



THE NEWSLETTER
OF THE NZ
FEDERATION OF
MOTORING CLUBS

WHEEL TORQUE

ISSUE 22 | NOV-DEC 2015

Promoting safe practices is good stewardship

Following a more thorough review of the last minute revisions to the Health and Safety Reform Bill and various subsequent advice publications by the Ministry of Business Innovation & Employment, the FOMC executive now expects the new legislation to have no seriously adverse impact on most motoring clubs.

But as part of good stewardship we urge all clubs and event organizers to increase the attention they already devote to reducing or eliminating the risks or hazards to which their members or the public may be exposed as a result of their activities.

The new Health and Safety Act, which will come into effect next April, requires a "Person Conducting a Business or Undertaking" (PCBU) to do whatever is "reasonably practicable" to ensure the health and safety of its workers and others.

But organisations of volunteers working together for community purposes and with no employees will be known as "volunteer associations" and will be neither a PCBU nor subject to the requirements of the Act. Clubs or "volunteer associations" which do employ paid staff will have the same duties as a PCBU to ensure the health and safety of their workers, just as they already do now under the current law.

However where volunteers carry out work for a PCBU, the Act now distinguishes between "casual volunteers" and "volunteer workers". Volunteer workers are people who regularly work for a PCBU on an ongoing basis and are integral to the PCBU's operations. But the new Act says people participating in fundraising or assisting with sports or recreation activities for sports or recreation clubs will not be classified as "volunteer workers" under the new law.

But until we see how the provisions of the Act are interpreted in practice by Worksafe New Zealand and other agencies, the FOMC executive still has some concerns as to how those definitions will be applied to the variety of activities of our many member clubs. So we will maintain a watching brief to see how the new law is applied and will welcome feedback on any dealings clubs have with Worksafe New Zealand.



Whether they are a "PCBU" or a "volunteer association" will determine the degree of duties and responsibilities imposed on clubs by the Health and Safety Reform Bill. But virtually all clubs should be able to arrange their activities to either avoid its requirements or comply with what is not an unreasonable provision to do whatever is "reasonably practicable" to protect people from death or injury.

According to Worksafe New Zealand "reasonably practicable" means "what is or was reasonably able to be done at a particular time to ensure health and safety, taking into account and weighing up all relevant matters. These matters include the likelihood of the hazard or risk occurring, the degree of harm that might result from the risk or hazard, and what is known or would be reasonably expected to be known about a risk or hazard, and how to eliminate or minimise the risk. In doing this, you should think about the extent of the risk and the available ways of eliminating or minimising the risk, and finally, weigh up the cost of this and whether the cost is grossly disproportionate to the risk."

cont'd on page 2

At this early stage of implementing the new legislation Worksafe New Zealand appears to be adopting a sensible approach to determining whether PCBU's have demonstrated that they have met their responsibilities. But it remains to be seen whether the rules and practices will be tightened up once we have all become used to operating under the new regime.

So in the interests of good stewardship this is an opportune time for all clubs to review their management procedures and processes so any risks of accident and injury are at least reduced. The FOMC is preparing safe practice templates for circulation to its member clubs before the Act comes into force in April.

MAJOR REVISION TO FOMC SUBSCRIPTIONS SCHEDULE

In response to criticisms of some inherent unfairness in how annual FOMC subscriptions are charged under the present tiered schedule, a revamped format will be introduced from the 2016/17 year.

Under the new schedule approved by the executive all affiliated clubs with up to 350 members will now pay an annual membership fee of \$20 plus a set subscription per member.

- *Clubs with up to 350 members will pay annual subs of 50cents/member, (plus the \$20 fee).*
- *Clubs with 351 to 550 members will pay a fixed annual sub of \$180 (plus the \$20 fee).*
- *Clubs with 551 to 1000 members will pay a fixed annual sub of \$340 (plus the \$20 fee).*
- *Clubs with over 1000 members pay a fixed annual sub of \$1080 (plus the \$20 fee).*

For the FOMC there will be no significant change in total subscription income which is currently around \$10,200. But the change will remove several of the arbitrary thresholds between current subscription brackets and reduce any incentive for the smaller affiliated clubs to fudge their numbers from year to year in order to avoid moving up into the next subscription bracket.

While it will be fairer across the board the new schedule will result in only minimal or moderate increases or decreases in the amounts that affiliated clubs pay in annual subscriptions. For clubs with membership numbers between 200 and 250, under the current schedule there is an anomaly which results in slightly lower subscription rates compared to the majority of clubs. Even so, as a result of the change increases of only about \$20-\$40 in total subscriptions are proposed for those clubs.

In the case of clubs with between 15 and 200 members (which is the bulk of clubs), under the present system when the number of members crosses a threshold between subscription brackets, the cost per head can change significantly.

ACC LEVY CUT WILL REDUCE REGO COSTS

From the middle of next year car owners will save an average \$65 a year on their vehicle registrations as a result of major levy reductions announced by the Accident Compensation Corporation (ACC).

Annual registration for the 2015/16 year now costs an average of \$194.25 and will fall to an average of \$130.26 next year. Motorcycle registrations will reduce by just \$5 and the petrol levy paid at the pump stays at 6.9 cents a litre.

The ACC board had recommended the Government make across-the-board cuts to its levies but Chairwoman Paula Rebstock said feedback from the public had changed their minds about how the overall levy reduction should be implemented.

"We saw notable support for the user pays aspect of the petrol levy. Many of you agreed with us that setting a portion of the motor vehicle levy through petrol is a fair way to collect motor vehicle levies. Basically because the more you drive the more at risk you are and so the more you should pay."

ACC had initially suggested dropping the petrol levy from 6.9c per litre to 5.7 cents. Instead, the levy will be kept at 6.9c while the levies paid through registrations are further reduced. That means the proportion of motorists' ACC levies coming from petrol will increase from 44 per cent to 56 per cent.

In its submission as part of the ACC consultation process, the FOMC supported a further reduction in registration fees and opposed reducing the petrol levy from 6.9 cents to 5.7 cent.

"Under the present system the owners of multiple vehicles are effectively subsidising other owners who may travel greater distances but make a lesser contribution to the funds pool," our submission said.

"The FOMC supports the collection of a greater proportion of motor vehicle costs by means of the petrol levy because fuel consumption directly relates to the distance travelled on the road and so is a more appropriate direct proxy for the risk incurred. As well as opposing the proposed decrease in the petrol levy we continue to recommend the introduction of a distance-based diesel levy."

With the 33 per cent reduction next year the average motor vehicle levy will be at a historically low level and the annual ACC licence fee component for all petrol cars will be less than \$90.

However, whilst the Government has implemented the ACC Board's recommendation with this round of levy cuts, ACC Minister Nikki Kaye believes a clearer policy is needed to determine how the petrol and annual licence levy are apportioned in the future, and work will be done on this next year.

PRESIDENT'S COLUMN

All car or vehicle clubs involved in organizing normal open road runs need to remember that any activity involving the use of a motor vehicle on a road remains solely the legal responsibility of the individual drivers. The club has no legal liability here, but good stewardship would suggest all clubs should ensure services are available to members involved such as knowing if there is a trained medical person in the group, and thinking about regular breaks for meals etc.

When it comes to displays, again these are almost inevitably in public places, so the vehicle owner is responsible for the safe parking of the display vehicle, particularly if it is parked on uneven ground and open to being entered and the handbrake released. But the club needs to provide for safe movement within the display area and hence a warden system to ensure vehicles can be moved safely in a non-road environment through any public present would, in my opinion, meet the criteria of being responsible for minimizing potential risks.

Off road gymkhanas and the like are a very different matter. Both member and public safety needs to be addressed and a safety plan must be prepared. Separation of spectators from moving vehicles is a given. I believe there is little to distinguish between a private and public function except that generally members are better informed on safety issues compared to the wider public.



Whatever, good stewardship suggests you need to assess the risks and take reasonable precautions to mitigate identified hazards. My view is don't overcomplicate the matter; use common sense, or excessive overkill will adversely affect everyone's enjoyment.

The Military Vehicle Club has a well-developed set of rules and safety requirements because they often go well off road and away from available assistance. Sometimes cellphone communications are non-existent and they often wisely carry an emergency locator beacon. First aid kits and fire extinguishers are required on all vehicles. There has been member concern about excessive rules and again I suggest there is a balance between what the law requires in regard to reasonable precautions and going beyond what members see as reasonable.

Off road activities have been enhanced by the revisions to the Health and Safety Bill with the redefining of landowner's responsibilities and redefinition of farm workplace areas. Landowners can now grant access to non-working areas of their properties without fear of draconian liabilities. A big win for commonsense.

Tractor clubs are a slightly different ball game. Most promote working displays and most, like the stationery engine clubs, already rope off displays for safety purposes. In Australia one has to be a member of the club running the display to be allowed behind the tape around tractors

and machinery. For an enthusiast who is not a club member, it removes some of the atmosphere when you can't get up close and personal with displayed equipment.

On the other hand the young public today do not seem to have the same respect for other people's property or any understanding of self-preservation, and wish to clamber over everything. That is except for the experience I had at Hood Aerodrome in Masterton in January where over 3 days, I never once had to ask any children to get off my vehicle. In fact the opposite was the case with parents and children asking for my permission to stand by the vehicle and have their photos taken. Needless to say with such polite approaches, I encouraged some to take up positions safely and was rewarded with multiple thanks from the children afterwards.

If machinery is to be working, then a well thought out safety plan is needed and we will be looking at material we have for distribution as guides for clubs in this respect. The foremost point is a clear separation between public and moving vehicles. Again simple identification and attention to minimizing the risks is what is required.

A written record should show that you have attended as best you can to the proper safety process, but do not overcomplicate matters. I recall a Tank Day we had at Horotiu where we submitted a plan to OSH and received a tick for it. An unforeseen serious accident took place. OSH responded in an appropriate manner saying we had done our best and they were not intending to take the matter further. Hence the requirement of doing whatever was "reasonably practicable" was met. That's all anyone can ask and all that is expected.

Signs on gates stating that "Machinery is dangerous and people enter at their own risk" are unacceptable. You cannot contract out of your responsibilities as organisers to ensure public safety as far as is practicable. Conditions of entry are fine and should be encouraged as part of the safety awareness. An A5 handout with the ticket may be useful, but you will probably have to pick up all the discarded material afterwards. Such entry conditions may include "no alcohol", "children under parental control", and the power to remove visitors from the site if they fail to obey any lawful safety instructions from an event organiser.

In the end we all belong to our clubs for the pleasure of our involvement. Good stewardship by the club officials should enhance your enjoyment of membership. The new law now protects volunteers from meeting any draconian requirements provided common sense prevails.

I wish you and your families all a happy festive season and continued enjoyment of your chosen hobby.

Malcolm Lumsden
FOMC President

SAVING THE SKILLS OF YESTERYEAR FOR TOMORROW

A wide range of the work processes required to preserve, restore and sustain historic vehicles make use of skills, methods and knowledge of materials learned and developed by previous generations of artisans and not always being passed on.

If historic and classic motoring is to survive and flourish all the special knowledge, expertise and skills related to the manufacture and maintenance of our heritage vehicles must be preserved.

Which training courses and employment qualifications are available for the young and upcoming generations who wish to pursue careers in automotive engineering is determined by the New Zealand Qualifications Authority. The Motor Industry Training Organisation advises the NZQA on what courses and assessment standards are required to meet the demand of employers for trained and qualified staff, and they are constantly being reviewed, changed and updated as automotive technology changes.



Currently scheduled to expire in 2016 are qualifications for automotive radiator repair, automotive electrical engineering, brake service engineering, motor trimming, and chassis and frame repair. Of course any qualification being phased out can be replaced by an updated alternative so it does not mean training in those skills will cease forever. But as the evolution of automotive technology reduces the need for various skills it is inevitable the number of tradespeople who can repair or maintain older heritage vehicles will diminish, unless there are positive initiatives to assess and quantify the potential future demand for those skills.

In anticipation of how the loss of tradespeople with knowledge of essential automotive skills will impact on the preservation and restoration of our heritage vehicles the Vintage Car Club has urged the FOMC to take a closer look at what educational qualifications and trades course are being eliminated.

Under the constitution of the MITO associations with an interest in the motor industry are eligible to join and contribute to the decision-making process. So the FOMC is exercising its option to join the MITO and we encourage clubs to advise us of any concerns they have about the loss of still-needed skills.

NEWS FROM AROUND THE WORLD

Trademark registrations of defunct marques a mystery

A number of one-make car clubs belonging to the Federation of British Historic Vehicle Clubs (FBHVC), have noticed a spate of mysterious trademark registrations in the United Kingdom. The registrations are all of automotive trademarks for manufacturers that no longer exist including Singer and other former Rootes Group marques.



Disused marques have been resurrected in the past but this has usually been in connection with a new manufacturing venture. There appears to be no such plans connected to these new registrations and the motivation behind it has not yet been revealed.

As there are several clubs using defunct manufacturer's names both in their titles and on merchandise and parts the FBHVC is monitoring this development with a view to ensuring that its member's acquired rights are not prejudiced. The FBHVC would like to hear from any clubs with information about this issue.

NEXT AGM IN WELLINGTON

The next annual general meeting of the FOMC is set for Wellington, on **22 May 2016**. Mark the date in your calendars now!

Clubs can send as many delegates as they like (although only one delegate can have voting rights).

The venue and agenda is yet to be confirmed, but we hope to have guest speakers from MITO and the NZ Transport Agency or MoT.

More details will be published in the next newsletter. Also keep an eye on our website for updates: www.fomc.org.nz

