

MINISTERIAL BRIEFING NOTE

Subject	Revoking record of determination for Peter Wastney Engineering certified tow bars
Date	17 April 2018
Briefing number	BRI-1314

Contact(s) for telephone discussion (if required)				
Name	Position	Direct line	Cell phone	1 st contact
Charles Ronaldson	GM – Customer Design and Delivery	s 9(2)(a)	s 9(2)(a)	
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Action taken by Office of the Minister

- Noted
- Seen by Minister
- Agreed
- Feedback provided
- Forwarded to
- Needs change [please specify]
- Withdrawn
- Overtaken by events

17 April 2018

Minister of Transport and Associate Minister of Transport

REVOKING RECORD OF DETERMINATION FOR PETER WASTNEY ENGINEERING CERTIFIED TOW BARS

Purpose

1. This briefing is to inform you that the NZ Transport Agency will be revoking the record of determination (certification of tow bars only) of 802 heavy vehicles with tow bars for light trailers certified by Peter Wastney Engineering (PWE). At the same time the Agency will exempt the vehicles from the requirement that the tow bars be certified upon the condition that the vehicles do not tow trailers (or other types of vehicle). The exemption will expire on the expiry date of the relevant vehicle's current Certificate of Fitness.
2. This means that the vehicles can be used on the road but will not be able to tow trailers or other types of vehicle until the tow bar has been recertified. If the operator wishes to have a new Certificate of Fitness issued without recertifying the tow bar, the tow bar will need to be removed or rendered inoperable. This revocation will take effect within the next 48 hours.
3. This action is in addition to the 14 February 2018 safety alert for heavy vehicle operators which followed failures in towing connections which were certified by Peter Wastney Engineering Ltd. The decision to revoke the record of determination does not affect our advice to operators on drawbeams and drawbars, and only relates to towbars designed to tow light trailers.
4. The Transport Agency initiated the briefing on 17 of April 2018. We have provided you with information on the PWE issues in oral briefings and written advice in the Minister's weekly report as a fortnightly update.

Background

5. As the result of the failure of a drawbeam certified by PWE in August 2017 we launched an investigation into certifications issued by the company. The certification files uplifted relating to the failure contained insufficient information or detail to justify a decision to be made under the Heavy Vehicles Towing Standard (NZS:5446) by PWE and, in the case of the drawbeam failure, this could be actually predicted.
6. This prompted the Transport Agency to uplift a further 14 files of which none contained sufficient information to support the decisions made and some predicted failure. This review led to 6 certifications being revoked based on the information in the file. The Agency is aware that 2 of these vehicles could not be repaired. Mr Wastney's appointment as a Heavy Vehicle Specialist Certifier (HVSC) was suspended pending further investigation. He has since voluntarily surrendered his appointment as a certifier.
7. As a result of early concerns regarding the safety of towing connections certified by PWE, we issued a safety alert for towing connections certified by PWE on 14 February 2018. Since then the Transport Agency has:
 - Responded to media queries regarding the alert;

- Advised affected operators to carry out a daily check of the towing connections on their vehicles before use;
 - Advised Certificate of Fitness inspectors to be extra vigilant of PWE certifications;
 - Written to individual owners of vehicles with towing connections certified by PWE;
 - Implemented monitoring and reporting systems e.g. monitoring certifications as they are entered into the system and regularly contacting Heavy Vehicle Specialist Certifiers (HVSCs) to understand how many vehicles are booked in for recertification;
 - Organised additional HVSC resource for the Tasman / Marlborough and West Coast regions;
 - Arranged either visits or phone calls to vehicle owners as the response rate was less than expected; and
 - Collected all engineering files (paper and electronic) from PWE. We are inspecting the files for sufficient evidence for the certifications that have been issued for the drawbeams and drawbars.
8. Our ongoing monitoring has raised additional concerns about the safety of the 802 heavy vehicles with tow bars for light trailers certified by PWE.

Rationale for revoking the record of determination (certification) for tow bars for light trailers fitted to heavy vehicles

9. We are revoking the certification of the tow bars for light trailers fitted to heavy vehicles on the basis that:
- While a safety alert was issued on 14 February 2018 regarding concerns with the trailer connections certified by PWE, only 12% of vehicles have been recertified or are in the process of being recertified;
 - Visual inspections by heavy vehicle specialist certifiers (HVSC's) of 7% of heavy vehicles with tow bars for light trailers suggests that 98% are at risk that these tow bars will fail to meet the relevant safety standard (and are therefore at risk of failure at the maximum towed mass rating). We expect the engineering calculation and final results to confirm this initial visual inspection. On that basis, we think there is a high safety risk that justifies revoking the certifications of the tow bars fitted to these vehicles; and
 - We are concerned about the potential consequence of a towing connection failure.
10. Of the 802 vehicles affected, 337 are in commercial use, with the balance of 465 vehicles likely to be in private ownership. We will work with affected owners to prioritise commercial and high-use vehicles for recertification and will also work with affected owners where they suffer substantial financial or other form of hardship as a result of this revocation.
11. We are continuing to assess the safety risk relating to the drawbeams and drawbars that have been certified by PWE. Visual inspections of 3% of the drawbeams and drawbars certified by PWE have been less conclusive of the risk of failure. Until we have reviewed the documentation supporting the certification, there is insufficient evidence of a safety risk to take further action.

Next steps

12. The Transport Agency will now advise affected owners of the decision to revoke the record of determination (certification). Owners will be contacted by letter and where we hold contact details a phone call will also be made. Following the completion of this process:

- A press release will be published by the Transport Agency.
- The NZ Police will also be notified to allow their records to be updated accordingly.

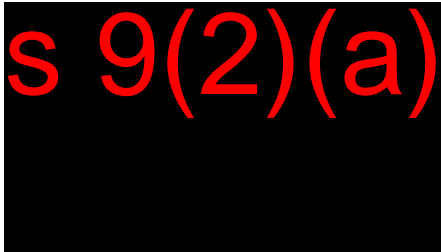
Media interest in Peter Wastney Engineering

13. The Transport Agency has received three Official Information Act requests from [REDACTED] s 9(2)(a) [REDACTED] regarding either semi-trailer connections, or PWE specifically. A separate piece of work is being completed around semi-trailer connections and the actions being undertaken.

14. The Transport Agency is currently processing these requests and preparing documents that fall within scope for release, with some redactions. Two are due on 8 May 2018, while the most recent is due on 10 May 2018.

It is recommended that you:

1. **Note** the information in this briefing.



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Charles Ronaldson

General Manager – Customer Design and Delivery

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Hon Phil Twyford, Minister of Transport

Date: 2018

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Hon Julie Anne Genter, Associate Minister of Transport

Date: 2018