

**RECEIVED**  
27 SEP 2005

BY: .....

Mr Iain Ross  
Hon Secretary  
Association of Motoring Clubs  
GPO Box 2374V  
**MELBOURNE VIC 3001**

Dear Mr Ross

**CLUB PERMIT REVIEW - DISCUSSION PAPER ONLY**

I refer to a recent meeting between VicRoads officers and representatives from the Association of Motoring Clubs (AOMC) and the Federation of Veteran Vintage and Classic Vehicle Clubs (FVV&CVC) where it was agreed that VicRoads would undertake a review of the Club Permit Scheme.

A number of areas have been identified of the Club Permit scheme that may not operate in a way that promotes the efficacy of the scheme. As you are aware, a Club Permit Review Group has been formed, of which you are your organisation's nominated participant, for the express purpose of examining the areas of the scheme identified as requiring review.

On that basis, please find attached a discussion paper offering options on each of the areas under review. The discussion paper covers the following areas for review:

1. Number Plates;
2. Log Books;
3. Clubs ability to monitor membership;
4. Replica Vehicles;
5. Distinction between vehicle classes; and
6. VicRoads' penalty and enforcement provisions.

I welcome comment on the proposals from your organisation via its club permit review group delegate, or by written submission to VicRoads prior to the first review group meeting. VicRoads plans to have the first meeting towards the end of October 2005. A VicRoads officer will contact you in the next few weeks to discuss scheduling.

In the meantime should you wish to discuss any of these matter further, Mr Fergus McDonald (Tel: 9854 2794) or Mr John Lewis (Tel: 9854 2036) would be pleased to assist.

Yours sincerely



**JOHN SYMEOPOULOS**  
**ACTING MANAGER REGISTRATION AND LICENSING POLICY**

20/9/05

## **CLUB PERMIT SCHEME REVIEW** **DISCUSSION PAPER ONLY**

### **1. NUMBER PLATES**

#### **Number Plate Fees**

VicRoads has not applied number plate fees for vehicles operating on the Club Permit scheme since the inception of the scheme, on the basis that vehicles are essentially operating on a permit and are not considered to be registered.

However, Regulation 312 of the Road Safety (Vehicles) Regulations 1999, clearly states that number plates must be issued to Club Permit Vehicles and that Regulations 221 and 222 also apply to Club Permit Vehicles.

Regulation 221 of the Road Safety (Vehicles) Regulations 1999 provides VicRoads with the power to charge a fee for the issue of number plates. VicRoads considers it appropriate that on the initial registration of club permit vehicles a number plate fee; currently \$27.20 for two number plates, should be charged.

#### **Re-issue of Club Permit Plates**

Whilst VicRoads intends to start charging for the initial issue of Club Permit number plates, the original intention was to also provide owners with the ability to transfer number plates, with a fee involved, onto other Club Permit vehicles or to provide the option to hold number plates on "self retention" for future issue to Club Permit vehicles. Currently VicRoads will only permit a number plate to be re-issued to a Club Permit vehicle where the number plate is to be re-applied to the same vehicle and where the new Club Permit holder is a member of the same club as the previous Club Permit holder.

However, it has since become apparent that VicRoads existing number plate database is unable to clearly distinguish between Club Permit plates and general issue plates. As the number ranges used on the Club Permit series can overlap with number plates issued in the general issue series, this has the potential to cause considerable administrative difficulties for VicRoads. For this reason, VicRoads does not intend to enter a Club Permit number plate business at least until the main registration database is redeveloped. This process is expected to begin in 2007.

#### **New Series of number plates for Classic and Historic vehicles.**

At the recent meeting between VicRoads and the Club Permit representative groups, it was announced that the current series of number plates issued to Classic and Historic vehicles (CH0000 to CH9999) is

about to finish. The Classic and Historic series of number plates currently applied to motorcycles (C6000 to C9999) probably has another 18 months left before that series will also finish.

It was agreed that when the Classic and Historic series of motor vehicle number is completed a new series (00000H to 99999H) will be issued. Similarly, Classic and Historic motorcycles will issued (0000H to 9999H) once their existing series has been completed.

There was originally the intention to remove the boundaries between Veteran, Vintage and Classic and Historic vehicles and issue the new series of number plates to all groups, however the Club Permit representative groups would prefer to continue with the existing series for each group. On that basis, it is now intended that as each series of number plates is completed for Veteran and Vintage motor vehicles they will then also adopt the new (00000H) series of number plates. Street Rod vehicles will continue with the existing series of number plates will continue on with their current series (0000SR to 9999SR). It was also agreed that the existing number plate colours would remain.

### **Slimline Number Plates**

VicRoads has, on occasion, received requests for "slimline" Club Permit number plates, particularly for the Street Rod series of number plates. VicRoads is party to a national agreement between the various registration authorities on the size and layout of number plates.

Because of the requirement to use numbering and lettering of an agreed size and because the slimline number plates have to also be manufactured to an agreed size, there is no room left on a "slimline" number plate to add the Club Permit reference. VicRoads is of the view that it is important that club permit vehicles are readily identified for enforcement purposes. It is for this reason that "slimline" number plates will not be added to the scheme.

### **Collectable Club Permit Number Plates.**

Depending on demand or interest from the Clubs, VicRoads may consider issuing Club Permit number plates from numbers that have been previously cancelled or returned. For example Veteran, Vintage and Classic and Historic number plates, either in the low number range, repeating numbers, referring to year of manufacture or models, may be considered collectable to some club members. VicRoads has in the past auctioned collectable general issue plates. Either the same could be done with Club Permit number plates or a pre-determined value could be placed on plates by VicRoads and sold upon application. Obviously plates purchased could only be placed on vehicles that fall into the group to which that series is issued.

## **2. LOG BOOKS**

There have recently been a number of issues raised related to the use of club permit vehicles that, in VicRoads opinion, warrants consideration of the introduction of log books to the scheme.

## **Special Use Vouchers**

“Special Use” authorisation was added to the Club Permit scheme in 1991. “Special Use” authorisation allows clubs participating on the Club Permit scheme to authorise club members to use vehicles for “one off” functions such as weddings or commercials etc. No regulatory change was deemed necessary at the time “Special Use” authorisation was introduced, on the basis that “Special Use” was regarded as being an authorised club event, albeit with only one vehicle participating.

The Victoria Police has expressed concern as to whether the regulations, in their current form, do in fact cover “Special Use” authorisation, and have requested that the applicable regulations be amended to more clearly provide for “Special Use”. Whilst VicRoads’ does not necessarily agree with the Victoria Police assessment, nevertheless it has agreed to address the Victoria Police concerns.

## **Preparation of Vehicles**

There also appears to be some confusion by both members of the participating clubs and some members of the law enforcement agencies as to what is considered to be appropriate use of Club Permit vehicles. Regulation 310 of the Road Safety (Vehicles) Regulations 1999 permits the use of vehicles on the scheme for the purpose of:

- Official activities organised by or under the auspices of an association approved by the corporation for the purposes of this regulation; or
- In connection with the preparation of the vehicle for such activities.

VicRoads has often received queries as to what activities are deemed to be acceptable “preparation” of a vehicle. The Road Safety (Vehicles) Regulations 1999 do not define “preparation” of a vehicle for a club event.

There has been reluctance, in the past to include a definition of “preparation” as it would remove any scope for flexibility in interpretation. A definition of “preparation” may impose unintended restrictions on the use of Club Permit scheme vehicles. On that basis, interpretation has, by and large, been left to the authorised clubs and their members with varying levels of success. VicRoads has, in the past, sought legal advice on what activities could be regarded as “preparation” of a vehicle for rally use. If anything, the response received merely reinforced the opinion that it is a complicated issue needing further review.

VicRoads is therefore of the view that log books may be a solution to both address any uncertainties in relation to the interpretation of “special use” and acceptable “preparation”. Notwithstanding this, VicRoads is well aware that there may be some issues associated with the administration of log books and will encourage the Club Permit representative groups to offer input in developing a workable scheme.

## **Log Book Rules**

As a starting point, VicRoads is of the view that the Club Permit legislation should be amended to remove the reference to club events or preparation for club events. Secondly, whilst still requiring that participants are members of a VicRoads approved club, the general rules proposed are:

- Members are to be issued a log book for their vehicle at the time of initial registration or on renewal;
- Log books are to authorise 90 days private use of the vehicle;
- Log books are to be filled out prior to the beginning of each trip;

### **Information to be recorded**

VicRoads anticipates that Club Permit Log Books will be uniquely numbered and linked to a vehicle. It will include a cover sheet, to be filled out upon receipt by the vehicle's responsible operator, which will display details such as:

- Vehicle Club Permit number plate, make, model, colour, engine or chassis number, responsible operator's name, licence number and club details.
- The cover sheet will be required to be signed by both the club secretary/president confirming the accuracy of the information and the responsible operator;
- The cover sheet will also provide some information as to the operators responsibilities and information on penalties for abuse of the scheme;

The daily trip section of the log book would preferably be A5 size folded in half, so as to be passport or bank book size, one page per day to provide for multiple trips on the day, each daily trip page clearly numbered to indicate which of the 90 days is being used. The responsible operator will be required to add the day and date once on the page which will also include provision for multiple individual entries for that day, listing the time each trip begins and ends, start and end points and signature of the responsible operator.

A5 has been selected as the appropriate size for the Club Permit log book as it will easily fit in glove boxes of Club Permit vehicles or can be easily carried on the person, especially in the case of Club Permit motorcycles where storage space is not always provided.

One page for each of the 90 days of use will be provided to assist law enforcement officers in easily confirming how many days have been used, with having to count up entries and perform road side calculations.

### **Log Book Infringements**

As log books will be included as a "condition of use" for Club Permit vehicles, as is the case now, any vehicle detected operating outside its designated conditions of use will be considered to be unregistered. Infringements of this type currently carry a penalty in the range of \$500 and will, in the near future, also incur a loss of three drivers licence demerit points.

VicRoads also considers that it may be necessary to have a Club Permit suspension or cancellation clause included in the Road Safety (Vehicles) Regulations 1999 to manage multiple breaches or abuse of the scheme.

## **Log Book Fees**

It will be most likely that the cost of producing log books for the Club Permit scheme will be passed onto the responsible operator of the vehicle. VicRoads envisages that each log book will probably cost less than \$10.00, which will be payable at the time the Club Permit is renewed or when a log book needs replacing.

## **Log Book Replacement**

If a log book issued to a Club Permit vehicle is lost or destroyed, provision for a replacement log book must be available. VicRoads must however, ensure that there are enough impediments in place to ensure that replacement log books are not requested in order to provide additional days of usage.

Therefore, to facilitate this process, VicRoads would require a statutory declaration from the responsible operator stating that:

- the log book is either lost or destroyed;
- the circumstances of how the book came to be lost or destroyed;
- the number of days travel that had been used;
- if the original book is located it will be returned to VicRoads; and
- the applicant's club membership and details.

A further declaration from the club president or secretary confirming the applicant's club membership, a statement that they believe the validity of the members request and that in the club's view it is appropriate for a replacement book to be issued. A replacement log book fee would be charged which may be substantially more than the initial \$10.00 charged to encourage log book holders to avoid losing log books.

Again VicRoads may consider it necessary to have a Club Permit suspension or cancellation clause included in the Road Safety (Vehicles) Regulations 1999 to manage multiple breaches or abuse of the scheme.

### **3. CLUBS ABILITY TO MONITOR MEMBERSHIP**

VicRoads often receives enquiries from club representatives seeking to confirm the identity and the number of members of their particular club who have vehicle on the Club Permit scheme. Privacy legislation limits the information VicRoads is able to provide to club representatives when dealing with requests of this type.

Similarly, VicRoads on occasion receives notification that current or former club members are forging signatures on Club Permit renewal notices to both avoid continued membership of the club and any safety inspection regime the club may require. As the responsible operator of the vehicle is often no longer a club member there is little that the club can do other than notify VicRoads. There is also at present, some uncertainty as to what action VicRoads is able to take in these circumstances.

VicRoads has looked at a number of options which will enable clubs to confirm the identity, and therefore current membership etc, of Club Permit participants. Initial consideration was directed towards issuing Club Permit renewals directly to the clubs, by entering into agency agreements with clubs. Whilst this action may have circumvented the issue of forged signatures, clubs acting as agents for VicRoads will create a range of unwanted legal and administrative issues for both the participating clubs and VicRoads. Initial discussions with the club representative groups indicated that agency agreements would be unlikely to be supported by the clubs.

The cleanest and simplest method of allowing the clubs access to details of members vehicles that are participating in the Club Permit scheme is to include a statement on the Club Permit initial application and the annual Club Permit renewal notice, which has to be signed by the responsible operator that authorises VicRoads to provide information regarding the Club Permit to the club nominated by the responsible operator.

Once again penalties would need to be included where it is identified that a current or former club member has renewed a vehicle inappropriately.

#### **4. REPLICA VEHICLES**

The Road Safety (Vehicles) Regulations 1999 currently provide for replica vehicles on the Club Permit scheme. However, as the term "replica vehicle" is not defined, there has been a degree of uncertainty in interpretation. VicRoads has generally left it to the clubs to decide whether or not to accept that a vehicle is a "replica".

Whilst this process has generally worked in the past, there has been a couple of vehicles admitted to the Club Permit scheme recently that, to most involved in the scheme, do not meet the "spirit" of the Club Permit scheme. The matter is further complicated when the Street Rod scheme is able to accept "modified replicas".

Although the clubs and responsible operators of the vehicles involved did remove their vehicles from the scheme, it has highlighted the fact that defining a "replica" vehicle, let alone a "modified replica" vehicle is purely subjective. On that basis, as it is subjective, it is possible to add a highly modified brand new kit car to the scheme that bears only a vague internal or external resemblance to an original vehicle and pass it off as a modified replica of an original vehicle. It is also probably technically possible to add any of the new "retro" models like the VW Beetle, the BMW Mini or the new Ford GT40 to the scheme on the basis that they have a passing external resemblance to the original model. There is also a concern that the scheme is open to abuse, in that people will use the scheme as a "de facto" registration scheme, on the basis that their vehicles are unable to meet the registration standards.

VicRoads at present does not have the power to force vehicles of this type from the scheme. Assuming those powers are written into the Road Safety (Vehicles) Regulations 1999, a definition of a "replica vehicle" will be required. Essentially what is needed is a definition of "replica" for the veteran, vintage and classic and historic sections of the club permit scheme, as well as a definition of a "modified replica" for the street rod section.

A number of definitions have been considered and rejected as it would force some vehicles from the scheme that most people would at present consider to be suitable for the Club Permit scheme. The two definitions that have been put forward are merely intended as a starting point. They should not be taken as definite. Again, VicRoads welcomes discussion and input on the matter.

A “replica” vehicle, which would be accepted onto the Veteran, Vintage or Classic or Historic sections of the Club Permit scheme is a vehicle that:

- if a compliance plate is fitted, the compliance date is more than 25 years old; and
- where the body, interior and chassis (where applicable) are a faithful reproduction (i.e. a direct copy) of a vehicle originally manufactured more than 25 years ago; and
- where the vehicle’s engine, gearbox, and differential castings (where applicable) are also identical in external appearance to that of the original vehicle.

In the case of “replicas”, internal mechanical components do not have to be based on the original vehicle, nor do electrical, fuel, brake and suspension components. No components have to be made of the original materials. The overall appearance of the vehicle is the determining factor. In cases of dispute, photographic proof of compliance must be made by the applicant.

A “modified replica”, which would be accepted onto the Street Rod Scheme, is a vehicle that:

- if a compliance plate is fitted the compliance date is more than 25 years ago; and
- and where the body and chassis, are clearly a modified reproduction (i.e. a modified copy) of a vehicle originally manufactured more than 25 years ago; or
- where the vehicle’s engine, gearbox, and differential castings (where applicable) are not identical to those of the original vehicle.

As with “replicas”, internal mechanical components do not have to be based on the original vehicle, nor do electrical, fuel, brake and suspension components. No components have to be made of the original materials. The overall appearance of the vehicle is the determining factor. Again, in cases of dispute, photographic proof of compliance must be made by the applicant.

In both examples, “replicas” and “modified replicas”, in cases of dispute, ultimate approval should rest with VicRoads.

## **5. DISTINCTION BETWEEN VEHICLE CLASSES**

VicRoads currently uses its own publication, “Vehicle Standards Information No.6” (VSI6) as a means of determining when a vehicle has been modified to a sufficient level to warrant admission to the Street Rod Scheme. On occasion, there have been vehicles rejected by the Veteran, Vintage or Classic and Historic clubs as modified and not eligible for the Club Permit Scheme. However, as they are not modified to VSI6 level, they are for all intents and purposes left in limbo.

Until now, it has only been due to the good graces of the ASRF that these vehicles have been accepted onto the Street Rod scheme. VicRoads is of the view that this practice should be formalised, by amending business rules to read that a vehicle is eligible to be considered for the Street Rod scheme where it has been modified beyond VSI6 or where it has been rejected for Veteran, Vintage or Classic and Historic Club Permit scheme by an approved club on the basis that it is modified vehicle. It may also be appropriate for the club, which rejects the initial Club Permit application, to pass on some formal documentation to the applicant outlining the areas where the vehicle is deemed to be unacceptable.

The applicant would then be required to contact the ASRF, pass on the notice of rejection to the ASRF as a means of confirming that the vehicle has not been accepted for Club Permit, and as a means of

assisting the ASRF in determining the areas of the vehicle that are considered to be modified by the applicants club.

At present, VicRoads leaves it to the discretion of the Veteran, Vintage or Classic and Historic clubs on whether or not to accept modified vehicles. There is an argument however, that the ASRF have more experience in assessing whether modifications have been undertaken appropriately. This review may therefore be an appropriate time to consider whether this practice should continue, or whether all modified vehicles should be subjected to ASRF inspection and approval for the Street Rod scheme.

## **6. VICROADS PENALTY AND ENFORCEMENT PROVISIONS**

On occasion, VicRoads is notified by a club, a club representative group or a member of the public that a Club Permit vehicle is being used inappropriately.

At present, unless the vehicle operator is caught using a club permit vehicle inappropriately by a law enforcement officer there is little that VicRoads is able to do. Even when a law enforcement officer does prosecute the vehicle operator, other than the infringement notice that may be issued, VicRoads does not have the power to force responsible operators, or clubs for that matter, from the scheme. The log book provisions add further weight to the argument for VicRoads to have the legislative provision to force vehicle operators and clubs in breach of the requirements of the scheme from the scheme.

VicRoads therefore considers it warranted that it be able to act on the advice of clubs, club representative groups, and law enforcement agencies, in maintaining the efficacy of the scheme.

VicRoads would seek to have written into the Road Safety (Vehicles) Regulations 1999 the ability to, after being notified by one of the above mentioned parties:

- suspend and cancel club permit registrations;
- suspend persons and vehicles from the scheme; and
- suspend and cancel club eligibility to operate on the scheme.

Legal advice has suggested that, in pursuing a suspension or cancellation, that VicRoads should issue a "show cause" letter to the affected party and offer the opportunity for the matter to be considered in an internal review within 28 days before taking further action. The Road Safety (Vehicles) Regulations 1999 should also be amended to allow for an external review by the Victorian Civil and Administrative Tribunal. This would then bring the Club Permit scheme into line with the rights afforded to the operators of fully registered vehicles.