



ACT
Government

Justice and Community Safety

MVSA Review Team

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To whom it may concern

2014 Review of the Motor Vehicle Standards Act 1989

Thank you for the opportunity to comment on the options discussion paper released in September 2014.

From a ACT Road Transport perspective, the major problems are not necessarily with the scope or provisions of the Act (except in a few specific areas), but with the application and/or enforcement of it.

The area which appears to create most concern is the application of the definition of “supply to the market” which currently – in relation to a road vehicle, means deliver the vehicle to a person for use in transport in Australia.

In general terms this has come to mean the time when the vehicle is first registered, however, states and territories have sometimes been advised that it is when a manufacturer delivers a vehicle to a dealer, and therefore the Act does not apply, and it is left to the states and territories to attempt to resolve the issues where a clearly non-standard vehicle has been delivered to the end user.

The application of the Act needs to be clarified to include application at least to the point where the vehicle has been clearly delivered to the person, or company that is going to drive the vehicle on an ongoing basis, and clearly not include delivering the vehicle to a dealer who may register the vehicle, but has only done so to demonstrate the vehicle to prospective purchasers or to satisfy the “delivery” requirements of the parent manufacturer.

The definitions in the ADRs in relation to vehicle categories should be reviewed and made significantly clearer. There have been times when conflicting advice has been provided by the Commonwealth on what category a particular vehicle fits into.

The comment about the option of other than near new vehicles built to a comparative standard being imported and the proposal for these to be subject to a more rigorous quality assurance process such as the current RAWs and SEVS processes raises significant concern.

From a ACT Road Transport perspective the SEVS and RAWs arrangements now share the unhappy reputation that the earlier low volume import scheme suffered prior to it being closed down and the SEVS/RAWS arrangements being introduced. The ACT supported the development of the SEVS/RAWS arrangements as it was expected that this would deliver a higher quality product that would significantly reduce the effort that would need to be expended in dealing with these vehicles. However, the ongoing problems with these arrangements is such that the estimation from ACT Road Transport technical officers is that not a single SEVS/RAWS vehicle would have progressed through to registration on the first attempt, despite registered engineers signing the vehicles off as fully compliant.

Some problems are minor, such as lacking the correct number of child restraints, however some are much larger such as motorcycles having incorrect wheel sizes and the problems with Nissan El Grande's purportedly imported as campervans is well understood. Advice from ACT Road Transport technical officers is that despite the dozens of these vehicles being presented for a vehicle inspection, only one or two would ever have been converted as required to a campervan.

Unfortunately, when these problems have been raised with the Commonwealth, no action appears to ever be taken against the importers and the registering jurisdiction is left to try to resolve the issues with the frustrated client.

Clearly, the SEVS/RAWS arrangements need to be reviewed with clearer specification about what types of vehicles are eligible and more effective auditing of parties in the chain, with consideration of appropriate enforcement sanctions being applied for non-compliance.

In relation to the options provided, modernising and strengthening the legislation appears to be logical. Additionally, auditing and enforcement needs to be improved. Parties in the vehicle supply chain acting contrary to requirements should be sanctioned to protect clients who are making what for many will be the second biggest purchase after their house.

Should further alignment with UN ECE regulations be progressed there will still need to be mechanisms to preclude certain vehicles from entering the Australian market such as the quadricycle categories which are not suitable for use on Australia's high speed opposed traffic roads or in areas of significant congestion. Should unsuitable vehicles be provided with import approval, strict conditions on use will need to be able to be applied such as confining them to gated communities with low speed (eg. 30km/h) limits and low vehicle numbers.

Should you require any further information, please do not hesitate to contact myself or Peter Hunter, Manager Vehicle Safety.

Yours sincerely

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