

**COUNCIL OF
MOTORING
CLUBS OF W.A. [INC]**
A.B.N. 58 352 277 045

PO Box 742, Subiaco, Western Australia, 6904

**MINUTES OF SPECIAL COMMITTEE MEETING
HELD IN THE VAA CLUB ROOMS ON
03RD AUGUST 2011**

Meeting opened at 7pm President Glen Hodda in the chair.

Attending: Glen Hodda, Peter Taylor, John McLean, Gary Thirlwell, Fred Belford, Esther Robertson, Sue Churn, Dave Churn, Georgie Bennett, Rowland Palmer, Paul Blank, Geoff Moor

Visitors: The Hon Alyssa Hayden MLC, Member for East Metropolitan.

Apologies: Dave Reid, Barry Ebedes, Kelvin Ferris, Ern Serles.

Correspondence

Inward –

- Reply from DoT re Proposed Changes to Code 404

General Business -

Meeting called for both CMC Committee and the Technical Committee to discuss Transport's reply on the proposed changes to Code 404.

The Chair welcomed Alyssa Hayden to brief the meeting on her understanding of what had transpired in regard to Code 404 in her investigations to date.

Alyssa reported that very little was known at ministerial level. The matter had been raised with the Standing Committee on Estimates and Financial Operations of which she is a member and is recorded in Hansard. The Managing Director of Transport Services, Department of Transport, Ms Nina Lyhne declared she was unaware of any significant changes to the concessional licensing system.

Alyssa urged the CMC to wait until she had completed her investigations with the Minister for Transport, as to what proposed changes, if any, are fair and in keeping with the intent of Code 404, before progressing the matter with Transport.

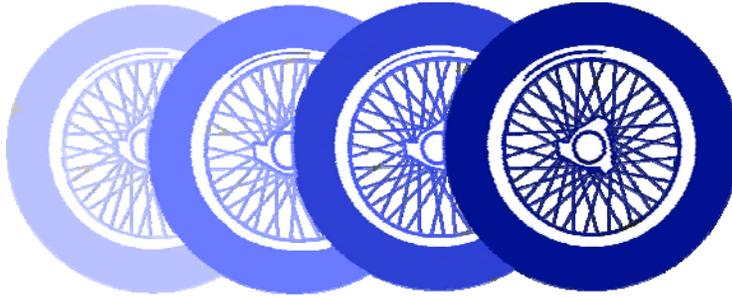
The assembled members agreed that the Secretary respond in the briefest terms to Transport with the view that the CMC will await further outcomes from Alyssa Hayden before compiling a response to them on their latest letter in which there remain a number of contentious issues.

In the meantime, committee members agreed to look at the issues on a dot point basis and raise their opinions of a suitable response should the need arise.

AIS

Although it was the CMC that offered a compromise at the original meeting, of the CMC AIS being responsible for first time inspections of pre 1970 vehicles (cars, trucks, buses, motorcycles) it is the committee's decision that the AIS as we know it should remain in force. However, if push came to shove we would accept the pre 1970 condition along with the other conditions mentioned in the letter, ie, audits of AIS, training of AVEs etc.

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It is understood that DoT requires a \$20million PLI on their own and other authorized AIS and that the CMC AIS should also carry that protection. There was discussion regarding those CMC AIS that carry out the inspections as part of their own private business and it was agreed that they should carry their own PLI. In regard to the other volunteer AIS the CMC could carry a separate policy with Austnet. Peter Psuj of Austnet is investigating a policy for some 20 members carrying out approximately 250 inspections per annum. The committee will be advised when this information is known.

ANNUAL RETURNS

Although the CMC originally agreed to collating and forwarding the total code 404 return information to Transport, there is a hiccup in that process if Annual Inspections are not carried out. Individual clubs are responsible for advising the registration number of all vehicles on code 404 within their clubs that are owned by financial club members. Should any of these clubs decide not to carry out an annual inspection, it may well be difficult to provide accurate information particularly as vehicles may have been bought and sold throughout the year without the knowledge of the Registrar. Therefore the CMC would base its agreement to the annual returns on the retention of a required annual inspection, irrespective of the type of inspection, ie, as is currently the case or is simplified to an originality and modification status check.

ANNUAL INSPECTIONS

Discussion on this topic was long and protracted. The main thrust was that we MUST retain some form of Inspection that is a requirement of Transport in order to ensure that all clubs comply with the conditions of the code, particularly in regard to originality and modification status. The CMC cannot enforce clubs to carry out inspections if not required by Transport. Although the majority of clubs will continue with inspections, as noted in the responses by clubs to the request for comment on the proposed changes, not all will and they are the ones that need to be held accountable.

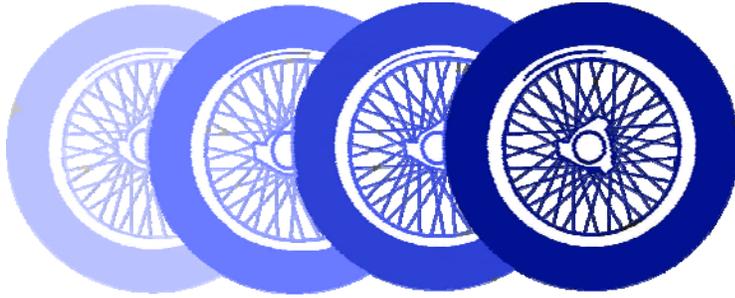
The legislative requirement for code 404 conditions is very loose and is covered by the Road Traffic (Licensing) Regulations of 1974 that give the Director General Transport the power to place conditions on licences, but the conditions themselves are not specifically written into the regulations. Therefore, the various licensing conditions do have a firm legal basis under the licensing regulations, but the Director General does not have to write them into law.

The above paragraph is how Transport handles the code 404. Therefore, the Director General should be able to place a condition on the code for annual inspections to verify originality and modification status, as is required as a condition of code 404. The committee agreed that there is no legislative basis for annual roadworthy inspections, although they have been carried out in the past as a directive from Transport, presumably under the auspices of the Director Generals power to place conditions on the code. It was agreed that some or all clubs may continue to provide an annual vehicle "safety" inspection, however they are not signed off as a "roadworthy" inspection.

DoT has advised that they only require a report on those vehicles that are owned by current financial members. The committee agreed that this is acceptable providing clubs are able to highlight non conforming members.

There are other items to consider, including the use of Windscreen stickers. It was agreed that when we receive a reply from the Member for East Metropolitan, Alyssa Hayden, in regard to her investigations through the office of the Minister for Transport, we should again meet to detail exactly what we want from Transport in regard to code 404 in total.

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Secretary Peter Taylor advised the meeting that he had asked Transport on two occasions to provide a list of requirements to maintain code 404 on a vehicle and has not received an answer to date. This is an area that needs follow up.

MODIFICATIONS

The committee was in agreement that the standard of modifications should remain as is. Most Code 404 vehicles don't fall under the ADR's (pre 1970) and the type of modifications we might make to our vehicles don't fall under Vehicle Standard Regulations and Rules either, therefore we must ensure that we the CMC and its member clubs have the authority to monitor for non original modifications.

Discussion centred around how the CMC can ensure that clubs maintain an originality and modification status on an annual basis. It was agreed that Transport need to make it a requirement to maintain code 404 status.

Should the CMC need to progress this matter without Transport's requirement of an annual inspection, the CMC should advise its member clubs that we strongly recommend clubs continue to conduct an annual inspection whether it be for originality and modification status and /or a "Safety Check" to maintain the requirement of Code 404.

It would appear that previous requirements for an annual inspection were based on the Director General's power to impose conditions on licenses. Therefore we should expect that Transport can also require an annual inspection for originality and modification status. This matter needs to be subject to much further discussion between the CMC and Transport during future consultation meetings.

The code 404 handbook, in a revised state, should become the "rules" for the management of code 404 under the powers that the Director General has to impose conditions.

VEHICLES USED FOR SPECIAL EVENTS:

The committee had no issue with this item.

TRAILERS:

Members with trailers should submit application for code 404 and test the system. Brian Brookes was mentioned specifically. Transport said they will make it happen. Let's see.

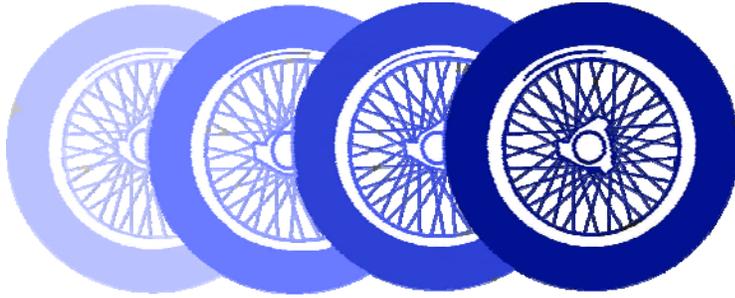
CONCESSION ON CLUB OWNED VEHICLES:

The meeting with Transport on 15th April resulted in agreement that providing clubs were not a registered Company there should be no issue. Transport is still insisting on investigating the issue. There are a number of clubs that have vehicles on code 404 under their club name; the VCCWA has had vehicles in this situation for many years as has the Avon Valley Vintage Automobile Association, the Tractor Museum and more recently the Chevrolet Club of WA. It is hoped that Transport will see sense and abandon any further investigation.

STAMP DUTY:

The committee agreed that the CMC has no issue with appropriate Stamp Duty being collected, however, the committee disagreed strongly with Stamp Duty being collected retrospectively when the "loophole" that allowed for the transfer from Code 404 to full licence without Stamp Duty collection was an error within the Transport system. It is noted that Transport have now closed the "Loophole" and have been collecting Stamp Duty on these transfers for some time.

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HISTORIC WORDING:

The committee had no issue with this item.

NUMBER PLATES, ALL PARAGRAPHS:

The committee totally rejected any move to special plates for code 404 vehicles given the reasons outlined in the CMC response to Transport on 24th May 2011.

OTHER ITEMS:

Sue Churn queried the use of inspection windscreen stickers being used to identify fully licensed vehicles that are subject to some clubs requirement that all vehicles participating in club events need to be inspected. The committee felt that this was a misuse of the code 404 stickers.

John McLean queried the ability of clubs to provide accurate information on ownership of code 404 vehicles without some form of annual inspection.

CONCLUSION:

Given the information provided by Alyssa Hayden, Honorable Member for East Metropolitan, the CMC will refrain from replying to Transport in respect to the letter dated 22/7/11 until such times as the CMC is clear on the direction to follow after the investigation by the Honorable member.

In the meantime the CMC will respond briefly to Transport that we are awaiting the outcome of the investigation by the Member for East Metropolitan. Committee members will be given the opportunity to comment on the letter prior to being sent.

The Chairman, Glen Hodda declared the meeting closed at, 9.30 pm.