



Responsibilities of professional modifiers

originally certified.

SECTION 85 OF THE NHVL HAS A CONSIDERABLE BITE. HERE IT IS:
85 Modifying heavy vehicle requires approval

- (1) A person must not modify a heavy vehicle unless the modification has been approved by –
 - (a) an Approved Vehicle Examiner (AVE) under section 86; or
 - (b) the Regulator under section 87.
- Maximum penalty – \$3,000

- (2) A person must not use, or permit to be used, on a road a heavy vehicle that has been modified unless the modification has been approved by –
 - (a) an Approved Vehicle Examiner under section 86; or
 - (b) the Regulator under section 87.
- Maximum penalty – \$3,000

(1) applies to a person who modifies the vehicle and (2) applies to the person who uses the vehicle. I believe that (1) applies to professional modifiers and to dealers who arrange for professional modifications to be done.

The effect of 85 (1) is to make it illegal for a professional modifier to make the modification and not get it assessed by an AVE. This responsibility is not widely recognised. The responsibility cannot be transferred to the owner. If a customer requests that a truck dealer modifies or arranges to modify a new vehicle, the dealer is obliged to have the modification approved before delivering it. Both sections of the law require that a modification is approved by an Approved Vehicle Examiner (AVE), which at present is a person accredited by one of the participating road agencies to issue certificates and affix a National Heavy Vehicle Modification Plate.

The photo shows an approved plate format applicable to Victoria. There is no single approved plate format specified in the law. Each plate has a serial number but there

is no national register for plate numbers. The National Heavy Vehicle Modification Plate should identify the approval certificate number. These certificates are not available publicly and the NHVR does not routinely get a copy. The vehicle owner should keep a copy of the certificate on the modified vehicle and insist that one is delivered with a new modified vehicle. It is relatively easy to counterfeit a plate because there is no register of them.

The accreditation of signatories might restrict the AVE to specific VSB 6 codes. In some jurisdictions, such as in Queensland (see table), engineering qualifications are necessary for the AVE to become accredited for codes that require calculations (such as slewing crane – Q1 or wheelbase extensions – H1). Technicians can be accredited for codes relevant to installation work such as mechanical couplings (P1 and P2).

Professional modifier companies cannot approve the work that they do unless they have an AVE on staff. None of the schemes recognise companies – only individuals. Whilst this policy is intended to make it clear who is responsible for the assessment of the modification, the opportunity to improve modifying companies has been lost. AVE status is with the individual and is not tied to the employment with the company. This is why there are a large number of technician-level signatories in Queensland. I do not believe that any auditing of the Queensland signatories occurs and there is no public list of the VSB 6 codes that each is accredited for. Signatory status is not cancelled when the AVE moves job. The Queensland scheme is out of control. The ADR compliance plate accreditation does not certify a modification. Some vehicles have factory-fit towbars and occasionally a factory-fit body. These are not modifications but are manufacturer's specification features. The ADR compliance plate system assumes that a manufacturer is competent and does not require information about how the VSB 6 Codes have been covered. Indeed, the manufacturer does not

have to comply with the VSB 6 checklists. For in-service and pre-registration modifications the system assumes that the professional modifier is incompetent and that an accredited person must sign-off the work. The insurance requirements listed in the table are messy. They are inconsistent and should a dispute arise, it will not be clear whether it is the AVE's insurance or the modifier's insurance that covers the work. Vehicle owners should find out whether the parties have insurance cover before the work is done or approved.

There were about 5,719 new heavy rigid trucks that were registered in Australia over the past 12 months. Virtually all will require an AVE certificate to certify a body installation. At an average certificate cost of \$750, the theoretical cost to industry is \$4.2m. There were 2,039 new single trailer prime movers and 3,661 multi-combination prime movers registered in Australia over the past twelve months. Assuming half of these need fifth-wheel certificates, the theoretical cost to industry at \$500 a go for prime movers is \$2.14m.

There are about 580,000 heavy vehicles on the register. If one per cent of these get modified per year then 5,800 certificates



should be issued. At an assumed average certificate cost of \$600 the theoretical annual cost to industry is about \$3.5m. I don't think the AVE system can cope with the work level. This situation has arisen because the NHVR has opted for a quality policeman approach (the AVE) rather than an industry-improvement approach. There are serious legal sanctions for operators, modifiers and dealers in the National Heavy Vehicle Law. The AVE approach is an expensive, inadequate and

unreliable provision by government that is destined to fail. The solution is to allow an industry accreditation of professional modifiers to develop. ARTSA has been proposing this for the last 18 months with little support. Our proposal would reduce cost, promote quality improvement by modifiers, help protect suppliers and operators and add integrity.

Peter Hart
Chairman, ARTSA

The full requirements of Section 85 have applied since 1 July 2015. The AVE schemes in each of the states and territories (except for Queensland) that are participating in the NHV Law have recently revised their schemes. The table lists the number of AVEs that I believe are accredited in each jurisdiction.

Jurisdiction	Name of the scheme	Mandatory Insurance Requirements	Number of local Truck and Trailer AVEs*
NSW	Vehicle Safety Compliance Certification Scheme (VSCCS)	Professional Indemnity \$5m Public Liability \$20m Insurance can be arranged via RMS or by an employer.	48
Victoria	Vehicle Assessment Signatory Scheme (VASS)	Professional Indemnity \$5m Public Liability \$5m Insurance can be arranged by an employer.	41
South Australia	Recognised Engineering Signatory for Heavy Vehicle Modifications	Professional Indemnity and Public Liability Insurance is required but the level is not specified.	17
Tasmania	Approved Engineering Signatory Scheme	Professional Indemnity \$5M Public Liability \$5M Insurance can be arranged by an employer.	8
Northern Territory	Recognised Engineering Signatories	None	5
Western Australia		None	15
Queensland	Approved Person Scheme	None	700 The list is not in the public domain.