

The Secretariat
The Department of Infrastructure and Regional Development
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Inquiry into the Road Vehicle Standards Bill 2018 and related bills

Thank you again for the opportunity to respond to the Road Vehicle Standards package of legislation.

ATSA is supportive of the changes that have been proposed so far;

“Evidence that the vehicle contained the mobility features at the first point of sale to the original market, such as first registration documents, EU Compliance certificate or Japanese export certificate would be required for eligibility acceptance. With respect to wheelchair restraints, Australia requires a higher wheelchair total mass than is contained in the Japanese standards. The reforms will require that the Australian Standards (with higher mass restraint limits) be used as a compliance requirement – which can be done by a Registered Automotive Workshop using a Model Report.” (Explanatory memoranda to Road Vehicle Standards bill, Page 101).

However, these changes do not fully address the significant issues of the bill;

1. Disregarding the safety requirements of a daily use vehicle.
2. Leaving the local industry at a high significant financial and competitive disadvantage.
3. Placing Australian industry, skills and jobs at risk.

More changes are necessary to address these needs. I refer you to our original submission along with the following additional submission.

1) Disregarding the safety requirements of a daily use vehicle.

ATSA again reminds the inquiry that a person with a disability do not choose to use a specialised vehicle, it is a necessity. These vehicles are an integral to their lives and likely to be the daily use of transport therefore it is imperative that the vehicle is fit for purpose, safe and reliable.

The express purpose of Australian Standards is to ensure access of safe and quality product in Australia. If the Australian Standards are disregarded in the case of disability vehicles, it infers

that the interests of one segment of society does not need the same level of protection as the remainder of society. This combined with the reasons communicated in the Explanatory memoranda to Road Vehicle Standards bill, page 116, i.e. financial stainability of private enterprise is of greater interest than protecting Australians through the application of Australian Standards.

Recommendation:

ATSA does not believe that this is the intention of the legislation to trade off safety for profit and recommends that Australian Standards are applied to all imported disability vehicles to ensure only safe product is sold into the Australian market.

2) Leaving the local industry at a high significant financial and competitive disadvantage.

It appears from the “Explanatory memoranda to Road Vehicle Standards bill” that there is a great interest to maintain the profitability of RAWs and to keep them in business.

If Australian standards are too restrictive for RAWs there would be repercussions which may cause them to be put out of business due to a lack of profitable vehicles to import. Then the question is, “Why is it OK to apply Australian Standards rules to Australian manufactures/modifiers of disability vehicles?” Is it not costly for them to apply also? If this legislation passes as is, challenges the necessity for the application of Australian Standards to the local manufacture /modification of disability vehicles.

The Australian Standards have been developed over decades for the wellbeing of society and the safety of the occupants. ATSA suggests that the Australian Standards are necessary, therefore, why is it planned not to apply the Australian Standards to imported mobility vehicles that are used for daily commute.

ATSA suggested the argument presented in the Explanatory memoranda to Road Vehicle Standards bill is flawed; to allow one business group to have a distinct commercial advantage based on the exemption of Australian Standards is contrary to what Australia stands for i.e. level playing field for businesses to compete. This proposed situation places the commercial interests of one competitor group over another at the expense of meeting Australian Standards.

Recommend:

Provide an even playing field for all sectors to compete by either;

Apply Australian Standards requirements for the importation of disability vehicles into the legislation (ATSA’s preferred approach); or

Remove the necessity for Australian manufactures/modifiers to comply with Australian Standards in regard to the supply of disability vehicles. (this would place people’s lives at risk)

3) Placing Australian industry, skills and jobs at risk.

The proposed legislation disregards the current viable, developing local businesses who manufacture and modify vehicles for the disability sector in Australia. The current estimated size of the industry is \$24million plus, which does not consider the ancillary support industries. To apply the current legislation as is, would jeopardise this sector's viability.

These businesses compete in an open market and are not concerned with competition from overseas provided it is on a level playing field.

We are at a time of great investment into the disability sector through the National Disability Insurance Scheme. This investment is allowing for skills advancement and industry development to support the disability sector now and into the future. Now is the time that Australia should be looking at how to enhance and grow the manufacture/modification of disability vehicles and preparing the industry to export rather than placing the whole industry into an avoidable competitive disadvantage.

The proposed approach of allowing for importers to have a commercial advantage is short term thinking and risks the viability of a highly skilled industry. Australia should be looking at ways to develop high-tech industries, not trading them off for the financial gain of offshore manufacture.

Recommendation:

Provision of appropriate investment into the manufacture/modification disability industry and instigate as a minimum requirement of Australian Standards for imported disability vehicles and consider tariffs to protect the developing industry who supply disability vehicles.

ATSA would welcome the opportunity to discuss our recommendations and provide you with any further information which you may consider useful in your deliberations.

Yours sincerely

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