



**Federal Chamber of Automotive Industries**

---

# Code of Practice

## Motorcycle and Scooter Industry

**Effective date: 1 December 2018**

Prepared on behalf of

**The Motorcycle Group of the Federal Chamber of Automotive Industries**

# Contents

<b>Part A: Introduction and Foreword</b> .....	3
Introduction.....	3
Foreword .....	4
<b>Part B: User Guide</b> .....	5
<b>Part C: Overarching Principles</b> .....	6
1 Registration of Motorcycles and/or Scooters.....	6
1.1 Principle .....	6
1.2 Legislative regime .....	6
1.3 Best Practice.....	6
2 Identity and License Requirements.....	7
2.1 Principle .....	7
2.2 Legislative regime .....	7
2.3 Best Practice.....	7
3 Modification of Motorcycles and/or Scooters.....	7
3.1 Principle .....	7
3.2 Legislative regime .....	7
3.3 Best Practice.....	8
4 Servicing of Motorcycles and/or Scooters .....	8
4.1 Principle .....	8
4.2 Legislative regime .....	8
4.3 Best practice .....	9
5 Conclusion.....	9
5.1 Commencement Date .....	9
5.2 Contact information .....	9
Part D: Definitions .....	10
<b>Annexure 1</b> .....	11
<b>Effects of Modification List</b> .....	11
<b>Annexure 2</b> .....	13
<b>De-restriction and Modification Acknowledgement Form</b> .....	13

## **Part A: Introduction and Foreword**

### **Introduction**

This Code of Practice (Code) is a voluntary code of conduct prepared on behalf of Members and is intended to provide Members and their Dealers with overarching principles and best practice guidelines when registering, selling, modifying and servicing Motorcycles and/or Scooters.

This Code does not constitute legal advice. Users of the Code have discrete legal obligations and liabilities in relation to registering, selling and modifying Motorcycles and Scooters, for example, complying with the Australian Consumer Law, the Australian Design Rules and Privacy Laws. Users of this Code should seek independent legal advice in relation to their obligations and liabilities, including on rules, schemes, legislative and regulatory requirements in connection with the distribution and sale of Motorcycles and/or Scooters.

The FCAI (or any other party involved in the creation, production or delivery of this Code) will not, under any circumstances and to the maximum extent permitted by law, be liable to a Member or any other person for any direct, indirect, special, incidental, consequential or other damages of any kind arising from the use or implementation of this Code.

Users of this Code acknowledge that the information provided in this Code may change and it may be updated by the relevant authorities. The FCAI assumes no liability or responsibility for any errors or omissions in the contents of this Code. The FCAI does not warrant (expressly or by implication) that the information contained in this Code is true, complete, accurate, current, updated or correct and FCAI does not undertake to update any information to reflect legal, policy, regulatory or other developments subsequent to the date of publication of this document.

### **Federal Chamber of Automotive Industries contact details**

Motorcycle Manager  
Level 1, 59 Wentworth Avenue  
Kingston ACT 2604  
Ph: +61 2 6247 3811  
Fax: +61 2 6248 7673  
Email: [info@fcai.com.au](mailto:info@fcai.com.au) Web:  
[www.fcai.com.au](http://www.fcai.com.au)

## Foreword

Motorcycles and Scooters are an important mode of transport that offer significant benefits to planners, communities and to the riders themselves. Motorcycle and Scooter Dealers in Australia are on the front line in terms of selling, registering, servicing and modifying Motorcycles and Scooters. Dealers play a key role in terms of informing the public, including informing riders and potential riders about safety and are also an important conduit for feedback to the industry.

This Code has been prepared on behalf of the Motorcycle Group of the FCAI. The FCAI is the peak industry body representing the automotive industry in Australia. The FCAI's membership comprises most of the importers and distributors of motorcycles, scooters, passenger, light commercial and four- wheel-drive vehicles in Australia.

Members of the Motorcycle Group of the FCAI (Members) include:

BMW Group Australia	<a href="http://www.bmwmotorrad.com.au">http://www.bmwmotorrad.com.au</a>
BRP Australia Pty Ltd	<a href="http://www.brp.com">http://www.brp.com</a>
NF Importers	<a href="http://www.ducati.com.au">http://www.ducati.com.au</a>
Harley-Davidson	<a href="http://www.harley-davidson.com">http://www.harley-davidson.com</a>
Honda MPE	<a href="http://www.hondamotorcycles.com.au">http://www.hondamotorcycles.com.au</a>
Kawasaki	<a href="http://www.kawasaki.com.au">http://www.kawasaki.com.au</a>
KTM	<a href="http://www.KTM.com.au">http://www.KTM.com.au</a> ; <a href="http://husqvarna.com.au">http://husqvarna.com.au</a>
Peter Stevens Importers	<a href="http://www.triumphmotorcycles.com.au">http://www.triumphmotorcycles.com.au</a> <a href="http://www.piaggio.com.au">http://www.piaggio.com.au</a> <a href="http://www.vespa.com.au">http://www.vespa.com.au</a> <a href="http://www.motoguzzi.com.au/">http://www.motoguzzi.com.au/</a> <a href="http://www.aprilia.com.au">http://www.aprilia.com.au</a>
Suzuki Australia Pty Ltd	<a href="http://www.suzuki.com.au">http://www.suzuki.com.au</a>
Yamaha	<a href="http://www.yamaha-motor.com.au">http://www.yamaha-motor.com.au</a>
Victory Motorcycles Australia Pty Ltd	<a href="http://www.victorymotorcycles.com.au">http://www.victorymotorcycles.com.au</a> <a href="http://www.indianmotorcycles.com.au">http://www.indianmotorcycles.com.au</a>

## Part B: User Guide

### (a) How do I use this document?

The purpose of this Code is to provide Members and their Dealers with a set of overarching principles and best practice guidelines when registering, selling, servicing and modifying Motorcycles and/or Scooters.

The Code is not intended to be an exhaustive guide or to constitute legal advice. Members and their Dealers are encouraged to seek independent legal advice where they require assistance in terms of understanding their obligations and liabilities.

This Code is divided into four parts as follows:

- Part A: Introduction and Foreword
- Part B: User Guide
- Part C: Overarching principles
  - i. Registration of Motorcycles and/or Scooters
  - ii. Identity and Licence Requirements
  - iii. Modification of Motorcycles and/or Scooters
  - iv. Servicing of Motorcycles and/or Scooters
- Part D: Definitions

### (b) Audience

This Code will be issued to:

- all Members with the expectation that they will comply with this Code and seek to apply the processes and procedures set out in this Code as the minimum standard they expect from their respective Dealers. Members will distribute copies of this Code to their respective Dealers for this purpose.
- non-FCAI importers with a strong recommendation that they comply with this Code.

## Part C: Overarching Principles

### 1 Registration of Motorcycles and/or Scooters

#### 1.1 Principle

- (a) *Authorised Dealers must register Motorcycles and/or Scooters in accordance with State and Territory legislative requirements<sup>1</sup> and will adhere to Best Practice.*

#### 1.2 Legislative regime

- (a) Authorised Dealers must, where relevant, register Motorcycles and/or Scooters in their State or Territory in accordance with the applicable legislative requirements.<sup>2</sup> These may include specific obligations in relation to the following:
- (i) the licence requirements for dealers of Motorcycles and/or Scooters<sup>3</sup>;
  - (ii) requirements regarding compliance plating and registering new Motorcycles and/or Scooters;
  - (iii) registration of *used* Motorcycles and/ or Scooters; and
  - (iv) what must be documented by dealers when acquiring or disposing of Motorcycles and/ or Scooters.<sup>4</sup>

#### 1.3 Best Practice

- (a) To the extent that there is no contrary requirement in a law in force in an Authorised Dealer's State or Territory, a Dealer will adhere to **Best Practice** when registering a Motorcycle and/or Scooter. Best Practice means the following in relation to registering a Motorcycle and/or Scooter:
- (i) The Authorised Dealer must maintain as part of their transactions register full details of all completed registration transactions. The register must contain (but is not limited to) the following information:
    - (A) The registered operator(s) of the Motorcycle and/or Scooter;
    - (B) Make, model, colour, month and year of manufacture of the Motorcycle and/or Scooter; and
    - (C) VIN and engine number of the Motorcycle and/or Scooter.
  - (ii) All records on the Authorised Dealer's register must be kept confidential and in accordance with Privacy Laws.

---

<sup>1</sup> E.g., *Motor Dealers and Repairers Act 2013* (NSW) <https://www.legislation.nsw.gov.au/#/view/act/2013/107>  
*Motor Dealers and Repairers Regulation 2014* (NSW) <https://www.legislation.nsw.gov.au/#/view/regulation/2014/640> ;  
*Motor Car Traders Act 1986* (Vic) [https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol\\_act/mcta1986194/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/mcta1986194/); *Motor Car Traders Regulations 2018* (Vic) [http://www.legislation.vic.gov.au/Domino/Web\\_Notes/LDMS/PubStatbook.nsf/95daf3d8286def33ca256da4001bc4e8/FDC916938E6CC3C1CA2582BF001C6D61/\\$FILE/18-094sra%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/95daf3d8286def33ca256da4001bc4e8/FDC916938E6CC3C1CA2582BF001C6D61/$FILE/18-094sra%20authorised.pdf)

*Motor Dealers and Chattel Auctioneers Act 2014* (QLD) <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2014-020>; *Motor Dealers and Chattel Auctioneers Regulation 2014* (QLD) <https://www.legislation.qld.gov.au/view/html/inforce/current/si-2014-0249>;

<sup>2</sup> See e.g., above.

<sup>3</sup> In South Australia, for example, only the sale of second hand motor vehicles and/or Scooters requires a licence *Second-Hand Vehicle Dealers Act 1995* (SA)

<sup>4</sup> For example, the Dealings Book requirements in the *Motor Car Traders Regulations 2018* (Vic) made under the *Motor Car Traders Act 1986* (Vic).

- (iii) The Authorised Dealer must keep all registration documents, including but not limited to number plates and application forms, in a secure and safe location.

## 2 Identity and License Requirements

### 2.1 Principle

- (a) *Dealers must comply with State and Territory identity and licence requirements<sup>5</sup> when selling Motorcycles and/or Scooters and will adhere to Best Practice.*

### 2.2 Legislative regime

- (a) Dealers must comply with State and Territory identity and licence requirements in relation to the age and license class of the Intended Driver, including:
  - (i) licence level requirements for certain Motorcycles and/or Scooters;
  - (ii) a maximum kilowatts per tonne power to weight ratio for learner or novice Motorcycle and/or Scooter riders;
  - (iii) a maximum engine capacity for learner or novice Motorcycle and/or Scooter riders; and
  - (iv) minimum age requirements for particular licence categories.

### 2.3 Best Practice

- (a) To the extent that there is no contrary requirement with a law in force in that State or Territory, Dealers will adhere to **Best Practice** regarding identity and license requirements when selling Motorcycles and/or Scooters. Best Practice requires Dealers to:
  - (i) inform underage or novice riders of the Restrictive Riding Scheme in the relevant jurisdiction.
  - (ii) provide the purchaser and/or Intended Rider with the Rider Safety DVD.

## 3 Modification of Motorcycles and/or Scooters

### 3.1 Principle

- (a) *Dealers must comply with relevant legislative requirements<sup>6</sup> when modifying Motorcycles and/or Scooters and will adhere to Best Practice.*

### 3.2 Legislative regime

- (a) Dealers must comply with legislative requirements when modifying Motorcycles and/or Scooters which includes:
  - (i) requirements that the modified Motorcycle and/or Scooter comply with relevant Vehicle Standards Legislation and in particular that the

---

<sup>5</sup> See e.g., the *Road Transport (Driver Licensing) Regulation 2017* (NSW) <https://www.legislation.nsw.gov.au/#/view/regulation/2017/450/part2/sec5>.

<sup>6</sup> E.g., the Vehicle Standards that are determined by the Minister under the *Motor Vehicle Standards Act 1989* (Cth)

modified Motorcycle or Scooter continues to comply with the Australian Design Rules after being modified.

- (ii) requirements that apply to LAMS approved Motorcycles<sup>7</sup>

### 3.3 Best Practice

- (a) To the extent that there is no contrary requirement with a law in force in that State or Territory, Dealers will adhere to **Best Practice** in modifying Motorcycles and/or Scooters. Best Practice requires Dealers to:
  - (i) not modify a Motorcycle or Scooter which is included on the approved LAMS list of Motorcycles and Scooters in the applicable State or Territory to be a non-LAMS approved Motorcycle or Scooter;
  - (ii) provide the purchaser and/or Intended Rider with the Effects of Modification Guide (Annexure 1);
  - (iii) in the event that a purchaser requests a de-restriction of their Motorcycle and/or Scooter the Dealer should first:
    - (A) confirm that the Motorcycle and/or Scooter is to be used for closed circuit and/or competition riding and/or that the rider can prove that their licence is not restricted;
    - (B) ensure that the purchaser understands, and asks the purchaser to sign the De- restriction and Modification Acknowledgement Form (Annexure 2).

## 4 Servicing of Motorcycles and/or Scooters

### 4.1 Principle

- (a) *Dealers must comply with relevant legislative requirements when servicing Motorcycles and/or Scooters and will adhere to Best Practice.*

### 4.2 Legislative regime

- (a) Dealers must comply with legislative requirements when servicing Motorcycles and/or Scooters which includes:
  - (i) requirements that the serviced Motorcycle and/or Scooter comply with relevant Vehicle Standards Legislation and in particular that the serviced Motorcycle or Scooter continues to comply with the Australian Design Rules after being serviced.
  - (ii) the consumer guarantees under the Australian Consumer Law<sup>8</sup>, for example, the guarantee that services will be rendered with due care and skill.

---

<sup>7</sup> See relevant Department of Transport website in each State or Territory for the relevant LAMS requirements e.g., <https://www.vicroads.vic.gov.au/licences/licence-and-permit-types/motorcycle-licence-and-learner-permit/approved-motorcycles-for-novice-riders> (Vic); <http://www.rms.nsw.gov.au/roads/licence/index.html> (NSW).

<sup>8</sup> See Schedule 2 of the *Competition and Consumer Act 2010* (Cth).



### 4.3 **Best practice**

- (a) To the extent that there is no contrary requirement with a law in force in that State or Territory, Dealers will adhere to **Best Practice** in servicing Motorcycles and/or Scooters. Best Practice requires Dealers to:
  - (i) maintain detailed electronic records of all servicing performed on the Motorcycle and/ or Scooter.
  - (ii) not service a Motorcycle or Scooter which is included on the approved LAMS list of Motorcycles and Scooters in the applicable State or Territory so that that the Motorcycle or Scooter becomes a non-LAMS approved Motorcycle or Scooter.

## 5 **Conclusion**

### 5.1 **Commencement Date**

- (a) This Code commences on 1 December 2018. The FCAI will revise this Code every three years and may revise the Code before that time if the FCAI considers it necessary.
- (b) Members are responsible for ensuring that they comply with the current version of the Code and are responsible for providing their Dealers with the current version of the Code.

### 5.2 **Contact information**

- (a) Members should contact the Motorcycle Manager at the FCAI (see page 3) if they have any queries in relation to the Code.
- (b) Members should contact the Road Authority for the relevant State and/or Territory if they have any questions regarding licensing, registration and modification requirements for Dealers in relation to Motorcycles and/or Scooters.

## Part D: Definitions

**ADRs** means the Australian Design Rules as they exist from time to time in accordance with the *Motor Vehicle Standards Act 1989* (Cth).

**Authorised Dealer** means a dealer authorised to register Motorcycles and/or Scooters within their State or Territory.

**Dealer** means a person licensed to carry on a Motorcycle and/or Scooter dealership business.

**Effects of Modification Guide** means the document annexed as **Annexure 1** to this Code.

**Intended Rider** means any person that is reasonably anticipated to be a rider of the Motorcycle and/or Scooter purchased from the Dealer.

**Members** means members of the Motorcycle Group of the Federal Chamber of Automotive Industries (FCAI)

**Motorcycle and/or Scooter** means all LA, LB, LC or LE category motorcycles and scooters as defined under clause 4 "Vehicle Categories" in the "Australian Design Rule - Definitions and Vehicle Categories".

**Privacy Act** means the *Privacy Act 1988* (Cth).

**Privacy Laws** means the Privacy Act and any other law that applies to Members or Dealers that relates to privacy or to the collection, use, disclosure or handling of information about individuals (including a law of a State or Territory relating to privacy) and any code of practice by which Members or Dealers are bound.

**Restrictive Riding Scheme** means any law or regulation operating in the Dealer's jurisdiction controlling the model of Motorcycle and/or Scooter which a learner or probationary rider is permitted to ride including, but not limited to, for example Learner Approved Motorcycle Schemes (**LAMS**), and any other similar scheme in operation.

**Road Authority** means the relevant government department/agency for the applicable State or Territory which is empowered to, inter alia, administer rules and regulations in relation to road safety, registration and licensing services.

**Rider Safety DVD** means the FCAI approved safety instruction DVD.

**Vehicle Standards Legislation** means the applicable legislation and regulations which implements the vehicle standards and ADRs for road vehicles in the relevant State and Territory.



## Annexure 1

### Effects of Modification List

Modifications which require consideration on behalf of the customer which may:	
<ul style="list-style-type: none"> <li>Affect the operation of the Motorcycle/Scooter;</li> <li>Make the motorcycle/scooter un-roadworthy and/or unregistrable;</li> <li>Make the motorcycle/scooter unsafe for riding and/or unsafe for other road users on public roads; and/or</li> <li>Breach existing road safety laws and Vehicle Standards Legislation</li> </ul>	
<p>Many modifications which are commonly available for motorcycles/scooters vary the product from the original specification and design as approved under the Road Vehicle Certification System.</p> <p>These types of modifications are not authorised by the Motorcycle Group of the Federal Chamber of Automotive Industries to be applied to newly delivered motorcycles nor endorsed for used motorcycles.</p> <p>Set out below is a non-exhaustive list of modifications and the principle areas of effect.</p>	
Area of Modification	Principle areas of effect
Fitment of alternative tyres of either different model and/or brand	Vehicle dynamics including: Traction, Brakes, Stability and Handling
Fitment of non-standard tyre sizes	
Varying the tyre pressures outside of those recommended on the motorcycles tyre size recommendation	
Altering the suspension system oil volume and or viscosity outside of those recommended within the respective workshop manual	
Fitment of additional or alternative steering damping devices	
Altering the suspension spring/s from those installed as original equipment for that model	
Fitment of alternative ergonomic devices such as foot pegs, floorboards, seats and handlebars	
Fitment of additional or alternative luggage carrying devices	
Fitment of alternative handlebar ends	Vehicle dynamics including: Stability and Handling



Fitment of alternative air deflection systems such as fairings, wheel guards and screens	Vehicle dynamics including: Stability, Handling and weather control
Fitment of Fender eliminator systems	
Fitment of alternative lighting devices either as additional or replacement to original equipment lighting devices	Vehicle conspicuousness, rider visibility, electrical load and reliability
Fitment of electronic devices for communication, theft protection and navigation purposes	Electrical load and system reliability
Fitment of alternative induction and exhaust systems	Vehicle exhaust gas emissions, noise
Fitment of alternative powertrain management systems such as engine management, cruise control and transmission management (quick shift) etc...	Emissions, driveline durability, rider input response and overall vehicle control
Altering the gearing of the motorcycle through the fitment of alternative diameter drive components such as sprockets or pulleys	Vehicle noise emissions, driveline durability, rider input response, speedometer accuracy and overall vehicle control
Fitment of non-genuine replacement parts such as brake pads, levers, grips and mirrors etc...	Vehicle safety, performance, reliability and durability
The fitment of alternative or modification of suspension and steering systems such as front forks, triple clamps, rear linkages and rear damping units etc...	Vehicle dynamics including: Stability and Handling
<b>Modifications undertaken on Motorcycles which are condemned by Motorcycle manufactures</b>	
Fitment of towbars	These modifications are considered extreme and should in no way be considered.
Modifying the geometry of the motorcycle	
<b>Modifications of a cosmetic nature</b>	
Fitment of alternative graphics and decals	These modifications usually have no impact on the operation of the motorcycle
Repainting of panels suiting the owners personal preferences	
Fitment of items whose effect is only of cosmetic nature	
Fitment of paint and panel surface protection covers	



## Annexure 2

### De-restriction and Modification Acknowledgement Form

**Note:** Part A and B may be used together if there is a de-restriction and other modification. If only one of A or B applies, delete the non-applicable Part.

#### Part A (to be used if only a de-restriction is applied)

*I acknowledge and fully understand that:*

1. *I have a licence class that allows the de-restriction I have requested.*
2. *\*(a) I am responsible for ensuring that the relevant Road Authority in my State/Territory is advised of the de-restriction and to comply with any additional requirements of the Road Authority in relation to the valid registration of the Motorcycle and/or Scooter and to denote that my Motorcycle and/or Scooter has been derestricted; or*  
*\*(b) I give permission to the Dealer to notify the Road Authority in my State/Territory of the de- restriction undertaken and details of my Motorcycle and/or Scooter. I will ensure that I comply with any additional requirements of the Road Authority which are required in relation to the de- restriction.*

#### ***[\*elect option 2(a) or (b) and delete as applicable]***

3. *I requested the de-restriction and will bear all risks relating to the de-restriction.*
4. *the Dealer did not recommend the de-restriction and has directed my attention to the risks of using a de-restricted motorcycle/scooter and I confirm that I am the sole intended rider of my de- restricted motorcycle/scooter.*
5. *the de-restriction may affect my ability to make a claim under the applicable manufacturer's warranty and/or under my insurance.*

#### Part B (to be used if only a modification is applied)

*I acknowledge and I fully understand that:*

1. *modifications to the motorcycle/scooter such as:*
  - (a) parts that are added, replaced, adjusted or removed from the motorcycle/scooter; and/or*
  - (b) service activities which are undertaken on the motorcycle/scooter; may affect the performance of the motorcycle/scooter.'*
2. *the parts listed below as added, replaced or adjusted on the motorcycle/scooter may not be designed, intended or approved for use on public roads.*
3. *the service activities listed below which I have undertaken or requested to be undertaken on the motorcycle/scooter may have the effect of improving the performance of the motorcycle/scooter therefore changing the original manufacturer's specification of the motorcycle/scooter and it may no longer comply with applicable Australian Design Rules or various Motor Traffic Regulations for motor vehicles, therefore rendering my motorcycle/scooter no longer legal for use on public roads.*



4. *in either purchasing and fitting or removing myself, or purchasing and requesting fitment or removal of these parts to my motorcycle/scooter it may de-restrict the exhaust and or air intake system and fuel injection system of my motorcycle/scooter, therefore changing the original manufacturer's specification of the motorcycle/scooter and it may no longer comply with applicable Australian Design Rules or various Motor Traffic Regulations for motor vehicles, therefore rendering my motorcycle/scooter no longer legal for use on public roads.*
5. *as the listed parts and/or service activities may not be designed, intended or approved for use on public roads, such use of the motorcycle/scooter with these parts fitted, removed or with these service activities undertaken on the motorcycle/scooter on public roads is done so entirely at my risk.*
6. *the Dealer did not recommend the modifications to me and has brought my attention to the risks of using a modified motorcycle/scooter and I confirm that I am the sole intended rider of my modified motorcycle/scooter.*
7. *the modifications may affect my ability to make a claim under the applicable manufacturer's warranty and/or a claim under my insurance, for the motorcycle/scooter.*

<b>Make of Motorcycle:</b>	<b>Model &amp; Year:</b>	<b>Mileage:</b>	<b>kms:</b>
<b>Vin No.</b>	<b>Engine No.</b>	<b>Reg No:</b>	

**Parts list (parts added, replaced or adjusted):**

Part Number: _____	Description: _____
Part Number: _____	Description: _____
Part Number: _____	Description: _____
Part Number: _____	Description: _____
Part Number: _____	Description: _____

**Service activities:**

Type of Service: _____	Description: _____
Type of Service: _____	Description: _____
Type of Service: _____	Description: _____
Type of Service: _____	Description: _____
Type of Service: _____	Description: _____

**Job or Repair Order No (dealer to complete):** \_\_\_\_\_

**Customer's Name:** \_\_\_\_\_ **Customer's Signature:** \_\_\_\_\_

**Date** \_\_\_\_\_