

Australian Historic Vehicle Interest Group

6 May 2018

Dr Jane Thompson
Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

By on line lodgement and email: rrat.sen@aph.gov.au

Dear Dr Thompson,

Supplementary Submission - Senate Inquiry into the *Road Vehicles Standards Bill 2018*

AVHIG wishes to supplement its submission of 16 April 2018 (and using the same abbreviations), as follows:

1. Need for pre-1989 Vehicles to be entered on RAV?

Presently, and since 1 January 1989¹, every vehicle manufactured after 1 January 1989 and supplied for use in Australia had to be fitted with an plate which indicated its status with respect to various Australian requirements. The new scheme proposed will replace these plates with an entry in the Register of Approved Vehicles (RAV). This will ensure that every post-1988 vehicle, whenever manufactured or imported, has either a plate or an RAV entry. AHVIG understands the need for this and supports this proposal.

However, pre-1989 vehicles are not required to bear a Commonwealth-mandated identification plate and never have been, whether sold new here or subsequently imported. It is estimated there are over 900,000 such vehicles in Australia. There is no suggestion of any proposal to have them entered on the RAV.

The Commonwealth has indicated that in 2012/13 around 11,500 vehicles over 25 years old (ie pre 1987) were imported². The Explanatory Memorandum to the RVS Bill indicates that in 2015/16, imports of pre-1989 vehicles represented 1% of all vehicle imports³ and was in decline.

Even assuming the number of pre-1989 vehicles being imported were to continue at say 10,000 vehicles a year, this would represent about 1% of the total pre-1989 vehicles in Australia. It is difficult to understand therefore what purpose, if any, is achieved by requiring them to be entered on the RAV. There has been no explanation or justification given for imposing a system which will result in only a miniscule proportion of vehicles in the pre-1989 class to be so registered.

AHVIG submits that absent valid reasons being given, and utility being demonstrated, for this new proposal, that the existing non-RAV system for importing pre-1989 vehicles should be retained.

¹ *Motor Vehicle Standards Act 1989* commencement.

² https://infrastructure.gov.au/vehicles/mv_standards_act/files/MVSA_consultation_paper.pdf at p 17 fig 6, and https://infrastructure.gov.au/vehicles/mv_standards_act/files/MVSA-Options_Discussion_Paper.pdf , page 16

³ At page 133, last paragraph

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This is further reinforced by the following points about resourcing, and cost, for no demonstrated benefit.

2. Resourcing and Cost

The typical time for the grant of a VIA for importing a pre-1989 vehicle is up to 6 weeks, and sometimes longer due to website issues. As quoted above, in 2013/13, there were over 11,000 such decisions. In reality, they were not true decisions (which would entail evaluating material and deciding whether or not to grant a VIA) as there is no Ministerial discretion involved. MVSR 17 says the Minister must grant the VIA.

The new RVSR section 43(1) requires the Minister to make a decision about granting an entry approval within 30 business days.

If it takes on average up to 6 weeks to grant a non-discretionary VIA, one asks what additional resourcing will be required to process 11,000 discretionary decisions each year, all within 30 business days? There has been no indication given as to how this is to be handled.

And what is the additional cost to the Commonwealth for the additional resourcing?

As pointed out above, it is difficult to understand what benefit will be realised by imposing this system on the importation of pre-1989 vehicles, when it will at best result in a register of pre-1989 vehicles which represents a miniscule proportion of such vehicles in Australia.

It is also at odds with the Ministerial Media releases such as “*Reducing Motor Vehicle Red Tape*”⁴ and “*More choice for car buyers and less red tape for the car industry under planned Government reforms to motor vehicle laws*”⁵ which suggested that all of the existing processes under the MVSA would be simplified.

3. Less Red Tape Commitments

Throughout the process of reviewing the MVSA which commenced in 2013, and the reform proposals canvassed, one of the principal stated policy objectives has been the reduction in Red Tape.

Attached are copies of Ministerial Media Releases

- (a) “Reducing Motor Vehicle Red Tape”⁶ and
- (b) “More choice for car buyers and less red tape for the car industry under planned Government reforms to motor vehicle laws”⁷

which suggested that all of the existing processes under the MVSA would be simplified.

⁴ Jamie Briggs MP 16 January 2014

⁵ Paul Fletcher MP 10 February 2016

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⁷ Paul Fletcher MP 10 February 2016

The old car movement relied on these assurances and others suggesting that the only proposed change to the importation system for pre-1989 vehicles was that 1 January 1989 was to be replaced by a rolling 25 year cut off.

It was only in December 2017 when the Exposure Draft of the RVSRs was published that the wholesale changes to the scheme for importing pre-1989 vehicles became apparent. These proposed:

- (a) removing the mandatory right to obtain a VIA for a pre-1989 vehicle, replacing it with a Ministerial discretion to refuse importation, and
- (b) imposing a whole new Red Tape regime of importing such cars.

As they say, the devil is always in the detail, as so it is here.

For the reasons given above, AHVIG submits that the existing scheme for pre-1989 vehicles should be preserved, with as-of-right VIA grants and no entry on the RAV.

AHVIG also supports and adopts the recommendations in the Queensland Law Society Submission in its entirety. The prospect of having a computer exercise a discretion and decide whether to allow the importation of a pre-1989 vehicle is something that does not bear thinking about.

Will you please pass this on to the Committee.

Yours sincerely,



Douglas Young
Chair