



Australian Government

Department of Infrastructure, Transport,  
Regional Development and Communications



# ➤ Varying approvals

Guide for industry

July 2021

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# Overview

Approval holders and those authorised to act on their behalf may apply to the Department of Infrastructure, Transport, Regional Development and Communication (the department) to vary approvals under the Road Vehicle Standards (RVS) legislation. This document explains the application processes for varying an approval, including interim arrangements while Road Vehicle Regulator (ROVER) functionality is developed for these applications. This document also identifies the considerations that will apply when assessing variation applications and when fees are payable.

## What approvals may be varied?

The variation provisions allow the department to consider applications to change or update **approvals** granted under the RVS legislation. The variation provisions explained in this document do not extend to changing:

- the content of an approved Model Report – there are separate considerations for varying the content of Model Reports, which are explained in the [Guide to Model Reports](#), or
- an advisory notice, for example an advisory notice that a thing is not a road vehicle issued under section 13(2) of the *Road Vehicle Standards Act 2018* (RVSA). Advisory notices are not approvals and are therefore not covered by the variation provisions.

The department can consider applications to vary approvals that are currently in effect under the RVS legislation. Please note that the variation provisions **do not** allow the department to either change an expired approval or to grant an approval with a retrospective effect (i.e. backdate a previously granted approval).

## Varying administrative information vs. varying approvals

The RVS legislation distinguishes between:

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

### Varying administrative information

The department can consider applications seeking changes to administrative information on the condition that the applicant approval holder provides the necessary documentation and evidence to support the requested change. Please note that the Department **will not** consider requests to transfer an approval to an alternate approval holder as the RVSA does not provide scope to transfer approvals.

### Varying approvals

The RVS legislation limits the scope of changes that can be applied to an approval in response to an application. Specifically, the department cannot remove any of the standard requirements for holding the relevant approval type, as set out in the Road Vehicle Standards Rules 2019 (the Rules). The department must be satisfied that it would grant the revised approval, as per the variation application, if it were presented as a new application. The department may:

- refuse to consider or refuse to grant a variation to an approval, which means the current approval and conditions remain in effect; or
- suggest changes to the approval and related conditions that the applicant approval holder did not request as a means of achieving compliance with the relevant Rules provisions. The approval holder will be notified of the proposed changes but the published approval will not be updated without the applicant approval holder's agreement.

## Who may apply to vary an approval?

An application to vary an approval will be accepted from the approval holder or an approved agent. An approved agent needs to be able to demonstrate that they have been granted the [authority to act](#) on behalf of the approval holder. While a variation application will be accepted from an approved agent, this does not change who is considered to be the approval holder under the RVSA. The 'My Approvals' portal functionality in ROVER controls who may apply to vary an approval by listing:

- a registered user's approvals, which are the approvals for which that person has approval holder status, and
- all approvals a registered user has been granted authority for. This covers the approvals the user may action, including apply to vary, as an agent.

## How do I apply to vary an approval?

ROVER is currently being updated to provide an online application process to vary each applicable approval type under the RVSA. The department expects to complete this work in late 2021 and will provide advice about the functionality being added with each new ROVER release at [RVS News and updates](#).

ROVER now allows registered users to apply online to vary component type approvals and vehicle type approvals. Approval holders and authorised agents can apply to vary these approvals through the 'My Approvals' portal in ROVER. ROVER clearly sets out the information and supporting documentation an applicant needs to provide with their application. Applicants should consider the prompts in the ROVER component type approval and vehicle type approval application in conjunction with the [Guide to component type approvals](#) and the [Guide to vehicle type approvals](#).

An interim online application process has been established for approval holders to vary the other types of approvals under the RVSA. This process will be available until ROVER's functionality is extended to cover all variation applications. Once an application to vary an approval has been submitted, the department will not accept another application to vary that approval until a decision is made. However, if the department has not commenced assessing the variation application, the applicant may request that it be withdrawn. This will allow the applicant to submit a new application to vary.

## Interim application process for other approvals

The interim online process for applying to vary an approval (other than component type approvals and vehicle type approvals) includes the following steps:

1. The approval holder or their authorised agent will send an email to [roverinfo@infrastructure.gov.au](mailto:roverinfo@infrastructure.gov.au) requesting the application form to vary an approval. The email **must** confirm:
  - the type of approval that is to be varied, and
  - whether the applicant is seeking to vary the approval **or** change information of an administrative nature.
2. The department will reply with a copy of the relevant application form and submission instructions.
3. The applicant will complete the application form and provide this with required information, supporting documents and declarations following the instructions in the department's email.
4. The department will log the application and ensure it is assessed and decided within legislative timeframes (see below). If an agent submits the application on behalf of an approval holder, the department may need to confirm that the person submitting the application is an authorised agent.
5. If the department requires further information to make an informed decision, a departmental assessor will send an email to the approval holder or agent if applicable to seek this information. This email will clearly identify the material that the department requires and provide a timeframe for response. This part of the process is similar to the ROVER request for further information (RFI) process.
6. The applicant will respond with the requested material so that the Department can finalise its assessment.
7. The department will provide the applicant a written notification of its decision, which confirms whether the variation is approved and the scope of changes (see below).
8. If an application fee applies, the payment must be made in ROVER before the approval variation can commence.

## How long can a decision take?

It will take up to:

- 30 days to decide applications to vary registered automotive workshop (RAWs) approvals, testing facility approvals, Authorised Vehicle Verifier (AVV) approvals, reimportation import approvals and Concessional Non-RAV entry approvals, and
- 60 days to decide applications to vary Model Report Approvals, vehicle type approvals and component type approvals.

The department does not expect that all variation applications, particularly those from approval holders who are self-nominating changes to administrative information, will require the full decision period. Please also note that the interim online application process will **not** impact these timeframes or cause unnecessary delays. However, applicants should note that the time it they take to respond to a request for information RFI, whether sent through ROVER or as part of the interim online application process, does not count towards the legislative decision timeframes.

## How am I notified of the decision?

Applicants will be sent a written decision notification setting out the:

- decision, specifically whether the department has agreed to vary the approval
- (if the department has agreed to vary the approval) the specific elements of the approval that will change, including any changes the department has proposed independently of the applicant's request to ensure the approval meets legislative requirements
- (if the department has agreed to vary the approval) the intended date the revised approval will be published/take effect and any conditions the applicant must satisfy before the approval is taken to be varied (for example, an application fee may be payable before the revised approval can be published – see below)
- the factors considered when reaching a decision, and
- where relevant, appeal rights available to the applicant – see below.

All decisions in response to component type and vehicle type approval applications are (since 1 July 2021) sent through ROVER. Applicant applying to vary other approval types through the interim online arrangements may receive notifications in an email from [roverinfo@infrastructure.gov.au](mailto:roverinfo@infrastructure.gov.au). Decision notifications will be sent through ROVER as the system is updated to accommodate more variation application types.

## What are the application fees?

Not all variation applications have an application fee. An application fee may be payable if the:

- applicant seeks to make a material change to their approval – i.e. change the scope of what their approval allows them to do; and
- the department decides to grant a variation.

An application fee is not payable if the department either refuses the requested variation or refuses to consider the application because it is either not made correctly or it is incomplete. Application fees do not apply when varying some approval types, even when the department agrees to make material changes.

### Fees and refuse to consider

The department may refuse to consider applications – that is, close the application without granting or refusing the requested approval – if they are not accompanied by the application fee. This is not the case for variation applications. The department may only apply a fee **after** assessing a variation application and agreeing to make material changes. When applying to vary an existing approval, applicants do not need to worry that the department will refuse to consider the application because it is not accompanied by an application fee.

## Material changes

When determining whether an application fee will apply to a variation application, the department considers material changes to be those that either:

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

Application fees may apply in these cases to cover the cost of considering the application. The decision notification will advise the applicant if an application fee is payable. In cases where a fee is payable, the varied approval will not take effect or be published before the fee is paid. The applicant's current approval will remain in effect until the assessment fee is paid and they are advised that the changes have been applied to their approval.

Applicants should also note, they will be restricted from requesting further variations to an approval while they have an unpaid application fee.

Section 252 of the Rules sets the following application fees when agreeing to make material changes to an approval as follows:

**Table 1: Assessment fees for varying an approval**

| Application type  | Assessment fee |
|---|----------------|
| Application to vary an international whole vehicle type approval (IWVTA) based vehicle type approval.   | \$0            |
| Application to vary a non-IWVTA based vehicle type approval for a passenger vehicle, 2 or 3-wheeled vehicle, goods vehicle or bus.                | \$140          |
| Application to vary a non-IWVTA based vehicle type approval for a high ATM trailer (with Model Report) or high ATM trailer (without Model Report) | \$85           |
| Application to vary a non-IWVTA based vehicle type approval for a low ATM trailer.  | \$50           |
| Application to vary a concessional RAV entry approval.  | \$0            |
| Application to vary a testing facility approval.  | \$75           |
| Application to vary a RAW approval.   | \$55           |
| Application to vary an AVV approval.  | \$60           |
| Application to vary a non-RAV entry import approval.  | \$0            |
| Application to vary a reimportation import approval.  | \$0            |
| Application to vary a component type approval.  | \$0            |
| Application to vary a Model Report approval.  | \$0            |

## Do I have appeal rights?

Applicants may seek a review of the outcome of their variation outcome with the Administrative Appeals Tribunal. The Tribunal is independent of the department and can provide a merits review of administrative decisions. Further information is available from the [Tribunal](#) website.