

Proposal for revision of the Victorian Club Permit Scheme

Discussion paper for community and stakeholder consultation



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Aim

The objective of this discussion paper is to set out possible changes to the current club permit scheme to:

- Remove uncertainties about the legality of using club vehicles on the road
- Clarify and regularise access to the scheme for modified vehicles
- Improve the ability of clubs to maintain the integrity of the scheme
- Introduce payment and vehicle use flexibilities
- Introduce new features, such as windscreen labels and slimline number plates
- Improve VicRoads' ability to manage permits and apply sanctions

Who is this paper for?

This paper will be of interest to:

- Car clubs and their members who have vehicles eligible for club permits.
- Peak bodies of the classic and historic motoring movement such as the Federation of Veteran Vintage and Classic Car Clubs, the Association of Motoring Clubs, the Australian Street Rod Federation and the Confederation of Motor Sport.
- Authorities involved in administering or having an interest in the current club permit scheme such as VicRoads and the Victoria Police
- Motoring peak bodies representative groups such as Royal Automobile Club of Victoria and the Victorian Automobile Chamber of Commerce.
- General road users

Submissions

Submissions and comments should be forwarded not later than [29 January 2010] to:

Club Permit Review
Registration and Licensing Operations
VicRoads
60 Denmark Street
KEW VIC 3101

or to

CPSreview@roads.vic.gov.au

Review of the Victorian Club Permit Scheme

Introduction

The Club Permit Scheme allows about 8,000 car club members to legally operate classic and historic vehicles, street rods and replicas of classic and historic vehicles on the Victorian road system outside of the general registration scheme.

The scheme has operated successfully since its inception in 1960, and has served the needs of car club members and the community well in that it provides a regulated scheme allowing limited use of older vehicles for hobby purposes within a club environment.

Although the scheme is successful, a number of issues have emerged that are of concern to clubs, club members and the police.

This paper examines the operation of the current scheme and discusses possible changes to improve its operation. Subject to a favourable response from stakeholders, VicRoads proposes to introduce a revised scheme incorporating these changes in 2010. The proposed changes would require amendments to the *Road Safety (Vehicles) Regulations 2009*. If changes to regulation is necessary, further consultation may be required so that a Regulatory Impact Statement can be prepared examining the potential costs and benefits of the proposed change in detail.

The current Club Permit Scheme

The guiding principles of the Club Permit Scheme are:

- Membership of a car club is central, for administration of the scheme, to ensure permits are used by vehicle enthusiasts and for the "fraternal" aspects engendered by club membership.
- Permits for eligible vehicles are available at low cost.
- Vehicles operating on club permits have restrictions on their use.
- The uses permitted, other than for a limited number of (non-commercial) "special use authorisations", are based on vehicle use in connection with vehicle club activities, or preparation for club activities.
- Car clubs administer the vehicle inspection process and permit renewal processes, with VicRoads providing overall administration of the scheme.



Which vehicles are eligible?

- Veteran vehicles (manufactured before 1 January 1919)
- Vintage vehicles (manufactured after 31 December 1918 and before 1 January 1931)
- Classic and Historic Vehicles (manufactured after 31 December 1930 and more than 25 years prior to the date of application for a club permit)
- Street Rods (more than 25 years old and modified beyond VicRoads' Vehicle Standards Bulletin No. 8)
Vehicles that are trailers or are replicas of vehicles in the above categories may also be issued with a club permit.

How is a club permit obtained?

An applicant for a permit must:

- produce written verification by the car club secretary (or a club official authorised by VicRoads) stating that he or she is a member of the car club
- in the case of a vehicle that is not a street rod, provide a current certificate of roadworthiness or a letter from a scrutineer authorised by the club, stating that the vehicle is safe for use on the road
- in the case of an application made in respect of a street rod, that is a vehicle modified in excess of the level prescribed in the Vehicle Standards Information No 8 document (VS18), provide a Street Rod Inspection certificate issued by the Australian Street Rod Federation (ASRF)
- pay an annual Club Permit fee of (currently) \$37.40 plus the applicable Transport Accident Charge

What road use is permitted under a club permit?

A club permit only allows vehicles fitted with a specific club permit number plate to be used on the road network:

- in connection with official activities organised by an association approved by VicRoads, such as car rallies, or in the preparation of the vehicle for such activities; or
- when authorisation for "special use" has been granted by a club. This authorisation allows a vehicle or vehicles within the scheme to be used for "one off" trips (not for commercial purposes) outside of activities usually permitted.

Drivers must carry a copy of their club permit when operating on the road network.

What are the issues with the current scheme?

Consultation with car clubs and the police suggests that the following elements of the current scheme require review:

1. Definition of "preparation for club events"

Driving a vehicle operating by means of a club permit on the road network to have it tested, repaired or serviced in preparation for an official club event raises issues of interpretation for both permit holders and the police. This is because there is no agreed definition of "preparation". As a result, permit holders can never be certain that they are legally using their vehicle, and police have difficulty in deciding whether instances of such use are legal or otherwise.

Permit holders deemed to be acting outside their permit conditions can be charged with the offence of driving an unregistered vehicle.

Efforts to legally define "preparation" have proved unsuccessful because the definitions considered are either too restrictive for vehicle operators (who at times have complex vehicle preparation requirements due to the specialised nature of many vehicles) or are too loose to be enforceable by the police.

2. Special private use vouchers

Some stakeholders have expressed concerns as to whether the issuing of "special use" vouchers by car clubs is adequately covered by the provisions of the Road Safety (Vehicles) Regulations. While VicRoads believes that the provision complies with the regulations, the issue has been considered in this review.

3. The age limit for classic and historic vehicles

The current 25 year age eligibility requirement for classic and historic vehicles has the potential soon to include many late 1980's production vehicles that are still operating under standard registration on a daily basis but are rapidly approaching the end of their mechanical lives.

These vehicles are, in the majority of cases, not in the category of enthusiast/hobby vehicles, but are daily use vehicles. This presents a "grey" area where vehicles may not yet be clearly historic or hobby vehicles but could be used only to provide lower cost daily transportation.

Consultation already conducted with car club peak bodies has indicated that there is some concern that the use of unrestored vehicles of this age under a club permit is arguably not a legitimate club activity engaged in by people committed to restoration and preservation of historic vehicles as a hobby. There is potential for some vehicle owners to obtain a club permit as a means of obtaining cheaper form of "registration" for normal driving purposes.

4. Differential permit fees

All club permit holders currently pay the same fee, regardless of how much they use their vehicles during the 12 month permit period. The current fee arrangement does not recognise permit holders who possess very old or multiple vehicles, that might only be used in club events a few times a year.

5. A club permit label

VicRoads has received requests to issue windscreen labels for club permit vehicles. Permit holders have some difficulty, especially where they have a number of vehicles, in keeping track of expiry dates. Permit holders therefore tend to rely on VicRoads to notify them when the renewal is due. If the permit renewal goes astray, they are at risk of operating an unregistered vehicle.

6. Replica vehicle definitions

There is a view that some replica vehicles should not be granted club permits. The problem is that the terms "replica" and "modified replica" are subjective in nature and are not based on formal regulatory guidelines. As a result, they are open to a wide range of interpretation and can result in the admission of vehicles that do not meet the spirit of the club permit scheme. For example, it could be argued that it is possible for a person to obtain a permit for any of the new "retro" models like the VW Beetle, the BMW Mini or the Ford GT40 on the basis that these vehicles have a passing external resemblance to the original models.

7. Street rod inspection regime

There are three areas of concern with the existing inspection regime:

- Street rod inspections were originally intended to only cover vehicles manufactured prior to 1949. However, due to the lack of an alternative inspection regime, this was extended to any vehicle over 25 years old. Concerns have arisen about the inspection requirements for highly modified vehicles which are subject to the requirements of the Australian Design Rules which cover vehicles manufactured after January 1969.
- For vehicles that are deemed to be street rods, some operators and clubs have concerns about legal liability and other issues associated with ASRF inspections and do not wish to participate in them.

- There are some vehicles that whilst modified beyond VS18, do not fit the street rod definition and are therefore not suitable for inspection under the VS18 or the ASRF regimes.

Inspection arrangements for all club permit vehicle classes need to be reviewed generally and defined, with appropriate consultation, to coincide with commencement of the new scheme.

8. Clubs need membership information from VicRoads

VicRoads relies on car clubs to validate applications for club permits in terms of a statement that the applicant is a financial member of the club, and in the absence of a roadworthiness certificate, provide a statement confirming vehicle safety. However, car clubs do not have access to records of club permits issued by VicRoads to persons claiming to be members of their clubs. This lack of communication affects both parties in that:

- It makes it difficult for VicRoads to detect a person who forges a club's authorisation on their permit application. This is because privacy laws prevent VicRoads from advising clubs about who it has issued permits to. Clubs cannot therefore subsequently advise VicRoads that an application is false.
- Some clubs have previously commented that they are unable to determine whether a club-plated vehicle observed operating on the road, that might reasonably belong to their club or which had previously been in their club, now belongs to another club or is in fact operating without a legal permit.
- Clubs have also indicated that, for proper administration of the scheme, they require an annual listing of all vehicles operating with the consent of the club so that VicRoads can be advised if vehicles are operated by non-current club members.

It should be noted that VicRoads sees the many requests by car clubs for member information as clear evidence that clubs are taking their permit responsibilities seriously, and supports the provision of this information.

9. Slimline permit plates for club vehicles

Currently, vehicles in the scheme are issued with standard sized plates with white characters on a maroon background to assist enforcement agencies in identifying permit vehicles. There have been many requests for slimline number plates for club permit vehicles due either to appearance considerations or difficulties in fitting "full size" number plates in small number plate apertures (for example the "window type" aperture on some late 1930's vehicles).

10. Regulatory provision for sanctions

VicRoads has limited penalty and enforcement powers under the current regulations in relation to the club permit scheme. When notified by a club, a club representative group or a member of the public that a Club Permit vehicle is being used inappropriately, VicRoads is limited in the actions it can take to apply sanctions.



How can the current scheme be improved?

1. Introduce a logbook scheme

The most pressing need in the club permit scheme is to remove uncertainty about the legality of road use for club permit vehicles. Rather than introduce new and potentially complex definitions, VicRoads believes that the simplest and most easily managed alternative would be to allow club permit holders complete discretion in the road use of their vehicles – subject to strict controls on the number of days within the 12 month permit period in which this road use can occur.

Under a logbook scheme, it would no longer be necessary for permit holders to justify their road use in terms of either preparing for club events or attending them. Also, clubs would no longer need to issue special use vouchers. While it is nevertheless expected that most permit vehicle use would continue to be associated with club activities, permit holders would also be able to use their vehicles for a range of personal purposes associated with maintenance and enjoyment of their hobby vehicle.

Permit holders would be issued with a logbook containing space for entries for the number of days of permitted use of their vehicle - either 45 days or 90 days within a 12 month period depending upon their personal needs. The 90 day permit fee would, other than for annual indexation in accordance with Victorian Government guidelines, be the same as the current \$37.40 fee. A 45 day permit would be half of this amount. Similarly, it is envisaged that TAC charges for a 45 day permit would be half the 90 day premium (it is possible that the TAC may apply an additional administration charge to 45 day permits to cover costs of processing an additional TAC charge within a 12 month period). In addition to paying the permit charge for the number of days, applicants would pay a small, separate fee for the logbook. A set of proposed logbook rules are provided in Attachment A.

In simple terms, a person intending to travel more than 50 metres from their vehicle's base on a particular day would make a single entry in their logbook before leaving and be allowed an unlimited number of trips during that day. If necessary, police would be able to verify from the logbook that the trip had been logged on an available day and thus be satisfied that the vehicle was being operated legally.

South Australia has introduced a 90 day logbook scheme for historic and left hand drive vehicles, and has reported that the new scheme has increased both club membership and member satisfaction. Feedback from Victorian clubs suggests that a majority favour a logbook scheme that would completely replace the current scheme. Victoria Police has also indicated its strong support in principle for the introduction of a logbook.

2. Amend the eligibility criteria

The age criteria for veteran and vintage vehicles could be raised to 30 years old. This would effectively exclude many older vehicles which are still driven for daily, rather than enthusiast use. It is understood that at least one of the car club peak bodies support raising the age criteria.

Vehicles less than 30 years old which are already operating by means of club permits would be permitted to remain on the scheme despite a change in eligibility criteria. Vehicles not yet on the scheme because they are under restoration, that will be more than 25 years but less than 30 years old are a difficulty, but it is proposed that the 30-year age rule will not commence until 5 years after the commencement of the revised scheme so as not to unfairly exclude these vehicles.

To address the issue of definitions of "replica" and "modified replica" as criteria for entry to the scheme, revised definitions will be provided to address the issue of granting permits to inappropriate vehicles as discussed under Issue 6. These definitions are detailed in Attachment B.

3. Introduce a new street rod inspection regime

To address the problems discussed under Issue 7, a revised inspection regime for street rods and modified vehicles could be implemented as follows:

- (a) The Australian Street Rod Federation (ASRF) inspections should be limited to vehicles based on vehicle chassis/platform (or replica thereof) manufactured prior to 1969
- (b) For owners whose vehicles are deemed to be Street Rods but who do not wish to undergo an ASRF inspection, a Street Rod Code of Practice inspection should be carried out by a VicRoads Approved Signatory Scheme (VASS) representative.
- (c) Vehicles classified as Street Rods based on a post-1969 chassis/platform to be subject to the VicRoads' VASS inspection regime currently applicable to vehicles modified beyond VS18.
- (d) For pre-1969 vehicles modified beyond VS18 and not deemed to be Street Rods, a code of practice should be developed to cover modifications. It is envisaged that a modified VASS inspection would apply to pre-1969 vehicles modified outside the code and to post-1969 (non-Street Rod) vehicles modified beyond VS18.

It is anticipated that the revised vehicle inspection regimes would be in place for the commencement of any revised Club Permit Scheme.

4. Provide club access to VicRoads permit information

VicRoads believes that the best way to do this would be to modify the club permit application form to include a statement authorising VicRoads to provide the information in relation to the permit to the permit holder's club. By signing the permit application or the permit renewal application, the permit holder would be agreeing to VicRoads supplying the information. An applicant refusing to sign the form would be refused a permit.

5. Issue club permit windscreen labels

It is proposed to introduce a label which would display the permit number, some vehicle details and the permit annual expiry date. The proposed label would also indicate whether the vehicle is operating under a 45 or 90 day permit. A windscreen label could also include a message making it clear to the vehicle operator and enforcement officers that use of the vehicle is conditional on a log book being filled out.

6. Allow permit holders to purchase slimline number plates

Permit holders would be able to apply for slim line plates at the same cost that is charged for slim line plates issued to fully registered vehicles.

While vehicles newly admitted to the scheme will be issued with normal size plates, permit holders could apply for and pay the slimline plate fee. A slimline plate or plates will be manufactured and posted to the applicant and the original plates returned. It should be noted however, that slimline club permit number plates would be of standard width, although they will be lower in height, compared to a standard number plate.

As the plates display permit numbers rather than a registration number, permanent rights to a permit number would not be granted and cannot be purchased.

7. Amend the regulations for club permits

Introducing a log book scheme and incorporating the other changes proposed in this paper would involve amending some of the regulations governing the scheme, including the removal of references to "official activities" and "preparation of a vehicle."

New regulations would be introduced to:

- Control the issue and use of logbooks and labels (including penalties for using a vehicle without completing a logbook).
- Allow VicRoads to suspend or cancel a vehicle's eligibility under the scheme and apply a "conditions of use" clause to a vehicle if required.
- Allow VicRoads to suspend or remove individuals and clubs from the scheme, if not complying with the scheme.
- Provide definitions of "replica" vehicles and "modified replica" vehicles.

When could the changes be introduced?

A nominal start date for these proposed changes to the Club Permit Scheme would be late 2010. Transitional arrangements will be determined in conjunction with clubs and peak bodies, and may need to be staged to ensure an orderly implementation of the revised scheme. A list of anticipated questions and answers about the proposed scheme is provided at Attachment C.

Next Steps

The next phase of the review is for interested parties to forward submissions and comments on this discussion paper to VicRoads.

Please write to Club Permit Review, Registration and Licensing Operations, VicRoads, 60 Denmark Street Kew 3101 or CPSreview@roads.vic.gov.au.

Submissions must be in writing and received prior to [29 January 2010].

Attachment A. Draft permit logbook rules

- A vehicle must not be operated without a log book
- A log book is only valid if it is issued by VicRoads and contains the vehicle details on the appropriate page and has been authorised by VicRoads
- A log book is only valid if the appropriate permit fee has been paid
- Log books will be issued at the beginning of each annual permit period upon payment of the permit renewal charges
- Only log books issued for the current registration period may be used;
- One entry per day for log books
- A day is midnight to midnight. If a journey begins before midnight and crosses into the next day a log book entry for both days is required
- A log book entry is not required if a vehicle travels less than 50 metres from the entry/exit of its garaging location.
- Log books will only be issued for 90 days, or for one or two 45 day periods within a 12 month permit period
- It is the responsibility of the vehicle operator to ensure that the log book is either carried in the vehicle, or by the rider in the case of motorcycles
- It is the responsibility of the vehicle operator to ensure that the log book is filled out prior to the commencement of the days travel
- All fields must be completed when entries are made in the log book
- VicRoads may impose other conditions of use for the vehicle which must be carried or entered in the log book
- The vehicle operator must produce the log book upon request by a law enforcement officer



- The details in the front of the log book, including the name of the permit holder must match VicRoads records for that vehicle
- The details on the label must also match the equivalent details in the log book, the vehicle's number plates and VicRoads records
- Vehicles are only permitted to hold one permit at any time and have one log book per vehicle per permit period
- A permit holder is only able to have the same vehicle on a permit in their name for a maximum of 90 days in a 12 month registration period
- Vehicles can be admitted to the scheme when re-permitted to another permit holder provided that VicRoads proof of identity and permit application requirements have been met
- If a log book is lost, VicRoads will require the applicant to complete a statutory declaration witnessed by a Victoria Police officer confirming loss of the book and nominating the number of days that have been used, and require that a letter of support from the applicant's club also be provided
- VicRoads will charge a substantial log book replacement fee (to discourage loss) based on the registration and TAC charges for half-year full registration
- If a lost log book is subsequently found, the original book must be returned to VicRoads
- If any vehicle details are changed, the log book must be returned within seven days to VicRoads for amendment and must only be amended by VicRoads
- Trailers on the Club Permit Scheme will not be required to complete log book entries
- VicRoads has the right to recall a log book
- VicRoads may refuse to issue a log book.
- VicRoads has the right to refuse or cancel participation in the scheme by individuals, clubs or vehicles.

Attachment B. Proposed replica vehicle definitions and requirements

A replica vehicle is:

- A vehicle with compliance plate fitted where the compliance date is more than 30 years old.
- The vehicle's body, interior and chassis (where applicable) are an exact copy of a vehicle originally manufactured more than 30 years ago.
- The vehicle's engine, gearbox and differential castings (where applicable) are also identical in external appearance to that of the original vehicle.

For replica vehicles the determining factor for eligibility is how faithful to the original the replica is. Photographic proof may be required. Ultimate approval for this category rests with VicRoads. VicRoads may call on advice from clubs, associations or individuals with the specific relevant expertise to assist in adjudication of whether a vehicle may be considered to be a replica vehicle or not.

A modified replica vehicle is:

- A vehicle with a compliance plate fitted where the compliance date is more than 30 years old.
- The vehicle's body and chassis are a copy of a vehicle originally manufactured more than 30 years ago. Any modifications are to be of a minor nature and to be consistent with modifications that could have been made during the era in which the original vehicle was manufactured.
- The vehicle's engine, gearbox and differential castings may not be identical to those of the original vehicle but must be very close in specification and performance to those fitted to the original vehicle

For modified replicas the determining factor shall be the vehicle's overall appearance and close similarity to the original vehicle. Ultimate approval for this category rests with VicRoads.

In accepting replica or modified replica vehicles to the Club Permit Scheme, VicRoads would seek permit holders to acknowledge that the vehicle would not be represented on club permit documents as anything but a replica (including modified replica) of an original vehicle. For example, a replica of a 1932 Ford built in 2009 would be recorded as "2009 replica of 1932 Ford".

Attachment C. Questions and Answers about the proposed scheme

Why can't I have the old form of permit if I want to?

The review included input from three key participants; VicRoads, car clubs and Victoria Police. The police felt strongly about removing all grey areas and opportunities for confusion from the enforcement side of the scheme and clearly favoured the simplified log book arrangement over anything else proposed. It would be neither feasible nor desirable to operate the two schemes in parallel.

I've got four vintage cars that are over 70 years old that I drive a couple of times a year. Can I have just one log book for all of them? I can only drive one at a time.

No. The best thing to do in this situation is to choose a 45-day log book for each vehicle. A log book (like all log books for other drivers/vehicles) is attached to one specific vehicle only and cannot be transferred.

Why do I have to join a club?

The primary objective of the club permit scheme is to facilitate the participation of interested parties in car club activities by providing an affordable but limited form of access to the road system. Car clubs are a key element in providing evidence of vehicle's status as a hobby vehicle and in verifying its eligibility for the scheme. Exempting applicants from the club membership requirement would defeat the purpose and the spirit of the scheme.

What if I don't want the club to have my information from the VicRoads database? Can I still get a log book if I want one?

No. Because the objective of the scheme is to facilitate club membership and activities, VicRoads would not be prepared to issue a logbook unless you were prepared to share your permit details with the club you have nominated. To obtain the permit and to renew it annually, you will need provide the information to your club in the first instance.

I've got a '79 Commodore that I drive to the shops in. Can I join a club and get a log book?

You may as long as your vehicle is eligible and you remain a club member. Of course, you cannot exceed 90 days use of the vehicle in a 12 month period.

What if I forget my logbook?

Without your logbook, you would be running the risk of being charged with driving an unregistered vehicle if you were intercepted by the police.

What if I want to do more than 90 days of driving in a year? I could on the old scheme if I wanted to.

There would be no provision for driving on more than 90 days in a year under the proposed logbook scheme. The 90 day period is a very reasonable allowance for annual car club activities, even allowing for vehicle preparation. It is unlikely that any club would be running events in excess of that rate, and South Australia, which has run a 90 day permit scheme for several years, has not reported any issues about the adequacy of this period.

What if I buy a 45 day permit and discover that I need another one?

It will be possible to purchase one additional 45 day permit in the same 12 month period.

What happens if I lose my log book?

While log books will be genuinely misplaced from time to time, VicRoads needs to ensure that "loss" of a book is not used as a dishonest means of obtaining a new book with a further 90 day allotment.

Therefore, if a log book has been lost, VicRoads will require a statutory declaration from the permit holder declaring that the book has been lost, nominating the vehicle concerned, the number of days used or remaining in the log book and requesting the issue of a new book.

For further information please visit vicroads.vic.gov.au



To discourage deliberate loss of log books VicRoads will charge a substantial replacement book charge, probably based on half the cost of annual registration and TAC fees. Upon receipt of the fee and declaration, VicRoads will issue a new book, with the previously declared used days voided from the new log book.

What will a log book cost? Is this a separate fee to the overall scheme?

The costs of manufacturing and providing log books for the club permit scheme would be passed onto the permit holder, and will be payable upon renewal of the initial issue of the permit. VicRoads envisages that each log book will probably cost in the vicinity of \$10.00.

How much are the permit fees and TAC charges likely to be?

The permit charges would probably be based on a pro-rata amount of the full registration fee. That is, about \$37.40 for a 90 day permit and \$18.70 for a 45 day permit. The TAC will need to calculate a new charge which is expected to be pro-rata for the 45 and 90 day permits. The TAC may also determine to charge an administration fee on the second 45 day permit in a 12 month period to recoup additional administration costs.

Will the fees go up every year like other registration fees?

Yes. The permit fee and the TAC component will be automatically increased in accordance with the annual inflation rate established each year by the Treasurer.

Will there be a charge for the number plates?

For the time being, VicRoads proposes to continue to provide the standard white on maroon number plates without charge. However, this practice may change in the future.