

Cobra Car Club of Victoria

Rules for Club Permits

2015

Preamble.

The Cobra Car Club of Victoria joined the Club Permit Scheme (CPS) run by VicRoads in 2006 to provide an alternative and cost effective pathway to Cobra usability for member so that eligible cars could attend club events and make relevant preparations for such events.

The participation in the Club Permit scheme required the Cobra Car Club of Victoria (CCCV) to adopt a specific set of club rules.

In February 2015 a substantial set of changes were made to the CPS, these new rules from the CPS largely superseded many provisions of the CCCV's own rules and accordingly the CCCV has reframed its rules to take account of the updated Acts and Regulations.

Administration of Scheme.

The scheme will be administered in accordance with the relevant legislation and regulations and all members operating under the scheme will be subject to the relevant legislation and regulations.

The Acts under which VicRoads operates are:

Road Safety Act 1986

http://www.austlii.edu.au/au/legis/vic/consol_act/rsa1986125/

ROAD SAFETY (VEHICLES) REGULATIONS 2009

http://www5.austlii.edu.au/au/legis/vic/consol_reg/rsr2009309/

Additionally the following procedures will be in place for the practical administration of the scheme.

CPS Administrators

The Club's Committee will appoint CPS Administrators for the purposes of managing the participation in the CPS and any interaction with VicRoads.

The Club's Committee has the authority to vary the Club's Rules for Participation or Eligibility in circumstances it deems fit.

The Club's Committee may delegate such authority to CPS Administrators as it sees fit for practical purposes should the circumstances warrant.

The Club's Committee may withdraw delegated authority from CPS Administrators.

The Club's Committee may remove CPS Administrators.

Qualification to Participate in the Scheme

The use of club permits via the CCCV will only be available to CCCV members who remain current financial members of the CCCV.

Initial application to join the CPS via the CCCV will require the member to qualify for participation; the Club Committee shall set the qualifying criteria from time to time. (See Qualifying Criteria)

Once a member has qualified for CPS participation the qualification must be maintained, the Club Committee shall set the ongoing qualifying criteria from time to time. (See Qualifying Criteria)

Although qualified, a member's participation may be removed in the form of a sanction by the club, via the committee, or via VicRoads.

Expiration of club membership will result in notification to VicRoads of ineligibility to remain in the scheme.

Participating Member's Acknowledge

Participating member's are required to maintain any CPS car in a state that is safe to use on a highway and agree to be bound by the club rules and in particular any sanctions that may be imposed for breach of the rules.

Members acknowledge that it is their ultimate responsibility to maintain the car in a safe state for use on a highway and that the certification by a scrutineer in no way absolves them of any responsibility in this regard.

Eligible Vehicles and Limits on Numbers

For the purposes of participation in the CPS with the CCCV vehicles will be placed in two categories;

1. Snakenesque
2. Tractoresque

Members may have any number of Snakenesque vehicles with the CCCV on CPS

Members may have two Tractoresque vehicles with the CCCV on CPS

Scrutineering of Cars

As applicable within the CPS cars may be subject to scrutineering to establish the safety of a vehicle, via a safety certificate, for participation in the scheme.

Scrutineering:

The club, via the CPS administrators, will determine the acceptability of scrutineers, and any safety certificate, on an ongoing or case by case basis.

Scrutineers will be mindful of the allowable modifications for cars as set out in the VicRoads specification VSRI8 and will approve only cars modified within the allowed framework provided by the VSRI8.

Certification by Scrutineer

A scrutineer may make reasonable requests of a member prior to issuing a safety certificate for the purposes of satisfying themselves that the car is safe to use on a highway.

Certification of CPS Application

CPS Administrators may certify the CPS application on behalf of the Club (must be registered with VicRoads)

Notwithstanding a member having provided a safety certificate, the CPS Administrator may ask the member to provide, a recent certificate of roadworthiness to establish the safety of the car.

A CPS Administrator may not unreasonably withhold certification once the safety of a car has been established via production of a roadworthy certificate.

Should certification be withheld – for any reason - the member may appeal to another scrutineer for assessment or to the Club President or Club Secretary. In doing so the member must inform the second or subsequent scrutineer of any prior rejection.

Payment for Certification

Under no circumstances may an authorised official seek or accept payment for certifying an application.

Enforcement of Rules

The club may convene a **compliance committee** will review breaches of the Permit Scheme or Club rules.

The committee will have the power to impose sanctions on members in terms of the operation of a vehicle under the permit scheme.

The President will have the power to appoint a review panel to review any sanctions imposed by the compliance committee.

The review panel will have the power increase or decrease the severity of the sanction or to set-aside the decision entirely.

The compliance committee will require at least 3 members to form a quorum.

The review panel will require at least 3 members to form a quorum

Where the Club Secretary or Club President receives a complaint about the operation of a car under the Permit scheme or has cause to believe that a vehicle participating in the scheme has been operated in a manner inconsistent with the legislative boundaries or the Club Rules the Secretary or President may convene the compliance committee to assess the claimed breach.

The compliance committee may take evidence from witnesses or other parties the committee considers appropriate.

The compliance committee must seek an explanation from the member.

The compliance committee may, at its own discretion, issue a show cause notice where the member must show cause why the Permit should not be removed. The issuance of a show cause notice will constitute seeking an explanation from the member.

The compliance committee is not required to recognise representatives of the member.

The member has right to appear before the compliance committee or to put an explanation in writing.

The member must be given 28 days' notice of an explanation requirement.

If the member is dissatisfied with the outcome the member may appeal to the Club President for a review.

Should an appeal be made any sanction will be suspended pending a decision on a review.

Should a review be granted the President has the sole discretion to continue or set-aside any sanction during the review process.

The review panel has the same rights and obligations as the compliance committee.

Scope of Sanctions

The compliance committee and review panel will have the discretion to impose penalties that affect the ability of the member to operate a vehicle under the Club Permit scheme and/or the entitlement to remain a member of the club or to participate in club events.

Any sanction may apply to a single vehicle or to multiple vehicles.

The compliance committee and review panel will not have the authority to impose any sanction outside the expressly stated powers. Specifically the compliance committee and review panel do not have the power to impose fines.

Scale of Sanctions

First, Minor or Borderline offence – counselling and reminder of the rules

Continued Minor offences – suspension from club activities for an appropriate period of time including suspension of the operation of the permit vehicle.

Flagrant, Serious or Reckless offences – expulsion from the club for a period of time and notification to VicRoads of the sanction being applied.

The compliance committee will determine the category into which an offence falls at its own discretion.

The classifications of offences listed above are not mutually exclusive.

Club Permit Application to VicRoads

The permit application to VicRoads will follow the procedures as defined by VicRoads and any fees payable will be solely payable by the member seeking to participate in the scheme.

Qualifying Criteria

For a member to participate in the CPS they must have been a member for 3 months and have attended :

1. For Members living in the Melbourne metropolitan area; 3 Club Events.
2. For Members living outside the Melbourne metropolitan area; 1 Club Event

For members to maintain CPS eligibility they must attend:

1. For Members living in the Melbourne metropolitan area; 3 Club Events per annum.
2. For Members living outside the Melbourne metropolitan area; 1 Club Event per annum.

Definitions

This section defines terms used in the Club's CPS rules

Undefined terms have the same meaning as in common community usage

Any dispute over the definition of a term is to be determined by the Club's Committee.

Term	Definition
Snakenesque (Vehicle Classification)	Any Shelby Cobra, GT40, Daytona or Mustang. Any Sports Car or Roadster constructed between the mid 1950's and late 1970's. Any Replica of such a vehicle.
Tractoresque (Vehicle Classification)	A vehicle that is not within the definition of Snakenesque
Club Event	An meeting of club members organised by the CCCV Or A sanctioned event not organised by the CCCV

Sanctioned Events

Events not organised by the CCCV that have the same qualifying effect as a Club Event.

The Club's Committee may determine sanctioned events.

The Sanctioned events are:

1. The Cobra Nationals