



## **Oct-December Happenings: Year in Review, Staysafe Committee, MP's Ride Day, Helmet Laws, M/C Show, etc**

Check out our Facebook page and stay in the loop on what's happening in the motorcycle world and what changes Government are making that could affect you.

The MCC of NSW ensures you get the real story on legislation, upcoming changes and inquiries. The MCC represents riders on a whole host of issues including vehicle standards, CTP (greenslips), helmets (cameras and tinted visors) and safety issues affecting riders in NSW.

Any queries? Feel free to email us and we'll ensure you get the right information. [enquiries@mccofnsw.org.au](mailto:enquiries@mccofnsw.org.au)

### **2015 - The Year In Review**

What a year 2015 has been. Firstly congratulations to the MCC Committee voted in at this year's AGM in November. Paul Taffa and I have swapped roles with Paul taking on the vice chairman's role and myself as chairman. Brian Wood is still the Secretary, Steve Pearce the Treasurer, Peter Ivanoff and Jason Antony are joined by former MCC Chairman Paul Wilton as general Committee members and Kevin Trip Henry is maintaining his position as minute taker in an ex-officio role. With the continuity of the Committee, working well as a team, we are looking forward to 2016 and the challenges we are going to face. 2015 has seen a raft of changes, not the least of which was the change in NSW Road Rules on Friday the 11th of December with Rule 270 being amended to allow the use of the International Helmet standard UN ECE 22.05 in NSW.

[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

The NSW Roads and Ports Minister made good on his announcement at Motorcycle Awareness Week in October when he stated he would change the NSW road rules once the ACCC amended or revoked Consumer Protection Notice Number 9 (CPN9) to ensure that the helmets were legal for sale in order to protect riders and merchants. Basically the Minister did not want to put the cart before the horse. [www.transport.nsw.gov.au](http://www.transport.nsw.gov.au) Just two weeks after CPN9 was revoked, the change to Rule 270 was implemented by the Minister. A major vote of thanks must go to Duncan Gay, his team, and the team at Centre for Road Safety (CRS) who pushed this through so fast. Dan Leavy, Manager Safer Vehicles in the CRS needs to take bow for his work, and not forgetting Tim Reardon and Margaret Prendergast for giving the MCC of NSW a fair hearing in 2012 when this was first put on the table with Transport for NSW.

The ACCC revoked Consumer Protection Notice Number 9 on 27th November 2015 in response to submissions put forward by the MCC of NSW and other state rider groups under the guidance of the Australian Motorcycle Councils helmet committee chaired by Guy Stanford and including Dr Bruce Campbell of the MCC of NSW, Chris Mearns of MRAQ, David Wright MRAWA and Peter Baulch of VMC. You can read more details below from Guy. Congratulations to the entire team and every rider advocacy group that forms part of the AMC and secured this change for riders. [www.productsafety.gov.au](http://www.productsafety.gov.au)

None of these changes happen quickly, for major change we need lots of patience with a good dose of common sense and evidenced based research to back up our claims.

2015 also saw the MCC of NSW in a multitude of meetings covering subjects from ABS to helmets. More details can be read below. Big efforts were put in by the MCC team for the Staysafe Committee inquiry into Motorcycle Safety in NSW along with the NSW Motorcycle Safety Strategy forums where we are assisting in formulating policy for the Government. As always the MCC team is here to assist riders in any way it can, covering everything from defects to road rules. You can help us help you by signing up as an individual supporter to help us cover the overheads that go with being the group we are.

Christopher "CJ" Burns - Chairman MCC of NSW

## Staysafe Committee

The NSW Staysafe Committee inquiry into motorcycle safety have published their final report into Motorcycle Safety in NSW, along with the submissions received, on their website. Several make interesting reading. The report recommends the Government take up all but one of the MCC recommendations. The MCC of NSW attended the hearing as witnesses for supplementary questions on motorcycle safety as well as discussion on our submission. Thanks to many for our submission detail including Guy Stanford, Liz de Rome, Brian Wood and Christopher Burns. It is also gratifying to see a number of the submissions quoting the MCC of NSW's publications (Positioned for Safety) and statistics as well as referring to the good work that we have carried out over the years.

## Inaugural MP's Ride Day

The MCC of NSW in conjunction with Greg Hirst held the first Members of Parliament ride day and it was a great success. We had a number of MP's and staffers as pillion riders for the ride and Brad Hazzard (Minister for Family and Community Services, and Minister for Social Housing ) was loaned a bike by Fraser Motorcycles for the day. The ride was a quick spin out to Sydney City Motorcycles at Lane Cove for morning tea, then back for lunch at Parliament House with more of our elected representatives. It was a good way to de-mystify motorcycling and riders for the MLC's, and we are looking forward to next year's event.

## ABS Meeting with Department of Infrastructure

On Wednesday 9th December 2015 the Centre for Road Safety held a meeting so that two officers from the Department of Infrastructure could present a Monash University Accident Research Unit (MUARC) report on the Effectiveness of Motorcycle ABS in Australia. This report was in preparation for the development of a Regulation Impact Statement to make motorcycle ABS mandatory. The MUARC report found that ABS will reduce crashes by 33%. The methodology used was based on similar research in Europe which predicts similar results. The report didn't take into account other research that has estimated the effectiveness to be much lower. Notably research by the National Highway Transport Safety Administration in the US which concluded there was no statistically significant difference in the crash rates for bikes with ABS as compared to those without.

A Discussion Paper was released just before Christmas, this is in preparation for a Regulation Impact Statement, The Discussion Paper does not include reference to the NHTSA research nor the other comments made by the MCC. The MCC will be making a submission about the Discussion Paper raising the points it made at the meeting. The Regulation Impact Statement needs to consider not just the MUARC results but also those of other less optimistic reports. The MCC is of the view that market forces should drive the introduction of ABS which is already standard on a number of makes and models. Non mandatory ABS will encourage manufacturers to continue to develop even better ABS than is currently available. Mandatory ABS is likely to stifle development as manufacturers will only fit the cheapest ABS. At the meeting the MCC stressed that it was not opposed to the introduction of ABS but it does oppose the introduction of mandatory ABS.

Brian Wood - Secretary MCC

## The ACCC Revokes Consumer Protection Notice 9 (Helmets)

As you are all probably aware, the Minister for Small Business, Kelly O'Dwyer, signed a Revocation of Consumer Protection Notice No.9 of 1990, thus removing certain restrictions for sale of motorcycle helmets. That is, motorcycle helmets offered for sale must now be FIT FOR PURPOSE, which means they must be compliant with requirements of road rules. These remain different in each State. Helmet Standards required for sale and use on roads are specifically detailed in Road Rules. The ACCC can demand substantiation of proof of the claim to compliance with any of the Standards required by road rules. This means several things to us.

Firstly, it means that helmets which have been sold illegally since 2006, are now legal to sell.

- AS/NZS 1698:2006 is a very different Standard to AS 1698-1988
- Consumer Protection Notice No.9 of 1990 was **based on** AS 1698-1988, but included variations to AS 1698-1988

Secondly, it means that sale of ECE 22-05 helmets is now legal in Australia

Thirdly, it means that NSW and other road authorities now allow USE of helmets complying with ECE 22-05.

- Qld, NT and Victoria had already allow ECE 22-05 helmets for USE on roads in those states and territories.
- Tasmania, South Australia and NSW had all announced they will allow use of ECE 22-05 helmets as soon as the ACCC lifts sale restrictions. The ACCC has lifted this restriction by revoking CPN9.

**Notes:** It is abundantly clear that many legislative errors have been made and these have placed impositions upon end users. The level of regulatory supervision of motorcycle helmets has been frankly, appallingly bad. Through action in concert between all members of the Australian Motorcycle Council (AMC) since 2010, some clarity and common sense is arriving. I'll take this opportunity to thank the members of the AMC Helmets Committee for thorough research and determined action over many years. Chris Mearns (Qld), Dave Wright (WA), Peter Baulch (Vic) Bruce Campbell (NSW). Much credit goes to Dr Bruce Campbell for his attention to rigour and clarifying arguments in all AMC documents. While some people have trouble in digesting the complexities, Bruce dances with them. The solid wall of consistent, coherent and repeated government representations from all AMC member State and Territory rider organisations, to maintain pressure since 2011 has brought this result.

A critical meeting occurred in NSW in March 2012 between CJ Burns and others of the MCC of NSW and senior executives of the (then) NSW RTA where problems with lack of a transparent and contestable regulatory process for helmet road rule changes were raised. This was followed up by other AMC member organisations in their own jurisdictions, with variable results all round! Multiple changes in road rules around the country followed, none of which solved the fundamental problems and amendments of amendments took place. The first task was to raise consciousness amongst riders of the actual problem. This started with an article in Road Rider magazine in 2011 [www.roadrider.com.au/State-of-Helmets/](http://www.roadrider.com.au/State-of-Helmets/)

Challenging a person's beliefs can cause them to get upset. We did upset a few. But believing in fairy tales is for children. The second task was to work through the morass of supposedly responsible regulators. Each with their own little part and each making decisions (or not) to suit themselves with no regard for other aspects of the supposed "system" for Standards Compliance. There are deep problems in this area and they remain. The AMC has a remarkable collection of correspondence with multiple govt agencies, across multiple jurisdictions at State and Federal levels, each blaming another. Untangling that Gordian knot took a lot of effort, time (two years) and much further correspondence, but as we proceeded we started to gain assistance from some individuals within agencies, while also getting resistance from others. These public servants on both sides, cannot be mentioned, but I will mention and praise the carefully reasoned work of Dan Leavy of the NSW RMS and the full support of Marg Prendergast, General Manager of the NSW Centre for Road Safety.

As the clamour from AMC rider representatives gained momentum, some individual riders joined the push, independently voicing the issues. This assisted the process. Special mention to Wayne Carruthers for his hammer in velvet coating letters to agencies. As general knowledge grew, Forum discussions became more sane. The press took an interest. Some chose to not upset the status quo with advertisers. Special mentions to Mark Hinchcliffe at [motorbikewriter.com](http://motorbikewriter.com) and Emeritus Editor Peter Thoeming of [Australian Motorcyclist magazine](http://AustralianMotorcyclistmagazine). This engaged both the civic society and political processes more deeply and momentum for change grew steadily.

One critical event was the Forum at Standards Australia in February 2015, which followed intervention by the Dept of Industry (sought and obtained by AMC) and the cancellation of a proposed Amendment to AS/NZS 1698:2006 which would have further weakened the local Standard. As the MCC of NSW Delegate to AMC, I have sat as the rider representative on the CS-076 Helmets Committee of Standards Australia since 2007, steadily becoming disillusioned by the processes of that Committee. At the Forum, AMC Helmets Committee members Dr Bruce Campbell and myself presented a paper detailing problems with regulatory arrangements and inconsistencies. Dan Leavy of the NSW Centre for Road Safety presented on the regulatory problem and voiced a proposal to resolve some issues, including national adoption of ECE 22-05, as Australia is represented on the European Working Party responsible for vehicle standards, under which ECE 22-05 is administered.

This event, more than any other, brought the various regulators into one place and they left with recognition of the problems. Those good people in positions to contribute have followed up and brought a transparent process where they can, preparing the way for changes.

On the 6th November 2015, the Transport Infrastructure Committee met and their [Communiqué](#) reports:-

"Ministers also agreed on the need to resolve inconsistencies in standards for the sale and use of motorcycle helmets and agreed an update on progress would be provided to the next meeting".

Political assistance had been engaged and for this we thank ACT Minister Shane Rattenbury and NSW Minister Duncan Gay for having this item given prominence on the Agenda for the TIC. This assistance was gained by the steady and professional rider advocacy by MRA ACT and MCC of NSW respectively. But, this was not just due to these two jurisdictions, as each of the other AMC members had been steadily educating their local agencies to the issues so a unanimous vote to proceed was a straightforward task. (special mentions for MRASA, MRAWA, VMC, TMC, MRAQ and RANT). Without question, it's all due to a consistent unified approach. More is required to finish the task with a new, uniform National Road Rule 270 to replace the disparate variations with many unbelievable stupidities, impossibilities and allowance of whimsical enforcement. This requires that all road authorities, as agreed by the TIC, engage the agreed full COAG principles of Better Regulation and conduct a transparent, contestable Regulatory Impact Statement (RIS) with wide community consultation.

That step will necessarily include “in-service” regulations for helmets, to address accessories for helmets or modification, such as by cutting or drilling. Be ready to participate in the RIS next year. We expect that riders will continue to be subjected to confusing and misleading announcements and gossip. Put fresh batteries in your bullshit meter. We have made good progress, but there is another swamp to cross.

Guy Stanford - Australian Motorcycle Council Helmets Committee Chair

### **MCC of NSW at The Motorcycle Expo**

The MCC of NSW stand at the recent motorcycle expo was a roaring success thanks to Steve Pearce and his team. The interaction with riders was a great opportunity to pass on what is happening in all things motorcycling in NSW. Feedback and information went both ways with riders posing many queries to the MCC volunteers that manned the stand and getting answers on issues that affect them. Thanks to Glen Willing for the loan of the H2 Mach IV 750 2 stroke Kwaka, to Makayla Willing for the magnificent cupcakes, and also to Troy Bayliss for his time during the event. Also thanks to John Gawthorne for the loan of the bike stand and to all the delegates that assisted manning the stand over the weekend. Once again, a round of applause to Steve for the terrific job he did of putting it all together as this kind of thing is never easy

### **Staintune Exhausts, Not Guilty**

A NSW rider who was recently defected for aftermarket exhaust pipes has taken his fine to court and won thanks to the assistance of Staintune who assisted the rider with information for his defence. Staintune have been a long term supporter of the MCC of NSW and need to be supported by us. The pipes are genuinely good quality and made in Australia so please support those who support the MCC. As an individual supporter you qualify for a discount with Staintune.

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### **Go Pro Rider v Police**

A rider who was fined for having a camera mounted on his helmet in late 2014 had his case withdrawn in Kempsey after the MCC of NSW arranged for some legal representation for him by LHD Lawyers. This was a good result for the rider concerned and riders in general.

### **MCC Individual Supporter Profile**

Peter, 58, is an Ex NSW police officer, Highway Patrol Motorcyclist and police driver training instructor. Following medical discharge from the NSW Police in 1999, he commenced work with Charles Sturt University (CSU) in the School of Policing Studies, teaching both criminal and traffic law and co-ordinating CSU's Road Trauma subject in its Bachelor of Policing course. He retired in 2014 as Academic Director of CSU's Associate Degree in Policing Practice, the required academic qualification for NSW police constables.

Peter lives with his wife Leonie in Goulburn, NSW. He rides a Yamaha FJR 1300 and is a delegate for the Ulysses Club with the NSW MCC, as well as being the NSW representative on the Ulysses Club Road Safety Committee. How did Peter get involved with the NSW MCC? He says, “Years ago when developing the Uni's road trauma subject, I was researching how many actual stakeholders existed in road safety, particularly with respect to vehicle classification representation and as a keen motorcyclist, I was interested to discover that motorcyclists in NSW actually had a representative body in the NSW MCC. From there, I made contact with past Chairman Guy Stanford on aspects of motorcycling safety and advocacy in general and was subsequently invited to speak to motorcycle club delegates at a general meeting of the NSW MCC. It wasn't long after that I became a delegate myself for the Ulysses Club on the NSW MCC and then a couple of years ago, I had the privilege of being elected onto the Committee of the NSW MCC.

Motorcycles are a distinct motor vehicle category that deserves specific recognition and provision within the NSW transport system but that basic premise isn't always readily forthcoming and so I am passionate about working with my fellow NSW MCC members and Committee partners in continued advocacy and presence to strive to ensure that motorcyclists get a fair deal as owners and/or riders of motorcycles.

### **ACT Announce ECE22.05 Approved, Along with Cameras and Bluetooth Communication Units**

On the 22nd of December the ACT announced the uptake of ECE22.05 helmet standard as legal for use. What is most interesting is they have approved the use of Cameras and Bluetooth communications units on helmets also. Congratulations to the MRA ACT for their hard work on this and also to the AMC Helmet Committee.

### **Motorcycle Council of NSW**

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Parramatta 2124

Ph: 1300 679 622 [enquiries@mccofnsw.org.au](mailto:enquiries@mccofnsw.org.au)

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## Upcoming Events and Appearances

**15-17th Jan** - Weeds & Waterholes Bash. Delungra Hotel.

**16th Jan** - Troy Bayliss Classic. Taree Motorcycle Club

**17th Jan** - The Great Southern Motorcycle Only Swap. Meet at Goulburn Showground.

**22-24th Jan** - Power Up The Putty. The Grey Gum Café, Old Putty Road.

**23rd Jan** - Ducatista Riders Festival. Sydney Motorsport Park.

**6th Feb** - Thunder West. Pearlbrook, Murrurundi.

**6th Feb** - The Bathurst Street & Custom Motorcycle Show.

**6th Feb** - Junee Poker Run & Blues Night. Junee Golf Club.

**13-14th Feb** - Karuah River Rally. Chichester State Forest, Via Dungog

**28th Feb** - Sussex Inlet Choppers For Charity. Finkernagel Oval, Sandpiper Way.

See [www.mccofnsw.org.au/a/250.html](http://www.mccofnsw.org.au/a/250.html) for more details and events

To have your event included email [webmaster@mccofnsw.org.au](mailto:webmaster@mccofnsw.org.au)

## Motorcycle Council of NSW meetings

The Motorcycle Council of NSW meets on the first Monday of each month at the Ryde Ex-Services Club, 7:30 PM.

The next meeting will be on **1<sup>st</sup> February 2016**

Meetings are not only for clubs or delegates.

**All motorcyclists are invited to attend.**

This newsletter, and past newsletters, can be downloaded from [www.mccofnsw.org.au/a/326.html](http://www.mccofnsw.org.au/a/326.html)

## MCC Stickers

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