

Road Safety (Vehicles) Amendment (Club Permit)

Regulations 2010

S.R. No. 116/2010

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STATUTORY RULES 2010

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Road Safety Act 1986

Road Safety (Vehicles) Amendment (Club Permit)

Regulations 2010

The Governor in Council makes the following Regulations:

Dated: 19 October 2010

Responsible Minister:

TIM PALLAS

Minister for Roads and Ports

MATTHEW McBEATH

Clerk of the Executive Council

1 Objective

The objective of these Regulations is to provide for a permit scheme in relation to veteran vehicles, vintage vehicles, classic and historic vehicles, and replicas of those vehicles.

2 Authorising provision

These Regulations are made under section 95 of the Road Safety Act 1986.

3 Commencement

These Regulations come into operation on 1 February 2011.

4 Principal Regulations

In these Regulations, the Road Safety (Vehicles)

Regulations 20091 are called the Principal Regulations.

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5 Definitions

In regulation 5 of the Principal Regulations, in the definition of eligible vehicle, before "means" insert "(except in Part 3.4 of Chapter 3)".

6 Corporation may declare matters for the purposes of Regulations

Regulation 6(c) of the Principal Regulations is revoked.

7 Approved forms, notices etc.

In regulation 11(1)(a) of the Principal

Regulations, for "153" substitute "155, 157C,".

8 Application of certain fees

(1) In regulation 107(f) of the Principal Regulations, for "64(3)(b)." substitute "64(3)(b);".

(2) After regulation 107(f) of the Principal Regulations insert—

"(g) the fee payable for the issue of slimline club permit number plates referred to in regulation 157G(4);

(h) Any fee payable for the replacement of club permit number plates or slimline club permit number plates referred to in regulation 157G(7).

Note

Administrative fee is defined in regulation 5 and among other things includes the fee for a log book (regulation 157) and the fee for a replacement log book (regulation 157F)." 9 Grounds for internal review

(1) In regulation 120(i) of the Principal Regulations, for "134(2)." substitute "134(2);".

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(2) After regulation 120(i) of the Principal Regulations insert—

(j) A decision to revoke the approval of an approved club under regulation 154(2);

(k) A decision to refuse an application for a club permit under regulation 155(2);

(l) A decision to suspend or cancel a club permit under regulation 157E(1) or (3)." 10

New Part 3.4 of Chapter 3

For Part 3.4 of Chapter 3 of the Principal Regulations substitute—

"PART 3.4—CLUB PERMITS

152

Definitions

In this Part—

45 day club permit means a club permit authorising the operation of a vehicle for up to 45 days in the permit period; 90 day club permit means a club permit authorising the operation of a vehicle for up to 90 days in the permit period; approved club means a vehicle club approved under regulation 154(1); classic and historic vehicle means a vehicle manufactured after 31 December 1930 and more than 25 years before the date of an application for a club permit under regulation 155; club permit means a permit issued under regulation 156(1); club permit label means a label issued under regulation 156(3); 3 r. 10

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Eligible vehicle means—

(a) A veteran vehicle; or

(b) A vintage vehicle; or

(c) A classic and historic vehicle; or

(d) A replica of a vehicle referred to in paragraph (a), (b) or (c); financial member means a current member who has paid any applicable membership dues for the relevant period;

Local zone in respect of a vehicle means the area within a radius of 100 metres from the entrance of the vehicle's garage address on a public road (within the meaning of the Road Management

Act 2004);

Log book means a book issued under regulation 156(5); permit holder means the holder of a club permit; permit period is the period of duration of a club permit specified in regulation 157A(1); temporary club permit means a receipt issued by the Corporation that has validity as a club permit under regulation 156(6); temporary log book means a form for recording vehicle use issued by the Corporation under regulation 156(6); vehicle club includes a vehicle association but excludes a club or association which solely or primarily conducts its operations over the internet;

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Veteran vehicle means a vehicle manufactured before 1 January 1919; vintage vehicle means a vehicle manufactured after 31 December 1918 and before 1 January 1931.

153 Club permit is a registration permit for the purposes of section 7(1) of the Act, a club permit issued under this Part is a registration permit.

154 Approval of vehicle club

(1) The Corporation may approve a vehicle club for the purposes of this Part by giving a notice in writing to the club secretary.

(2) If the Corporation considers that an approved club is no longer able to uphold the integrity of the club permit scheme, the Corporation may revoke its approval by giving a notice in writing to the club secretary.

(3) If the Corporation revokes an approval under subregulation (2), it must give the vehicle club written notice of its rights to internal and external review of the decision under Part 2.12 of Chapter 2.

(4) If the Corporation revokes an approval under subregulation (2), and—

(a) The vehicle club does not seek review of that decision under subregulation (3); or (b) the revocation is upheld on internal review under subregulation (3)— the Corporation must notify each financial member of that club that he or she has 28 days to become a financial member of 5 Road Safety (Vehicles) Amendment (Club Permit) Regulations 2010

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Another approved club in order to comply with regulation 157A(2)(b).

155 Application for club permit

(1) A person who is a financial member of an approved club may apply for a club permit for an eligible vehicle by giving to the Corporation—

(a) An application in the approved form, indicating whether the application is for a 45 day club permit or a 90 day club permit; and (b) written verification by the club secretary of the approved club or another person authorised by the approved club indicating that the applicant is a financial member of the approved club, and that the vehicle is an eligible vehicle and is safe for use on a highway; and (c) the relevant fee for a 45 day club permit or a 90 day club permit, as appropriate, as specified in items 14A or 14B of Schedule 5; and (d) any transport accident charge under the Transport Accident Act 1986 for the vehicle in respect of the type of club permit applied for; and (e) the administrative fee for a log book, as notified by the Corporation; and (f) the following information in a form satisfactory to the Corporation— (i) the name, residential address and date of birth of the applicant; and (ii) the make, model and year of the vehicle; and 6 Road Safety (Vehicles) Amendment (Club Permit) Regulations 2010

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- (iii) The garage address of the vehicle; and
 - (iv) Any relevant vehicle identifier; and
 - (v) The degree and nature of any modifications to the vehicle; and
 - (vi) Any other information specified by The Corporation.
- (2) The Corporation may refuse an application for a club permit if—
- (a) A previous club permit held by the applicant was suspended or cancelled;
- or
- (b) The vehicle is already covered by a current club permit; or
 - (c) The information provided with the application is incomplete or incorrect; or
 - (d) It is not satisfied that the applicant is a financial member of an approved club;
- or
- (e) It is not satisfied that the vehicle is an eligible vehicle; or
 - (f) It is not satisfied that the vehicle is safe for use on a highway.
- (3) If the Corporation refuses an application under subregulation (2), it must give written notice of the refusal to the applicant, including—
- (a) The reasons for the decision; and
 - (b) Written notice of the applicant's rights to internal and external review of the decision under Part 2.12 of Chapter 2. 7 r. 10

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156 Issue of club permit, club permit label and log book

- (1) On receipt of an application under regulation 155, the Corporation may issue a club permit.
- (2) A club permit must—
 - (a) Contain the permit holder's name and residential address; and
 - (b) Contain sufficient information to identify the vehicle, including the vehicle's garage address; and
 - (c) Specify whether it is a 45 day club permit or a 90 day club permit; and (d) specify the permit period.
- (3) When the Corporation issues a club permit in respect of a vehicle, it must also issue in respect of that vehicle a club permit label in the form determined by the Corporation.

(4) Regulation 53 applies to a club permit label issued to a person under subregulation (3) as if—

(a) The club permit label were issued under regulation 51; and

(b) The vehicle were a registered vehicle.

(5) When the Corporation issues a club permit in respect of a vehicle, it must also issue a log book in respect of that vehicle which has available entries for the operation of that vehicle for up to 90 days in the permit period.

(6) On receipt of an application under regulation 155, the Corporation may issue a temporary club permit and temporary log book for use by the applicant until the 8 Road Safety (Vehicles) Amendment (Club Permit) Regulations 2010

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Applicant receives a club permit and log book.

(7) If an applicant under regulation 155 is issued with a temporary club permit, the applicant may operate the vehicle under the temporary club permit as though it were a club permit provided that—

(a) The applicant complies with the club permit conditions in regulation 157A(2) (except in relation to club permit labels); and (b) the applicant destroys the temporary club permit and temporary log book on receipt of the club permit and log book.

157 Log book obligations

(1) A permit holder must ensure that a club permit is correctly affixed inside a log book.

(2) On each day that a vehicle operated under a club permit will be driven outside the vehicle's local zone, the driver must fully complete the next available entry in the log book before beginning the journey.

(3) If a journey begins before midnight and continues into the next day, an entry must be made in the log book in respect of each of those days.

(4) If a club permit is a 45 day club permit, only the first 45 entries in the log book are available to be used, unless a second 45 day club permit is issued for the permit period and correctly affixed inside the log book.

(5) If all available entries in a log book have been completed, or the club permit has expired or been cancelled, the permit holder must not drive the vehicle outside the 9 r. 10 Road Safety (Vehicles) Amendment (Club Permit) Regulations 2010

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Vehicle's local zone until a new club permit is issued.

(6) A permit holder must not complete or partially complete entries in a log book which relate to a future day.

157A Duration and conditions of club permit

(1) A club permit is valid for 12 months from the date of issue of the club permit or the corresponding temporary club permit, whichever is earlier, unless cancelled or suspended sooner.

(2) A club permit is subject to the following conditions—

(a) The club permit and the log book must be carried in the vehicle operated under the club permit at all times the vehicle is being used on a highway;

(b) The permit holder must remain a financial member of an approved club, and must comply with the requirements for notification regarding club membership in regulation 157I;

(c) The vehicle operated under the club permit must be safe for use on a highway;

(d) the vehicle operated under the club permit must display the club permit label as required by regulation 156(4) and the club permit number plate or plates as required by regulation 157G(6);

(e) The permit holder must comply with the log book obligations in regulation 157; and 10 Road Safety (Vehicles) Amendment (Club Permit) Regulations 2010

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(f) The vehicle operated under the club permit must be made available for a vehicle audit on request by the Corporation, in accordance with regulation 157D.

(3) If a permit holder, being the holder of a 45 day club permit, is issued with a second 45 day club permit during a permit period, the second club permit must have the same expiry date as the initial club permit, and the duration of the second club permit is reduced accordingly.

157B Authorisation given by club permit

A club permit authorises the unregistered vehicle specified in the permit to be used on a highway during the period for which the permit is valid if the vehicle is used in accordance with the conditions to which the permit is subject.

157C Renewal of club permit

(1) A permit holder may apply for the renewal of a club permit by giving to the Corporation—

(a) A renewal application in the approved form, indicating whether the application is for a 45 day club permit or a 90 day club permit; and

(b) Written verification by the club secretary of the approved club or another person authorised by the approved club indicating that the applicant is a financial member of the approved club, and that the vehicle included in the renewal application is an eligible vehicle; and

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(c) the relevant fee for a 45 day club permit or a 90 day club permit, as appropriate, as specified in items 14A or 14B of Schedule 5; and

(d) any transport accident charge under the Transport Accident Act 1986 for the vehicle in respect of the type of club permit applied for; and

(e) The administrative fee for a log book, as notified by the Corporation.

(2) A person may hold no more than two 45 day club permits or one 90 day club permit for an eligible vehicle during a permit period.

157D Vehicle audits

(1) At the written request of the Corporation, a permit holder must produce the vehicle operated under the club permit—

(a) At a nominated testing site for vehicle inspection; and

(b) Within a reasonable time period nominated by the Corporation in the written request.

(2) If the nominated testing site or the nominated time period is inconvenient for the permit holder, he or she may notify the Corporation before the nominated time period is concluded, and the Corporation must provide an opportunity to reschedule the audit to an alternative testing site or time period, in accordance with the permit holder's reasonable request.

(3) Any audit conducted under this regulation must be carried out under the direction of and at the expense of the Corporation.

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157E Suspension or cancellation of club permits

(1) The Corporation may suspend a club permit if it reasonably suspects that—

(a) The vehicle operated under the club permit is not an eligible vehicle; or

(b) The permit holder is failing to comply with any of the conditions of the club permit; or

(c) The permit holder has disposed of a vehicle without complying with regulation 157H(2); or

(d) The permit holder is engaging in conduct which threatens public safety or undermines the integrity of the club permit scheme.

(2) If the Corporation suspends a club permit under subregulation (1), the Corporation must give the permit holder a written notice

stating—

(a) The reasons for the suspension; and

- (b) The date on which the suspension takes effect; and
- (c) The action, if any, to be taken by the permit holder to have the suspension lifted; and
- (d) That the club permit may be cancelled if the action referred to in paragraph (c) is not taken by a day stated in the notice (which must be at least 14 days after the date of the notice); and
- (e) The rights of the permit holder to an internal and external review under Part 2.12 of Chapter 2.

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- (3) The Corporation may cancel a club permit if—
 - (a) Any action required by a notice under subregulation (2) is not taken within the period stated in the notice; and
 - (b) The Corporation reasonably believes that a reason for the suspension of the club permit still exists.
- (4) If the Corporation cancels a club permit under subregulation (3), it must give the permit holder written notice of—
 - (a) The cancellation; and
 - (b) The permit holder's rights to an internal and external review under Part 2.12 of Chapter 2.

157F Replacement log book

- (1) If a log book is lost, damaged, destroyed or stolen, a permit holder may apply to the Corporation for a replacement log book.
- (2) If the Corporation is satisfied that a log book is lost, damaged, destroyed or stolen, it may issue a replacement log book on payment of the administrative fee for a replacement log book, as notified by the Corporation.
- (3) The permit holder must advise the Corporation how many entries in the previous log book had been completed at the time that the book was lost, damaged, destroyed or stolen, and the Corporation must delete that number of entries from any replacement log book.

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157G Club permit number plates

- (1) In this regulation—

Slimline club permit number plate means a club permit number plate that has a height of not more than 120 millimetres and a width of not more than 375 millimetres.

(2) On the first issue of a club permit to a permit holder in respect of an eligible vehicle, the Corporation must give the permit holder—

(a) In the case of a veteran vehicle, a vintage vehicle, a motorcycle or a trailer, one club permit number plate; or

(b) In any other case, two club permit number plates.

(3) A permit holder may apply to the Corporation for the issue of slimline club permit number plates in respect of any eligible vehicle except a motorcycle.

(4) An applicant under subregulation (3) must pay the fee fixed by the Corporation under section 5AE of the Act.

(5) The issue of club permit number plates or slimline club permit number plates under this regulation does not confer on the applicant any rights in the number displayed on the number plates.

(6) Regulation 48 applies to a number plate given to a person under this regulation as if—

(a) The number plate were issued under regulation 45; and

(b) The vehicle were a registered vehicle.

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(7) If a club permit number plate is lost, damaged, destroyed or stolen, the permit holder may apply to the Corporation for a replacement club permit number plate or a replacement slimline club permit number plate.

(8) If the Corporation is satisfied that a club permit number plate is lost, damaged, destroyed or stolen, the Corporation may issue to the permit holder a replacement club permit number plate or a replacement slimline club permit number plate on payment of the relevant fee fixed by the

Corporation under section 5AE of the Act.

157H

Disposal of vehicles operated under club permits

(1) If a vehicle operated under a club permit is disposed of during the term of the club permit, the club permit ceases to have effect.

(2) The permit holder disposing of the vehicle must ensure that, immediately following delivery of the vehicle to its new garage address—

(a) The club permit, the club permit label and the vehicle's log book are removed from the vehicle and destroyed; and

(b) The club permit number plates are removed from the vehicle, and returned to the Corporation on request.

157I Notification regarding club membership

(1) Subject to subregulation (3), within 14 days after commencing financial membership of an approved club, the permit holder must send the Corporation a notice endorsed by the secretary of the approved club or another person authorised by the approved club

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Stating the date that the financial membership commenced.

(2) Subject to subregulation (3), a permit holder must notify the Corporation within 14 days of ceasing financial membership of an approved club, stating the date that the membership has ceased.

(3) The notification obligations in subregulations (1) and (2) apply only in respect of the permit holder's primary club membership, being the membership under which the permit holder holds or intends to hold a club permit.

(4) Subject to regulation 154(3), a permit holder's obligation to maintain financial membership of an approved club is satisfied provided that the time elapsed between ceasing financial membership of one approved club and commencing financial membership of another approved club is no more than 14 days.

157J Transitional arrangements

(1) In this regulation—

Commencement date means the date of commencement of the Road Safety

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Regulations 2010; prior permit means a club permit issued under Part 3.4 of Chapter 3 before the commencement date and that is in force immediately before the commencement date; prior permit holder means a person who holds a prior permit;

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Transitional log book means a form for recording vehicle use issued by the

Corporation under subregulation (2).

(2) On or before the commencement date, the Corporation must issue each prior permit holder with a transitional log book, at no charge, in respect of each vehicle operated under a prior permit.

(3) On and after the commencement date, each prior permit will be taken to be, until its expiry date, a club permit issued under

Part 3.4 of Chapter 3, except that—

(a) The prior permit holder is not required to comply with regulation 157(1); and

(b) regulation 157A(2)(a) is satisfied if the prior permit holder carries the prior permit in the vehicle with the transitional log book whenever the vehicle is operated on a highway.

_____".

11 Schedule 5—Miscellaneous fees

(1) In the heading to Schedule 5 of the Principal

Regulations, for "153" substitute "155, 157C,".

(2) In Schedule 5 to the Principal Regulations, for item 14 substitute— "14A

Issue or renewal of 155 1-6 fee

45 day club permit and 157C units

14B Issue or renewal of 155 3-2 fee 90 day club permit and 157C units ".

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Endnotes

ENDNOTES

1 Reg. 4: S.R. No. 118/2009 as amended by S.R. Nos 26/2010, 33/2010,

35/2010 and 80/2010.