granted the applicant must:

- have control over (or be able to access information, including information about any changes, relating to) all stages of design, componentry, and manufacturing processes to ensure continuing compliance with the national road vehicle standards
- be able to access the original and any subsequent versions of the supporting information for the approval, provide the information to the Secretary if requested and ensure the supporting information is kept up to date
- be able to arrange for the Secretary or an inspector to inspect premises used, or to be used, in the manufacturing process for the purposes of assessing compliance with the applicable national road vehicle standards and any other requirements of the Act, the Rules, or an instrument made under the Act

A road vehicle type approval remains in force for a period of seven years unless revoked earlier.


A road vehicle type approval is subject to conditions set out in the Rules in addition to any conditions specified in the approval. Further information on these conditions is detailed in the paper [TA7 – Introduction to road vehicle type approvals](#). Importantly, it is a condition of a road vehicle type approval that the holder of the approval retain all supporting information (including evidence that the vehicle complies with national standards) for a period of seven years after expiry of the approval.

## Heavy trailer type approvals

Heavy trailers are managed in a similar way under the RVSA to the MVSA. An applicant will need to meet the additional general requirements outlined above, submit information to support that the vehicle complies (or substantially complies) with the applicable national road vehicle standards and pay the applicable application fee. If the Secretary is satisfied the application meets the criteria in section 19 of the Rules then an approval can be granted.

Heavy trailer manufacturers will have the option to utilise a Model Report in order to support an application for a road vehicle type approval or continue to supply summary of evidence of compliance with national standards. An applicant using a Model Report to support their application for a road vehicle type approval will still need to meet the additional general requirements for the granting of a road vehicle type approval outlined above. Vehicles covered by a road vehicle type approval are not subject to verification by





an Authorised Vehicle Verifier (AVV). Model Reports for heavy trailers will include a checklist, assisting the holder of the road vehicle type approval to ensure vehicles are produced in accordance with the Model Report.

### Light trailer type approval – new trailers only

Under the RVS legislation, a person may apply for a road vehicle type approval for a model of trailer.

Applications for a road vehicle type approval for a light trailer will be through the department's new IT system known as ROVER (Road Vehicle Regulator). A model of trailer may include any number of variants which meet the definition of a light trailer vehicle category code (e.g a box trailer, horse float and boat trailer, if above 0.75 tonnes up to not more than 3.5 tonnes Gross Trailer Mass (GTM), are all variants of a TB model, and subject to a single application and type approval).

The application form for a road vehicle type approval for a light trailer will require the applicant to declare that the trailer will comply with the applicable national road vehicle standards (these requirements will be summarised in an updated VSB1).

Where the trailer does not comply with the national road vehicle standards, the applicant must identify in the application the extent of the non-compliance.

A decision to grant an approval will largely be made based on the applicant declaring that the criteria for the grant of a road vehicle type approval are met. The declaration would include that the applicant:

- will be able to access supporting information for the approval (if granted) and it would be kept up to date and available whilst the approval is in force and for 7 years after the approval expires
- has control over all stages of the design, componentry and manufacturing process for the type of vehicle or is able to access information, including information about any changes, relating to the design, componentry and manufacturing process for the type of vehicle that may affect that type of vehicle's compliance with the applicable national road vehicle standards
- is able to ensure that the design, componentry and manufacturing process will consistently produce the type of vehicle
- is able to arrange for the Secretary or an inspector to inspect premises used, or to be used, in the manufacturing process for the purposes of assessing compliance with:
  - the applicable national road vehicle standards; and
  - any other requirements of the Road Vehicle Standards Act 2018, the Rules, or an instrument made under the Road Vehicle Standards Act 2018 or the Rules that applies in relation to the approval holder or the type of vehicle.

The applicant would need to have and retain information to support their declaration.

Further details of the information required on the application form for a road vehicle type approval for a light trailer is at Attachment A.

## Concessional RAV entry approval pathway (trailer eligibility criterion) – new or used trailers

The concessional RAV entry approval pathway is the other of the two pathways for road vehicles to be entered onto the Register of Approved Vehicles (RAV).

The concessional RAV entry approval pathway is for vehicles that need to be granted a concession to the national road vehicle standards, or to the type of evidence that is required to demonstrate compliance with the national road vehicle standards. This is different to the type approval pathway, where full evidence of the vehicle's compliance with standards is required.

A road vehicle satisfies the requirements of the concessional RAV entry approval pathway if, immediately before the vehicle is entered on the RAV:

- a concessional RAV entry approval that is in force applies to the vehicle
- if the approval is subject to a condition that is required to be met before the vehicle is entered on the RAV – the condition has been met
- either the vehicle is in Australia, or the approval allows the entry of the vehicle on the RAV when the vehicle is outside Australia

The concessional RAV entry pathway is for individual vehicles, rather than vehicle types. This generally means that an application for a concessional RAV entry approval relates to one vehicle only. A person may apply for the grant of a concessional RAV entry approval in respect of a road vehicle that is a trailer. A concessional RAV entry approval may be granted if one of the eligibility criterion are met.


Section 40 of the Rules sets out the trailers eligibility criterion. A person can be granted a concessional RAV entry approval if:

- less than four trailers (counted separately for light and heavy trailers) have been granted in a 12 month period before the application is made
- the application includes:
  - a signed declaration by the applicant that the trailer complies, or will comply at the time it is entered on the RAV, with the applicable national road vehicle standards as in force at the time the application is made

OR

- details of the respects in which the trailer does not comply, or will not comply at the time it is entered on the RAV, with the applicable national road vehicle standards as in force at the time the application is made and a signed declaration by the applicant that the trailer, in all other respects, complies, or will comply at the time it is entered on the RAV, with those standards and either the trailer's non-compliance with the applicable national road vehicle standards is only in





minor and inconsequential respects or the trailer complies to an extent that makes it suitable for use on a public road in Australia

- the trailer has an ATM more than 4.5 tonnes, the application includes:
  - evidence that demonstrates that the trailer complies, or will comply at the time it is entered on the RAV, with the national road vehicle standards

OR

- evidence that demonstrates that the trailer, in all other respects, complies, or will comply at the time it is entered on the RAV, with the national road vehicle standards.

If a concessional RAV entry approval is granted, then the person is taken to be the holder of an import approval.

An application for a concessional RAV entry approval will be able to be made through ROVER.

The applicant will be required to include a signed declaration that the trailer complies (or will comply at the time the vehicle is added to the RAV) with the applicable national road vehicle standards.

In the case of a heavy trailer, the declaration must be supported by evidence that is submitted separately in RVCS. Further details about the information required in an application for a concessional RAV entry approval on the basis of the trailers eligibility criterion is set out in Attachment B.

If the trailer does not comply with the applicable national road vehicle standards, the applicant must identify the extent of the non-compliance and declare that in all other respects the vehicle complies with the national road vehicle standards. In the case of a heavy trailer, the declaration will be supported by the submission of evidence to show the compliance with standards and results of testing that is non-compliant.

For applications related to heavy trailers, submission of evidence in RVCS will involve submitting summary of test evidence to demonstrate the vehicle complies with the applicable ADRs. The reference number granted during this submission will be used to support the application in the ROVER system for the grant of a concessional RAV entry approval. Future IT system updates will allow the collection of evidence in the concessional RAV entry application.

## Transitional arrangements

The provisions of the RVS legislation that relate to the application for, and grant of a road vehicle type approval or concessional RAV entry approval are scheduled to commence on 10 December 2019.

To assist in the transition from the MVSA to the RVS legislation:

- IPAs granted under the MVSA continue to be in force during the 12 month transitional period from 10 December 2019 to 10 December 2020.

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- A person may supply to the market new light trailers in accordance with the approval under section 14A of the MVSA as set out in VSB1 until and including 9 December 2020.
  - However, an application for approval to import a light trailer under regulation 21 of the MVSR cannot be submitted after 9 December 2019.
    - From 10 December 2019, to import a light trailer, either a concessional RAV entry approval (if the trailer is either new or used) or road vehicle type approval (if the trailer is new) would need to be granted. The department understands that this means that there are inconsistent arrangements in relation to new light trailers imported into Australia and new light trailers manufactured in Australia. The department will provide further advice on a solution to address this issue.

### Transition of approvals under the MVSA to a road vehicle type approval

From 10 December 2019, to and including 9 June 2020, a person who is the holder of an approval under section 10A(1), 10A(2) or 14A may be able to take the option to 'opt-in' to transition their approval to a road vehicle type approval.

Further information on 'opt-in' and the requirements that must be met to 'opt-in' is available in the paper [TA7 – Introduction to road vehicle type approvals](#).



## Discussion questions

VSS will produce a range of guidance material regarding its implementation of the RVS legislation, and obligations of applicants and holders of approvals under this legislation. We wish to make this as targeted as possible to the needs of industry and our state and territory colleagues, and focus our resources on producing material that our stakeholders consider a priority.

**What further guidance material, as it relates to arrangements relating to the supply of trailers, would be helpful to you or your members as a priority that have not already been raised with VSS?**

## Attachment A

### Questions to be answered on an application for a road vehicle type approval for a light trailer

Information	What is required?
<b>Identifying information (individual only)</b>	Personal name of applicant Date of birth of applicant Proof of identification with photograph – driver licence, passport or proof of age card Postal address Phone number
<b>Identifying information (company only)</b>	Name of applicant company Australian Business Number (ABN) or Australian Company Number (ACN) if it is an Australian company, Australian Registered Body Number (ARBN) or evidence of the company's registration issued by the securities commission in the country where the company is based Name of person applying on behalf of the applicant company For person authorised to apply on the company's behalf – letter of authority to act on behalf of the company Company address Company phone contact number
<b>Type approval requirements declaration</b>	The applicant will declare they have read the guidance material for light trailer type approvals and agree to the following: <ul style="list-style-type: none"> <li>• supporting information for the approval (if granted) can be provided</li> <li>• whilst the approval is in force and for 7 years after the approval expires, original and any subsequent versions of the supporting information will be able to be provided</li> <li>• whilst the approval is in force, supporting information will be kept up-to-date</li> </ul> The applicant: <ul style="list-style-type: none"> <li>• has control over all stages of the design, componentry and manufacturing process for the type of vehicle; or</li> <li>• is able to access information, including information about any changes, relating to the design, componentry and manufacturing process for the type of vehicle that may affect that type of</li> </ul>

Information	What is required?
	<p>vehicle's compliance with the applicable national road vehicle standards; and</p> <ul style="list-style-type: none"> <li>• is able to ensure that the design, componentry and manufacturing process will consistently produce the type of vehicle; and</li> <li>• is able to arrange for the Secretary or an inspector to inspect premises used, or to be used, in the manufacturing process for the purposes of assessing compliance with: <ul style="list-style-type: none"> <li>○ the applicable national road vehicle standards; and</li> <li>○ any other requirements of the Road Vehicle Standards Act 2018, the Rules, or an instrument made under the Road Vehicle Standards Act 2018 or the Rules that apply in relation to the approval holder or the type of vehicle; and</li> </ul> </li> <li>• while the type approval is in force, and for the period of 7 years after it expires, will be able to: <ul style="list-style-type: none"> <li>○ access the original and any subsequent versions of the supporting information for the approval; and</li> <li>○ provide this information to the Secretary; and</li> </ul> </li> <li>• while the approval is in force, will ensure that the supporting information for the approval is kept up to date; and</li> <li>• will comply with: <ul style="list-style-type: none"> <li>○ the conditions to which the approval will be subject; and</li> <li>○ any other requirements of the Road Vehicle Standards Act 2018, the Rules, or an instrument made under the Road Vehicle Standards Act 2018 or the Rules that apply in relation to the approval holder or the type of vehicle.</li> </ul> </li> </ul> <p>The following declaration will also be required to be made:</p> <p>I, being the applicant, or the person authorised to make the declaration on behalf of the applicant, agree to the above and by checking this box, I acknowledge that I am signing this declaration.</p>
<b>Vehicle details</b>	Make and model of the vehicle
<b>Production facility details</b>	<p>The applicant will nominate the following fields for all production facilities :</p> <ul style="list-style-type: none"> <li>• Production Facility</li> </ul>

Information	What is required?
	<ul style="list-style-type: none"> <li>• Business Model (Manufacturer, Made to order by a third party, Purchasing from a manufacturer, Purchasing from a wholesaler or Combination)</li> <li>• Contact Name</li> <li>• Contact Number</li> <li>• Contact Email</li> <li>• Production Facility Address</li> </ul>
<b>Compliance with national road vehicle standards</b>	<p>The applicant will choose one of the following options</p> <p>#1 Vehicles covered by the approval (if granted) will comply with the applicable national road vehicle standards</p> <p>#2 Vehicles covered by the approval (if granted) will comply with the applicable national road vehicle standards except for minor and inconsequential non-compliance as outlined in the attached document(s)</p> <p>#3 Vehicles covered by the approval (if granted) will comply with the applicable national road vehicle standards to an extent that makes them suitable for use on a public road in Australia as outlined in the attached document(s)</p>
<b>Declaration</b>	<p>The applicant will declare that:</p> <ul style="list-style-type: none"> <li>• the information provided is true and correct they have not omitted any matter or thing from the application without which it would be misleading in any material particular</li> <li>• they will comply with the conditions to which the approval (if granted) will be subject</li> </ul> <p>They understand that under section 17 of the Road Vehicle Standards Rules 2019 (the Rules), the Secretary may request:</p> <ul style="list-style-type: none"> <li>• further specified information relevant to the application</li> <li>• to allow or arrange for the Secretary or an inspector to inspect the vehicle</li> </ul> <p>They understand that the Secretary may refuse to consider the application if:</p> <ul style="list-style-type: none"> <li>• they do not comply with a request made under section 17 of the Rules</li> </ul>



Information	What is required?
	<ul style="list-style-type: none"> <li>the application is not accompanied by the documents specified as required in the application and the application fee</li> </ul> <p>They understand that the Secretary may also take the following into account when considering the application:</p> <ul style="list-style-type: none"> <li>whether the person (or in the case of a body corporate, any member of the key management personnel) has contravened or may have contravened road vehicle legislation</li> <li>any other matter the Secretary Minister considers relevant</li> </ul> <p>They understand that it is an offence or contravention under:</p> <ul style="list-style-type: none"> <li>section 31 of the Road Vehicle Standards Act 2018 to make a false or misleading declaration</li> <li>section 32 of the Road Vehicle Standards Act 2018 to provide false or misleading information</li> </ul> <p>The following declaration will also be required to be made:</p> <p>I, being the applicant, or the person authorised to make the declaration on behalf of the applicant, agree to the above and by checking this box, I acknowledge that I am signing this declaration.</p>

## Attachment B

### Concessional RAV entry trailer application questions

Information	What is required?
<b>Identifying information (individual only)</b>	Personal name of applicant Date of birth of applicant Proof of identification with photograph – driver licence, passport or proof of age card Postal address Phone number
<b>Identifying information (company only)</b>	Name of applicant company Australian Business Number (ABN) Australian Company Number (ACN) if it is an Australian company, Australian Registered Body Number (ARBN) or evidence of the company's registration issued by the securities commission in the country where the company is based Name of person applying on behalf of the applicant company For person authorised to apply on the company's behalf – letter of authority to act on behalf of the company Company address Company phone contact number
<b>Vehicle details</b>	Make and model of the vehicle VIN (or chassis number if there is no VIN) Year of manufacture Evidence of ownership or intention to purchase on condition of getting approval, for example purchase document or registration details, or conditional purchase document

Information	What is required?
<b>Trailer details</b>	<p>Type of trailer: box trailer, boat trailer, caravan, camper trailer, glider trailer, or other (specify)</p> <p>Dimension and weights</p> <ul style="list-style-type: none"> <li>length, width and height of trailer in metres</li> <li>Aggregate Trailer Mass (ATM), Tare Mass, and Gross Trailer Mass (GTM) of the trailer in kilograms.</li> </ul> <p>Country of manufacture</p> <p>Supporting information for the ATM - either the specification document prepared by the manufacturer, a photograph of the identification plate showing the ATM, or if the trailer was manufactured in the USA, a copy of the Certificate of Origin or other justification for the ATM.</p>
<b>Maximum of 4 concessional RAV entry approvals for these trailers per year</b>	Statement whether the applicant has been granted 4 or more concessional RAV entry trailer approvals in the same weight category in the past 12 months.
<b>Compliance with national road vehicle standards</b>	<p>The applicant will choose one of the following options</p> <p>#1 The vehicle covered by this application complies with the applicable national road vehicle standards or will comply at the time the vehicle is added to the RAV.</p> <p>Or</p> <p>#2 The vehicle covered by this application complies with the applicable national road vehicle standards or will comply at the time the vehicle is added to the RAV, other than the details of the non-compliance outlined below. – When this option is selected, the applicant will also enter details of non-compliance.</p> <p>In the case of a trailer over 4.5 tonnes ATM, in addition to the statement above, the applicant must reference either an approved Model Report, or an RVCS reference number – representing the technical assessment that the vehicle complies with the applicable national road vehicle standards (this is how the supplied evidence is assessed, this will change when ROVER is completed).</p> <p>Evidence submitted in RVCS/ROVER will be in the same form and assessed in the same way as type approval applications for heavy trailers (with the exception of conformity of production and design control requirements applicable to type approval). Any testing would need to be conducted by an approved testing facility or by a person who holds a testing facility approval but did not at the time the testing was conducted.</p>

Information	What is required?
	<p>If the applicant has been approved for an identical trailer the details of that approval will be collected and prepopulate the application, evidence of compliance previously supplied can be used.</p> <p>If the applicant cannot complete the RVCS submission because the vehicle needs to be tested when in Australia, the applicant will complete a statement the evidence will be obtained and submitted after importation of the vehicle and an approval can be issued with the condition that the RVCS reference number is supplied before the vehicle is added to the RAV.</p>
<b>Declaration</b>	<p>The applicant will declare that:</p> <ul style="list-style-type: none"> <li>the information provided is true and correct</li> <li>they have not omitted any matter or thing from the application without which it would be misleading in any material particular</li> <li>they will comply with the conditions to which the approval (if granted) will be subject</li> </ul> <p>They understand that under section 33 of the Road Vehicle Standards Rules 2019 (the Rules), the Minister may request:</p> <ul style="list-style-type: none"> <li>further specified information relevant to the application</li> <li>to allow or arrange for the Minister or an inspector to inspect the vehicle</li> </ul> <p>They understand that the Minister may refuse to consider the application if:</p> <ul style="list-style-type: none"> <li>they do not comply with a request made under section 33 of the Rules</li> <li>the application is not accompanied by the documents specified as required in the application and the application fee</li> </ul> <p>They understand that the Minister may also take the following into account when considering the application:</p> <ul style="list-style-type: none"> <li>whether the person (or in the case of a body corporate, any member of the key management personnel) has contravened or may have contravened road vehicle legislation</li> <li>any other matter the Minister considers relevant</li> </ul> <p>They understand that it is an offence or contravention under:</p> <ul style="list-style-type: none"> <li>section 31 of the Road Vehicle Standards Act 2018 to make a false or misleading declaration</li> <li>section 32 of the Road Vehicle Standards Act 2018 to provide false or misleading information</li> </ul>



Information	What is required?
	<p>The following declaration will also be required to be made:</p> <p>I, being the applicant, or the person authorised to make the declaration on behalf of the applicant, agree to the above and by checking this box, I acknowledge that I am signing this declaration.</p>