



Australian Government

Department of Infrastructure, Regional Development and Cities

File Reference: F19/978
Court Reference: COR 2015 004237

Ms Mikaela Meggetto
Coroner's Registrar
Coroners Court of Victoria

cpuresponses@coronercourt.vic.gov.au



Dear Registrar

Subject: Response to recommendations from Findings without inquest into the death of Albert D May

Thank you for the opportunity to comment on Coroner Audrey Jamieson's recommendations resulting from the Findings without inquest into the death of Albert D May (Court reference COR 2015 004237).

The Coroner recommended that the Department of Infrastructure, Regional Development and Cities (the department), along with relevant Victorian regulators collaboratively consider the circumstances of Mr May's death and attempt to identify new countermeasures that could improve compliance with relevant laws. The department has identified one area of action and two areas for further consideration resulting from the Coroner's recommendations:

- changes to assessment of vehicle import applications under the Motor Vehicle Standards Act 1989 (the MVSA)
- discussion with state and territory vehicle registration authorities through the Australian Motor Vehicle Certification Board (AMVCB)
- consideration in developing operational policy to support the new Road Vehicle Standards legislation)

Assessment of import applications

Changes have been made to how vehicles like power-assisted pedal cycles and electric scooters are assessed for eligibility to be imported under the MVSA. Previously, vehicles that indicated a power of not exceeding 200W were considered to be powers-assisted pedal cycles and not regulated under the MVSA.

We now use a multi-faceted approach where various design elements are considered in deciding whether a vehicle has the characteristics of a pedal cycle, or the characteristics of a road scooter or motorcycle that is regulated under the MVSA.

These considerations include (but are not limited to):

- shape and enclosing bodywork on the vehicle
- comfort and usability of pedals
- mass of the vehicle
- maximum speed of the vehicle
- features used to interact on a road (including indicator and stop lamps, mirrors and registration plate holder)

Under the current assessment approach, it is possible for a vehicle with a power of less than 200W to be determined to be a road vehicle and be regulated by the MVSA. In these cases the vehicles can only be imported if they hold a type approval (having demonstrated compliance with relevant Australian Design Rules for Road Vehicles) or are eligible for a concessional import option.

More information on the assessment criteria for vehicles that are not road vehicles is available on the department's website at https://infrastructure.gov.au/vehicles/imports/import_options/orneao.aspx.

Discussion with AMVCB

The department intends to raise the Coroner's recommendations for further discussion with all state and territory vehicle registration authorities, through the Australian Motor Vehicle Certification Board (the AMVCB). The AMVCB is a consultative forum chaired by the General Manager of Vehicle Safety Standards Branch in the department, and membership includes all state and territory vehicle registration authorities. The forum is a key mechanism used by the department and state and territory vehicle regulators to consider matters of common or overlapping regulatory responsibility.

The AMVCB generally meets twice a year. A date for the next meeting has not been set but is expected to be in April or May 2019. The department will put forward a paper to discuss the import, regulation and use of power assisted pedal cycles and any opportunity for improved regulation.

We have also provided the Coroner's findings to AMVCB members for their initial consideration.

Implementation of Road Vehicle Standards legislation

On 28 November 2018, the Hon Michael McCormack, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, announced that the Road Vehicle Standards Bills passed through Parliament. The Bills subsequently received Royal Assent on 10 December 2018 and the main provisions of the Road Vehicle Standards Act 2018 (RVSA) will come into effect on 10 December 2019. On 13 February 2019, the Deputy Prime Minister made the Road Vehicle Standards Rules 2019 (the Rules), under the RVSA. This legislation will replace the current Motor Vehicle Standards legislation.

The RVSA implements the Australian Government's reforms to the regulatory framework for the safety, environmental and anti-theft performance of all road vehicles being provided to the Australian market for the first time—both new and used. The department is currently developing the operational policy and procedures to support the effective administration of this legislation.

In developing the relevant operational policy and procedures to support effective decision-making for the importation of road vehicles, we will consider any opportunities to further improve education, application and assessment processes for power-assisted pedal cycles, electric scooters and bikes and similar vehicles.

If the Court requires any more information please feel free to contact the Risk, Compliance and Enforcement Team in the Vehicle Safety Standards Branch by email vinvestigations@infrastructure.gov.au or by phone 02 6274 6274.

Yours sincerely



Sharon Nyakuengama
General Manager
Vehicle Safety Standards

8 March 2019