

AUSTRALIAN STREET ROD FEDERATION



WARNING
DO NOT SHIP A MODIFIED PRE 1989 VEHICLE TO AUSTRALIA
UNTIL YOU HAVE RECEIVED IMPORT APPROVAL

Importation of pre-1989 Vehicles

The Department of Infrastructure has recently, without any form of consultation or advance warning, begun rejecting Import approval applications for the importation of modified pre 1989 vehicles. Many innocent individuals have been caught by this sudden change in policy, and have vehicles in transit or stranded in foreign or domestic ports.

The Department has belatedly placed an Alert notice on their website, and have issued a new version of the Vehicle Standards Bulletin (VSB) that relates to importation.

The Import Alert can be viewed at:

http://www.infrastructure.gov.au/roads/vehicle_regulation/bulletin/importing_vehicles/general/pre1989scheme.aspx

The revised Information Brochure (VSB10) can be downloaded from:

http://www.infrastructure.gov.au/roads/vehicle_regulation/bulletin/importing_vehicles/general/pdf/VSB10_11.pdf

New Interpretation of Policy

The policy that the Department has commenced implementing is detailed in VSB10, but can be summarised as follows:

- Original and unmodified (factory specification) vehicles manufactured prior to 1 January 1989 can be imported without restriction. Import approvals will be granted as per previous policy.
- Restored (factory specification) vehicles manufactured prior to 1 January 1989 can be imported without restriction. Import approvals will be granted as per previous policy.
- Modified vehicles originally manufactured prior to 1 January 1989 can ONLY be imported if the owner can demonstrate that the modifications were completed prior to 1 January 1989. Import approvals will only be granted after the Department is satisfied that the modifications are pre-1989.
- Modified vehicles originally manufactured prior to 1 January 1989 can NOT be imported if the modifications were completed after 1 January 1989, or if the owner can't demonstrate to the satisfaction of the Department that the modifications were completed prior to 1 January 1989. The date of manufacture will be reset as the date the modifications were completed, and if that date is post 1989 the application will be rejected

Impact on ASRF Members

The revised interpretation of policy is having a significant impact on our members, as they now need to ensure they can PROVE any modifications to their vehicles were completed prior to 1 January 1989.

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Assessment Process

The assessment of level of modifications and date of modifications will be made by a Department of Infrastructure staff member based on the following information:

- A copy of the vehicle purchase document
- A clear picture of the vehicle
- A complete list of all modifications and evidence of when the modification were completed
- Such additional evidence as the applicant can supply attesting to the level and date of modification, this may include vehicle registration documents, a statement from the converter or evidence that the vehicle was exhibited in its converted form (eg, exhibited as a hot rod) some time before 1989

The department will make a determination based on a review of the information supplied, and will send you an approval or rejection letter.

Appeal Process

The Departmental documentation states that you have the right to appeal to the Administrative Appeals Tribunal (AAT) and also have the right to request a formal statement of reasons for the decision. The Department must provide the statement of reasons within 28 days of receiving the request.

Rejection letters will also contain advice that applicants can request an internal review of the decision. Some success has been achieved with such review requests, particularly when additional evidence of modification date is supplied.

Other avenues of redress include, but are not limited to: A complaint to the Department of Infrastructures client service officer, a complaint to the Minister and/or a complaint to the Commonwealth Ombudsman.

Lack of Consultation

Although no transitional arrangements are stated in the policy, applicants who purchased a vehicle in good faith prior to the publication of an Import Alert by the Department on the 4th of May 2010 may benefit by referencing the clear lack of consultation or advance warning relating to this change of policy.

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