

MINISTERIAL BRIEFING NOTE

Subject	NZTA response to heavy vehicle towing connection certification issues
Date	21 June 2018
Briefing number	BRI-1387

Contact(s) for telephone discussion (if required)				
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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- Withdrawn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

21 June 2018

Minister of Transport

NZTA RESPONSE TO HEAVY VEHICLE TOWING CONNECTION CERTIFICATION ISSUES

Purpose

1. This briefing provides you with an update on the New Zealand Transport Agency (NZTA) response to issues with heavy vehicle towing connection certifications.
2. The NZTA has suspended the authority of two Heavy Vehicle Specialist Certifiers (HVSCs) in relation to issues with heavy vehicle towing connection certifications, and a third HVSC is currently under investigation. Peter Wastney was suspended as the result of an investigation into his work after an on-road failure and Dick Joyce was suspended as a result of issues identified during the NZTA's audit process. The NZTA has also issued a safety alert for skid plates on refrigerated semi-trailers due to an incident of a semi-trailer partially separating from its towing vehicle.
3. This briefing was requested on 20 June 2018. We have previously provided you with information on the Peter Wastney Engineering revocations in briefing BRI-1314 on 17 April 2018, and subsequent updates have been included in your weekly report as a fortnightly update.

Peter Wastney suspension and revocations

4. Following the on-road failure of a drawbeam certified by Peter Wastney Engineering Ltd (PWE) in August 2017, the NZTA launched an investigation into towing connection certifications issued by the company. This investigation led to the NZTA suspending Peter Wastney in September 2017. After identifying issues with the initial files reviewed the NZTA issued a safety alert in February 2018. Mr Wastney subsequently resigned his authority prior to the commencement of revocation action by the NZTA. More in-depth investigation uncovered serious safety concerns leading the NZTA to revoke the PWE certifications of 802 towbars on 23 April 2018, and 700 drawbars and drawbeams on 3 May 2018.
5. To minimise the impact on customers from the revocations, the NZTA set up four temporary inspection sites in the areas with the most affected vehicles of Blenheim, Nelson, Greymouth and Westport. Though not legally liable, the NZTA has agreed to cover the cost of recertification, including repairs or replacement where necessary.
6. As at 18 June 2018, over 45% of affected vehicles have been inspected and over 25% have been recertified.

Richard (Dick) Joyce investigation and suspension

7. The NZTA's investigation into the integrity of Dick Joyce's certifications began during the NZTA's normal auditing process. s 9(2)(a), s 6(c)

s 9(2)(a), s 6(c)

8. Further investigation was carried out by the NZTA at a subsequent audit in August
s 6(c)
9. s 9(2)(a), s 6(c)
10. On 13 June 2018, the NZTA served Mr Joyce with an indefinite suspension notice, which took effect immediately. Mr Joyce has the right to appeal this suspension to the District Court and will have a similar right in the event that a decision is taken by the NZTA to suspend or revoke his authority.
11. Following the suspension, the NZTA has commenced a process to uplift and examine a selection of files for certifications carried out by Mr Joyce to determine whether there are any further safety issues in addition to those that gave rise to the suspension. Any additional safety issues that may arise will be taken into account by the NZTA in considering whether to take action to revoke Mr Joyce's authority permanently. NZTA records show that Mr Joyce has issued 35 towing certifications in the last year, and a total of 635 over the last 10 years. Some of those certifications may have since been replaced by newer certifications.
12. As a result of the files already reviewed, the NZTA has made a decision to revoke certifications on four vehicles due to significant safety concerns. The NZTA's initial review of the files was focused on 10 certifications for vehicles that had been previously certified by PWE.
13. As part of the PWE work, the NZTA has worked with the Heavy Vehicle Engineers Group of Engineering New Zealand (ENZ) (formerly IPENZ) to enable a group of around 20 heavy vehicle specialist certifiers (HVSCs) to provide additional capacity to assist with inspections and re-certifications for the revoked PWE connections in the South Island.
s 6(c)
14. s 6(c)
15. Once the decision to suspend Mr Joyce was taken, the NZTA immediately commenced a process to examine other certifications carried out by Mr Joyce, and the NZTA is urgently reviewing the re-certification of the 10 PWE vehicles as part of our investigation of Mr Joyce. Any additional safety issues will be taken into account by the NZTA in considering whether to take action to revoke Mr Joyce's authority permanently.
16. s 6(c)

17. s 9(2)(a)

Skid plate semi-trailer safety alert

18. In February 2018 the NZTA issued a safety alert for skid plates on refrigerated semi-trailers due to an incident of a semi-trailer partially separating from its towing vehicle. This precautionary safety alert covers 51 semi-trailers and recommends that the owners contact the manufacturer for specific instruction on maintenance requirements and for recommended enhanced inspections. Certifications on these vehicles have not been revoked as the design meets existing safety standards.
19. The NZTA continues to work with industry representatives to ensure that refrigerated semi-trailers are designed to robust standards and that all semi-trailers are regularly inspected. The main manufacturer of trailers, MaxiTRANS is actively communicating with their customers to address the issues. As of 7 June 2018, 21 percent of affected semi-trailers have been inspected, and 27 percent of the vehicles have had voluntary upgrades.

Other investigations

20. The Transport Agency is currently investigating one other heavy vehicle certifier, in response to a recent complaint. This certifier has not been suspended, pending the outcome of the investigation. s 9(2)(a) and the issue under investigation is unrelated to the investigation of Mr Joyce.
21. In addition to these investigations, the NZTA is auditing other certifiers as part of our normal safety auditing regime, and we will continue to take enforcement action wherever it is warranted in order to ensure public safety.

NZTA Capability and Capacity

22. The NZTA will be strengthening their capability in this area as an urgent priority. In the area of specialist heavy vehicle certification the NZTA is reliant on a network of qualified professionals to carry out the certification services which they are appointed to provide a high standard. Given the recent issues where some professionals have failed to perform their duties to the required high standards, the NZTA will be recruiting three additional auditors and two additional heavy vehicle engineers. The NZTA will also be working to build engineering capability in the sector.

It is recommended that you:

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

s 9(2)(a)

Robert Brodnax

Director – Transport Access Delivery

Hon Phil Twyford, Minister of Transport

Date: 2018