

President's Annual report to FOMC AGM

Wellington 22 April 2016

It has been an unusually quiet year in terms of Transport legislation. There are some issues that need mentioning and others will be or have already been dealt with during the meeting.

Health & Safety Bill

After a very successful lobbying campaign the provisions of the Health and Safety Bill were revised before it returned to Parliament for the final reading. Incorporated societies are no longer subject to the same punitive regulatory regime imposed on business workplaces unless they are conducting a business activity. Activities have been defined and sports and recreation activities are included as non-work activities. Also clearly defined in the revised act is the definition of "volunteer" and actions under the act against volunteers are limited. Heritage vehicle activities are therefore taken to be recreational activities. In this respect when Heritage Vehicle are used on road, the traffic regulations under Transport Law apply, not workplace rules.

When Clubs are involved in displays or related activities, then there is still a responsibility to ensure safety and good stewardship. It will be important to be able to demonstrate that consideration has been given to safety matters. This does not mean dotting every "I" and crossing every "T". Provided an honest and reasonable attempt has been made, then that will satisfy the law's requirements for recreational activities and volunteers.

Under Clause 13 "voluntary associations" are not included as PCBUs, but only where "none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association". However when a function is run for recreational activities, there is an ability to engage say the Lions to do gatekeeping, St Johns to be on site, and school committees to cater on the basis that these organisations are carrying out work for charitable fundraising purposes, and fall clearly in the Volunteer exemption.

Frankly what is more dangerous to Clubs and Volunteers is an overbearing insistence on excess attention to detail. I remind Club Officials that people

join clubs to enjoy fellowship with other people with like interests, not to be buried in bureaucracy. Common sense needs to apply.

What was achieved in reforming the workplace rules for farm workplaces means that landowner's land for workplace purposes is now confined to the working areas such as sheds or yards and any portion of the farm being worked on at that time? This is a huge concession for landowners allowing them to have the public utilise their properties for recreational purposes without the fear of something coming back at them, and a bonus for NZMVC and Vintage Machinery Clubs who traditionally have on farm activities.

We still need to produce some simple Safety Templates. In so doing we have obtained some risk assessments and sought guidance from MBIE [formally OSH] and appropriate legal and insurance advice. When we are satisfied that we can offer sound advice, we will place these Templates on our website for Clubs to uplift. Given Parliaments sensible redrafting of the legislation, we are all now in a better position to meet any responsibilities required.

Incorporated Societies Act.

This has been dealt with as an agenda topic. While I cannot predict the outcome of discussions at the AGM, the Federation has been monitoring potential changes to this Act. Three Executive members have attended seminars organised by the Department of Internal Affairs and MBIE. Officials already recognise the financial reporting requirements in the draft bill could be excessively onerous for small clubs to meet and have indicated they would welcome advice on how they could be revised. Overall their approach was very positive and assurances given that this is a draft proposal and our input would be both valued and welcome. An early concern was the inability of clubs to be able to insure office holders for errors or omissions. We seek clarification on this point.

ACC

Each year we make submissions on ACC levies as applied to vehicles. It has been pleasing to see these reduced, but we remain concerned at the levels on some older vehicles that do not have new car safety ratings. Owners of these serviceable vehicles should not be unduly penalised as many such vehicles do few kms and continue to provide their owners with good service.

Heritage Vehicle definition and age.

It is interesting to note the Australians have proposed reducing the age of Heritage vehicles to I believe 25 years or less. Given we always seem to adopt their transport law, it will be interesting to see if we follow suit. Heritage trucks in Australia enjoy a far more considered regime than in NZ. That is an area that needs to be challenged as it is grossly unfair to expect heritage vehicles to continue to be treated as fully commercial vehicles. I remain somewhat unfazed that we see many new regulations coming in because they were introduced in Australia, but we cannot get their better laws that provide allowances for Heritage vehicles introduced here. I commend Ross Hopkins for his success in getting LRDG trucks on the road against what appeared to be a regulatory brick wall. There are a huge number of heritage vehicles classified as heavy vehicles languishing in dark sheds because of overbearing compliance issues and unnecessary costs here, when in Australia, and England, these vehicles are able to fit into the system and be utilized. Many of these vehicles weigh in under 3.5t but must comply with manufacturers GLW for more costly compliance. Our Australian cousins are very happy with their exemptions for limited heavy vehicle use. We need a change of attitude here to allow for unladen and display usage.

Insurance

I wonder how many people really understand the fine print in their policies. I had been paying a hefty price to cover goods in transit so I could transport my toys to displays etc. Recently without advising me, that policy was changed and if vehicles or machinery were transported, then they were only covered in transit if each individual item was insured separately. I suspect the same applies to commercial transporters who have limited liabilities on goods in transit. Maybe it is an issue the Federation could research on member's behalf

12 Month WoFs

Some regulations do work and I was the recipient of a letter from LTNZ last week telling me that because I was such a good boy in having such a compliant record with my 4 axle low loader, they were putting me on a 12 month CoF. It is still my view that we should be seeking a 12 month WoF for all heritage vehicles.

As this is my final address to you, I would like to make a few observations about this lobby group. Someone said to me recently that you never see the Federation in the Press. My response was "that's good". For a Professional lobbyist, media attention usually means in most instances you have lost the

argument. The Federation in my opinion was well founded from the start. Today it is my view that it is still “Fit for Purpose” in the role prescribed for it.

I must caution that there are challenges ahead. We have lived on a shoestring budget with many not claiming their legitimate expenses, and I guess I have been at fault here myself, but have been fortunate not to need to do so. The downside is that this as Treasurer Paul would confirm, this has provided a false picture of the Federations true costs. The mitigating factor has been that communications have so radically changed since the 90s, that costly travel is no longer required on such a regular basis. There is however no substitute for regular face to face contact to maintain fellowship and enthusiasm.

The second challenge that is catching up on our member clubs is the aging of our membership. I again remind you all to remember that the future of the Heritage vehicle movement in NZ is dependent on getting young people interested. You cannot take your vehicles with you. Ensure you take interest in the young person looking at your vehicle, because one day, if his interest is cultivated, he may want to own it. The Federation has a key role to ensure that heritage vehicles are able to be used and displayed without undue restrictions that would deter new owners from entering the fold. This includes having compliance officers who understand our heritage vehicles technology.

Roy was recently drawn to remind me that I should by now realize that quote - “We now live in a brave new world in which applying common sense is no longer an approved operating procedure.” This was in response to my complaining about a man who was caught out after having \$1500 worth of accident repairs to his Range Rover, which then went to VTNZ and passed a WoF only to find that his Insurance Company had deregistered it. Re - compliance was refused until all brake rotors and brake pads were renewed, this despite a pass on the brake machine.

Roy further went on to remind me that “it’s the people with solutions to illusory problems that usually cause all our real problems.”

To Conclude

One of the great pleasures I have had is having an Enthusiastic and Efficient Secretary who has not only been able to steer the ship, but also moderate the excesses of the Captain when he was hell bent on steering another course.

Having a very capable Secretary in Roy has ensured we have remained at the top of the game. I can say without fear or favor that the Federation has been very well served by Roy and I wish to record my sincere thanks to him for his role in maintaining the work of the Federation.

Paul and Noeline Billing also need a special mention. Noeline's support of Paul as Treasurer over countless years has enabled the Federation to remain effective and frugal at the same time. I know of no other organization that operates on such a small budget and I trust our member Clubs recognize this and the voluntary inputs of our Executive members. On behalf of the Executive, I sincerely thank you both for a lengthy and unselfish contribution to the Federation.

To the Executive members, and advisors, I have always relied on input from you when needed, and can record that I have never been let down in that respect. My sincere thanks to you all for your contributions.

FOMC changes.

I am retiring as President this year having done two terms as President. It is not demanding, but does require one to ensure when matters arise they are promptly attended to. FOMC has always been a very professional organisation with input from some very influential people with motoring interests.

Being able to say we represent through our member clubs over 75000 heritage and special interest vehicle owners does have political clout.

The duty of every leader is to ensure that secession is attended to. I am delighted at the calibre of my successor, and new Executive members taking office today. I can truly retire with confidence knowing that the Federation will be in good hands and in good heart.

I have very much enjoyed being part of FOMC. I sincerely thank the Federation member Clubs for their loyal support. I remain confident that being a member of FOMC has and will continue to be a good investment for all Motoring and Heritage vehicle enthusiasts Clubs in the future.

I wish the incoming President and Executive members all the best for the ensuing year.

Malcolm Lumsden