Motor Vehicle Standards Bill 1989

Date Introduced: 23 May 1989
House: House of Representatives

Digest of Bill

Purpose
To allow the Minister to set motor vehicle standards for all motor vehicles when they are first used in Australia.

Background
All States and Territories impose conditions on motor vehicles and drivers for the use of public roads with thirty-four different State and Territory legislative instruments prescribing controls. The Australian Design Rules (ADRs) for Motor Vehicle Safety provide performance standards for certain aspects of vehicle design and construction that affect safety and public health. They cover complex requirements that can only be tested in proper testing facilities. Safety standards are developed by the Vehicle Standards Advisory Committee (VSAC) and emission standards by the Advisory Committee on Vehicle Emissions and Noise (ACVEN). Both Committees are made up of State, Territory and industry representatives. Draft ADRs are submitted for endorsement to the Australian Transport Advisory Council (ATAC), which comprises State, Territory and Commonwealth Ministers. ADRs apply to new vehicles manufactured after a specific date. ATAC has no power to make laws and ADRs can only be given effect through specific legislation in States and Territories. The Commonwealth Interstate Road Transport Regulations adopt the ADRs as the standard to be used by vehicles registered under the Interstate Road Transport Act 1985.¹

On 17 June 1988, the Inter-State Commission delivered its Report on the Harmonisation of Road Vehicle Regulation in Australia. The Report examined the extent to which Australia’s diverse road vehicle requirements have detracted from the efficiency of road transport, the extent to which those requirements should be standardised, and ways in which standardisation might be achieved. The general thrust of the Commission’s findings was that the present regimes of regulation are unlikely to enhance the efficiency of the movement of goods throughout Australia, and is inappropriate for a country of only 16 million persons. In addition, the Commission found that the maze of regulatory systems was compounded by the fact that in certain States there may be as many as three or four bodies concerned with vehicle regulation. According to the Report, the benefits of standardisation of road vehicle regulation would include reduced accident costs as a result of less confusion about traffic rules and better compliance; reduced vehicle purchase costs as a consequence of more...
efficient vehicle production; savings in administrative costs as a result of less duplication of effort; and reduced costs as a result of less confusion about traffic rules and better compliance.

The more important of the Commission's recommendations include that the Commonwealth should legislate to establish vehicle design and construction standards on an Australia-wide basis for first registration of vehicles; the ATAC should give particular consideration to the achievement of greater harmonisation of administrative arrangements; that States and Territories should continue to reduce the extent of licensing restrictions aimed at regulation of market entry; and that the States and Territories should review their procedures with the aim of establishing a national approach to all aspects of driver licensing.2

While the Commonwealth has no direct power on motor vehicle standards, the powers to control corporations (section 51 (xx) of the Constitution) and inter-State trade (section 51 (1)) will be used as the basis for this Bill.

Main Provisions
The object of the Bill is to provide uniform vehicle standards for vehicles when they are first used (clause 4).

'Vehicle standard' is defined as a standard for vehicles or vehicle components designed to make vehicles safe to use, control the emission of gas or noise, or secure vehicles against theft (clause 5).

The Minister may, subject to disallowance by Parliament, set vehicle standards for vehicles or vehicle components (clause 7).

The Minister may, in accordance with the regulations, make arrangements for the testing of vehicles and components; the inspection of manufacturing and testing facilities; and the examination of documents relating to the manufacture or testing of vehicles or vehicle components (clause 9).

The regulations will provide for arrangements under which plates will be placed on vehicles to indicate that they comply with national standards (clause 10).

Clause 11 provides that the Minister may withdraw a person's authority to put compliance plates on vehicles where the Minister is satisfied that that person has not complied with the regulations, not paid fees or has made a false statement to avoid paying fees in relation to the placing of compliance plates.

It will be an offence for a person to knowingly or recklessly put a compliance plate on a nonstandard vehicle. The maximum penalty for breach of this provision will be a fine of $12,000 (clause 12).

It will be an offence for a person to knowingly or recklessly supply to the market a new vehicle that is nonstandard or does not have a compliance plate. The maximum penalty for breach of this provision will be a fine of $12,000. However, no offence will have been committed where the Minister's permission has been obtained or the vehicle has been supplied in accordance with prescribed circumstances (clause 14).
It will be an offence for a corporation to knowingly or recklessly use a new vehicle, that it manufactured, which is nonstandard or does not have a compliance plate. The maximum penalty for breach of this provision will be a fine of $12,000. However, no offence will have been committed where the Minister's permission has been obtained or the vehicle is used in accordance with prescribed circumstances (clause 15).

It will be an offence for a person to knowingly or recklessly modify a standard vehicle, or give it to another person to modify, in a nonstandard way. The maximum penalty for breach of this provision will be a maximum fine of $12,000. However, no offence will have been committed where the Minister's permission has been obtained or the modifications are made under prescribed circumstances (clause 16).

The importer of a standard vehicle is to do all things reasonable and necessary to ensure that when a standard vehicle is supplied to the market it still complies with national standards and has a compliance plate. The importer is not to modify it, or give it to another person to modify, in a way that would make it nonstandard. The maximum penalty for breach of this provision will be a fine of $12,000 (clause 17).

Subject to clauses 19 and 20 (see below), a person is not to knowingly or recklessly import a vehicle that is nonstandard or does not have a compliance plate. The maximum penalty for breach of this provision will be a fine of $12,000. Subject to clause 19, a person is not to knowingly or recklessly import nonstandard prescribed vehicle components. The maximum penalty for breach of this provision will be a fine of $6,000 (clause 18).

A person may import a nonstandard vehicle, vehicle component, or vehicle that does not have a compliance plate with Ministerial approval and on conditions that will ensure that the vehicle will not breach the standards before use. It will be an offence for a person to knowingly or recklessly breach a condition set by the Minister. The maximum penalty for breach of this provision will be a fine of $6,000 (clause 19).

Clause 20 provides that a person may import a nonstandard vehicle; one that does not have a compliance plate; or a nonstandard prescribed vehicle component where it is to be exported from Australia without having been used in Australia, or in prescribed circumstances. The regulations may provide for these imports to be subject to Ministerial approval and conditions as the Minister sets.

Clause 21 provides that a person may supply a new vehicle, that satisfies the national standards, to the market notwithstanding that it does not comply with a State or Territory standard.

Clause 24 provides that fees may be prescribed for the placing of compliance plates and other matters associated with the Bill.
Clauses 25–33, and 39, provide standard administrative provisions including those for the appointment of inspectors, identity cards, the power of inspectors in relation to premises, warrants to enter premises, penalties for obstructing an inspector or failing to answer certain questions, appointment of agents, and the review of administrative decisions.

References

For further information, if required, contact the Law and Government Group.

30 May 1989

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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