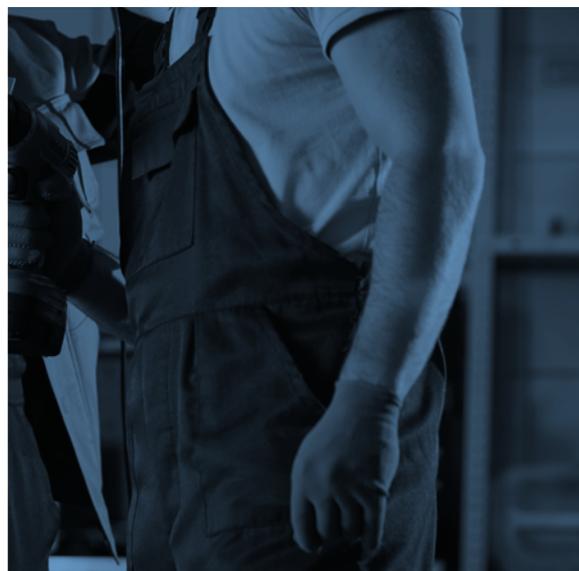
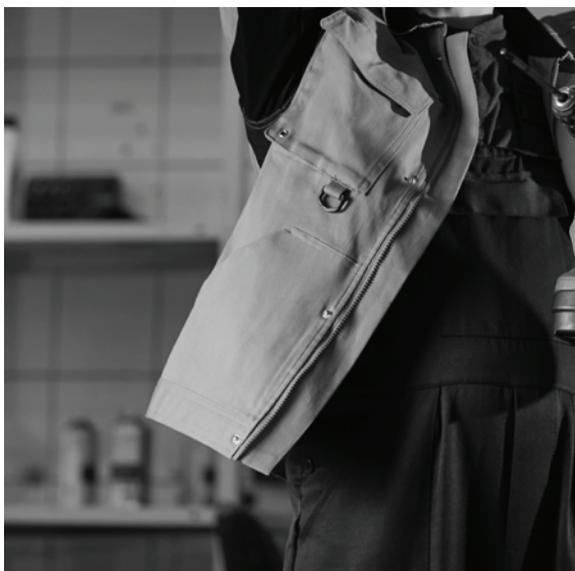
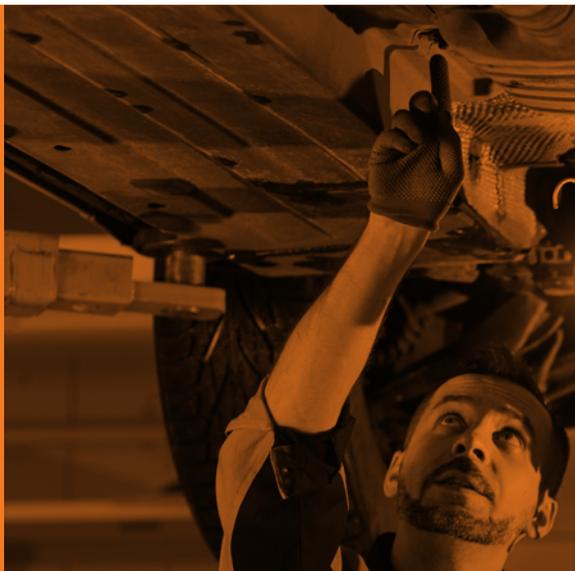


VACC Feedback on proposed changes to the Road Safety (Vehicles) Interim Regulations 2020

15 July 2020



About VACC

The Victorian Automobile Chamber of Commerce (VACC) is Victoria's peak automotive industry association, representing the interests of more than 5,500 members in over 20 retail automotive sectors that employ over 50,000 Victorians. VACC members range from new and used vehicle dealers (passenger, truck, commercial, motorcycles, recreational and farm machinery), repairers (mechanical, electrical, body and repair specialists, i.e. radiators and engines), vehicle servicing (service stations, vehicle washing, rental, windscreens), parts and component wholesale/retail and distribution and aftermarket manufacture (i.e. specialist vehicle, parts or component modification and/or manufacture), and automotive dismantlers and recyclers. VACC is also an active member of the Motor Trades Association of Australia (MTAA) and contributes significantly to the national policy debate through Australia's peak national automotive association.

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Communication from the Department of Transport

Interim regulations are being made for 12 months from October 2020 due to Covid-19 and an inability to conduct a full and formal consultation process including the release of a regulatory impact statement. These regulations will be remade in 2021.

On this basis, an exemption has been received from the Premier to delay the remaking of the 2009 regulations for a further 12 months.

The proposed changes are based on the following assumptions:

These improvements include broad changes throughout the regulations to make them:

- More accessible
- Consistent
- Explicit about applicable fees

VACC thanks the Director, Legislative and Regulatory reform, Department of Transport for the opportunity to review and comment on the proposed interim changes.

Road Safety (Vehicle) Regulations	Proposed changes	Reason for Change	VACC Comment
Registration			
Exemption from registration	Trailers which carry inflatable rescue boats owned and operated by Life Saving Victoria	It is proposed that Life Saving Victoria (LSV) trailers carrying inflatable rescue boats are exempt from registration. This is an approximate total saving of \$11,798 per annum to LSV clubs.	No comment
Registered operator age requirements	<p>Minimum age a person can register a vehicle has been changed to align with the age they can obtain a learner permit for that vehicle</p> <ul style="list-style-type: none"> • Light vehicles – 17 years to 16 years • Motorcycle – 17 years and 9 months to 18 years 	<p>It is proposed that the minimum age a person can have a light vehicle registered in their name is proposed to decrease from 17 years to 16 years. This will save administrative costs involved in transferring registration at a later time.</p> <p>It is proposed that the minimum age a person can have a motorcycle registered in their name is proposed to increase from 17 years and 9 months to 18 years. Only a 3-month change.</p>	Supportive
Display of number plates – agricultural machines	One number plate on rear unless practicable to also place a plate on front	This proposed amendment is designed to be practical for these types of vehicles, particularly where they have apparatus on the front of their machine and a plate would be hard to affix and/or be visible.	Supportive, VACC (FIMDA) have been a strong advocate for this change.
Exemptions for vehicles used for filming when issued with a section 99B permit under the Road Safety Act 1986	<p>No longer an offence to not comply with number plate provisions when issued with an appropriate permit</p> <p>No longer required to obtain conditional registration when additional lights and/or sirens fitted</p>	The proposed amendments will reduce red tape for the entertainment industry.	No comment
Labels	<p>If a vehicle is electric-powered or hydrogen-powered an appropriate label must be displayed on the number plates.</p>  	This proposed amendment will align Victoria with the remaining Australian States and Territories. This proposed amendment only applies to newly registered vehicles. It is proposed the current labels will be grandfathered for existing vehicles.	<p>Supportive, this also aligns with national standards</p> <p>Any new car dealer holding stock of old labels will need to be compensated.</p>

Road Safety (Vehicle) Regulations	Proposed changes	Reason for Change	VACC Comment
Change of vehicle details	Registered operator must advise of any changes made to a vehicle's description within 14 days	This proposed amendment provides flexibility for the public for advising of their change to vehicle details. Currently if a person makes changes to their vehicles that affects its description on the vehicles register then they must advise VicRoads before the vehicle can be operated. Examples of change that must be advised include engine number and vehicle colour.	No comment
Seasonal registration periods for heavy vehicles	No longer required to have a one-month gap between each nominated period	The current regulations stipulate that seasonal registration periods cannot be less than 3 months or more than 9 months in a 12-month period including a one-month gap between periods. The proposed regulations remove the need for an operator to have a one-month gap between seasonal registration periods. This provides flexibility for the operator and enables continuity of the use of such registered vehicles where required.	Supportive
Transfer of vehicle from deceased estate	The timeframe for a transfer of registration from the deceased has been extended from 14 to 28 days	Currently the time frame allowed is 14 days. Given the circumstances surrounding these situations the timeframe is proposed to be doubled to 28 days.	No Comment
New grounds for internal review of decisions	The decision to cancel a General Identification Mark (GIM)	GIMs are used by commercial operations. It is proposed to grant review rights on these decisions given the impact to those business operations. Example: LVTs need a trade plate and GIM to road test vehicles as part of the roadworthy certificate process.	Supportive

Road Safety (Vehicle) Regulations	Proposed changes	Reason for Change	VACC Comment
Time period for appeal to the Magistrates Court	A person who has had their Licensed Vehicle Tester licence suspended or cancelled now has 28 days to appeal the decision to the Magistrates Court	The current regulations do not impose any time restrictions for when an LVT appeal may be lodged. The proposed change to 28 days aligns with the time periods for other appeals regarding VicRoads decisions. This time frame also makes it easier for parties to retrieve data and information relevant to an appeal and makes for a timely and efficient process. It also provides for a better use of Government resources.	<p>VACC object to this proposed change. A decision for an appeal can be a stressful period for an LVT and in some cases due exceptional circumstances may not be able to lodge an appeal within 28 days. The preparation of supporting evidence and timeliness of other appeals processes e.g. low-cost dispute resolution, could result in an LVT missing the deadline.</p> <p>To ensure procedures and decision making of VicRoads are fair and seen to be fair, VACC recommends this regulation remains unchanged or at the very least cap it at three months. The proposed change is heavily weighted towards VicRoads rather than both parties.</p> <p>Further to this, VACC strongly recommend the provision of a low-cost independent dispute resolution process such as utilising the</p> <p>Victorian Small Business Commission for mediation, VCAT, or the inclusion of an independent mediator, industry expert or a current LVT on the VicRoads review panel.</p>

Road Safety (Vehicle) Regulations	Proposed changes	Reason for Change	VACC Comment
Unregistered Vehicle Permit (UVP)			
Display of Unregistered Vehicle Permit (UVP)	A UVP can be displayed electronically	<p>When an UVP is issued the vehicles are only permitted to be driven under certain conditions. For example, for the purposes of conducting a roadworthy and between sunrise and sunset.</p> <p>The proposed regulations reflect technological change by permitting electronic display via smartphones. If a driver of a vehicle is asked by a police office to produce their UVP, they can provide an electronic version. If the electronic version is not available, the UVP must be printed and displayed on/ in the vehicle.</p>	No comment
	Unregistered Vehicle Permit (UVP) must be printed and displayed in/on the vehicle	If the vehicle is left unattended then the UVP must be printed and displayed on/in the vehicle.	No comment
Cancellation of General Identification Mark (GIM)	<p>A GIM may be cancelled if:</p> <ul style="list-style-type: none"> the annual fee is dishonoured written advice is received from Victoria Police or another enforcement agency that the GIM or associated trade plate has been misused 	<p>GIM and trade plates are used in conjunction with each other. Various categories of persons qualify for the use of GIMs including Manufactures, Dealers, LVTs, Person proving inspection but not LVT, persons altering, modifying or repairing vehicles e.g. tinting and fleet owners.</p> <p>They are generally misused to avoid paying registration. e.g. Salesperson driving a lot car to and from work.</p> <ul style="list-style-type: none"> Cancellation <p>Fee dishonoured: Currently, if annual fee payments are dishonoured VicRoads will issue a letter, but they are not cancelled. Under the proposed regulations the GIM or trade plate will be cancelled by VicRoads</p>	No comment

Road Safety (Vehicle) Regulations	Proposed changes	Reason for Change	VACC Comment
Offence for misuse of GIM	The holder of a GIM can be issued with a traffic infringement notice if they are misusing the associated trade plate	<p>Written advice received Victoria Police: Currently there is no specific infringement for misuse of a GIM and the person would be for charged driving an unregistered vehicle. The proposed regulations introduce a specific offence for misuse.</p> <ul style="list-style-type: none"> • Offence for misuse of a GIM <p>It is proposed that the regulations contain a new specific offence for misuse of a trade plate. This proposed provision will enable data collection for Victoria Police as evidence for the number of infringements, re-occurring infringements etc and provide information to support cancellation.</p>	No comment
Use of vehicle without trade plate	A person issued with a GIM may use a vehicle without displaying a trade plate within 100 meters of the owner's premises	The proposed regulations make provision to permit persons to drive a vehicle 100 metres without the need to display a trade plate. This is an increase from the currently permitted 25 metres. This proposed provision provides flexibility and for example, allows persons to move cars between car sale premises.	Supportive
Use of trade plate by prospective buyer	An unregistered vehicle displaying a trade plate will no longer be required to be new or to have a roadworthy certificate issued when being test driven	The proposed regulations make provision to permit persons to test drive an unregistered vehicle that displays a trade plate that is not new or have a roadworthy certificate. This proposed provision more easily facilitates consumers to test drive a car.	<p>Support in principle as long as a vehicle is in a safe condition for a road test.</p> <p>Regulation 259 Other use of vehicle offences (1) A person must not use, or cause or permit to be used, on a highway a vehicle or a combination of vehicles that is not in a safe and roadworthy condition. Penalty: 5 penalty units.</p>

Road Safety (Vehicle) Regulations	Proposed changes	Reason for Change	VACC Comment
Club Permits			
Club membership requirements	In order to be issued with a club permit, a person will only be required to be a member of an approved car club	Regulations currently state that persons must be a "financial" member of a club. The proposed regulations stipulate persons only need to be a member of a club to be issued with a club permit (clubs can define what this means e.g. Financial or not).	No comment
Conditions for approved clubs	VicRoads now has the ability to apply individual requirements or conditions on an approved club.	The current regulations do not permit the application of specific conditions to individual clubs. The proposed regulations will permit conditions to be imposed on individual clubs. Conditions may be imposed where clubs are found not to be operating in line with the intention of the club permit scheme. Example of condition: VicRoads may disallow certain club individuals to be scrutineers (i.e. those persons that perform vehicle inspections) because it is found that they are not performing the function adequately and unsafe vehicles are on the road.	No comment
VicRoads appointments for the issue of a club permit	Pre-booked paid appointments will be required for all new club permit applications	There is currently no option to make an appointment for this specific transaction. Persons are required to attend a customer service centre and wait in a queue. Under the proposed regulations persons are required to make an appointment (\$19) as it is a specialised transaction. This provides efficiency for both the customer and VicRoads.	No comment
Club permit general conditions	A vehicle issued with a club permit can only be used for social, domestic or pleasure purposes (not commercial purposes)	The current regulations do not specifically define use. The proposed regulations define their use as for social, domestic and pleasure purposes and will not permit the use of permits for commercial purposes.	No comment

Road Safety (Vehicle) Regulations	Proposed changes	Reason for Change	VACC Comment
Permanent and temporary operating conditions	Club permits may be issued with permanent and temporary operating conditions when the vehicle does not comply with standards	Currently if a vehicle that does not meet the Standards the vehicle is not permitted on the club permit scheme. It is proposed that vehicles that do not meet the standards can have operating conditions imposed on their permit. For example, a vehicle with non-compliant headlights may not be allowed to be driven at night. This proposed amendment increases the flexibility of the scheme and the number of vehicles that can participate.	No comment
Requirement to advise of change of details	Permit holders must advise of any change of details within 14 days	Currently there is no requirement to advise VicRoads of changes. The proposed regulations require VicRoads to be advised of changes to understand and record vehicle details such as engine number.	No comment
Offence for not completing logbook	new offence has been introduced for when a permit holder has not completed a logbook entry for each journey	It is not currently an offence to not complete the logbook however Victoria Police has the power to issue an unregistered vehicle infringement fine (\$900). The proposed regulations introduce a specific offence for not completing the logbook (at the start of a journey) and offenders will be issued with a "Failed to complete logbook" fine (approx. \$165).	No comment
Suspension of club permits	A club permit can also be suspended if the permit holder fails to present the vehicle for a required inspection	Currently VicRoads cannot suspend a permit for the reason of not presenting their vehicle. The proposed regulations permit suspension for this reason. In this instance, suspension occurs as the car may be illegally modified and it is now a safety risk e.g. Inserted an inappropriate engine (size), lights are not adequate, vehicle is outside standards	No comment

Road Safety (Vehicle) Regulations	Proposed changes	Reason for Change	VACC Comment
Club permit number plates	<p>The issue of a standard club permit number plate will now incur a fee.</p> <p>Introduction of a slimline club permit number plate.</p>	<p>Standard: Proposed change to the regulations aligns with the issue of standard number plates for registration and the principle of cost recovery. These plates have been free to date. Applies to new plates only (\$38). This is based on cost recovery and aligns with the cost of standard number plates for registration.</p> <p>The fee for permits are proposed to change to be align with a pro rata of standard registration fees for a light vehicle. A 45 day permit is proposed to be \$38.70 and a 90 day permit proposed to be \$77.40.</p> <p>Slimline: Proposed change to the regulations provides for the introduction of a new product that has been requested by the club permit holders for some time. Cost for these plates aligns with the cost of a slimline black number plate. (\$150)</p>	No comment
Reassignment of club permit for deceased estate	A club permit can be reassigned to the spouse/domestic partner when the permit holder is deceased.	<p>Reassignment of permit: This is not possible under the current regulations. The benefit of the proposed amendment is that a spouse/domestic partner can now be reassigned the permit but will need to meet criteria such as being a member of a club.</p>	No comment
Testing and repair of vehicles (LVT)			
Increased detail regarding tester licence conditions	Ability to add, vary or remove any condition, limitation or restriction applied on the licence from time to time.	Currently the regulations permit a variation and these variations tends to become fixed and remain in place. The proposed amendment will allow VicRoads to vary, add and remove conditions thereby providing flexibility to VicRoads and the tester.	Provided this is done in a fair and transparent manner. Any changes should be discussed with an LVT advisory panel.

Road Safety (Vehicle) Regulations	Proposed changes	Reason for Change	VACC Comment
Unused roadworthy certificate books on expiry, surrender, suspension or cancellation	A licensed tester has 7 days to return unused roadworthy certificate books when their licence has expired or been surrendered, suspended or cancelled.	There is currently no requirement to return books. The proposed amendment will assist in preventing fraudulent behaviour. There are cases where fraudulent operators are deceiving the public by continuing to issue certificates to the public after their licence has been cancelled. A fine will be issued for non-compliance.	<p>Roadworthy books may contain a portion of certificates that have been issued. Under the current regulations, these records are required to be kept for 7 years. The proposed change will put LVT's in breach of the regulations.</p> <p>May need to surrender unused certificates and keep copies of one that have been processed. Unused certificates should be refunded.</p>
Training	<p>Licensed testers and their employees may be required to complete relevant training.</p> <p>If the person fails to attend or successfully complete the training, their authorisation to issue roadworthy certificates will be revoked.</p>	Training is required to ensure quality and safety outcomes. As per the proposed regulations VicRoads may require a licensed tester or employees who have a poor compliance audit outcome to attend training. This may relate to either the required documentation not being filled in correctly (Administrative) and/ or that the quality of the inspections does not meet appropriate standards and vehicles are being certified as roadworthy when they should not (Technical).	<p>VACC supports training for LVT's where required or needed particularly when it can be demonstrated that they are lacking competencies in certain areas. Currently, the only training available for an LVT's is listed on the VicRoads website. These are the same courses required to become an LVT. VACC recommends the introduction of other appropriate including online industry training that is more specific to the areas where an LVT is failing in their duties. E.g. suspension, Pedder's have a range of training modules aimed at the inspection and identification of faults.</p> <p>Mandatory attendance to industry roadshows should also be an option.</p>

Road Safety (Vehicle) Regulations	Proposed changes	Reason for Change	VACC Comment
Timeframe for second roadworthy inspection	The timeframe in which the vehicle must be presented for the second inspection has been increased to 14 days.	This proposed regulation provides increased flexibility for obtaining road worthy certificates. Persons currently have 7 days for the process to be complete. This proposal provides more time. This proposed change recognises that vehicle manufacturing no longer exists in Australia and parts may be scarcer.	Supportive regulation 218 (6) (b) will need to be updated to reflect change. regulation 221 (3) (b) will need to be updated to reflect change. regulation 221 (8) will need to be updated to reflect change. Regulation 229 (a) will need to be updated to reflect change.
Vehicle defect notices for light vehicles			
Defect notice clearance	Amendment to allow a defect notice to be cleared by authorised licensed testers and authorised persons.	The proposed regulations increase the number of persons that are permitted to allow a notice to be cleared. This provides more efficiency for VicRoads and the customer.	Supportive. LVT's will need to be financially compensated for this service.
Removal of defect notice label	Person clearing the defect notice will direct a person to remove a defect notice labels from vehicles.	It is illegal to remove a defect notice label unless you are permitted by an authorised person or authorised officer. Currently VicRoads staff remove labels and there have been instances of windscreen damage and compensation claims. The proposed regulations permit 4 types of persons to direct removal however all removals will be conducted by the vehicle operator (not VicRoads staff).	Supportive.

In November 2016, VACC made a submission into the Road Safety (Vehicles) Regulations 2009 Sunsetting Review. This submission (attached) outlines several recommendations for consideration aimed at improving both business and community environment. In addition, VACC make the following recommendations:

Regulation 211 Suspension and cancellation of tester's license

1 (b) informs the tester that he or she may make written submissions in response to the notice as to why the licence should not be suspended or cancelled.

Licensed vehicle testers are extremely busy running their businesses along with inspecting vehicles and many are not equipped to adequately articulate their response to a show cause by written submissions. VACC receive many enquiries from members seeking assistance in order to try and facilitate face to face meetings with VicRoads review panel.

VACC recommends the inclusion of a Subregulation:

(c) informs the tester that he or she may also make a request to respond to the notice in person as to why the license should be suspended or cancelled;

Regulation 219 Duties of licensed vehicle tester to keep records

(1) A licensed tester must keep records of all tests and examinations.

This regulation does not provide a definitive timeframe for the archiving of records. So that examination records are kept in line with subregulation (6)

VACC recommends the following:

A licensed tester must keep records of all tests and examinations for a minimum of 7 years.

(3) A licensed tester must, before starting to examine and test a vehicle, record on a certificate of roadworthiness form and a test report—

- (a) the date of the first examination and test; and
- (b) the name and address of the person presenting the vehicle; and
- (c) any registration number of the vehicle; and
- (d) the make and type of the vehicle; and
- (e) the engine and vehicle identification number of the vehicle (if any).

To prevent odometer fraud, VACC recommends the inclusion of Subregulation:

(f) the odometer reading of the vehicle

(4) If a second examination and test is made under subregulation (3), the licensed tester must ensure that the result of the second examination and test is entered in a panel to the right of each item on the test report in accordance with regulation 222.

VACC recommends the review of this subregulation to ensure it is consistent with the eCertificate platform in its current form.



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