

# Completing the fit and proper person declaration for an NVES Unit Registry account application

## Guidance for regulated entities

September 2025

### About this document

The purpose of this document is to:

- provide guidance on how to complete a fit and proper person (FPP) declaration when applying to open an NVES Unit Registry account for a regulated entity
- explain how the NVES Regulator uses the FPP declaration when deciding on applications.

### Overview

The [New Vehicle Efficiency Standard Act 2024](#) (NVES Act) establishes a market-based mechanism for [regulated entities](#) to manage their [regulatory obligations](#). Entities who wish to trade or use NVES units to manage their regulatory obligations need to have an account in the NVES Unit Registry (the unit registry). NVES units are the personal property of the entity whose unit registry account the units are in.

The NVES Regulator will only approve applications for unit registry accounts if the entity is found to be a fit and proper person (FPP). FPP status is a common way to ensure only suitable applicants have permission to undertake regulated activities. This is one of the controls to ensure the integrity of the unit registry and protection of market participants.

The NVES Regulator has considered the different types of test that could be applied for FPP status and decided that declaration-based approach is the best way to minimise burden on applicants while managing the appropriate level of risk.

### FPP declaration

An authorised representative – that is, a person who has the ‘NVES management’ authority to act for a regulated entity – can apply to open a unit registry account on behalf of a regulated entity.

To make a unit registry account application on behalf of a regulated entity, an authorised representative applies via the [NVES Portal](#).

The FPP declaration is a part of this application. It consists of a series of yes/no questions relating to:

- the regulated entity (as the legal entity holding the unit registry account)
- the person completing the application form in the NVES Portal.

**This declaration applies to the entity (business unit) that has the ABN or other business identifier (for example, UK company registration number) that corresponds to the VTA holder. If you have questions about the scope of this declaration in relation to your corporate group, please contact your NVES account manager.**

The questions for both parts of the declaration are shown in the [next section of this document](#). We recommend that you read these questions in advance and prepare your responses before you begin the application form in the portal.

This approach to FPP considers other safeguards in place and has been designed to be relevant and proportionate to the risk being managed, using attestation rather than requiring physical evidence to satisfy the regulator of FPP suitability.

If you answer ‘yes’ to any of the questions, you will be prompted to provide further information (2,000-character limit). Ensure that you include relevant details, such as:

- a brief description of events
- key dates and timeframes of the event
- additional context surrounding the event.

**The NVES Regulator recognises that historic matters may not be an accurate reflection of current fit and proper status and will accept answers that fall within a 10-year timeframe.**

**Answering ‘yes’ to a question does not automatically mean that your unit registry account application will be refused.**

**If you have any questions or concerns about the scope of these questions please reach out to your NVES account manager.**

**This application process will not require provision of criminal history checks for individuals.**

The NVES Regulator will assess the information provided in your application. If required, we may ask you to provide further information to support your application. This request allows us to better understand the full context surrounding any matter that may be relevant to an entity or individual’s status as a fit and proper person.

All personal and/or sensitive information collected during this application will be held securely by the NVES Regulator in accordance with the [Privacy Policy](#) of the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts.

## Entity declaration

**Note: Unless otherwise indicated in the question, answers can be limited to matters within the last 10 years (within Australia and/or overseas).**

Topic	Question	Purpose of question
<b>Registry account closure</b>	Has this entity previously held an NVES registry account that has been closed under section 57 of the <i>New Vehicle Efficiency Standard Act 2024</i> (NVES Act)?	This is a mandatory criterion in relation to fit and proper persons, as per section 55(2) of the NVES Act.
<b>Financial management</b>	Has this entity been in receivership or under any external administration in Australia or overseas?	This standard FPP question helps the NVES Regulator understand the entity’s ability to manage

Topic	Question	Purpose of question
		financial affairs. This is important as NVES units are personal property of potentially significant value.
<b>Civil penalties</b>	Has this entity been fined or penalised (or otherwise subject to a formal reprimand or warning by a regulator or court) for being non-compliant with the NVES Act or <i>Road Vehicle Standards Act 2018</i> (RVS Act), or a similar or equivalent law overseas that may apply in the relevant jurisdiction?	This standard FPP question helps the NVES Regulator understand the entity's compliance history with relevant laws in Australia and overseas.
<b>Criminal offences</b>	Has this entity been convicted of a criminal offence in Australia or overseas relating to any of the following? <ul style="list-style-type: none"> <li>- Misleading or deceptive conduct</li> <li>- Dishonesty (fraud, theft, misappropriation)</li> <li>- Corporate misconduct or financial crime</li> <li>- Money laundering or terrorism financing</li> <li>- Cartel conduct or concerted practices</li> <li>- Climate change</li> <li>- Vehicle emissions</li> <li>- Road vehicle safety</li> </ul>	This standard FPP question helps the NVES Regulator understand whether the entity has a history of convictions in areas that could potentially affect their conduct when dealing with units in the unit registry. Consideration is intended to support the overall integrity of the unit registry and protects other market participants.
<b>Unfinalised proceedings</b>	During the 3-year period before making this application, has the entity engaged in conduct that, relating to an allegation of the following kinds: <ul style="list-style-type: none"> <li>- Misleading or deceptive conduct</li> <li>- Dishonesty (fraud, theft, misappropriation)</li> <li>- Corporate misconduct or financial crime</li> <li>- Money laundering or terrorism financing</li> <li>- Cartel conduct or concerted practices</li> <li>- Contravention of rules or regulations on climate change</li> <li>- Contravention of rules or regulations on vehicle emissions</li> <li>- Contravention of rules or regulations on road vehicle safety</li> </ul> And was the subject of: <ul style="list-style-type: none"> <li>- An enforceable undertaking</li> <li>- Infringement or penalty notice</li> <li>- Court proceedings</li> </ul> That has/have not been finally determined?	This standard FPP question helps the NVES Regulator understand whether the entity is subject to any unfinalised proceedings (relating to relevant laws) that could potentially affect their conduct when dealing with units in the unit registry.
<b>Behaviour towards inspectors</b>	Has this entity ever failed to cooperate with, or has ever acted in a threatening way towards, an inspector (appointed under section 49 of the RVS Act), which has been the subject of a formal warning or reprimand issued by a regulator or a court?	This question is limited to a relevant law, it helps the NVES Regulator understand whether the entity has conducted itself appropriately when dealing with road vehicle regulatory officials.
<b>Behaviour towards officials</b>	Has this entity previously been fined or penalised by a regulator, tribunal or court for being obstructive, misleading or deceitful in its dealings with any	This standard FPP question helps the NVES Regulator understand whether the entity has conducted

Topic	Question	Purpose of question
	regulatory body, tribunal or court in Australia or overseas?	itself appropriately when dealing with officials in a regulator, tribunal and/or court setting.
<b>Integrity</b>	<p>Has this entity previously engaged in conduct in business or professional practices which was, or deemed to be:</p> <ul style="list-style-type: none"> <li>- Reckless</li> <li>- Negligent</li> <li>- Deceitful</li> <li>- Otherwise discreditable conduct</li> </ul> <p>That was the subject of a fine, penalty, formal warning, or formal reprimand issued by a regulator, tribunal or court?</p>	This standard FPP question helps the NVES Regulator understand whether the entity has acted with integrity as part of its general business or professional practices.

## Individual declaration

**Note: Unless otherwise indicated in the question, answers can be limited to matters within the last 10 years (within Australia and/or overseas).**

Topic	Question	Purpose of question
<b>Disqualification by law</b>	Have you been banned or disqualified from being a company director?	This standard FPP question helps the NVES Regulator understand an individual's history of financial and business management history, including insolvency obligations.
<b>Financial management</b>	Have you been bankrupt (declared under the <i>Bankruptcy Act 1966</i> , or a similar or equivalent law overseas that may apply in the relevant jurisdiction), or under a debt agreement or personal insolvency agreement (as opposed to full bankruptcy)?	This standard FPP question helps the NVES Regulator understand whether an individual is capable of managing their own financial affairs.
<b>Criminal offences</b>	<p>Have you been convicted of a criminal offence in Australia or overseas relating to any of the following?</p> <ul style="list-style-type: none"> <li>- Misleading or deceptive conduct</li> <li>- Dishonesty (fraud, theft, misappropriation)</li> <li>- Corporate misconduct or financial crime</li> <li>- Money laundering or terrorism financing</li> <li>- Cartel conduct or concerted practices</li> <li>- Climate change</li> <li>- Vehicle emissions</li> <li>- Road vehicle safety</li> </ul>	<p>This standard FPP question helps the NVES Regulator understand whether the individual has a history of convictions in areas that could potentially affect their conduct when dealing with units in the unit registry.</p> <p>Consideration is intended to support the overall integrity of the unit registry and protects other market participants.</p>
<b>Unfinalised proceedings</b>	<p>During the 3-year period before making this application, have you engaged in conduct that, relating to an allegation of the following kinds:</p> <ul style="list-style-type: none"> <li>- Misleading or deceptive conduct</li> <li>- Dishonesty (fraud, theft, misappropriation)</li> <li>- Corporate misconduct or financial crime</li> <li>- Money laundering or terrorism financing</li> </ul>	This question helps the NVES Regulator understand whether the individual is subject to any unfinalised proceedings that could potentially affect their conduct when dealing with units in the unit registry.

Topic	Question	Purpose of question
	<ul style="list-style-type: none"> <li>- Cartel conduct or concerted practices</li> <li>- Contravention of rules or regulations on climate change</li> <li>- Contravention of rules or regulations on vehicle emissions</li> <li>- Contravention of rules or regulations on road vehicle safety</li> </ul> <p>And was the subject of:</p> <ul style="list-style-type: none"> <li>- An enforceable undertaking</li> <li>- Infringement or penalty notice</li> <li>- Court proceedings</li> </ul> <p>That has/have not been finally determined?</p>	
<b>Cancellation of licences</b>	Have you been the subject of a disciplinary action from a professional misconduct investigation, which has resulted in a fine, or revocation or suspension of a professional licence?	This question helps the NVES Regulator understand whether an individual has acted with integrity as part of their professional practice covered by a formal membership or licence.
<b>Integrity</b>	<p>Have you previously engaged in conduct in business or professional practices which was, or deemed to be:</p> <ul style="list-style-type: none"> <li>- Reckless</li> <li>- Negligent</li> <li>- Deceitful</li> <li>- Otherwise discreditable conduct</li> </ul> <p>That was the subject of a fine, penalty, formal warning, or formal reprimand issued by a professional body, regulator, tribunal or court?</p>	This question helps the NVES Regulator understand whether an individual has acted with integrity as part of their general business or professional practices.
<b>Behaviour towards inspectors</b>	Have you ever failed to cooperate with, or have acted in a threatening way towards, an inspector (appointed by under section 49 of the Road Vehicle Standards Act 2018), which has been the subject of a formal warning or reprimand issued by a regulator or a court?	This question helps the NVES Regulator understand whether an individual has conducted themselves appropriately in their dealings with road vehicle regulatory officials.
<b>Conflicts of interest</b>	Do you have any real or perceived (or apparent) conflicts of interest in relation to your position to act for and on behalf of this entity in its unit registry account?	This question helps the NVES Regulator understand whether an individual is able to perform their role of managing and dealing with units in a unit registry account without undue and unmanageable influence from other parties.

## Contact us

If you need help, please contact your NVES Regulator account manager by:

- **Email:** [NVESRegulator@infrastructure.gov.au](mailto:NVESRegulator@infrastructure.gov.au)
- **Phone:**
  - Domestically: 1800 075 001 (within Australia)
  - Internationally: +61 2 6136 7111 (from outside Australia).

## More information

Visit our [online systems](#) webpage to learn more about the portal and NVES related systems.