



Australian Government

Department of Infrastructure, Transport,  
Cities and Regional Development

# Road Vehicle Standards

## RVSA Implementation Consultation Framework

Type Approvals Consultation Group

*Discussion Paper TA6 – Opt-in end to end process*

4 July 2019

## Table of Contents

<b>Introduction.....</b>	<b>3</b>
<b>Overview of opt-in transitional arrangements.....</b>	<b>3</b>
<b>Before opting-in .....</b>	<b>4</b>
Variations and updates to MVSA approval .....	4
<b>Submitting evidence of compliance with new ADR 61/03 .....</b>	<b>5</b>
New standard ADR 61/03 .....	5
Submitting evidence via RVCS SE form .....	5
Ensuring no disruption to provision of vehicles.....	6
Late submission of ADR 61/03 evidence.....	6
<b>ROVER Registration .....</b>	<b>6</b>
Registering as a user and updating contact details .....	6
Holder of the MVSA approval is an individual .....	7
Holder of the MVSA approval is a company .....	7
<b>ROVER Opt-in form .....</b>	<b>7</b>
Eligibility.....	7
Form .....	8
Charges.....	8
<b>Road vehicle type approval ‘taken to be granted’ .....</b>	<b>9</b>
<b>Advice of approval status .....</b>	<b>9</b>
<b>Publication.....</b>	<b>9</b>
Letters of advice of approval status.....	9
Road Vehicle Descriptor (RVD) form.....	10
<b>Maintenance of road vehicle type approvals.....</b>	<b>10</b>
<b>Attachment A – Opt-in process and timeline .....</b>	<b>11</b>
<b>Attachment B – ADR 61/03 Summary of Evidence (SE) form details .....</b>	<b>12</b>
<b>Attachment C – Standard conditions of road vehicle type approvals .....</b>	<b>15</b>
<b>Attachment D – Opt-in form details .....</b>	<b>22</b>
<b>Attachment E – Letter of advice of approval status.....</b>	<b>25</b>

## Introduction

This paper will provide members of the Type Approvals Consultation Group with information about the implementation of the Road Vehicle Standards (RVS) legislation regarding transitional arrangements for road vehicle type approvals opt-in.

This document is intended primarily to assist industry in their forward planning for the implementation of the RVS legislation ahead of the release of final guidance. It will form the basis for an information session at a meeting of the Consultation Group on Thursday 4 July 2019, and:

- provide details of eligibility requirements for opt-in
- outline how the holder of an eligible approval under the *Motor Vehicle Standards Act 1989* (MVSA) who wishes to opt-in can avoid any disruption to their provision of vehicles to the Australian market
- set out the steps for how to opt-in, including which forms must be submitted, an indication of what information must be entered into those forms, and how that information will be used by VSS

The Department of Infrastructure, Transport, Cities and Regional Development will make a copy of this paper and outcomes of the Consultation Group meeting, including questions regarding the paper, available on the department's website.

## Overview of opt-in transitional arrangements

'Opt-in' is a concession available to ease the transition to the RVS legislation for holders of certain approvals under the MVSA. Opt-in may only occur from 10 December 2019 until and including 9 June 2020, the first 6 months of the 'transition period'.

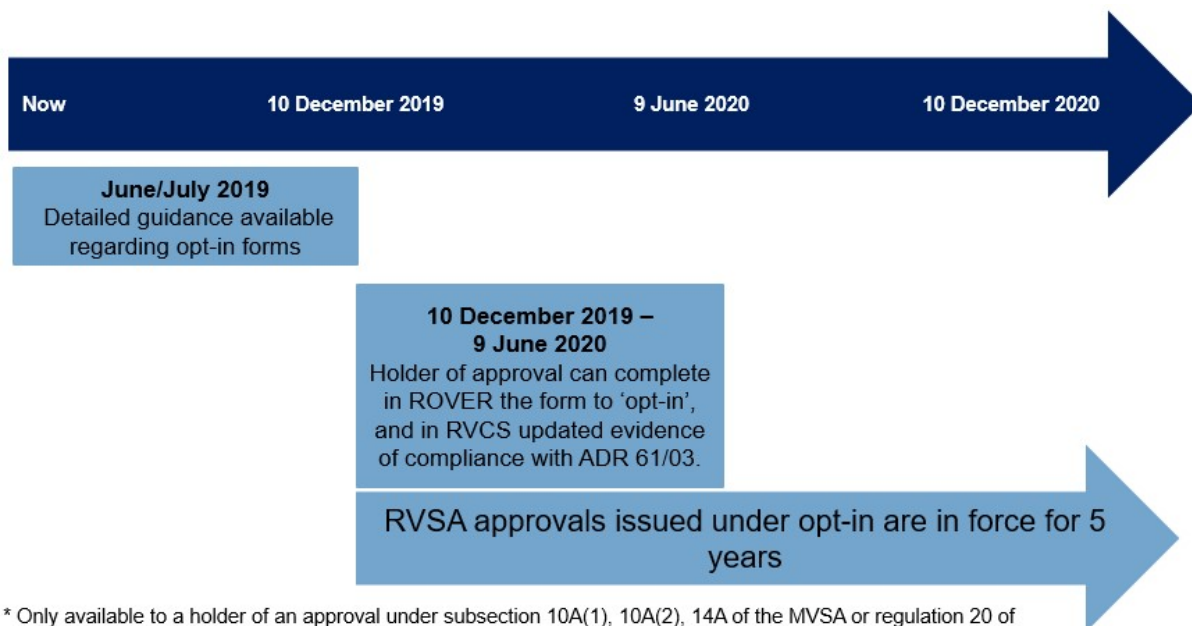
Holders of certain approvals under the MVSA are able to have their existing approval taken to be a road vehicle type approval, in force for 5 years, without providing any new evidence of compliance or meeting new requirements under the RVSA. They must submit a form with certain acknowledgements and declarations about their obligations as the holder of a road vehicle type approval, and pay the applicable charge, within the 6 month opt-in period. They can nominate a date for the opt-in to take effect (i.e. for the MVSA approval to become a road vehicle type approval under the RVSA) within that 6 month period. Please see [Attachment A](#) for a diagram that sets out this process at a high level.

Under opt-in arrangements there is no assessment of applications against the eligibility criteria for the grant of the road vehicle type approval. However VSS may subsequently request information which supports that the holder of the approval is complying with the conditions of their approval. There will be assessment of the eligibility of a person to opt-in, for example that they hold an eligible approval under the MVSA.

Evidence that meets certain requirements of the new legislation, such as testing conducted by the holder of a testing facility approval, is not required. Exceptions to the use of existing evidence include where:

- the evidence is found to be false, misleading or omits relevant information – penalties of up to \$126,000 may apply where false or misleading information is given
- a variation to the new approval is sought – existing evidence used for the old approval will not be sufficient to the extent of the variation.

The following diagram sets out the transition dates relating to road vehicle type approvals:



\* Only available to a holder of an approval under subsection 10A(1), 10A(2), 14A of the MVSA or regulation 20 of the Motor Vehicle Standards Regulations

## Before opting-in

### *Variations and updates to MVSA approval*

Holders of approvals under the MVSA should ensure their approval is up to date before opting-in. Any necessary applications for variations to approvals granted under the MVSA (via CA forms), or updates to evidence of compliance with ADRs (via SE forms) for those approvals should be completed in RVCS well in advance of the opt-in form being submitted. This will ensure that forms can be assessed, and any variations made to the MVSA approval, before the opt-in date of effect. Generally this should be at least 30 days before the date of effect, but should also be before the opt-in form is submitted to reduce administrative challenges. This will also ensure that RVSA requirements for variations (for example, the need for any testing to be conducted by the holder of a testing facility approval) do not apply.

## Submitting evidence of compliance with new ADR 61/03

### *New standard ADR 61/03*

A new standard will be in force for all RVSA road vehicle type approvals, including opt-in approvals – ADR 61/03 ‘Vehicle Marking’, requiring that a Secure Vehicle Identification (SVI) marking be affixed to vehicles covered by road vehicle type approvals before they are entered on the RAV. The SVI marking will record the manufacturer’s name or trademark and the VIN as a security measure to deter vehicle rebirthing and to support state and territory registration authorities to conduct vehicle checks. It will replace the requirement to affix an Identification Plate which had come to be used for a similar purpose.

Other ADRs that apply to the MVSA approval will be carried over to apply to the RVSA opt-in road vehicle type approval.

### *Submitting evidence via RVCS SE form*

It is strongly recommended that holders of MVSA approvals submit evidence of compliance with new ADR 61/03 before opting-in to ensure smooth transition to the RVSA.

Holders of MVSA approvals who wish to opt-in to hold a road vehicle type approval under the RVSA must demonstrate that they comply with ADR 61/03. They must submit information to satisfy VSS that they comply with ADR 61/03 through a Summary of Evidence (SE) form in the RVCS system. They should also allow sufficient time between submitting the ADR61/03 evidence and the date of effect of the opt-in approval for VSS to consider that evidence and ensure there is no interruption to business.

The new SE form for ADR 61/03 will be released around the time that ADR 61/03 is finalised and released. It will be similar to the SE form for 61/02. A draft SE form is at [Attachment B](#) as an indication of what information will be required by the form. VSS will provide more information regarding when the SE form will be available closer to the commencement of the opt-in period.

The location of the SVI marking must be entered into the SE form to help support assessment of compliance with ADR 61/03. The location of the SVI marking should be described in plain English, in line with current practice for Identification Plate location.

The location of the SVI marking must also be entered into the ROVER opt-in form to ensure that this information will be available to other regulators when the approval is published on the department’s website. A notification will be published on the ‘What’s New’ page of RVCS that SVI marking location will not be updated in RVD or CA forms in RVCS, due to administrative and technical challenges associated with this. Those wishing to access information regarding SVI marking location will be directed to see the letter regarding the status of the relevant approval published on the department’s website.



### *Ensuring no disruption to provision of vehicles*

Failure to provide ADR 61/03 evidence before the nominated date of effect for an opt-in approval will result in a delay to the holder of the opt-in road vehicle type approval being able to add vehicles to the RAV and subsequently provide these to the Australian market. They will not be able to supply vehicles to the market under the MVSA (i.e. by fitting an Identification Plate) once the opt-in road vehicle type approval comes into effect. Late provision of ADR 61/03 evidence may disrupt business operations – the manufacture of vehicles may continue but these must not be provided to the market until evidence of compliance with ADR 61/03 has been provided to, and assessed by, VSS.

SVI marking can be affixed to a vehicle at any time, regardless of whether a road vehicle type approval has been granted. This will allow for an overlap of affixing the Identification Plate and SVI marking to suit the preferred point of changeover from an MVSA approval to an opt-in road vehicle type approval (the opt-in date of effect).

### *Late submission of ADR 61/03 evidence*

The opt-in form in ROVER will prompt the applicant to enter the SE form reference number. The opt-in form will include a warning that the holder of the MVSA approval must demonstrate compliance with ADR 61/03 before the nominated date of effect for the opt-in approval, and if they fail to do so, they must not enter vehicles on the RAV or provide vehicles to the Australian market.

The opt-in form can still be submitted if the SE form reference number has not been provided. This is to ensure that the holder of a MVSA approval who has not finalised their arrangements for fitting SVI markings to vehicles before the end of the 6 month opt-in period are not excluded from opting-in, though holders of approvals in such a position will be unable to provide vehicles under their approval until such evidence has been submitted and approved.

If the ADR 61/03 SE form is submitted after the date of effect of the opt-in road vehicle type approval, it will be treated as an application for variation to the road vehicle type approval under section 195 of the Road Vehicle Standards Rules 2019.

## **ROVER Registration**

### *Registering as a user and updating contact details*

Opt-in forms must be completed in the ROVER system. Previously VSS advised that it expected this to be completed in RVCS, however that is not feasible. Before a person can submit an opt-in form, they must register as a ROVER user. To become a user, they must enter their full name and email address. A notice will be displayed on the screen regarding how VSS collects and uses any personal information submitted through ROVER. The person registering will be prompted to set a password to login to the ROVER user profile.

When logged into ROVER, a person will be required to provide their date of birth and a phone contact, in addition to their full name and email address. They may also add phone, fax, website and address contact information. There are a range of addresses that may be entered, including postal addresses, principle place of business, and production facilities.

### *Holder of the MVSA approval is an individual*

If an individual holds an approval in their own name, they may complete the opt-in form once they have registered and updated their contact details in ROVER. They may also appoint an agent through ROVER to submit the form on their behalf.

### *Holder of the MVSA approval is a company*

A company must act through an individual. This may be a person such as a company director or employee who is authorised to act on behalf of the company, or an agent from outside the company.

An individual can register in the system as an 'authorised person'. This will be a person such as a company director or employee who has been authorised to act on a company's behalf. This person will be required to upload evidence of their authority to act on behalf of the company as an authorised person.

An individual can also register in the system as an 'agent'. This will be a person from outside the company who has been authorised to act on the company's behalf. They may identify a company already registered in ROVER for which they are acting as agent, or register a new company in the system. The agent must upload evidence of their authority to act on behalf of the company.

## ROVER Opt-in form

There are three requirements for a person to opt-in. The person must be the holder of a certain approval under the MVSA, which makes them eligible to opt-in. The person is then required to complete a form that contains certain basic acknowledgements and declarations about their obligations as the holder of a road vehicle type approval. The person must also pay the applicable charge. Once the form and payment have been submitted by an eligible holder of an approval under the MVSA, the person is taken to have been granted a road vehicle type approval.

### *Eligibility*

In simple terms, only approvals granted under sections 10A(1) (standard road vehicles), 10A(2) (minor or inconsequential non-standard road vehicles) or 14A (non-standard road vehicles) of the MVSA, or section 20 (non-standard road vehicles) of the Motor Vehicle Standards Regulations 1989, can be transitioned to RVSA road vehicle type approvals using opt-in arrangements.

Sections 5 and 12 set out the eligibility requirements for grant of opt-in approvals. Approvals granted under sections 10A(1) 10A(2) or 14A of the MVSA, or section 20 of the Motor Vehicle

Standards Regulations 1989 that were in force immediately before 10 December 2019 are eligible for opt-in. Approvals applied for under those sections but not decided until on or after 10 December 2019, and so granted under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018*, are also eligible approvals for opt-in.

## Form

In order to submit a complete opt-in form, the holder of the MVSA approval must, as prompted by the form:

- provide an acknowledgement of the new conditions of the road vehicle type approval and that failure to comply with these is an offence
- provide a declaration that they will comply with those conditions.

Further information regarding the conditions which will apply to all road vehicle type approvals is at [Attachment C](#).

The form will also request some further details to support VSS to ensure that the person opting-in is eligible to do so and provide advice on the status of the approval. [Attachment D](#) sets out in detail what the form will request.

A person opting-in may nominate a date of effect of opt-in. This is the date that the road vehicle type approval is taken to be granted under the RVSA. The date of effect must be within the opt-in period of 10 December 2019 to 9 June 2020 and on or after the date they submit the form.

This will give more flexibility to the person wishing to opt-in for when they will agree to meet the new conditions that apply to road vehicle type approvals and the amended ADR 61/03. VSS does not expect that a person complies with the conditions of approval for road vehicle type approvals between the date that they submit the opt-in form and the date of effect of opt-in, if later.

When the form has been submitted, the system will display a confirmation message of successful submission and a dashboard where the status of the form (i.e. submitted) can be viewed. The submission of the opt-in form will not be considered to be complete until the applicable charge is paid.

## Charges

VSS is yet to settle arrangements for payment of the applicable charge for opt-in. Further detail about the fees and charges to be paid under the RVS legislation will be included in a new Cost Recovery Implementation Statement (CRIS), which is expected to be released in early July 2019.

Payment of fees and charges can be made via credit card at the time the opt-in form is submitted. Credit card payment will be conducted via a secure portal in the ROVER system. Payment must be made by the end of the opt-in period. Opt-in cannot take effect after 9 June 2020 – after that time, a full application for a road vehicle type approval will be required.



## Road vehicle type approval ‘taken to be granted’

There is a difference between an approval being ‘granted’ and an approval being ‘taken to be granted’. ‘Taken to be granted’ means that there is no decision being made by VSS to grant an approval – once the requirements are met, the road vehicle type approval is automatically in force. This is not dependent on an assessment by VSS of whether the person has met the eligibility criteria for the grant of a road vehicle type approval in section 19 of the Rules.

## Advice of approval status

Once the requirements for opt-in have been met, VSS will provide advice to the person confirming that the person is taken to have been granted a road vehicle type approval, and from what date.

VSS will attach a copy of the MVSA approval (as was in force at the date of effect of opt-in) to the letter of advice. The scope of the MVSA approval at the time the opt-in form comes into force becomes the scope of the opt-in road vehicle type approval. The conditions of the MVSA approval also continue in force. The conditions of the new road vehicle type approval as set out in the Rules also apply to the approval and will be included in the letter of advice. If a condition of the MVSA approval is inconsistent with a new condition of the road vehicle type approval under the Rules, then the new condition applies. For further information regarding what letters of advice of approval status will include, please see [Attachment E](#).

If VSS’s checking of an opt-in form identifies that requirements for opt-in have not been met, for example that the person does not hold an approval under section 10A(1), 10A(2) or 14A of the MVSA, or regulation 20 of the Motor Vehicle Standards Regulations 1989, VSS will inform the person who submitted the opt-in form. That person may also have committed an offence by making a false or misleading declaration in the opt-in form that they held an eligible approval, which may result in VSS undertaking an enforcement response.

## Publication

Section 223 of the Rules requires VSS to publish, for each road vehicle type approval that is in force, the name and contact details of the holder of the approval, copies of current and previous approvals, and the vehicle descriptor for the type of vehicle covered by the approval. This is consistent with current practice for publication regarding Identification Plate approvals under the MVSA.

## *Letters of advice of approval status*

Letters of advice informing companies or individuals seeking to opt-in that a road vehicle type approval is taken to be granted will be published on the department’s website.

The road vehicle type approval may be varied after opt-in, for example when the holder of the approval provides VSS with evidence of their compliance with new or amended national road vehicle standards. The approval as varied will also be published, either on the register with the opt-in

approval or in RVCS. VSS will provide further information about the publication of opt-in and other road vehicle type approvals when the details have been settled.

### *Road Vehicle Descriptor (RVD) form*

Significant changes to approvals are generally reflected in changes to the RVD or CA forms to keep the approval up to date.

The update of the approval to meet ADR 61/03, and the new requirement to affix a SVI marking, is a significant change which would usually require an update to the RVD form. Currently, information regarding the location of the Identification Plate is included in the RVD form. However, given technical limitations in the RVCS system, and a very high administrative burden associated with making and assessing changes to the RVD form, it will not be updated to reflect the location of the SVI marking.

A notification will be published on the 'What's New' page of RVCS that SVI marking location will not be updated in RVD or CA forms in RVCS. Those wishing to access information regarding SVI marking location will be directed to the letter of status of approval document for the relevant approval published on the department's website.

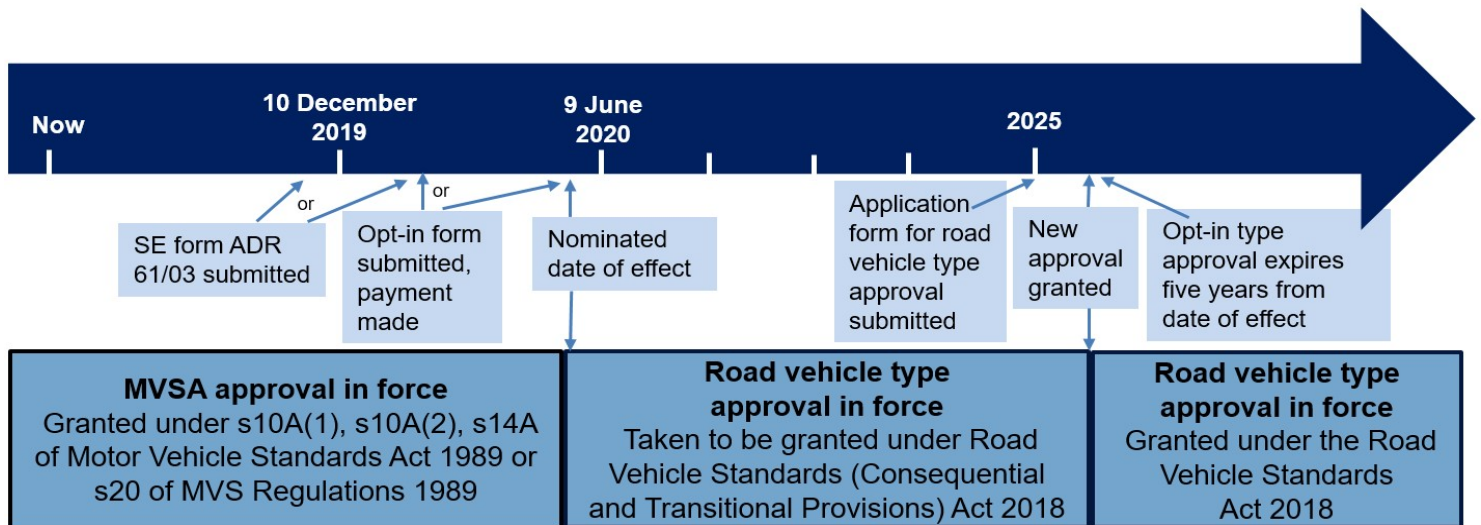
RVD forms will be updated for other changes to road vehicle type approvals in the future until the ROVER system is fully functional

### *Maintenance of road vehicle type approvals*

For the purposes of opt-in arrangements, ROVER will only be used for submitting the opt-in form and to publish road vehicle type approvals taken to have been granted due to the opt-in arrangements.


Applications for the grant of road vehicle type approvals, assessment and decision on these applications, other updates to evidence and other variations, and publication of approval information, will be in RVCS as an interim solution until the new ROVER system is fully functional.

## Attachment A – Opt-in process and timeline



## Attachment B – ADR 61/03 Summary of Evidence (SE) form details

A draft SE form to demonstrate compliance with the amended standard ADR 61/03 Vehicle Marking is below. Some fields on this form relate directly to amended requirements for Secure Vehicle Identification (SVI) marking. Some fields on this form do not relate to SVI and are unchanged requirements from ADR 61/02.



**Australian Government**  
Department of Infrastructure, Transport,  
Cities and Regional Development

### Summary of Evidence Report - Vehicle Marking

Australian Design Rule 61/03

Note Present: ☐

**Document**  
Licensee's reference for this document  
(Use only 12 characters, Note 1)

Date (dd/mm/yyyy)

Vehicle Make

Vehicle Model

**Summary of Evidence**

ISO

FMVSS

AS MP55

Vehicle Identification No. (VIN) is in accordance with ☐ ☐ ☐

Please describe the location of the Secure Vehicle Identification marking in plain English in the 'Comments' box below

A Secure Vehicle Identification marking will be affixed to the vehicle in accordance with clause 6.1 before the vehicle is entered on the RAV

YES

NO

N/A

The Engine Number will be provided in accordance with **Clause 7?** (N/A in the case of a trailer)

☐

☐

☐

For ME and T group vehicles a Vehicle Plate will be fitted in accordance with **Clause 8?**

☐

☐

☐

Registration Plate arrangements are in accordance with **Clause 9?**

☐

☐

☐

Tray type vehicles over 2200mm wide have markings in accordance with **Clause 10?**

☐

☐

☐

**Comments**

Note 1: This is a mandatory field. Form saving is disabled unless mandatory fields have been completed.

Sheet 1 of 1

The following table explains each field on the draft SE form.

Field	Explanation
<b>Licensee's reference for this document</b>	This is an unchanged requirement from the current SE form. The same number should also be entered on the opt-in form in the ROVER system to support cross-referencing between the RVCS and ROVER systems when assessing whether a road vehicle type approval will be in force.
<b>Date</b>	This is an unchanged requirement from the current SE form. This will be the date that the SE form is submitted.
<b>Vehicle make and model</b>	This is an unchanged requirement from the current SE form. This must match the vehicle make and model specified in the MVSA approval. This is to support the matching of the form against the relevant approval.
<b>Vehicle Identification Number (VIN) is in accordance with: ISO/FMVSS/ASMP55</b>	This is an unchanged requirement from the current SE form and ADR 61/02.
<b>Please describe the location of the Secure Vehicle Identification marking in plain English in the 'Comments' box below</b>	This should follow the current practice for describing Identification Plate location in words, moving away from the less clear grid reference diagram. This description must also be input into the ROVER opt-in form. It will be included on a public register of opt-in road vehicle type approvals. The RVD will not be updated with the SVI marking location.
<b>A Secure Vehicle Identification marking will be affixed to the vehicle in accordance with clause 6.1 before the vehicle is entered on the RAV: Yes/No</b>	This is a new requirement in ADR 61/03 requiring that a Secure Vehicle Identification (SVI) marking be affixed to vehicles covered by road vehicle type approvals before they are entered on the RAV. The SVI marking will record the manufacturer's name or trademark and the VIN as a security measure to deter vehicle rebirthing and to support state and territory registration authorities to conduct vehicle checks. It will replace the requirement to affix an Identification Plate which had come to be used for a similar purpose.
<b>The engine number will be provided in accordance with clause 7 (NA in the case of a trailer): Yes/No/NA</b>	This is an unchanged requirement from the current SE form and ADR 61/02.
<b>For ME and T group vehicles a vehicle plate will be fitted in accordance with clause 8: Yes/No/NA</b>	This is a changed requirement from ADR 61/02 – only ME and T group vehicles are required to have a Vehicle Plate. NC vehicles do not have to have a Vehicle Plate under ADR 61/03.



<b>Registration Plate arrangements are in accordance with clause 9: Yes/No</b>	This is an unchanged requirement from the current SE form and ADR 61/02.
<b>Tray type vehicles over 2200mm wide have markings in accordance with clause 10: Yes/No/NA</b>	This is an unchanged requirement from the current SE form and ADR 61/02.

## Attachment C – Standard conditions of road vehicle type approvals

This attachment summarises and offers some explanation of the standard conditions which apply to road vehicle type approvals. It also provides an extract of the conditions from the Road Vehicle Standards Rules 2019 (the Rules).

These conditions apply in addition to the conditions applicable to the MVSA approval before opt-in. To the extent that the new RVSA conditions are inconsistent with the old MVSA conditions, the new conditions apply.

### *Summary and explanation of conditions*

#### **Condition about complying with national road vehicle standards**

Section 26 of the Rules sets out a condition of all road vehicle type approvals that the holder of a road vehicle type approval must ensure that the road vehicles covered by the approval comply with the applicable national road vehicle standards. The time that the holder of the approval must ensure that the vehicles comply with those standards is at the time the vehicles are entered on the RAV. The applicable national road vehicle standards are those in force at the time the vehicle is entered on the RAV. They must be able to produce evidence at all times that:

- demonstrates that, at the time of entry on the RAV, vehicles covered by the approval comply with the applicable national road vehicle standards
- VSS could take into account for the purpose of section 19(2) of the Rules. Section 19 sets out a list of evidence that is acceptable for demonstrating compliance with the national road vehicle standards.

**Example:** The holder of an approval for a ‘type X’ vehicle must have, for every ‘type X’ vehicle they enter on the RAV, supporting information that demonstrates that the vehicle is compliant with the national road vehicle standards. They must have evidence that demonstrates that each vehicle entered on the RAV will perform the same or better in tests as the tested vehicle, and each vehicle is in accordance with the supporting information related to ‘type X’ vehicles.

Where an approval specifies that vehicles are not required to comply with the applicable national road vehicle standards in certain respects, or to a certain extent, the condition is that the holder of the approval must demonstrate compliance to that extent, or in those respects.

**Example:** An approval for a type of school bus may specify that buses of that type do not need to comply with certain standards concerning lighting and light signalling devices, given its design with additional flashing lights. The holder of the approval would be required to ensure that each bus complies with all applicable national road vehicle standards, except for those standards specified in the approval. However, the holder of a road vehicle type approval would still be required to have supporting information about the assembly and conformity of production of lighting and light signalling devices in the vehicle, in compliance with the condition in section 27 of the Rules regarding a conformity of production system.

### Condition about a conformity of production system

Section 27 of the Rules sets out a condition of all road vehicle type approvals that the holder of the approval implement a conformity of production system. This system must govern the manufacturing process detailed in the supporting information for the road vehicle type approval and must ensure that vehicles of the relevant type satisfy the requirements of the type approval pathway at the time of entry on the RAV.

Conformity of production involves control over all stages of a vehicle's design and manufacturing processes to ensure that vehicles provided to the Australian market meet the applicable national road vehicle standards. For example, a conformity of production system must be effective to ensure that each vehicle is being produced in a consistent manner to that provided in the supporting information. This means that each vehicle being manufactured would perform the same or better in relevant tests as the tested vehicle, and each vehicle would be in accordance with the supporting information, so that all vehicles are manufactured to meet the national road vehicle standards.

A conformity of production system should be part of a broader QMS, a summary of which would have been assessed as part of the application process.

When undertaking compliance operations in relation to conformity of production systems, VSS may take a multifaceted approach.

**Example:** VSS may focus a compliance activity on the structure of buses covered by road vehicle type approvals, specifically on the grade of steel used and welding points on those vehicles. In such circumstances, VSS may:

- inspect a design centre and information relevant to the design of vehicles by the holder of an approval, then
- inspect the accounts section of the holder of that approval, to ensure the grade of steel purchased is the same that is outlined in the supporting information, then
- inspect the instruction documentation used by manufacturing workers in the construction of the vehicle, for example, weld quality and location, and then
- inspect the steel being used on the manufacturing floor and determine whether the staff constructing the vehicle are following the instruction documentation

### Condition about notification of errors in RAV entries

Section 28 of the Rules requires the holder of a road vehicle type approval, as a condition of their approval, to notify VSS of any error in information entered on the RAV under the approval, of which they become aware. Errors may include anything from data entry mistakes to fraudulent entries. This condition will assist in assuring that information on the RAV is current and accurate.

## Condition about providing information and allowing inspection

Section 29 of the Rules requires, as a condition of a road vehicle type approval, that the holder of an approval provides information, documents, and written answers, on request by VSS. This allows holders of approvals to provide information in a structured manner within a reasonable period of time to demonstrate that they are complying with the RVS legislation. It also requires that the holder of an approval allows or arranges, on request by VSS, for VSS to inspect premises or things associated with the design or manufacturing process.

A request must be in writing and the holder of the approval must comply with the request within a reasonable time specified in the request. The intention of using the language of 'reasonable time' is to allow VSS to take account of the specific circumstances relating to the approval or request. This allows VSS to work with the holder of an approval to determine the time it might take to fulfil the request. In deciding what the timeframe is, VSS will have regard to the amount of information requested, the urgency of the request, the complexity of the request and whether fulfilling the request requires a degree of consideration, research, collaboration, liaison or testing.

The holder of an approval is required to provide or arrange access to the original and any subsequent versions of supporting information on request by VSS. Supporting information sets out in detail how a vehicle complies with applicable national road vehicle standards. The ongoing reference to supporting information by the holder of a road vehicle type approval is critical to their ability to ensure that vehicles are designed and manufactured in a way that complies with the approval for vehicles of that type. It is essential that VSS can request access to this information for a broad range of purpose, for example to ensure that the holder of an approval has access to all supporting information necessary to support a conformity of production system.

The holder of an approval is required to provide any information that VSS reasonably requires for the purposes of assessing whether the holder of the approval is complying with the RVS legislation. Information is not limited to written information but may include, for example, video or photographs, or information which has not yet been recorded or takes some analysis to create. It is intended that the phrase "reasonably requires" be interpreted broadly. Holders of road vehicle type approvals have the ability to provide unrestricted volumes of certain types of vehicles to the Australian market, without the oversight of an independent vehicle inspection for each vehicle. Consequently, holders of road vehicle type approvals should expect to produce a broad range of information to satisfy VSS that they are complying with the Act, Rules or any instruments made under the Act or Rules.

The holder of an approval is also required to provide any other information or documents, specified in a request by VSS. This is subject to the limitation that the information or documents specified in the request must be about vehicles to which the approval applies. This may be for a range of purposes consistent with the objects of the Act, for example to support the administration of recalls of road vehicles or approved road vehicle components by VSS.

The holder of the approval is required to provide written answers to questions, specified in a request by VSS, about vehicles entered on the RAV under the approval. To provide a written answer to a question, the holder of an approval may be required to provide specific information, or undertake new analysis or research. This may be necessary, for example where information or documents provided to VSS are difficult to understand without further analysis, research or other work being undertaken.

The holder of the approval is required to allow or arrange for VSS, on request, to inspect premises where vehicles covered by a road vehicle type approval, or components of those vehicles, are designed or manufactured. They are also required to allow or arrange for the inspection of things associated with the design or manufacturing process of such vehicles and components, including, documents, vehicles and components. VSS may only access premises and things for the purpose of assessing whether vehicles entered on the RAV under the approval comply with the applicable road vehicle standards.

The holder of an approval may be requested to arrange for VSS to inspect premises of third parties associated with the design or manufacture of vehicles covered by the approval, or components of those vehicles. Third parties may include, for example, suppliers of componentry used in the manufacture of vehicles covered by the road vehicle type approval. This condition does not directly require third parties to provide access to documents, vehicles, components or premises, nor does it allow VSS to enter premises of third parties without the consent of the holder of the approval or the third party. However if the third party does not allow inspection of their premises for the purpose of an inspection, the approval holder may be in breach of this condition of their approval, which is an offence.

**Example:** A vehicle manufacturer holds a road vehicle type approval. A third party supplier produces seatbelts for vehicles covered by the approval. The holder of the approval has arrangements in place with the supplier which enable access to design or manufacturing premises of the supplied parts for quality assurance activities.

As a result of undertaking a compliance activity at the approval holder's production facility, VSS requests the holder of the approval to arrange for VSS to access the seatbelt supplier's premises to conduct a compliance activity to ensure that vehicles covered by the approval, and fitted with those seatbelts will comply with national road vehicle standards. The holder of the approval arranges for VSS to undertake the required activity. This may be through directly arranging with the supplier or by putting VSS in contact with the supplier.

Alternatively, VSS may be satisfied that the supplier quality assurance arrangements that the holder of the approval has in place through their quality management system are sufficient to ensure vehicles fitted with parts from third party suppliers comply with the national road vehicle standards, and access to the supplier's premises is not required.

Ensuring that VSS may access premises where vehicles and components are designed and manufactured, including premises of third parties, gives confidence that the holder of an approval has sufficient access to and control over their supply chain. The breadth of design and



manufacturing facilities to which holders of approvals must be able to arrange access goes to the complexity of the modern vehicle supply chain, where networks of contracted suppliers may produce components for holders of approvals. Access to premises by the holder of an approval and VSS ensures that the appropriate quality controls can be established and monitored, and that compliant vehicles are provided to the Australian market.

### **Record keeping**

Section 30 of the Rules requires, as a condition of a road vehicle type approval, that the holder of the approval:

- keeps a record of the original and any subsequent versions of supporting information for the approval for a period of seven years after the approval expires or is revoked
- ensures that the supporting information for the approval is kept up-to-date while the approval is in force

This condition does not require the holder of a road vehicle type approval to constantly be providing all of the original or subsequent versions of supporting information to VSS. The intention of this condition is to ensure that holders of road vehicle type approvals have proper systems in place to develop, maintain, and store supporting information, and provide these to VSS as required.

**Example 1:** The holder of a road vehicle type approval is required to have all supporting information in relation to the grade of steel used in the manufacturing of a road vehicle type approval road vehicle up-to-date and available, including the original and subsequent versions. VSS may request a copy of some supporting information relating to the grade of steel used in the manufacture of vehicles covered by the road vehicle type approval during a compliance activity.

**Example 2:** VSS may request access to supporting information that relates to the critical components that affect performance of the vehicle against the applicable national road vehicle standards and the design change controls that relate to those critical components

### *Extract of conditions from Rules*

The following is an extract of the standard conditions that apply to road vehicle type approvals, as set out in the Rules.

#### **Section 26 - Condition about compliance with national road vehicle standards**

- (1) Except where subsection (3) applies, it is a condition of a road vehicle type approval that the holder of the approval, at all times:
  - (a) ensure that vehicles covered by the approval, at the time they are entered on the RAV, comply with the applicable national road vehicle standards as in force at that time; and
  - (b) is able to produce evidence that:
    - (i) demonstrates that vehicles covered by the approval comply with those standards at the time they are entered on the RAV; and
    - (ii) the Secretary could take into account for the purposes of subsection 19(2).

- (2) Subsection (3) applies where the approval specifies that vehicles covered by the approval are not required to comply with the applicable national road vehicle standards in certain respects, or to a certain extent, in order to be entered on the RAV under the approval.

Note: The road vehicle type approval must, under paragraph 23(2)(e), specify the respects in which, or the extent to which, vehicles of that type are not required to comply with the applicable national road vehicle standards in order to be entered on the RAV under the approval.

- (3) It is a condition of a road vehicle type approval that the holder of the approval, at all times:
- (a) ensure that vehicles covered by the approval, at the time they are entered on the RAV, comply with the applicable national road vehicle standards as in force at that time, except in the respects, or to the extent, mentioned in subsection (2); and
  - (b) is able to produce evidence that:
    - (i) demonstrates that vehicles covered by the approval comply with those standards to the extent mentioned in paragraph (a); and
    - (ii) the Secretary could take into account for the purposes of subsection 19(2).

#### **Section 27 - Condition about a conformity of production system**

It is a condition of a road vehicle type approval that the holder of the approval implement a conformity of production system that:

- (a) governs the manufacturing process detailed in the supporting information for the approval; and
- (b) ensures that, at the time that a vehicle is entered on the RAV under the approval, the vehicle satisfies the requirements of the type approval pathway under section 15.

#### **Section 28 - Condition about notifying the Secretary of errors in RAV entries**

It is a condition of a road vehicle type approval that, if the holder of the approval becomes aware of an error in information entered on the RAV under the approval (whether by the holder of the approval or a person authorised in writing by the holder), the holder must notify the Secretary of the error as soon as practicable after becoming aware of the error.

#### **Section 29 - Condition about providing information etc. to the Secretary or an inspector**

It is a condition of a road vehicle type approval that the holder of the approval, when requested in writing by the Secretary or an inspector, and within such reasonable time as is specified in the request:

- (a) provide, or arrange for the Secretary or an inspector to access, the original and any subsequent versions of the supporting information for the approval; and
- (b) provide any information that the Secretary or inspector reasonably requires for the purposes of assessing whether the holder of the approval is complying with the Act, this instrument, or an instrument made under the Act or this instrument; and
- (c) provide any other information or documents, specified in the request, about vehicles to which the approval applies; and

- (d) provide written answers to questions, specified in the request, about vehicles entered on the RAV under the approval; and
- (e) for the purpose of assessing whether vehicles entered on the RAV under the approval comply with the applicable national road vehicle standards—allow or arrange for the Secretary or an inspector to inspect:
  - (i) premises where road vehicle components of those vehicles are designed or manufactured; or
  - (ii) premises where those vehicles are designed or manufactured; or
  - (iii) things associated with the design or manufacturing process, including documents, vehicles and components.

### **Section 30 - Condition about keeping up-to-date records of supporting information**

It is a condition of a road vehicle type approval that the holder of the approval:

- (a) keep a record of the original and any subsequent versions of the supporting information for the approval while the approval is in force, and for the period of 7 years after it expires or is revoked; and
- (b) ensure that the supporting information for the approval is kept up-to-date while the approval is in force.

## Attachment D – Opt-in form details

Note that these fields are indicative only and may be subject to change.

Field	Explanation
<b>Name and contact details of holder of the approval and agent or authorised person applying</b>	The ROVER registration process will record these details. The opt-in form itself will not ask for these details to be re-entered.
<b>Do you, or the person on whose behalf you are applying, hold an approval that is eligible to opt-in under sections 5 or 12 of the Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018?</b>	<p>Section 5 of the Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018 ('transitional legislation') provides that approvals under section 10A(1) or 10A(2) of the <i>Motor Vehicle Standards Act 1989</i> that were in force immediately before 10 December 2019 (at which time the MVSA transitions to the RVSA), or that were applied for under those sections and granted under section 4(2) of the transitional legislation, are eligible approvals for opt-in.</p> <p>Section 12 of the transitional legislation provides that approvals under section 14A of the MVSA or section 20 of the <i>Motor Vehicle Standards Regulations 1989</i> that were in force immediately before 10 December 2019, or that were applied for under those sections and granted under section 11(2) of the transitional legislation, are eligible approvals for opt-in.</p>
<b>Under what section of the Motor Vehicle Standards legislation was the eligible approval granted?</b>	<p>As identified above, eligible approvals can only have been granted in accordance with:</p> <ul style="list-style-type: none"> <li>• section 10A(1) of the Motor Vehicle Standards Act 1989</li> <li>• section 10A(2) of the Motor Vehicle Standards Act 1989</li> <li>• section 14A of the Motor Vehicle Standards Act 1989</li> <li>• section 20 of the Motor Vehicle Standards Regulations 1989</li> </ul> <p>Each of these options will be available in a drop-down box.</p>
<b>MVSA approval number</b>	This will be a five-digit number listed on the MVSA approval. The system will prevent other number formats from being entered.
<b>Vehicle make and model</b>	This is to assist easy identification of the type of vehicle covered by the current MVSA approval
<b>What is your nominated date of effect (this will be the date you wish the MVSA approval to</b>	There will be controls on the date that can be nominated as the date of effect in the opt-in form, to ensure that the date

<b>cease and RVSA approval to be taken to be granted).</b>	<p>of effect is not before the date the form is submitted, is not before 10 December 2019, and is not after 9 June 2020.</p> <p>If payment is made after the nominated date of effect, then the date of payment becomes the date of effect.</p>
<b>Has a Summary of Evidence (SE) form been submitted for this approval via RVCS to demonstrate compliance with ADR 61/03 Vehicle Marking?</b>	<p>An amended standard will be in force for all opt-in approvals – ADR 61/03 ‘Vehicle Marking’, requiring that a Secure Vehicle Identification (SVI) marking. The SVI marking will replace the existing Identification Plate affixed to vehicles as a security measure to deter vehicle rebirthing and to support state and territory registration authorities to conduct vehicle checks.</p> <p>Holders of MVSA approvals who wish to opt-in to hold a road vehicle type approval under the RVSA must demonstrate that they comply with ADR 61/03 by submitting an SE form.</p>
<b>SE form reference number</b>	This will help VSS to identify the relevant SE form which demonstrates compliance with ADR 61/03.
<b>Please describe, in plain English, the location of the Secure Vehicle Identification marking for vehicles to be covered by this approval (this should match the description provided in the SE form).</b>	<p>This information was entered on the SE form to assist in assessment of compliance with ADR 61/03.</p> <p>The SVI marking location cannot be updated in the RVD form, but needs to be available on a public register for VSS and in-service regulators, so will be published in the advice of approval status letter on the department’s website. VSS requires the SVI marking location to be entered into the ROVER opt-in form so that it can be transferred into the advice of approval status letter.</p>
<b>(Check box) I acknowledge that a road vehicle type approval will be taken to be granted from the date of effect when this form is completed fully and accurately, and the applicable charge is paid.</b>	This is an acknowledgement to make clear the effect of opting-in.
<b>(Check box) I acknowledge that the conditions applying to road vehicle type approvals as set out in sections 26 to 30 of the Road Vehicle Standards Rules 2019 will apply from the date of</b>	This is an acknowledgement required by the transitional legislation.



effect, and that a breach of any of these conditions is an offence.	
<b>(Check box) I acknowledge that the conditions of the MVSA approval continue to apply from the date of effect, and that if a condition of the MVSA approval is inconsistent with a new condition of the road vehicle type approval under the Rules, then the new condition applies to the extent of the inconsistency.</b>	This is a provision of the transitional legislation of which the person opting in must be aware when making a declaration about satisfying conditions of the road vehicle type approval.
<b>(Check box) I declare that, once the road vehicle type approval is taken to be granted, and while the approval is in force, the holder of the approval will comply with all conditions of the road vehicle type approval.</b>	This is a declaration required by the transitional legislation with wording changed to clarify ongoing obligations regarding compliance with conditions of approval.

## Attachment E – Letter of advice of approval status

Letters of advice of approval status will include the following information:

- date that advice is provided
- name and contact details of the holder of the approval
- a copy of the MVSA approval that is taken to be a road vehicle type approval under the RVSA
- a copy of the standard conditions of road vehicle type approvals which apply to that approval in addition to or instead of the conditions of the MVSA approval
- date that the road vehicle type approval was taken to be granted
  - this is the later date of the date nominated in the opt-in form that the opt-in should 'take effect' (i.e. the date that the approval under the MVSA should be taken to be granted as road vehicle type approval under the RVSA), or the date that payment is made
  - there will be controls on the date that can be nominated as the date of effect in the opt-in form, to ensure that the date of effect is not before the date the form is submitted, is not before 10 December 2019, and is not after 9 June 2020
- approval expiry date
  - 5 years from the date the road vehicle type approval was taken to be granted
- number of the road vehicle type approval
  - prefix VTA0 to be added to five digit MVSA approval number, to become RVSA road vehicle type approval number (e.g. approval number 12345 becomes VTA012345), in line with the position paper presented at this Consultation Group meeting and previous discussion paper TA4 regarding approval numbering.
- section of MVSA under which approval was previously granted
  - this will be entered into the opt-in form
- section of Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018 under which the road vehicle type approval is taken to be granted
  - this should automatically correspond to the section of the MVSA under which the approval was previously granted – section 5 of Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018 for s10A(1) and s10A(2) approvals, and section 12 of the Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018 for s14A and regulation 20 approvals
- if satisfactory evidence of compliance with ADR 61/03 has been provided:
  - confirmation that the road vehicle type approval is in force
  - the location of the SVI marking described in plain English
  - a copy of the MVSA approval showing compliance with ADR 61/03
- if satisfactory evidence of compliance with ADR61/03 has not been provided (i.e. the SE form for ADR 61/03 has not yet been submitted):
  - advice that the approval is taken to be granted but will not be in force until ADR 61/03 evidence is provided and assessed
  - a copy of the MVSA approval showing compliance with ADR 61/02 only
  - advice of how to submit evidence of compliance with ADR 61/03 to allow VSS to assess evidence and provide new letter of advice of status of approval as 'in force'
- general information regarding compliance and enforcement