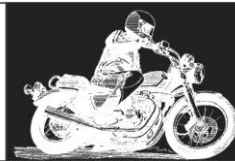


2014 Review of the Motor Vehicles Standards Act 1989

Submission

18th October 2014

MOTORCYCLE COUNCIL
OF NEW SOUTH WALES
INCORPORATED



To:-
MVSA Review Team Manager
Regulatory Policy Reform Section
Vehicle Regulation Reform Branch
Department of Infrastructure and Regional Development

Motorcycle Council of NSW
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Inquiry Terms of Reference

The review is to make recommendations on the most important changes needed for the Motor Vehicle Standards Act 1989 and its regulations based on consideration of;

- Whether the objects of the Act are being achieved, whether they continue to be appropriate and whether the current legislative framework is effective to achieve the objects of the Act.
- Whether there are opportunities to reduce the regulatory burden on business and enhance productivity without compromising achievement of the Act's objectives with respect to safety, environmental and security outcomes.
- Whether the regulatory powers and reporting responsibilities in the Act facilitate effective and proportionate compliance by industry and consumers bringing new and used road vehicles to the Australian market for the first time.

Introduction

About the MCC of NSW

The Motorcycle Council of NSW Inc. (MCC of NSW) is an internationally recognised umbrella group for motorcycle clubs, associations and ride groups, in the state of New South Wales.

Established in 1982, the MCC of NSW is the peak body for motorcycle clubs in this state. It represents over 41 clubs, with more than 36,000 riders.

The Motorcycle Council of NSW (MCC) supports the option to modernize and strengthen the legislation as it is the view of the MCC that the current legislation is not working to the benefit of vehicle owners.

The legislation needs to reflect the needs of vehicle owners to register their vehicles

General Comments:-

1/ Only last month the MCC was contacted by a rider wishing to re-register an older motorcycle but was unable to do so as a result of the vehicle inspector and the road authority's lack of knowledge regarding the requirements for exhaust systems.

The vehicle inspector and the road authority were referring to the current requirements for exhausts not the requirements relevant to an older vehicle.

It was only after the intervention of the MCC with information on what were the requirements relating to this vehicle, that the owner was able to register the vehicle. Without this advice, the vehicle would have been deemed unregistrable.

2/ after changes in the ADRs regarding blinker spacings, Police in NSW were using the outdated requirements to book riders of motorcycles that complied with the new ADRs but not the out of date vehicle standards.

The NSW Vehicle Standards had not been updated to reflect the new requirements.

3/ the vehicle inspectors code of practice in Queensland requires that motorcycle exhausts extend past the rear of the seat. Whereas the ADRs allow exhausts to exhaust under the engine and before the rear of the seat.

Should a previously registered motorcycle need to be inspected by a vehicle inspector, the vehicle inspector is obliged to fail the vehicle according to their code of practice.

The owner of the previously registerable motorcycle is left with an unregistrable vehicle.

Summary

The legislation needs to be update so:-

1/ changes to ADRs and national vehicle standards are automatically reflected in the various State/Territory Acts and requirements.

This will prevent situations where riders are being penalised because of out dated State and Territory Vehicle Standard Acts and placed in situations where previously registerable vehicles are deemed unregistrable.

2/ the requirements of older vehicles are clearly not understood by state road authorities and vehicle inspectors and vehicle owners are being misinformed as to the requirements for older vehicles.