

QUESTIONS

ENTHUSIASTS CONFERENCE

EASTERN CREEK

26TH FEBRUARY 2012

Submitted by:

Adrian Walker, Engineering Consultant, Member TSCC
Jeremy Braithwaite, Committee TSCC, Co-author <https://sites.google.com/site/no2vscs/home>
Ross Marshall, owner TD Classics
Terry Daly, President TSCC, Committee AMOC, member RROC etc
Trevor Booth, ECS Engineer, Co-author <https://sites.google.com/site/no2vscs/home>

CHANGES TO THE LEGAL FRAMEWORK OF THE CERTIFICATION SCHEME

The December 2011 changes repealed Clause 55(3). This removed the right of the Authority to accept certified modifications complying with "VSB6 or a specification published by the Authority or is otherwise acceptable to the Authority". This resulted in Schedule 2 (the full ADR's) being the only technical document that an engineer could use as the basis of certification.

The following questions pertain specifically to this change:

1. Removal of Modified Vehicles from NSW Roads
Was the intention of this change to remove modified vehicles from NSW roads?
2. Illegal Practices by RMS
Does the RMS now accept that it is acting illegally when it encourages Certifiers to certify vehicles using the old technical documents such as the Light Vehicle Code of Practice?
3. Penalties for Certifier
Can the RMS describe the potential penalties for Certifiers that certify vehicles using other than Schedule 2?
4. Professional Liability for Certifiers
Can the RMS describe the potential professional liabilities for Certifiers who have certified a vehicle using other than Schedule 2?
5. Advice to the Minister
Can the RMS describe the advice given to the Minister in relation to the impact of these changes on the industry, the customers (i.e. the motorists), the engineers contracted on the ECS scheme?
6. ADR Manual #1
In discussions with stakeholders ahead of the introduction of the VSCCS, it was understood that the LVCOP would be replaced by a new 'ADR Manual'. In fact a working group of ECS engineers dedicated many months of effort, at no charge to the RTA/RMS for this purpose. Why was the ADR Manual not introduced as part of the changes to the legislation?
7. ADR Manual #2
Why has the RMS not provided any official statement in relation to its intention in relation to the ADR Manual?

These questions cover related areas:

1. VSB14 & VSI59
Why has VSB14 & VSI59 not been included in the legislation?
2. Gazettal List
Why was the VSCCS introduced without first determining the list of significant modifications, i.e. the Gazettal List and including this in the changes?

3. Gazettal List Conflicts
VSB14 & VSI59 include details of modifications requiring certification, and modifications not requiring certification. Will the Gazettal List have preference over the provisions of VSB14/VSI59; alternatively how will conflicts between these two items and the Gazettal List be resolved?
4. Validity of VSB14
We understand that the RMS has stated, in writing, that any modification that complies with VSB14 will be acceptable under the VSCCS. Can the RMS please explain the basis of this statement?

REMOVAL OF STANDARDS FOR PRE-ADR VEHICLES

1. Engine Changes
As the law stands (post December 2011) there is nothing to prevent a large engine being fitted in a small car built before 1972; for example an 8litre V8 in a Datsun 1000. This was a safety issue recognised by the RTA and was one of the reasons for the introduction into law of the LVCOP. What does the RMS intend to do about this?
2. VSB14 Limitations
Modifications to pre-ADR vehicles, such as the above, would be limited if VSB14 was included in the legislation. How do you propose to deal with this given that VSB 14 is a guide and not law?

BUSINESS CASE FOR THE VSCCS

1. Prevention of Fraud
It has been said that it was necessary to introduce VSCCS to prevent fraud. The pilot online scheme has been trialled for 10 years, if fraud was such a problem, why was the online system not introduced earlier as a simple administrative change to the ECS system?
2. Taxpayer funding of the VSCCS Scheme
The better regulation statement on the RMS website uses as a model 7000 certificates per annum with 100 certifiers (average of 70 pa). The cost to maintain is stated at \$230,000. The certificate fee is stated as \$30, which recovers \$210,000. Given that as at 02 February the number of certifiers is 41 that will only recover \$86100, a shortfall of \$123,900. Does this mean that the tax payer will fund the shortfall of \$123,900?
3. Taxpayer funding of the PAI Insurance Scheme
One would presume that the PAI insurance model was also based on 100 certifiers, and given a 41% take up of certifiers it would seem that the taxpayer is funding the remainder of the premium. So at \$2800 per certifier a short fall of some \$165,200 could be possible if all of the 41 certifiers entered the PAI. Can you confirm how many certifiers entered the PAI and what is the shortfall in recovery of the PAI premium paid by the RTA.

ENGINEERS & THE OPERATION OF THE SCHEME

1. Professional Standards
It has been rumoured that certificate 3 qualified mechanics have been accepted into the scheme on the basis of them enrolling to do the certificate 4 course. Can you confirm this?
2. Work Practices
When selecting certifiers what checks were made into their history of work practice? i.e. Was any representation made to safer vehicles, was any representation made to Dept of Transport and Infrastructure.
3. Investment Requirements for Certifiers
Is there any minimum requirement specified, or intended, into the level of equipment required for a certifier to carry out the necessary testing in order to certify a vehicle.

GENERAL QUESTIONS

1. Faults in Trucks

How do you now intend to deal with faults in trucks that are not modifications. i.e. cracks and rust in chassis rails?

2. FUPS

In recent times an additional front axle load of 500kg was granted to the heavy vehicle industry provided that the vehicle was fitted with a Forward Underrun Protection System.(FUPS). As the law now stands this prevents current vehicles from fitting a FUPS as the testing required (ADR 84) would destroy the vehicle. Is this the intention?

3. Wheel Tubs

The proposed list of certifiable modifications (Gazettal List draft as published on the APMC website) is for wheel tubs that do not involve structural alterations to the body/chassis. A separate item describes modifications to inner mudguards involving structural alterations to the body/chassis. Wheel tubs are a modification to the inner mudguards thereby allowing excessively wide wheels to be fitted. How does the RMS intend to deal with this issue?

NATIONAL STANDARDS

The RTA/RMS, as a member of the Australian Motor Vehicle Certification Board Working Party, made a commitment to other states to introduce VSB14 into legislation in NSW, with a view to standardising vehicle registration standards.

The following questions pertain to this:

1. Why has VSB14 not been implemented in NSW?
2. Will light vehicles that have been certified in other states need to be re-certified before they can be registered in NSW?
3. Will heavy vehicles that have been certified in other states need to be re-certified before they can be registered in NSW?
4. Why has the "National Guideline for the Construction & Modification of Street Rods in Australia" not been adopted in NSW?