

Recalls Under RVSA

November 2021



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Introduction

The Road Vehicle Standards Act 2018 (RVSA) transfers responsibility for recalls of Road Vehicles and Components to the Department of Infrastructure, Transport, Regional Development and Communications. This document summarises the RVSA Recall requirements.

It is important to note that there will be components of Recreational Vehicles that do not meet the definitions of Road Vehicles or Road Vehicle Components, and these will remain under the jurisdiction of the Australian Competition and Consumer Commission (ACCC) for any necessary recall action.

Definitions

What is a road vehicle?

A road vehicle is a motor vehicle or trailer designed for use in transport on public roads, including a partly completed or unassembled vehicle. In determining whether a road vehicle is designed solely or principally for use in transport on public roads, regard is to be had only to the physical and operational features of the motor vehicle.

What is an approved road vehicle component?

An approved road vehicle component is a component to be used in the manufacture of a road vehicle, including an assembly to which a road vehicle component type approval applies. Determinations and specifications of road vehicles and road vehicle components made by the Secretary of the Department may be found on the Federal Register of Legislation (www.legislation.gov.au).

Who is a Supplier?

A Supplier is the entity that supplies (or agrees to supply, or resupplies) by way of sale, exchange, lease, hire or hire-purchase a road vehicle or approved road vehicle component. Suppliers can include manufacturers, importers, distributors, and retailers. There can be more than one Supplier responsible for a particular road vehicle or approved road vehicle component.



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Supplier of approved road vehicle components

In the case of approved road vehicle components, while a component type approval holder may be considered to be the supplier, they may not be best placed in the supply chain to take effective and efficient recall action. If you are a component type approval holder contemplating recall action, please contact the Recalls Manager for advice first via recalls@infrastructure.gov.au.

Vehicle and component recalls are a critical part of keeping the consumer and the vehicles on our roads safe. A vehicle or component recall can occur if there is a safety issue that may cause injury or if the vehicle or component does not comply with applicable standards.

The regulator for road vehicle and approved road vehicles components, including recalls can be found under the [Road Vehicle Standards Act 2018](#) and the [Road Vehicle Standards Rules 2019](#).

Vehicles and their components must comply with standards to be used in Australia. If they do not comply or there is an issue with their safety, the supplier of the vehicle or component should undertake a recall to either fix the issue or remove it from market.

The responsible regulator monitors the progress of vehicle and component recalls. They can also work with suppliers and other regulators to initiate recall action if they identify an unsafe or noncompliant vehicle or component in the market.

What is the difference between voluntary and compulsory recalls?

A voluntary recall is an action taken by vehicle and component suppliers to fix a safety or non-compliance issue with a road vehicle or approved component.

A compulsory recall occurs when the responsible Commonwealth Minister issues a compulsory recall notice to suppliers if it appears that they have not taken satisfactory action to:

- prevent injury, or
- rectify non-compliance with applicable standards.

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What is the process for a recall?

If you determine a vehicle or vehicle component presents a safety issue, a potential safety issue or does not comply with applicable standards, you should commence voluntary recall action as soon as possible to prevent possible injury or even death and rectify non-compliance.

The following information is required when notifying the department.

A notification of a voluntary recall must:

- a. State the road vehicles or approved road vehicle components that is subject to a recall:
 - i. For a vehicle, the supplier should include the make, model, variant, vehicle ID number (VIN) list and production dates
 - ii. For components, the supplier should include the manufacturer, make, model, year of manufacture, serial or part number list, component type approval (CTA) number and traders (distribution list) and
- b. Set out the nature of the defect of dangerous characteristic of the vehicle component (if any) and
- c. Include details on the number of vehicles or components that are subject to the voluntary recall and
- d. Set out the circumstances where it is reasonably foreseeable use or misuse of the vehicle or component is dangerous and
- e. Identify the standard with which the vehicles or components do not comply or are likely to comply (if applicable) and
- f. Set out the proposed rectification method.

When the department assesses the effectiveness of a recall, the following is considered:

- How many vehicles or components have been rectified?
- Any complaints or injury reports received?
- The supplier's communication strategy and the wording on the supplier's consumer communications and
- The level of risk to the consumer.



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The Need for Traceability and Quality Control

With the risk that companies face when it comes to recalls, and regulations which now enforce the drive for quality and compliance, it's becoming increasingly important for manufacturers and distributors to have business systems in place that can trace back, trace forward and detail any modifications done to a product throughout its lifecycle.

For anyone involved in managing quality control or compliance across the manufacturing and supply chain, the solution you need should enable traceability across these areas:

- Suppliers and their products that enter your organization,
- Components, products and processes within the organization, and
- Products delivered products to customers.

Supplier Traceability

These days, manufacturers need to have full visibility of product recall or return activities and be assured that they are being handled correctly and efficiently. This is not only important for traceability but also to enable quality control in the procurement and supplier returns process.

To implement a robust traceability system, collaboration is required among different teams (production, quality control, warehouse management, customer service and support) to identify the materials and items that require traceability and decide how information needs to be recorded during the manufacturing and dispatch process.

To Summarise

If you manufacture, import, distribute, retail, supply or re-supply road vehicles or approved road vehicle components by way of sale, exchange, lease, hire or hire purchase, you are responsible for undertaking recall action in the event of a safety or non-compliance issue with a vehicle or component.

If you determine a vehicle or vehicle component does not comply with applicable standards, you should commence voluntary recall action as soon as possible to prevent possible injury or even death.



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Under the RVS legislation, the Department of Infrastructure, Transport, Regional Development and Communications are responsible for the safety recall provisions of road vehicles (including cars, motorbikes, caravans, and trailers) and approved road vehicle components.

In accordance with Australian Consumer Law, the Australian Competition and Consumer Commission (ACCC) is responsible for some vehicle-related consumer products not covered by the RVS legislation (including quad bikes, golf carts and personal mobility devices).

It is the responsibility of suppliers, manufacturers, and distributors to inform the appropriate entity—the Department or the ACCC—when a safety recall is identified. You can notify the Department through the online portal [ROVER](#) or find more information in the Department's [Suppliers, Manufacturers and Distributors](#) page.

For assistance in assessing which components may be within the responsibility of the Road Vehicle Recalls and which will require ACCC involvement, please see Appendix 1.



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Appendix 1

The Road Vehicle Safety Recalls process, accessed via ROVER will be required for any vehicle or component that meets the definitions of a road vehicle or approved road vehicle component. As a guide, these are typically components that have Australian Design Rule (ADR) requirements. More information can be found in the ADR Applicability Summaries [HERE](#).

Examples of components and the responsible recall regulator include (but are not limited to) those shown in the table below.

Department of Infrastructure (RVSA)	ACCC
Couplings Lamps Wheels/Tyres	Appliances <ul style="list-style-type: none"> • Fridge • Cooker • Microwave • Air Conditioner/Heater Cabinetry Furniture



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