

## Brent Downes

---

**From:** s 9(2)(a)  
**Sent:** Monday, 9 July 2018 9:46 AM  
**To:** Tom Logan  
**Subject:** RE: 2018104 Upheld complaint

Thanks Tom.

s 9(2)(a)



Your independent vehicle inspection specialists  
Head Office: Unit C, 26-30 Vestey Drive, Mt Wellington, Auckland 1060  
s 9(2)(a)  
[www.vinz.co.nz](http://www.vinz.co.nz)

**From:** Tom Logan <Tom.Logan@nzta.govt.nz>  
**Sent:** Monday, 9 July 2018 9:33 a.m.  
**To:** s 9(2)(a)  
**Subject:** RE: 2018104 Upheld complaint

Hi Sean,

1. Ross Bayne discussed this with s 9(2)(a) as the vehicle inspector no longer worked at VINZ Gore.
2. The fail at VTNZ was for wear in the hinge, but the inspector also identified that the tipping body fitment required certification.
3. We do not know when the tipping body was fitted to this vehicle, but it ought to have been certified when it was. It may have been installed anytime between July 2007 and March 2016. As we do not know when this was installed we cannot make any determination about previous inspections. I personally did not know the difference between a NZ and a Japanese tipping body, but now that has been explained to me I was convinced that it is something a competent heavy vehicle mechanic or inspector with experience should know.
4. As above, we do not know when this tipping body was installed. We do know it can be easily removed, and it may have not been on the vehicle at the time of previous CoF inspections, either because it was not needed at the time or removed specifically to avoid the question of certification. I am informed that it does not take much time to remove / replace.
5. I can't comment on potential liability, but the complainant has clearly not carried out due-diligence by way of having a pre-purchase inspection carried out. I understand there is much case law regarding this aspect.

I trust these answers are helpful in explaining why this complaint was upheld.

Regards,  
Tom.

**From:** s 9(2)(a)  
**Sent:** Friday, 6 July 2018 3:56 PM  
**To:** Tom Logan <Tom.Logan@nzta.govt.nz>  
**Cc:** s 9(2)(a)  
**Subject:** RE: 2018104 Upheld complaint

Thanks Tom,

Can I ask a couple of questions about this please.

1. Can you advise if this investigation included any VINZ staff – as I can't find anyone who has been involved?
2. Can you please advise what the actual fail was at VTNZ – the customer keeps talking about wear in the pins but it seems to be a certification issue?
3. You state in the letter that the agency does not require inspectors to know all designs of tipping bodies, and yet on the balance of probabilities it is stated that he should know. While I understand the comments about training issues, surely utilising Landata information to look at the history would also be a valid way to check. In this case I understand the unit in question had been through a high number of inspections elsewhere and the initial compliance dates show it may not have required certification. As such do you think that valid check could be check the 2005 dates and then look for any certification in the past 13 years or since the re-compliance in 2007 (11 years) if it has been passed for this period of time then on the balance of probabilities it should not require certification.
4. If all of 3 is irrelevant, what happens to the inspection provider and inspectors who have been passing this unit without Certification for up to 11 years?

The reasons for asking these questions are we are being judged on something that is not a requirement as highlighted by you. There is also a serious cost implication to this. The owner had a new tray fitment created prior to discussing with us for over \$8000 and is now using this letter as a legal claim for all of that cost.

If this was a clear-cut case I may agree and just work through this but I don't believe this case is so as is highlighted in the letter.

I would be interested in your feedback.

Thanks

s 9(2)(a)



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s 9(2)(a)

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**From:** Tom Logan <[Tom.Logan@nzta.govt.nz](mailto:Tom.Logan@nzta.govt.nz)>

**Sent:** Wednesday, 4 July 2018 9:58 a.m.

**To:** s 9(2)(a)

**Subject:** 2018104 Upheld complaint

Hi s 9(2)(a)

Please find attached an upheld complaint letter, I posted this last week to your area manager.

Regards,  
Tom.

---

Tom Logan / Senior Advisor

Intervention Surety

s 9(2)(a)

E [tom.logan@nzta.govt.nz](mailto:tom.logan@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)

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s 9(2)(a)



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Tom.

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Tom Logan / Senior Advisor

Intervention Surety

s 9(2)(a)

E [tom.logan@nzta.govt.nz](mailto:tom.logan@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)

National Office / Victoria Arcade, 50 Victoria Street,  
Private Bag 6995, Wellington 6141, New Zealand



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## Brent Downes

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**From:** Tom Logan  
**Sent:** Monday, 2 July 2018 12:26 PM  
**To:** s 9(2)(a)  
**Subject:** RE: RE: Complaint regarding VINZ  
**Attachments:** EBE235 - \_complaint\_upheld.pdf

Hi s 9(2)(a)

Attached is a letter I put in the mail to you on Friday, a similar one was mailed to VINZ.

Regards,  
Tom.

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**From:** s 9(2)(a)  
**Sent:** Monday, 2 July 2018 12:02 PM  
**To:** Tom Logan <Tom.Logan@nzta.govt.nz>  
**Subject:** Fwd: RE: Complaint regarding VINZ

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**From:** s 9(2)(a)  
**Sent:** Monday, July 2, 2018 12:02:07 PM  
**To:** s 9(2)(a)  
**Subject:** Re: RE: Complaint regarding VINZ

Morning Tom

I know you are extremely busy but is there any chance of getting the paperwork from you this week.

Kind Regards

s 9(2)(a)

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**From:** s 9(2)(a)  
**Sent:** Tuesday, June 19, 2018 11:11:30 AM  
**To:** s 9(2)(a)  
**Subject:** Fwd: RE: Complaint regarding VINZ

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**From:** Tom Logan <Tom.Logan@nzta.govt.nz>  
**Sent:** Thursday, June 14, 2018 10:53:14 AM

To: s 9(2)(a)  
Subject: RE: RE: Complaint regarding VINZ

Hi s 9(2)(a) my DDI is s 9(2)(a) sorry I did not give it to you previously.  
Tom.

From: Vehicle Certification Complaints  
Sent: Wednesday, 30 May 2018 1:01 PM  
To: s 9(2)(a)  
Subject: RE: RE: Complaint regarding VINZ

Hi s 9(2)(a)

Apologies for not replying to this email earlier, and that this is not the final answer. This has been escalated to me; I have been asked to review the information and make the determination as to what is the situation and if a complaint can be upheld, including what action we might take if so. I have been reviewing your complaint and the information provided by our certification officer, but want to confirm some of the facts I have been told and am having a little difficulty accessing previous VIRMs to do that. Our IT team have been helping and I am getting the access I need, but I thought I should give you this reply so you know you are not being ignored (it might just seem like it).

I hope to be able to advise further on Friday.

Regards.  
Tom.

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Tom Logan / Senior Advisor  
Intervention Surety  
National Office / Victoria Arcade, 50 Victoria Street,  
Private Bag 6995, Wellington 6141, New Zealand



From: s 9(2)(a)  
Sent: Thursday, 24 May 2018 2:28 PM  
To: Vehicle Certification Complaints <[vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)>  
Subject: Re: RE: Complaint regarding VINZ

Good afternoon,

It has been almost a month since I received an email back from Kelly in regards to waiting on more information from the certification officer.

Has that information come through? Please refer to my previous email dated 17th of April 2018 which states what I am after in order to move forward with this.

Should you have any further questions please don't hesitate to contact me on **s 9(2)(a)**

Kind regards

**s 9(2)(a)**

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From: **s 9(2)(a)**  
Sent: Friday, 27 April, 2:46 PM  
Subject: Fwd: RE: Complaint regarding VINZ  
To: **s 9(2)(a)**

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**From:** Vehicle Certification Complaints <[vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)>  
**Sent:** Friday, April 27, 2018 12:51:33 PM  
**To:** **s 9(2)(a)**  
**Subject:** RE: Complaint regarding VINZ

Hi **s 9(2)(a)**

I'm waiting on some more information from our Certification Officer.

Will be in touch with you as soon as I have a response.

Kind Regards  
Kelly

**From:** **s 9(2)(a)**  
**Sent:** Friday, 27 April 2018 12:19 p.m.  
**To:** Vehicle Certification Complaints  
**Subject:** RE: Complaint regarding VINZ

Good afternoon  
Just following up my email sent on the 17th of April.  
Kind regards

**s 9(2)(a)**

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From: **s 9(2)(a)**  
Sent: Tuesday, 17 April, 8:03 PM  
Subject: RE: Complaint regarding VINZ  
To: Vehicle Certification Complaints

Good evening,

Thank you for your reply, and for the links to VIRM.

I have read and understood the VIRM over the past 6 months while I have been dealing with both VINZ and VTNZ, so I am aware of what the guidelines are in this case.

What I need from NZTA is a formal investigation on this matter, as both Andrew Hilson and Bill Hyslop have informed me that if I make a formal complaint I will get a formal investigation into this matter and receive a ruling as it seems the VIRM is open to interpretation, which I feel is not expectable.

The facts are in the Land data information for the truck EBE235. The truck was imported but has no record of any type of deck or use of truck. The truck has a NZ made tipping body made by Adam&Currie with a manufacture date of 07/07. I have photos if needed. I will also supply an email conversation (if needed) with VINZ I have had which clearly shows how they operate.

Basically they say they gave it a COF based on the information held in Land data which I find interesting as that's exactly the reason VTNZ failed it for a COF.

I need to know who is correct, I don't want more extracts from the VIRM, I need someone there to look into this and give me a decision in writing and this needs to happen promptly. You can check with Andrew Hilson that this has been going on for too long.

If you need more information please don't hesitate to contact me, I am very willing to help.

Kind Regards

s 9(2)(a)

**From:** Vehicle Certification Complaints <[vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)>

**Sent:** 3 April 2018 3:47 PM

**To:** s 9(2)(a)

**Subject:** FW: Complaint regarding VINZ

Good afternoon Brad,

Thanks for submitting your complaint. You've asked for clarification on the rules for the truck so you can move on to the next step.

The Vehicle Inspection Requirements Manual (VIRM) is available to the public online – here is a link that takes you straight to Heavy Vehicles <http://vehicleinspection.nzta.govt.nz/virms/in-service-wof-and-cof/heavy-vehicles> You may be able to find the information you're looking for in the Structure section. You will see that there are 3 tabs, Reasons for rejection, Tables and Images, and Summary of Legislation for each page. Click on each tab for information.

## 3 Vehicle structure

### 3-1 Structure

Reasons for rejection

Tables and images

Summary of legislation

I'm not sure what action you are planning to take next, but if you are considering taking legal action, some useful information can be found here: <https://www.disputestribunal.govt.nz/how-to-make-a-claim/> You can use your receipts etc and checksheet from VTNZ as supporting evidence.

We will be booking in a visit to VINZ in Gore to discuss this case with them and ensure that a) they are fully aware of requirements etc and b) they are inspecting these types of vehicles correctly.

Thank you for bringing this to our attention.

Kind Regards

*Kelly Menhennet  
Advisor Complaints - Intervention Surety  
Palmerston North Office*

**From:** s 9(2)(a)



**Sent:** Tuesday, 3 April 2018 8:11 a.m.  
**To:** Vehicle Certification Complaints  
**Subject:** FW: Complaint regarding VINZ

**From:** s 9(2)(a)  
**Sent:** 3 April 2018 7:51 AM  
**To:** [vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)  
**Subject:** Complaint regarding VINZ

Good afternoon,

Please find attached VCCPFO1 form completed.

Should you have any further questions please don't hesitate to contact myself on 0212471982

Kind Regards

s 9(2)(a)

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## Brent Downes

---

**From:** Tom Logan  
**Sent:** Friday, 29 June 2018 12:41 PM  
**To:** s 9(2)(a)  
**Subject:** RE: EBE235 LT400 304485 for a CHIPMASTER PUSHER

Hi s 9(2)(a)

Thanks for this, and apologies I have not replied sooner - I have just got back onto this one. The complaint is that the vehicle has had a tipping body fitted without certification, and has been getting CoF passes. The explanation was that the VI has assumed the tipping body was on the vehicle from Japan, and certification was not therefore required. The tipping body has a date of 07 07 welded onto it, and is an Adams and Currie one sold for an Isuzu. We have no idea when it was installed onto the vehicle in question.

My issue is that I am told by one group of people that any CoF inspector should know it is a New Zealand body, not Japanese, and so the vehicle has been modified since 1 April 2005 and needs certification. I am also told by another group of people this is not the case, and we don't require an inspector to know this level of detail (ie recognise the difference between NZ/Japanese), they just check for condition and that there is current certification if needed, which in this case they did not believe it was.

My thought, when I noticed you had completed a chassis certification, was perhaps the inspector thought your certification was for the tipping body. As they have not used that as a reason for passing the CoF I assume it is not relevant, but wanted to check.

Now I just need to determine if I uphold the complaint or not, and I am struggling to be sure which way to go...

Thanks again,  
Tom.

**From:** s 9(2)(a)  
**Sent:** Saturday, 23 June 2018 7:18 PM  
**To:** Tom Logan <Tom.Logan@nzta.govt.nz>  
**Subject:** Re: EBE235 LT400 304485 for a CHIPMASTER PUSHER

Hi Tom

This was a while ago.

What was the complaint?

Works infrastructure, now called Downers have paving equipment that spread and roll hotmix onto the roads. To feed the constantly moving paver tip trucks back up to the paver and hook on to a hook on the paver's hopper. The trucks engage neutral and are towed backwards by the paver as they tip the hotmix slowly into the pavers hopper. My certification is for the bar at the rear of the truck that the paver hooks onto. The attachment looks like a drawbeam but it is not. It was not fitted with a tow coupling (ringfeder). See attached file.

I do not have much information on the chassis condition sorry.

Best Regards

s 9(2)(a)

On Fri, Jun 22, 2018 at 12:03 PM, Tom Logan <Tom.Logan@nzta.govt.nz> wrote:

Hi **s 9(2)(a)**

I am looking into a certification complaint regarding the above vehicle EBE235, 1998 MERCEDES-BENZ 2534. Can you please email me a scan of your certification file for LT400 304485. I am hoping there might be photos?

The complaint is unrelated to your certification, but it would really help me to know the previous condition of the vehicle.

Many thanks,

Tom.

---

Tom Logan / Senior Advisor  
Intervention Surety

**s 9(2)(a)**

E [tom.logan@nzta.govt.nz](mailto:tom.logan@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)

National Office / Victoria Arcade, [50 Victoria Street](http://www.nzta.govt.nz/victoria-street),  
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Reference number: EBE235

29 June 2018

s 9(2)(a)

Vehicle Inspection NZ  
20 Teviot Street  
Dunedin South  
Dunedin 9012

Dear s 9(2)(a)

We've completed an investigation into your complaint regarding the certification of the following vehicle:

<b>Vehicle:</b>	1998 MERCEDES-BENZ 2534
<b>Registration:</b>	EBE235
<b>Date inspection entered:</b>	09 March 2017
<b>Inspecting organisation:</b>	VINZ GORE
<b>Vehicle Inspector:</b>	s 9(2)(a)

In this case the Transport Agency are not able to be 100% sure of the situation as it involves historic actions.

The vehicle was entry certified for the first time on 5 April 2005. This is after the date (1 April 2005) in which vehicles were required to have heavy vehicle specialist certification for **modifications** such as fitting a tipping body. However as the VIRM stated this is required for **modifications** after the date of 1 April 2005, and we believe the vehicle was unlikely to have been modified after 1 April 2005 and before 5 April 2005, certification was probably not required at the time of entry certification.

Therefore the entry certification is believed, on the balance of probabilities, to have been completed correctly.

When the tipping body was fitted, certification was required. Adams and Currie have informed me that the tipping body currently on the vehicle, manufactured in July 2007, was sold as part of a swappable steel and aluminium pair for an Isuzu. There is no indication we have found as to when this tipping body was fitted to the Mercedes in question.

There are two possible outcomes for the complaint, upheld or not upheld. There needs to be good evidence for the complaint to be upheld on the balance of probabilities.

On one hand it is possible that the vehicle inspector did not recognise that the tipping body was not a Japanese one, and believed it had been fitted when it arrived in New Zealand in 2005 and therefore did not require certification. The Transport Agency does not require vehicle inspectors to know all of the various styles and designs of tipping bodies and who manufactured them as part of their appointment.

In this situation the complaint cannot be upheld.

On the other hand the difference between a New Zealand design tipping body and a Japanese one has some quite distinctive design aspects, and it could be reasonably expected that someone in the trucking and heavy vehicle inspection industry ought to pick this knowledge up over a relatively short period of time, and therefore recognise the need for certification. In this case if the vehicle was passed for a CoF the inspector has not carried out their duties correctly.

In this situation your complaint could be upheld.

The VTNZ vehicle inspector who failed the vehicle on 8 September 2017 for wear on the hinge can require certification for that repair, irrespective of whether it had been previously certified or not. They have recognised that the tipping body was not Japanese, and that certification was needed previously (ie when it was fitted).

I have decided to uphold the complaint based on the balance of probabilities. s 9(2)(a) had been an inspector for a couple of years at the time he passed the CoF, which ought to have been enough time to get familiar with this sort of vehicle. If he has not that is potentially a training issue for VINZ.

There is a reliance on vehicle inspection organisations to carry out through vehicle inspections, and the certification status of heavy vehicle towing connections, load anchorages and the like are safety critical aspects of each inspection.

The complaint has therefore been upheld. Consequently, acting under powers duly delegated to me by the Transport Agency, and in accordance with subclause 3.2(2)(a) of Land Transport Rule: Vehicle Standards Compliance 2002, I require you to:

1. Take immediate remedial action to ensure that there is no repetition of the actions that led to the inappropriate issue of the CoF
2. Be more diligent in checking the certification status of heavy vehicles at time of CoF inspections
3. Complete an improvement record from the master records section of your performance review/quality management system, describing the corrective action that has been taken to prevent a recurrence
4. File the completed improvement record in your performance review/quality management system.

We've logged this upheld complaint, and may refer to it in reference to future complaints against your inspecting organisation.

Please ensure that all inspection activities are carried out in accordance with VIRM at all times, and that the highest standards of customer service, integrity and professionalism are demonstrated at all times.

Yours sincerely



Tom Logan  
Senior Complaints Advisor

Reference number: EBE235

29 June 2018

s 9(2)(a)

PO Box 397  
Te Awamutu 3800

Dear s 9(2)(a)

We've completed an investigation into your complaint regarding the certification of the following vehicle:

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<b>Registration:</b>	EBE235
<b>Date inspection entered:</b>	09 March 2017
<b>Inspecting organisation:</b>	VINZ GORE

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There is a reliance on vehicle inspection organisations to carry out thorough vehicle inspections, and the certification status of heavy vehicle towing connections, load anchorages and the like are safety critical aspects of each inspection.

Thank you for bringing this to the attention of the Transport Agency. This upheld complaint will be logged against VINZ, and will remain on their permanent record.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'T. Logan', with a stylized flourish at the end.

Tom Logan  
Senior Complaints Advisor

# Heavy Vehicle Specialist Certificate

Heavy Vehicle Specialist Inspector and Inspecting Organisation

Heavy Vehicle Specialist Inspector's Name (PRINT IN CAPS)

**s 9(2)(a)**

ID

**s 9(2)(a)**

Vehicle Registration\*

**EBE235**

VIN / Chassis Number

**W D B 6 5 3 1 5 8 2 K 2 1 1 3 4 0**

Component being certified:

Chassis Modification

Load Anchorage

Log Bolsters

Towing Connection

Brake Code

SRT

Certification Category

**HVEC**

Description of Work

**OCW 's 1998 Mercedes Benz 2534 has:  
 Been fitted with a chipmaster pusher point.  
 (Similar to drawbeam but for paving equipment only.)**

Code/Standard Certified to

**LTR 31002 Heavy-vehicles-2004,**

Component Load Rating(s)

**N.A.**

General Drawing Number(s)

**6120**

Supporting Documents

\*Special Conditions

Certification Expiry Date

OR

Hubodometer Reading (whichever comes first)

**Declaration**

I the undersigned, declare that I am the Heavy Vehicle Specialist Inspector identified above and I hold a current valid appointment. I certify that the above mentioned vehicle component's design, manufacture and installation, and this certification complies in all respects with the Land Transport Rule Vehicle Standards Compliance 2002 and my Deed of Appointment. To the best of my knowledge the information contained in this Certificate is true and correct.

Designer's ID (if certified by a manufacturer)

Inspector's / Delegate's Signature

**s 9(2)(a)**

Date

**2/10/2008**

Number

**s 9(2)(a)**

COF Vehicle Inspector ID:

COF Vehicle Inspector Signature

LT400 Number

**s 9(2)(a)**

Date

All fields excluding those marked with \* must be completed before this certificate can be accepted.



6/20

s 9(2)(a)

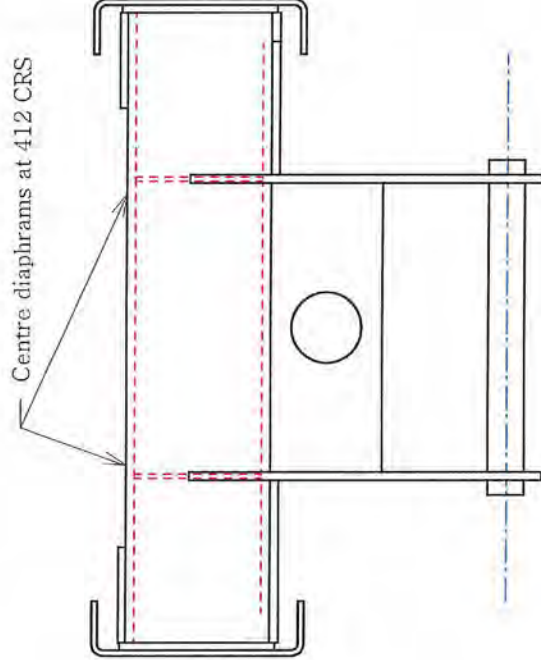
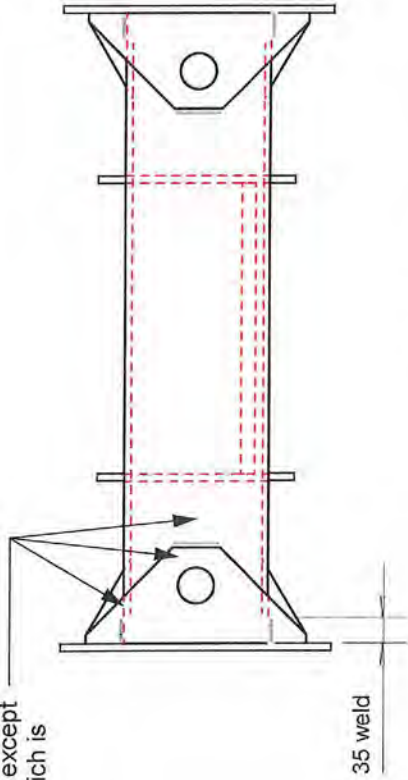
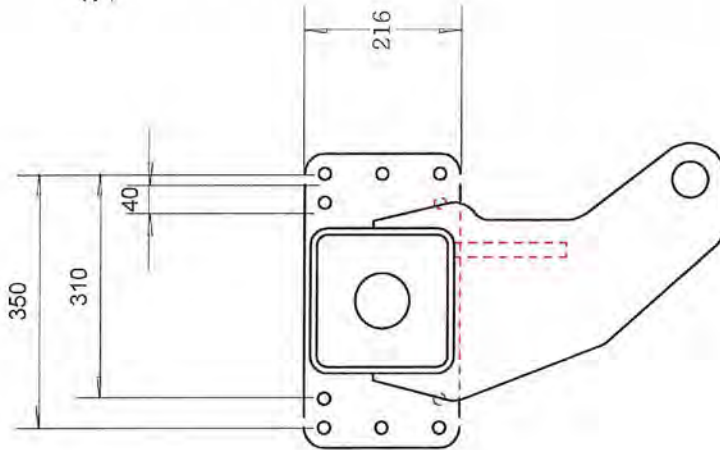
2/10/8

1998 Mercedes-Benz 2534  
Reg EBE 235  
VIN WDB 65 315 82 K 211 340

T 8900  
✓ 25000  
< 48000

Chip Master Pusher Point

Welding 6 mm Fillet weld all round except between gusset plates and box which is welded as shown  
 NZS1554.1 F1



200 x 200 x 9 RHS  
 870 long (check length)

Beam Side plates  
 6120-A.dxf  
 10 mm GR250 - 2 off

Beam Top Gusset plates  
 6120-B.dxf  
 10 mm GR250 - 2 off

Beam Bottom Gusset plates  
 6120-C.dxf  
 12 mm GR250 - 2 off

Centre diaphragm  
 6120-D.dxf  
 6 mm GR250 - 2 off  
 Centre Side plates  
 6120-E.dxf  
 12mm GR350 - 2 off

Centre main plate  
 6120-F.dxf  
 20 mm GR250 - 1 off

Pusher bar  
 Dia 50 AISI 1040  
 465 long



**Certified Design Limited**  
 Heavy Vehicle Specialist Certifier  
 P O Box 9028 Dunedin  
 PH 0800 47 42 42  
 Fax 03 4559678

6120 T L MacLean Works  
 Infrastructure Merc Clipmaster 398

Drawn: RZW 08/08/08 Job 6120

Sheet Number:

## Brent Downes

---

**From:** s 9(2)(a)  
**Sent:** Saturday, 23 June 2018 7:18 PM  
**To:** Tom Logan  
**Subject:** Re: EBE235 LT400 304485 for a CHIPMASTER PUSHER  
**Attachments:** 6120 file 2.pdf; 6120 Drawing.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Tom

This was a while ago.

What was the complaint?

Works infrastructure, now called Downers have paving equipment that spread and roll hotmix onto the roads. To feed the constantly moving paver tip trucks back up to the paver and hook on to a hook on the paver's hopper. The trucks engage neutral and are towed backwards by the paver as they tip the hotmix slowly into the pavers hopper. My certification is for the bar at the rear of the truck that the paver hooks onto. The attachment looks like a drawbeam but it is not. It was not fitted with a tow coupling (ringfeder). See attached file.

I do not have much information on the chassis condition sorry.

Best Regards

s 9(2)(a)

On Fri, Jun 22, 2018 at 12:03 PM, Tom Logan <[Tom.Logan@nzta.govt.nz](mailto:Tom.Logan@nzta.govt.nz)> wrote:

Hi s 9(2)(a)

I am looking into a certification complaint regarding the above vehicle EBE235, 1998 MERCEDES-BENZ 2534. Can you please email me a scan of your certification file for LT400 304485. I am hoping there might be photos?

The complaint is unrelated to your certification, but it would really help me to know the previous condition of the vehicle.

Many thanks,

Tom.

---

Tom Logan / Senior Advisor  
Intervention Surety

## Brent Downes

---

**From:** Tom Logan  
**Sent:** Friday, 22 June 2018 12:38 PM  
**To:** Andrew Hilson  
**Subject:** ITAH10 report for EBE235?

Hi Andrew,

I am told that you can run an ITAH10 report that lists out all vehicle changes (eg colour or GVM) – if so can you please run one for EBE235 for me.

Thanks,  
Tom.

---

Tom Logan / Senior Advisor

Intervention Surety

s 9(2)(a)

E [tom.logan@nzta.govt.nz](mailto:tom.logan@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)

National Office / Victoria Arcade, 50 Victoria Street,  
Private Bag 6995, Wellington 6141, New Zealand



## Brent Downes

---

**From:** Tom Logan  
**Sent:** Friday, 22 June 2018 12:04 PM  
**To:** s 9(2)(a)  
**Subject:** EBE235 LT400 304485 for a CHIPMASTER PUSHER

Hi s 9(2)(a)

I am looking into a certification complaint regarding the above vehicle EBE235, 1998 MERCEDES-BENZ 2534. Can you please email me a scan of your certification file for LT400 304485. I am hoping there might be photos?

The complaint is unrelated to your certification, but it would really help me to know the previous condition of the vehicle.

Many thanks,  
Tom.

---

**Tom Logan / Senior Advisor**

Intervention Surety

P s 9(2)(a)

E [tom.logan@nzta.govt.nz](mailto:tom.logan@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)

National Office / Victoria Arcade, 50 Victoria Street,  
Private Bag 6995, Wellington 6141, New Zealand



## Brent Downes

---

**From:** Andrew Hilson  
**Sent:** Friday, 22 June 2018 1:38 PM  
**To:** Tom Logan  
**Subject:** RE: ITAH10 report for EBE235?  
**Attachments:** IATH10\_180622\_133246.txt

**From:** Tom Logan  
**Sent:** Friday, 22 June 2018 12:38 PM  
**To:** Andrew Hilson <Andrew.Hilson@nzta.govt.nz>  
**Subject:** ITAH10 report for EBE235?

Hi Andrew,

I am told that you can run an ITAH10 report that lists out all vehicle changes (eg colour or GVM) – if so can you please run one for EBE235 for me.

Thanks,  
Tom.

---

Tom Logan / Senior Advisor

Intervention Surety

P s 9(2)(a)

E [tom.logan@nzta.govt.nz](mailto:tom.logan@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)

National Office / Victoria Arcade, 50 Victoria Street,  
Private Bag 6995, Wellington 6141, New Zealand



\*\*\*\*\*

```
*
*
* Report Id: IATH10
*
*
* Requested By: ANDREWH
*
*
* Date: 22 JUN 18
*
* Time: 13:32
*
*
* From: TAM005
*
*
* Printer: LTD008
*
*
* Parameters:
*
*
* PLATE           :           EBE235
*
* VIN             :
*
* AVIC ID        :
*
* INSPECTOR/USER ID :
*
* MIA MODEL CODE :
*
* PERIOD: FROM DATE:
*
*               TO DATE :
*
* MAX NO OF LINES :           0999
*
*
*
*
```

IATH10\_180622\_133246.txt

\*  
\*  
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\*  
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\*

\*\*\*\*\*

Report: IATH10 Version: 28  
Run On: 22 JUN 18 At: 13:32 Page: 1

NZ TRANSPORT AGENCY LANDATA  
Attribute Changes History

Report

Attribute Changes History from Earliest

to Latest

PLATE: EBE235 - MERCEDES-BENZ 2534 1998 WHITE SILVER

Owner: s 9(2)(a)

AVIC: N18 - VTNZ TE AWAMUTU

Inspector: s 9(2)(a)

Date: 20/12/2017 Time: 11:16:12 Screen: IPCOL

The following detail(s) were changed:

COL Print Date old: 06/12/2012  
new: 20/12/2017

AVIC: N18 - VTNZ TE AWAMUTU

Inspector: s 9(2)(a)

Date: 20/12/2017 Time: 11:13:29 Screen: ICORE

The following detail(s) were changed:

COL Required Flag old: Y  
new: N  
GVM old: 025000  
new: 022500  
Industry Class old: 04  
new: 13  
Road Transport Code old: 00  
new: 09

AVIC: N18 - VTNZ TE AWAMUTU

User: s 9(2)(a)

Date: 27/11/2017 Time: 12:20:41 Screen: LRENC

The following detail(s) were changed:

Secondary Colour old: GREY  
new: SILVER

AVIC: S44 - VTNZ TIMARU

Inspector: s 9(2)(a)

Date: 06/12/2012 Time: 12:43:24 Screen: IPCOL

The following detail(s) were changed:

COL Required Flag old: N  
new: Y



COL Print Date old: 16/09/2010  
new: 06/12/2012

AVIC: S44 - VTNZ TIMARU

Inspector: s 9(2)(a)

Date: 06/12/2012 Time: 12:43:08 Screen: ILOAD

The following detail(s) were changed:

Industry Class old: 06  
new: 04  
Maximum Towed Mass - Braked old: 00000  
new: 30000  
COL Required Flag old: Y  
new: N  
Load Limit Concession Code old:  
new: C NZS54-46

AVIC: S45 - VTNZ DUNEDIN SOUTH

Inspector: s 9(2)(a)

Date: 16/09/2010 Time: 13:22:59 Screen: IPCOL

The following detail(s) were changed:

COL Required Flag old: N  
new: Y  
COL Print Date old: 01/10/2008  
new: 16/09/2010

AVIC: S45 - VTNZ DUNEDIN SOUTH

Inspector: s 9(2)(a)

Date: 16/09/2010 Time: 13:22:37 Screen: ILOAD

The following detail(s) were changed:

Industry Class old: 04  
new: 06  
RUC Weight old: 000000  
new: 021000  
VDAM Weight old: 000000  
new: 021000

Report: IATH10 Version: 28  
Run On: 22 JUN 18 At: 13:32 Page: 2

NZ TRANSPORT AGENCY LANDATA  
Attribute Changes History

Report

Attribute Changes History from Earliest

to Latest

PLATE: EBE235 - MERCEDES-BENZ 2534 1998 WHITE SILVER

Owner: s 9(2)(a)

COL Required Flag old: Y  
new: N  
TARE old: 008900  
new: 009940

AVIC: S45 - VTNZ DUNEDIN SOUTH

Inspector: s 9(2)(a)

Date: 14/10/2009 Time: 11:50:46 Screen: ICORE

The following detail(s) were changed:

Primary Colour old: SILVER  
new: WHITE  
Secondary Colour old: WHITE

new: GREY

AVIC: S45 - VTNZ DUNEDIN SOUTH

User: s 9(2)(a)

Date: 01/10/2008 Time: 16:09:24 Screen: IPCOL

The following detail(s) were changed:

COL Required Flag old: N  
new: Y  
COL Print Date old: 22/02/2008  
new: 01/10/2008

AVIC: S45 - VTNZ DUNEDIN SOUTH

Inspector: s 9(2)(a)

Date: 22/02/2008 Time: 09:57:14 Screen: IPCOL

The following detail(s) were changed:

COL Print Date old: 13/08/2007  
new: 22/02/2008

AVIC: 223596363 - AA MOSGIEL - OUTLET

User: s 9(2)(a)

Date: 13/02/2008 Time: 09:18:23 Screen: LRENC

The following detail(s) were changed:

Industry Class old: 09  
new: 04  
Vehicle Usage old: 04  
new: 03

AVIC: S45 - VTNZ DUNEDIN SOUTH

User: s 9(2)(a)

Date: 13/08/2007 Time: 13:43:37 Screen: IPCOL

The following detail(s) were changed:

COL Print Date old: 29/06/2005  
new: 13/08/2007

AVIC: S45 - VTNZ DUNEDIN SOUTH

User: s 9(2)(a)

Date: 13/08/2007 Time: 13:17:37 Screen: VALOC

The following detail(s) were changed:

Industry Class old: 05  
new: 09  
MR2 Print Flag old: N  
new: Y  
MR2 Date old: 20050621  
new: 20070813  
MR2 User ID old: VTKD  
new: VTGB  
Registration Date old: 20050629  
new: 20070813  
Register OK Flag old: N  
new: Y  
Vehicle Usage old: 01  
new: 04  
Vehicle status old: I  
new: A

Report: IATH10

Version: 28

Run On: 22 JUN 18

At: 13:32

Page:

3

NZ TRANSPORT AGENCY LANDATA

## Report

## Attribute Changes History from Earliest

to Latest

PLATE: EBE235 - MERCEDES-BENZ 2534 1998 WHITE SILVER

Owner: s 9(2)(a)

AVIC: S45 - VTNZ DUNEDIN SOUTH

Inspector: s 9(2)(a)

Date: 25/07/2007 Time: 15:22:30 Screen: VALOC

The following detail(s) were changed:

Primary Colour	old: BLUE
new: SILVER	
Secondary Colour	old: ORANGE
new: WHITE	
N/U/R or S	old: U
new: R	

AVIC: S45 - VTNZ DUNEDIN SOUTH

Inspector: s 9(2)(a)

Date: 29/06/2005 Time: 09:44:58 Screen: IPCOL

The following detail(s) were changed:

COL Print Date	old:
new: 29/06/2005	

AVIC: S45 - VTNZ DUNEDIN SOUTH

User: s 9(2)(a)

Date: 21/06/2005 Time: 12:47:52 Screen: VALOC

The following detail(s) were changed:

Certification date	old: 00000000
new: 20050621	
VSR Certifier ID	old:
new: TDFC	
Engine Number	old: TO SUPPLY
new: 44198620893179	
Finance type	old: 0
new: 1 OWN	
Industry Model Code	old:
new: 2543K	
Industry Class	old: 00
new: 05	
MR2 Date	old: 00000000
new: 20050621	
MR2 User ID	old:
new: VTKD	
1st NZ Registration Date	old: 00000000
new: 20050629	
Reliable Odometer	old:
new: Y	
Registration Date	old: 00000000
new: 20050629	
Registration fee paid	old:
new: Y	
Registration town	old:
new: DUNEDIN	

Vehicle Usage old: 00  
new: 01  
Test Regime old:  
new: EUR1

AVIC: S45 - VTNZ DUNEDIN SOUTH

Inspector: s 9(2)(a)

Date: 12/04/2005 Time: 16:50:50 Screen: ILOAD

The following detail(s) were changed:

Front Axle Configuration 1 old:  
new: S  
Rear Axle Configuration 1 old:  
new: D  
Rear Axle Configuration 2 old:  
new: D  
Front Overhang old: 00000  
new: 00800  
Forward Distance old: 00000  
new: 05580  
Height old: 00000  
new: 03330  
Rear Overhang old: 00000  
new: 02270  
Front Tyres Capacity old: 000000  
new: 006000  
Rear Tyres Capacity old: 000000  
new: 021800  
Front Tyre Ply 1 old:  
new: 16  
Rear Tyre Ply 1 old:  
new: 16  
Rear Tyre Ply 2 old:  
new: 16  
Front Tyre Size 1 old: 0000  
new: 2203

Report: IATH10

Version: 28

Run On: 22 JUN 18 At: 13:32

Page: 4

NZ TRANSPORT AGENCY LANDATA  
Attribute Changes History

Report

Attribute Changes History from Earliest

to Latest

PLATE: EBE235 - MERCEDES-BENZ 2534 1998 WHITE SILVER

Owner: s 9(2)(a)

Rear Tyre Size 1 old: 0000  
new: 2203  
Rear Tyre Size 2 old: 0000  
new: 2203  
Width old: 00000  
new: 02430

AVIC: S45 - VTNZ DUNEDIN SOUTH

Inspector: s 9(2)(a)

Date: 12/04/2005 Time: 16:49:49 Screen: ICORE

The following detail(s) were changed:

Axle Set Rating - Front	old: 00000
new: 07500	
Axle Set Rating - Rear	old: 00000
new: 18000	
Secondary Colour	old:
new: ORANGE	
GCM	old: 000000
new: 048000	
GVM	old: 019920
new: 025000	
Wheel Base	old: 0000
new: 4250	
AVIC Holding Original DOCS	old:
new: S45 VTNZ DUNEDIN SOUTH	
Axle Spacing 1	old: 0000
new: 3620	
Axle Spacing 2	old: 0000
new: 1320	
Vin Location	old:
new: R/F CHASSIS	

AVIC: 149910824 - VINZ CHRISTCHURCH - OUTLET

User: s 9(2)(a)

Date: 05/04/2005 Time: 14:09:53 Screen: VALOC

The following detail(s) were changed:

TARE	old: 000000
new: 008900	
Assembly Type	old: 0
new: 1	
Number of Axles	old: 0
new: 3	
Body Type	old:
new: OT OTHER TRUCK	
CC Rating	old: 00000
new: 10960	
Chassis Number	old: WDB6531582K211340
new:	
Vehicle Class	old:
new: NC GOODS VEHICLE GVM > 12 T	
Compliance authority Flag	old:
new: Y	
Primary Colour	old:
new: BLUE	
Damaged flag	old:
new: N	
Duty Exempt Flag	old:
new: N	
Engine Number	old:
new: TO SUPPLY	
Engine Type	old: 00
new: 02 DIESEL	
GVM	old: 000000

IATH10\_180622\_133246.txt

new: 019920	
Model Variant	old: 0000
new: 0999	
Vehicle Model	old: TRUCK
new: 2534	
Odometer Unit	old:
new: K	
Original Country	old:
new: JPN	
Previous Country	old:
new: JPN	
Reference	old:
new: 513758	
1st Reg/Manufacture Year	old: 0000
new: 1998	
1st Registration Date	old:
new: /12/1998	
Seats	old: 000
new: 002	
Vehicle Type	old: 00
new: 08 GOODS VAN/TRUCK/UTILITY	
Vehicle status	old:
new: I	
VIN	old:
new: WDB6531582K211340	

\*\* End of Report \*\*

## Brent Downes

---

**From:** Tom Logan  
**Sent:** Friday, 22 June 2018 2:16 PM  
**To:** Andrew Hilson  
**Subject:** RE: ITAH10 report for EBE235?

Thanks.

**From:** Andrew Hilson  
**Sent:** Friday, 22 June 2018 1:38 PM  
**To:** Tom Logan <Tom.Logan@nzta.govt.nz>  
**Subject:** RE: ITAH10 report for EBE235?

**From:** Tom Logan  
**Sent:** Friday, 22 June 2018 12:38 PM  
**To:** Andrew Hilson <[Andrew.Hilson@nzta.govt.nz](mailto:Andrew.Hilson@nzta.govt.nz)>  
**Subject:** ITAH10 report for EBE235?

Hi Andrew,

I am told that you can run an ITAH10 report that lists out all vehicle changes (eg colour or GVM) – if so can you please run one for EBE235 for me.

Thanks,  
Tom.

---

Tom Logan / Senior Advisor

Intervention Surety

Ps 9(2)(a)

E [tom.logan@nzta.govt.nz](mailto:tom.logan@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)

National Office / Victoria Arcade, 50 Victoria Street,  
Private Bag 6995, Wellington 6141, New Zealand



## Brent Downes

---

**From:** Tom Logan  
**Sent:** Friday, 22 June 2018 12:04 PM  
**To:** s 9(2)(a)  
**Subject:** EBE235 LT400 304485 for a CHIPMASTER PUSHER

Hi Richard,

I am looking into a certification complaint regarding the above vehicle EBE235, 1998 MERCEDES-BENZ 2534. Can you please email me a scan of your certification file for LT400 304485. I am hoping there might be photos?

The complaint is unrelated to your certification, but it would really help me to know the previous condition of the vehicle.

Many thanks,  
Tom.

---

Tom Logan / Senior Advisor

Integration Surety

s 9(2)(a)

E [tom.logan@nzta.govt.nz](mailto:tom.logan@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)

National Office / Victoria Arcade, 50 Victoria Street,  
Private Bag 6995, Wellington 6141, New Zealand





**Brent Downes**

---

**From:** s 9(2)(a)  
**Sent:** Tuesday, 19 June 2018 7:04 PM  
**To:** Tom Logan  
**Subject:** Mcclunie Siteprep  
**Attachments:** s 9(2)(a)  
**Categories:** 2. Tom to do

Get [Outlook for Android](#)

---

**From:** s 9(2)(a)  
**Sent:** Tuesday, June 19, 2018 7:01:09 PM  
**To:** s 9(2)(a)  
**Subject:** Fwd: Tipper letter

----- Forwarded message -----

**From:** s 9(2)(a)  
**Date:** Tue, 7 Nov 2017, 3:57 PM  
**Subject:** Tipper letter  
**To:** s 9(2)(a)

Hi s 9(2)(a)

Letter attached.

Cheers,

s 9(2)(a)

***TSV Consultants***

[www.tsvconsultants.co.nz](http://www.tsvconsultants.co.nz)

12A Albert St, Cambridge

s 9(2)(a)

To whom it may concern,

RE: Mercedes 2534, rego EBE235

I was contracted by **s 9(2)(a)** to provide certification for the tipping body fitment as requested by the testing station. The chassis required the fitment of a subframe to provide adequate strength for a tipping application, and the rear hinge was significantly worn in both the pin and housing, over many years of use, which would require replacing. **s 9(2)(a)** opted to go for the permanent pin arrangement as he had no requirement to remove the body, and would require a similar amount of work. I have included photos of the original setup for your interest. The wear is hard to see in these but was significant.



Regards,

**s 9(2)(a)**

## Brent Downes

---

**From:** Vehicle Certification Complaints  
**Sent:** Tuesday, 3 April 2018 3:47 PM  
**To:** s 9(2)(a)  
**Subject:** FW: Complaint regarding VINZ  
**Attachments:** Vehicle Cert Complaint Form.pdf

**Categories:** To be triaged

Good afternoon s 9(2)(a)

Thanks for submitting your complaint. You've asked for clarification on the rules for the truck so you can move on to the next step.

The Vehicle Inspection Requirements Manual (VIRM) is available to the public online – here is a link that takes you straight to Heavy Vehicles <http://vehicleinspection.nzta.govt.nz/virms/in-service-wof-and-cof/heavy-vehicles> You may be able to find the information you're looking for in the Structure section. You will see that there are 3 tabs, Reasons for rejection, Tables and Images, and Summary of Legislation for each page. Click on each tab for information.

## 3 Vehicle structure

### 3-1 Structure

Reasons for rejection   Tables and images   **Summary of legislation**

I'm not sure what action you are planning to take next, but if you are considering taking legal action, some useful information can be found here: <https://www.disputestribunal.govt.nz/how-to-make-a-claim/> You can use your receipts etc and checksheet from VTNZ as supporting evidence.

We will be booking in a visit to VINZ in Gore to discuss this case with them and ensure that a) they are fully aware of requirements etc and b) they are inspecting these types of vehicles correctly.

Thank you for bringing this to our attention.

Kind Regards

*Kelly Menhennet*  
Advisor Complaints – Intervention Surety  
Palmerston North Office

---

**From:** Leigh and Brad McClunie s 9(2)(a)  
**Sent:** Tuesday, 3 April 2018 8:11 a.m.  
**To:** Vehicle Certification Complaints  
**Subject:** FW: Complaint regarding VINZ

From: s 9(2)(a)  
Sent: 3 April 2018 7:51 AM  
To: [vccomplains@nzta.govy.nz](mailto:vccomplains@nzta.govy.nz)  
Subject: Complaint regarding VINZ

Good afternoon,

Please find attached VCCPFO1 form completed.

Should you have any further questions please don't hesitate to contact myself on s 9(2)(a)

Kind Regards

s 9(2)(a)

## Brent Downes

---

**From:** Brent Downes  
**Sent:** Tuesday, 19 June 2018 1:30 PM  
**To:** Vehicle Certification Complaints  
**Subject:** RE: Questions about tipping body 6982 manufactured 07/07

**Categories:** 2. Tom to do

The COs are not skilled sufficiently to review paperwork from Heavy Vehicle Certifiers, and we have no HVEC COs down here, John Long is the only one, hence why we are all over the news.

I can get the paperwork uplifted for someone else to review if that helps.

### Brent Downes / Manager Provider Compliance (South Island)

Transport Access Delivery

s 9(2)(a)

E [Brent.Downes@nzta.govt.nz](mailto:Brent.Downes@nzta.govt.nz) / w [nzta.govt.nz](http://nzta.govt.nz)

Christchurch Office / Level 1, BNZ Centre, 120 Hereford Street, Christchurch  
PO Box 1479, Christchurch Mail Centre, Christchurch 8011, New Zealand



**From:** Vehicle Certification Complaints  
**Sent:** Tuesday, 19 June 2018 1:07 PM  
**To:** Brent Downes <[Brent.Downes@nzta.govt.nz](mailto:Brent.Downes@nzta.govt.nz)>  
**Subject:** FW: Questions about tipping body 6982 manufactured 07/07

Hi Brent,

s 9(2)(a) has not got back to me, and I am not sure what more I can do. I was thinking a CO could visit Adams and Currie to carry out a random audit of one their HVS certifiers (I understand they employ some?) and as part of that audit ask for the records of this tipping body, however I am not sure that would work legally. I do not believe we have any power to demand the records (sales and potentially certification).

The complainant is expecting big things from us, I have explained that I believe there is nothing we can do to assist him as the issues are in the past.

What are your thoughts on having someone make a visit? I recall a previous issue with Pat, if he remembers me from that he might not be happy to assist?

Thanks,  
Tom.

**From:** Tom Logan  
**Sent:** Friday, 15 June 2018 10:28 AM  
**To:** Office @ Adams and Currie <[office@adamsandcurrie.co.nz](mailto:office@adamsandcurrie.co.nz)>  
**Subject:** RE: Questions about tipping body 6982 manufactured 07/07

Hi s 9(2)(a)

Sorry about that, photos now attached.

Thanks,  
Tom.

**From:** Office @ Adams and Currie <[office@adamsandcurrie.co.nz](mailto:office@adamsandcurrie.co.nz)>  
**Sent:** Friday, 15 June 2018 9:52 AM  
**To:** Tom Logan <[Tom.Logan@nzta.govt.nz](mailto:Tom.Logan@nzta.govt.nz)>  
**Subject:** RE: Questions about tipping body 6982 manufactured 07/07

Hi Tom

There is no photos included, sorry I can't help.

s 9(2)(a)



**ADAMS & CURRIE LTD**  
Megan Ryan

31 Lunns Rd  
PO Box 11-102  
Sockburn  
CHRISTCHURCH 8443

Phone: 03 348 9510  
Fax: 03 348 7685

[www.adamsandcurrie.co.nz](http://www.adamsandcurrie.co.nz)

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- 1- Is this an Adams and Currie product?
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Thanks for your help,  
Tom.

---

Tom Logan / Senior Advisor

Intervention Surety

P s 9(2)(a)

E [tom.logan@nzta.govt.nz](mailto:tom.logan@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)

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---

## Brent Downes

---

**From:** Vehicle Certification Complaints  
**Sent:** Tuesday, 19 June 2018 1:07 PM  
**To:** Brent Downes  
**Subject:** FW: Questions about tipping body 6982 manufactured 07/07  
**Attachments:** 20180113\_103811.jpg; 20180113\_103823.jpg

**Categories:** 2. Tom to do

Hi Brent,

s 9(2)(a) has not got back to me, and I am not sure what more I can do. I was thinking a CO could visit Adams and Currie to carry out a random audit of one their HVS certifiers (I understand they employ some?) and as part of that audit ask for the records of this tipping body, however I am not sure that would work legally. I do not believe we have any power to demand the records (sales and potentially certification).

The complainant is expecting big things from us, I have explained that I believe there is nothing we can do to assist him as the issues are in the past.

What are your thoughts on having someone make a visit? I recall a previous issue with s 9(2)(a) if he remembers me from that he might not be happy to assist?

Thanks,  
Tom.

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E [tom.logan@nzta.govt.nz](mailto:tom.logan@nzta.govt.nz) / W [nzta.govt.nz](http://nzta.govt.nz)  
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---

## Brent Downes

---

**From:** Tom Logan  
**Sent:** Thursday, 14 June 2018 10:53 AM  
**To:** s 9(2)(a)  
**Subject:** RE: RE: Complaint regarding VINZ

Hi Brad, my DDI is s 9(2)(a) sorry I did not give it to you previously.  
Tom.

**From:** Vehicle Certification Complaints  
**Sent:** Wednesday, 30 May 2018 1:01 PM  
**To:** s 9(2)(a)  
**Subject:** RE: RE: Complaint regarding VINZ

Hi s 9(2)(a)

Apologies for not replying to this email earlier, and that this is not the final answer. This has been escalated to me; I have been asked to review the information and make the determination as to what is the situation and if a complaint can be upheld, including what action we might take if so. I have been reviewing your complaint and the information provided by our certification officer, but want to confirm some of the facts I have been told and am having a little difficulty accessing previous VIRMs to do that. Our IT team have been helping and I am getting the access I need, but I thought I should give you this reply so you know you are not being ignored (it might just seem like it).

I hope to be able to advise further on Friday.

Regards.  
Tom.

---

**Tom Logan** / Senior Advisor  
Intervention Surety

**National Office** / Victoria Arcade, 50 Victoria Street,  
Private Bag 6995, Wellington 6141, New Zealand



**From:** s 9(2)(a)  
**Sent:** Thursday, 24 May 2018 2:28 PM  
**To:** Vehicle Certification Complaints <[vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)>  
**Subject:** Re: RE: Complaint regarding VINZ

Good afternoon,

It has been almost a month since I received an email back from Kelly in regards to waiting on more information from the certification officer.

Has that information come through? Please refer to my previous email dated 17th of April 2018 which states what I am after in order to move forward with this.

Should you have any further questions please don't hesitate to contact me on s 9(2)(a)

Kind regards

s 9(2)(a)

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From: s 9(2)(a)  
Sent: Friday, 27 April, 2:46 PM  
Subject: Fwd: RE: Complaint regarding VINZ  
To: s 9(2)(a)

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**From:** Vehicle Certification Complaints <[vccomplains@nzta.govt.nz](mailto:vccomplains@nzta.govt.nz)>  
**Sent:** Friday, April 27, 2018 12:51:33 PM  
**To:** s 9(2)(a)  
**Subject:** RE: Complaint regarding VINZ

Hi Brad,

I'm waiting on some more information from our Certification Officer.

Will be in touch with you as soon as I have a response.

Kind Regards  
Kelly

**From:** s 9(2)(a)  
**Sent:** Friday, 27 April 2018 12:19 p.m.  
**To:** Vehicle Certification Complaints  
**Subject:** RE: Complaint regarding VINZ

Good afternoon  
Just following up my email sent on the 17th of April.  
Kind regards

s 9(2)(a)

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From: s 9(2)(a)  
Sent: Tuesday, 17 April, 8:03 PM  
Subject: RE: Complaint regarding VINZ  
To: Vehicle Certification Complaints

Good evening,

Thank you for your reply, and for the links to VIRM.



I have read and understood the VIRM over the past 6 months while I have been dealing with both VINZ and VTNZ, so I am aware of what the guidelines are in this case.

What I need from NZTA is a formal investigation on this matter, as both Andrew Hilson and Bill Hyslop have informed me that if I make a formal complaint I will get a formal investigation into this matter and receive a ruling as it seems the VIRM is open to interpretation, which I feel is not expectable.

The facts are in the Land data information for the truck EBE235. The truck was imported but has no record of any type of deck or use of truck. The truck has a NZ made tipping body made by Adam&Currie with a manufacture date of 07/07. I have photos if needed. I will also supply an email conversation (if needed) with VINZ I have had which clearly shows how they operate.

Basically they say they gave it a COF based on the information held in Land data which I find interesting as that's exactly the reason VTNZ failed it for a COF.

I need to know who is correct, I don't want more extracts from the VIRM, I need someone there to look into this and give me a decision in writing and this needs to happen promptly. You can check with Andrew Hilson that this has been going on for too long.

If you need more information please don't hesitate to contact me, I am very willing to help.

Kind Regards

s 9(2)(a)

**From:** Vehicle Certification Complaints <[vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)>

**Sent:** 3 April 2018 3:47 PM

**To:** s 9(2)(a)

**Subject:** FW: Complaint regarding VINZ

Good afternoon Brad,

Thanks for submitting your complaint. You've asked for clarification on the rules for the truck so you can move on to the next step.

The Vehicle Inspection Requirements Manual (VIRM) is available to the public online – here is a link that takes you straight to Heavy Vehicles <http://vehicleinspection.nzta.govt.nz/virms/in-service-wof-and-cof/heavy-vehicles> You may be able to find the information you're looking for in the Structure section. You will see that there are 3 tabs, Reasons for rejection, Tables and Images, and Summary of Legislation for each page. Click on each tab for information.

## 3 Vehicle structure

### 3-1 Structure

Reasons for rejection

Tables and images

Summary of legislation

I'm not sure what action you are planning to take next, but if you are considering taking legal action, some useful information can be found here: <https://www.disputestribunal.govt.nz/how-to-make-a-claim/> You can use your receipts etc and checksheet from VTNZ as supporting evidence.

We will be booking in a visit to VINZ in Gore to discuss this case with them and ensure that a) they are fully aware of requirements etc and b) they are inspecting these types of vehicles correctly.

Thank you for bringing this to our attention.

Kind Regards

*Kelly Menhennet*  
Advisor Complaints - Intervention Surety  
Palmerston North Office

**From:** s 9(2)(a)  
**Sent:** Tuesday, 3 April 2018 8:11 a.m.  
**To:** Vehicle Certification Complaints  
**Subject:** FW: Complaint regarding VINZ

**From:** s 9(2)(a)  
**Sent:** 3 April 2018 7:51 AM  
**To:** [vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)  
**Subject:** Complaint regarding VINZ

Good afternoon,

Please find attached VCCPFO1 form completed.

Should you have any further questions please don't hesitate to contact myself on 0212471982

Kind Regards

s 9(2)(a)

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**To:** Vehicle Certification Complaints  
**Subject:** Fwd: ATTN: Tom Logan  
**Attachments:** 20180113\_103811.jpg; 20180113\_103818.jpg; 20180113\_103823.jpg; 20180113\_103833.jpg; 20180113\_103841.jpg

**Categories:** 2. Tom to do

Email 2 with second lot of photos

Kind regards

s 9(2)(a)

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---

**From:** s 9(2)(a)  
**Sent:** Thursday, June 14, 2018 10:43:51 AM  
**To:** s 9(2)(a)  
**Subject:**

**Brent Downes**

---

**From:** s 9(2)(a)  
**Sent:** Thursday, 14 June 2018 10:50 AM  
**To:** Vehicle Certification Complaints  
**Subject:** Fwd: ATTN: Tom Logan  
**Attachments:** 20180113\_103555.jpg; 20180113\_103749.jpg; 20180113\_103746.jpg

**Categories:** 2. Tom to do

Please find attached photos of the truck. Clearly not a Japanese deck.

Another email to follow with more photos.

Kind regards

s 9(2)(a)

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---

**From:** s 9(2)(a)  
**Sent:** Thursday, June 14, 2018 10:49:11 AM  
**To:** s 9(2)(a)  
**Subject:**

## Brent Downes

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Kind Regards

*Kelly Menhennet  
Advisor Complaints - Intervention Surety  
Palmerston North Office*

**From:** s 9(2)(a)  
**Sent:** Tuesday, 3 April 2018 8:11 a.m.  
**To:** Vehicle Certification Complaints  
**Subject:** FW: Complaint regarding VINZ

**From:** Leigh and Brad McClunie  
**Sent:** 3 April 2018 7:51 AM  
**To:** [vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)  
**Subject:** Complaint regarding VINZ

Good afternoon,

Please find attached VCCPFO1 form completed.

Should you have any further questions please don't hesitate to contact myself on s 9(2)(a)

Kind Regards

s 9(2)(a)

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## Brent Downes

---

**From:** Tom Logan  
**Sent:** Monday, 28 May 2018 9:16 AM  
**To:** Kelly Menhennet  
**Subject:** RE: RE: Complaint regarding VINZ

Hi Kelly,

Are you not in the office? I have just got off the phone with Ross (Great minds think alike) – it looks like we have not looked at the vehicle. I am concerned that we ought to in case there is a plate or something that identifies a date of fitment or modification. If I make a call based on what I currently have available, and there is a plate, then we would look like idiots?

Tom.

---

**From:** Kelly Menhennet  
**Sent:** Monday, 28 May 2018 9:09 a.m.  
**To:** Tom Logan  
**Subject:** RE: RE: Complaint regarding VINZ

Might be best to talk to Ross Bayne or Brent Downes and see what they did.

---

**From:** Vehicle Certification Complaints  
**Sent:** Thursday, 24 May 2018 4:40 p.m.  
**To:** Kelly Menhennet  
**Subject:** FW: RE: Complaint regarding VINZ

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I will have to give this some thought...

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**From:** Vehicle Certification Complaints  
**Sent:** Thursday, 24 May 2018 2:31 p.m.  
**To:** Tom Logan  
**Subject:** FW: RE: Complaint regarding VINZ

This is the VINZ Gore one that I escalated to you. I had a feeling he'd be back soon, and here he is 😊

---

**From:** s 9(2)(a)  
**Sent:** Thursday, 24 May 2018 2:28 p.m.  
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Has that information come through? Please refer to my previous email dated 17th of April 2018 which states what I am after in order to move forward with this.

Should you have any further questions please don't hesitate to contact me on **s 9(2)(a)**

Kind regards

**s 9(2)(a)**

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From: **s 9(2)(a)**  
Sent: Friday, 27 April, 2:46 PM  
Subject: Fwd: RE: Complaint regarding VINZ  
To: 'Brad McClunie'

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**From:** Vehicle Certification Complaints <vccomplaints@nzta.govt.nz>  
**Sent:** Friday, April 27, 2018 12:51:33 PM  
**To:** **s 9(2)(a)**  
**Subject:** RE: Complaint regarding VINZ

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I'm waiting on some more information from our Certification Officer.

Will be in touch with you as soon as I have a response.

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To: Vehicle Certification Complaints

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**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Kind Regards

s 9(2)(a)

**From:** Vehicle Certification Complaints <[vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)>  
**Sent:** 3 April 2018 3:47 PM  
**To:** s 9(2)(a)  
**Subject:** FW: Complaint regarding VINZ

Good afternoon s 9(2)(a)

Thanks for submitting your complaint. You've asked for clarification on the rules for the truck so you can move on to the next step.

The Vehicle Inspection Requirements Manual (VIRM) is available to the public online – here is a link that takes you straight to Heavy Vehicles <http://vehicleinspection.nzta.govt.nz/virms/in-service-wof-and-cof/heavy-vehicles> You may be able to find the information you're looking for in the Structure section. You

will see that there are 3 tabs, Reasons for rejection, Tables and Images, and Summary of Legislation for each page. Click on each tab for information.

## 3 Vehicle structure

### 3-1 Structure

Reasons for rejection   Tables and images   **Summary of legislation**

I'm not sure what action you are planning to take next, but if you are considering taking legal action, some useful information can be found here: <https://www.disputestribunal.govt.nz/how-to-make-a-claim/> You can use your receipts etc and checksheet from VTNZ as supporting evidence.

We will be booking in a visit to VINZ in Gore to discuss this case with them and ensure that a) they are fully aware of requirements etc and b) they are inspecting these types of vehicles correctly.

Thank you for bringing this to our attention.

Kind Regards

*Kelly Menhennet  
Advisor Complaints - Intervention Surety  
Palmerston North Office*

**From:** s 9(2)(a)  
**Sent:** Tuesday, 3 April 2018 8:11 a.m.  
**To:** Vehicle Certification Complaints  
**Subject:** FW: Complaint regarding VINZ

**From:** s 9(2)(a)  
**Sent:** 3 April 2018 7:51 AM  
**To:** [vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)  
**Subject:** Complaint regarding VINZ

Good afternoon,

Please find attached VCCPFO1 form completed.

Should you have any further questions please don't hesitate to contact myself on s 9(2)(a)

Kind Regards

s 9(2)(a)

Find the latest transport news, information, and advice on our website:  
[www.nzta.govt.nz](http://www.nzta.govt.nz)

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## Brent Downes

---

**From:** Tom Logan  
**Sent:** Thursday, 24 May 2018 4:40 PM  
**To:** Vehicle Certification Complaints  
**Subject:** RE: RE: Complaint regarding VINZ

Hi Kelly, did any of our team actually look at the vehicle (I think they did)? Are there more photos etc?

One piece of information is that the tray came in installed in Japan, another is that it was fitted in 2007 but there is no associated plate.

I am thinking we need to say the VIRM is OK, there is some debate here, and that the decision is that certification is not required as it has been accepted that the tray is from Japan – BUT is that correct? Perhaps we say that as there is some debate it should be certified, as that is the safest outcome, at the owners expense, they can try and negotiate a cost share with the person they purchased it off?

I will have to give this some thought...

---

**From:** Vehicle Certification Complaints  
**Sent:** Thursday, 24 May 2018 2:31 p.m.  
**To:** Tom Logan  
**Subject:** FW: RE: Complaint regarding VINZ

This is the VINZ Gore one that I escalated to you. I had a feeling he'd be back soon, and here he is ☺

---

**From:** s 9(2)(a)  
**Sent:** Thursday, 24 May 2018 2:28 p.m.  
**To:** Vehicle Certification Complaints  
**Subject:** Re: RE: Complaint regarding VINZ

Good afternoon,

It has been almost a month since I received an email back from Kelly in regards to waiting on more information from the certification officer.

Has that information come through? Please refer to my previous email dated 17th of April 2018 which states what I am after in order to move forward with this.

Should you have any further questions please don't hesitate to contact me on s 9(2)(a)

Kind regards

s 9(2)(a)

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---

**From:** s 9(2)(a)  
**Sent:** Friday, 27 April, 2:46 PM  
**Subject:** Fwd: RE: Complaint regarding VINZ  
**To:** s 9(2)(a)

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---

**From:** Vehicle Certification Complaints <vccomplaints@nzta.govt.nz>  
**Sent:** Friday, April 27, 2018 12:51:33 PM



To: s 9(2)(a)  
Subject: RE: Complaint regarding VINZ

Hi s 9(2)(a)

I'm waiting on some more information from our Certification Officer.

Will be in touch with you as soon as I have a response.

Kind Regards  
Kelly

From: s 9(2)(a)  
Sent: Friday, 27 April 2018 12:19 p.m.  
To: Vehicle Certification Complaints  
Subject: RE: Complaint regarding VINZ

Good afternoon  
Just following up my email sent on the 17th of April.  
Kind regards

s 9(2)(a)  
Get [Outlook for Android](#)

From: s 9(2)(a)  
Sent: Tuesday, 17 April, 8:03 PM  
Subject: RE: Complaint regarding VINZ  
To: Vehicle Certification Complaints

Good evening,

Thank you for your reply, and for the links to VIRM.

I have read and understood the VIRM over the past 6 months while I have been dealing with both VINZ and VTNZ, so I am aware of what the guidelines are in this case.

What I need from NZTA is a formal investigation on this matter, as both Andrew Hilson and Bill Hyslop have informed me that if I make a formal complaint I will get a formal investigation into this matter and receive a ruling as it seems the VIRM is open to interpretation, which I feel is not expectable.

The facts are in the Land data information for the truck EBE235. The truck was imported but has no record of any type of deck or use of truck. The truck has a NZ made tipping body made by Adam&Currie with a manufacture date of 07/07. I have photos if needed. I will also supply an email conversation (if needed) with VINZ I have had which clearly shows how they operate.

Basically they say they gave it a COF based on the information held in Land data which I find interesting as that's exactly the reason VTNZ failed it for a COF.

I need to know who is correct, I don't want more extracts from the VIRM, I need someone there to look into this and give me a decision in writing and this needs to happen promptly. You can check with Andrew Hilson that this has been going on for too long.

If you need more information please don't hesitate to contact me, I am very willing to help.

Kind Regards

s 9(2)(a)

From: Vehicle Certification Complaints <[vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)>  
Sent: 3 April 2018 3:47 PM  
To: [bcrimcclunie@hotmail.com](mailto:bcrimcclunie@hotmail.com)

**Subject:** FW: Complaint regarding VINZ

Good afternoon **s 9(2)(a)**

Thanks for submitting your complaint. You've asked for clarification on the rules for the truck so you can move on to the next step.

The Vehicle Inspection Requirements Manual (VIRM) is available to the public online – here is a link that takes you straight to Heavy Vehicles <http://vehicleinspection.nzta.govt.nz/virms/in-service-wof-and-cof/heavy-vehicles> You may be able to find the information you're looking for in the Structure section. You will see that there are 3 tabs, Reasons for rejection, Tables and Images, and Summary of Legislation for each page. Click on each tab for information.

## 3 Vehicle structure

### 3-1 Structure

Reasons for rejection

Tables and images

Summary of legislation

I'm not sure what action you are planning to take next, but if you are considering taking legal action, some useful information can be found here: <https://www.disputestribunal.govt.nz/how-to-make-a-claim/> You can use your receipts etc and checksheet from VTNZ as supporting evidence.

We will be booking in a visit to VINZ in Gore to discuss this case with them and ensure that a) they are fully aware of requirements etc and b) they are inspecting these types of vehicles correctly.

Thank you for bringing this to our attention.

Kind Regards

*Kelly Menhennet  
Advisor Complaints - Intervention Surety  
Palmerston North Office*

**From:** **s 9(2)(a)**  
**Sent:** Tuesday, 3 April 2018 8:11 a.m.  
**To:** Vehicle Certification Complaints  
**Subject:** FW: Complaint regarding VINZ

**From:** **s 9(2)(a)**  
**Sent:** 3 April 2018 7:51 AM  
**To:** [vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)  
**Subject:** Complaint regarding VINZ

Good afternoon,

Please find attached VCCPFO1 form completed.

Should you have any further questions please don't hesitate to contact myself on **s 9(2)(a)**

Kind Regards

**s 9(2)(a)**

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[www.nzta.govt.nz](http://www.nzta.govt.nz)

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## Brent Downes

---

**From:** Brent Downes  
**Sent:** Thursday, 26 April 2018 8:25 AM  
**To:** Kelly Menhennet  
**Subject:** FW: Mercedes 2534 Photos  
**Attachments:** IMG\_20170317\_160308.jpg; IMG\_20160602\_165658.jpg; IMG\_20160602\_165709.jpg; IMG\_20160826\_082642.jpg; IMG\_20160826\_082649.jpg; HTR2004.pdf; Heavy Vehicle Rule.docx

**Categories:** VINZ GORE

Hi Kelly,

Here is more on the tipper truck. There appears to be doubt as to when the tipper was fitted, and the benefit of that doubt has been given to being before 2005.

**From:** Ross Bayne  
**Sent:** Thursday, 19 April 2018 3:32 PM  
**To:** Brent Downes <Brent.Downes@nzta.govt.nz>  
**Subject:** FW: Mercedes 2534 Photos

Hi Brent

This is the info received for the Mercedes complaint

As you can see the certification date is unknown but it is clear that the last VI should have asked for certification even though it has gone through compliance twice by VTNZ and there is a possibility that even they have missed it I have not put this into info hub or sent it to Kelly as yet

Regards

PS - s 9(2)(a) has the date in the body of his email as 2010 but he meant it to be 10/2005 and the date so it may be that there is a discrepancy in dates

**Ross Bayne**  
Certification Officer  
Provider Compliance  
Transport Access Delivery

s 9(2)(a)

E [ross.bayne@nzta.govt.nz](mailto:ross.bayne@nzta.govt.nz)

Level 2 AA centre  
450 Moray Place  
Dunedin 9058



**From:** s 9(2)(a)  
**Sent:** Thursday, 19 April 2018 12:59 PM  
**To:** Ross Bayne <[Ross.Bayne@nzta.govt.nz](mailto:Ross.Bayne@nzta.govt.nz)>  
**Subject:** Fw: Mercedes 2534 Photos

Hi Ross,

Attached are some photos sent of EBE235, by s 9(2)(a) who we carried out the COF for, prior to the Vehicle being sold to s 9(2)(a). Also attached is VTNZ fail sheet obtained by s 9(2)(a). I believe the reason this vehicle did not originally have the deck certified may be that it was not required at the time by legislation presented to HVEC certifiers. See *HeavyVehicle Rule.docx*. Even if the vehicle had been presented to a Certifier the Certifier would most likely told the owner it was not required till October 2005. Similarly in the EVIRM for in service the RTF says April 2005, but the legislation Heavy Vehicle Rule says 2010. This needs to be clarified as our inspectors refer to both from the VIRM. Our Tech Department brought this up with NZTA Tech department in relation to this case but also in a general sense regarding the fitment of Tank bodies. The result of this was the Interim ammendment - Modification Heavy Vehicles. Unfortunately this didnt fully answer our query.

Points we have noted;

- The Vehicle was a Japanese Import. Imported with approx 175000km on the clock
- VTNZ have Complied the vehicle twice. Once at initial Entry and once after having been used in Fiji from 7/05 to 3/07.
- The vehicle has been passed for COF for
- OCW who imported and sold the vehicle have no records of when or if the deck was fitted. i.e. built by them, of if the deck was on the vehicle upon arival in NZ. We have asked s 9(2)(a) for Information regarding the Deck fitment but Information forwarded has not been relevant.
  
- We have no Idea if the Vehicle when this body was attached or who manufactured it. There is no manufactures plate.
- It is not a Twistlock mounted hinged deck, so we are sure this is not what it was failed for in regard to NZS5444 anchourages, recorded in Notes on Landata 14/4/2005. The uncertified twistlocks are shown in the picture and it is beleived they were for a 5th Wheel set up. No record of fitment in Landata.

This is what I have so far. I will send our Inspection sheet as soon as I have it in Hand

Regards

s 9(2)(a)



Your independent vehicle inspection specialists  
Dunedin: 20 Teviot Street, Dunedin South, Dunedin 9012  
Ph: +64 3 466 4770 Mob: +64 27 493 2035  
[www.vinz.co.nz](http://www.vinz.co.nz)

---

From: s 9(2)(a)  
Sent: Wednesday, 15 November 2017 12:55 p.m.  
To: s 9(2)(a)  
Subject: Mercedes 2534 Photos

Hello s 9(2)(a)

Photos attached as requested. First photo shows truck repainted, this is how it was COF'd and when it is about to head out the gate to its new owner.  
The other photos are while it was in our yard for sale before it was painted.

Any questions, let me know.

Best Regards,

s 9(2)(a)

AdvanceQuip | s 9(2)(a)



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s 9(2)(a)

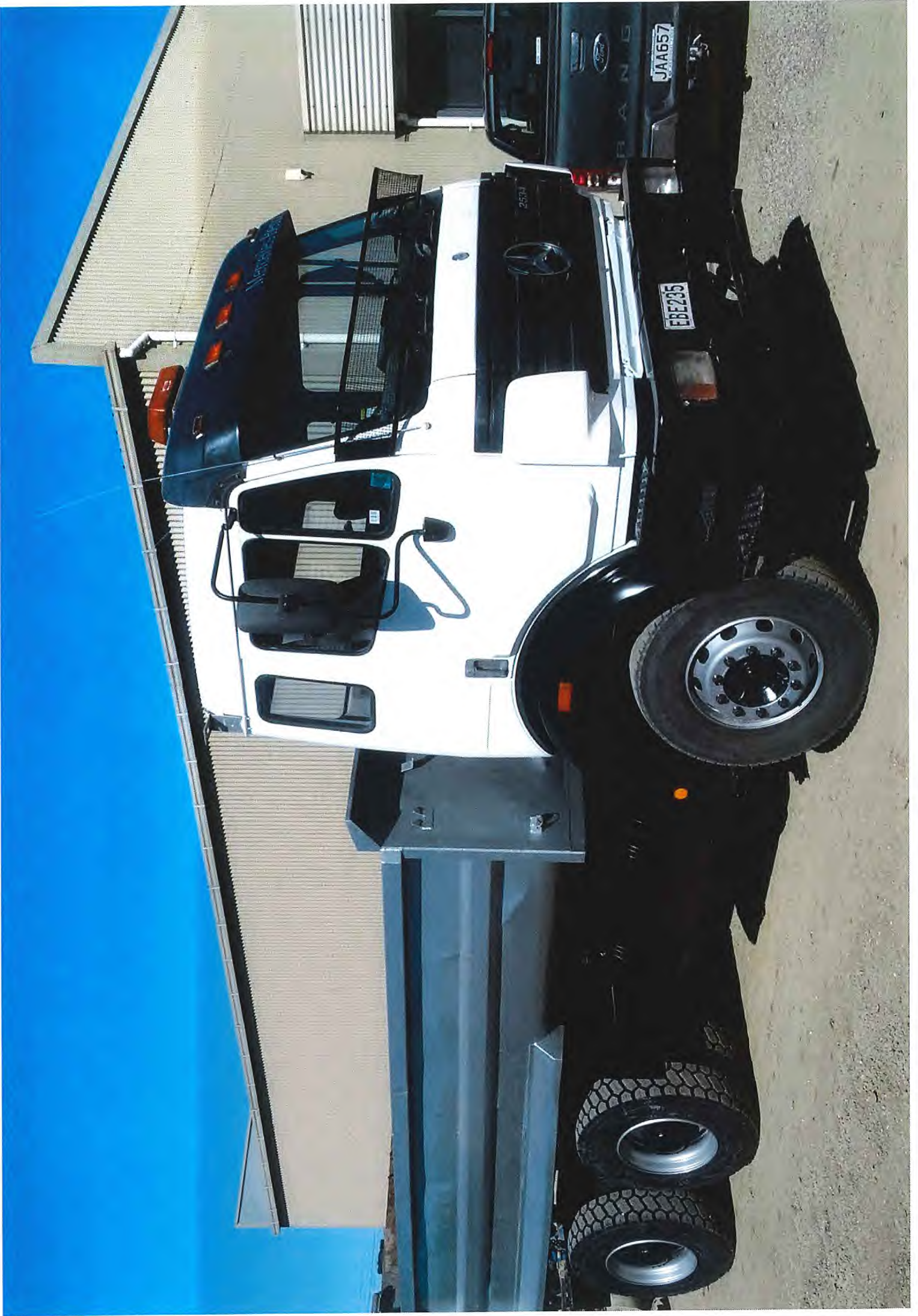
Web [www.advancequip.co.nz](http://www.advancequip.co.nz)

Auckland 211 Roscommon Road, Wiri, Auckland 2104

Christchurch 712-714 Main South Road, Islington, Christchurch 8042

Southland 1a Hyde Street, PO Box 56, Gore 9740

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### 1.3 Date when rule comes into force

This rule comes into force on 1 April 2005.

### 1.4 Application of rule provisions

- 1.4(1) If there is a conflict between a provision of this rule and the corresponding provision of a document incorporated by reference in the rule, the provision of the rule applies.
- 1.4(2) If there is a conflict between a provision of this rule and a provision of *Land Transport Rule: Vehicle Standards Compliance 2002*, the provision of *Land Transport Rule: Vehicle Standards Compliance 2002* applies.

## Section 2

### Vehicle standards

- 2.1 **Vehicle standards include amendments to standards** An approved vehicle standard in this rule includes all amendments to that standard, some of which may apply to classes of vehicle additional to those covered by the original standard.
- [2.2 **Vehicle standards include alternatives** For the purposes of this Rule, *Australian/New Zealand Standard: 1554, Structural steel welding* is an alternative to *New Zealand 4711, Qualification tests for metal-arc welders* wherever it is referenced in an approved standard.]

## Section 3

### General safety requirements

#### 3.1 Chassis and body strength

- 3.1(1) The chassis and body of a vehicle must be of adequate strength for all conditions of loading and operation for which the vehicle was constructed.
- 3.1(2) The body of a vehicle of monocoque construction must be of adequate strength for all conditions of loading and operation for which the vehicle was constructed.
- 3.1(3) A load-bearing structure, other than a chassis, a body fitted to the chassis or a monocoque body, must be of adequate strength for all conditions of loading and operation for which the vehicle was constructed.
- 3.1(4) A vehicle must have a chassis rating if the vehicle is required to have a certificate of loading under *Land Transport Rule: Vehicle Standards Compliance 2002*.

#### 3.2 Vehicle body and equipment attachment

- [3.2(1) Unless 3.2(3) applies, when a body or item of equipment is fitted to the chassis of a vehicle on or after 1 October 2005, the means by which it is attached must be designed and constructed so that the stresses on the attachment, when calculated in accordance with 3.2(2), do not exceed 60% of the yield stress of the material from which the attachment is made]
- 3.2(2) The stresses in 3.2(1) must be calculated under each of the following loading conditions, when the forces are applied at the approximate centre of gravity of the load:
- (a) a longitudinally-acting force, equivalent to twice the combined weight of the payload capacity and the body mass;
  - (b) a downward-acting force, equivalent to twice the combined weight of the payload capacity and the body mass;
  - (c) a transversely-acting force, equivalent to the combined weight of the payload capacity and the body mass;
  - (d) an upward-acting force, equivalent to the combined weight of the payload capacity and the body mass.
- 3.2(3) Subject to 9.1(3), logging bolster attachments fitted to a vehicle on or after 27 November 1998 must comply with the version of the *Bolster Attachment Code* in *Schedule 1* or *Schedule 2* [or *Schedule 4*] that applied at the time of fitting.

#### 3.3 Cab-guards

- 3.3(1) A vehicle that is constructed for the purpose of transporting timber logs must be fitted with a cab-guard, if that vehicle has a cab.
- 3.3(2) A cab-guard and its attachment to a vehicle's chassis must be of adequate strength to protect the cab of the vehicle from forces that result from load impact during:
- (a) loading or unloading of the vehicle; and
  - (b) emergency braking of the vehicle at 1 g.
- 3.3(3) A cab-guard must be fitted to a vehicle's chassis in a way that:
- (a) does not adversely affect the strength and durability of the chassis; and

## **Heavy Vehicle Rule**

### **General safety requirements (section 3.1)**

9. The chassis and body of a vehicle must be of adequate strength for all conditions of loading and operation for which the vehicle was constructed or modified.

10. The body of a vehicle of a monocoque construction must be of adequate strength for all conditions of loading and operation for which the vehicle was constructed or modified.

11. A load bearing structure other than a chassis, a body fitted to a chassis or a monocoque body must be of adequate strength for all conditions of loading and operation for which the vehicle was constructed or modified.

### **Vehicle body attachment (section 3.2)**

12. The means by which a body is attached to the chassis of a vehicle manufactured on or after 1 October 2005, must be designed and constructed so that the stresses on the attachment, when calculated in accordance with requirement 14 below do not exceed 60% of the yield stress of the material from which the attachment is made.

13. The stresses in requirement 13 above must be calculated under each of the following loading conditions, when the forces are applied at the approximate centre of gravity of the load,

a) a longitudinally-acting force, equivalent to twice the combined weight of the payload capacity and the body mass,

b) a downward-acting force, equivalent to twice the combined weight of the payload capacity and the body mass,

c) a transversely-acting force, equivalent to the combined weight of the payload capacity and the body mass,

d) an upward-acting force, equivalent to the combined weight of the payload capacity and the body mass.

## Brent Downes

---

**From:** Ross Bayne  
**Sent:** Wednesday, 18 April 2018 1:39 PM  
**To:** Kelly Menhennet  
**Subject:** RE: Re VINZ Gore - #115555

**Categories:** VINZ GORE

Hi Kelly

Yes I have visited VINZ Gore

The inspector who did the vehicle no longer works for them and the check sheet was not on site

I have spoken with s 9(2)(a) Area Manager) who has all of the paperwork and some photos which he is sending them to me today

As soon as I get them I will forward them on to you

The vehicle was certified for NZ and then a short time later it was sent to one of the Pacific Island and returned some time later

If the vehicle has been modified since the initial certification no one had identified it and as it has had a number of CoF's no one knows who or when it was done and maybe the last CoF IO could be left carrying the can.

I will let you know as soon as the info is to hand

Cheers

**Ross Bayne**

Certification Officer

Provider Compliance

Transport Access Delivery

s 9(2)(a)

E [ross.bayne@nzta.govt.nz](mailto:ross.bayne@nzta.govt.nz)

Level 2 AA centre

450 Moray Place

Dunedin 9058



**From:** Kelly Menhennet  
**Sent:** Wednesday, 18 April 2018 9:25 AM  
**To:** Brent Downes <Brent.Downes@nzta.govt.nz>  
**Cc:** Ross Bayne <Ross.Bayne@nzta.govt.nz>  
**Subject:** RE: Re VINZ Gore - #115555

I don't know, haven't had a chance to read through it. Will do it today and let you know.

Did we visit VINZ Gore?

---

**From:** Brent Downes  
**Sent:** Monday, 9 April 2018 7:07 a.m.  
**To:** Kelly Menhennet  
**Cc:** Ross Bayne  
**Subject:** FW: Re VINZ Gore - #115555

Hi Kelly,

Thoughts on the 1998 Mercedes attached. A plausible explanation and potentially no deliberate wrong doing or obvious mistake.

**Brent Downes / Manager Provider Compliance (South Island)**

Transport Access Delivery

**s 9(2)(a)**

E [Brent.Downes@nzta.govt.nz](mailto:Brent.Downes@nzta.govt.nz) / w [nzta.govt.nz](http://nzta.govt.nz)

Christchurch Office / Level 1, BNZ Centre, 120 Hereford Street, Christchurch  
PO Box 1479, Christchurch Mail Centre, Christchurch 8011, New Zealand



---

**From:** Ross Bayne  
**Sent:** Friday, 6 April 2018 11:13 a.m.  
**To:** Brent Downes  
**Subject:** Re VINZ Gore

Hi Brent  
Could you have a read of the attached and let me know if I am on the right track  
If you are happy with it can you send it to Kelly please

PS  
Can you please send the complaint form to us that you talked about yesterday

**Ross Bayne**  
Certification Officer  
Provider Compliance  
Transport Access Delivery  
**s 9(2)(a)**  
E [ross.bayne@nzta.govt.nz](mailto:ross.bayne@nzta.govt.nz)  
Level 2 AA centre  
450 Moray Place  
Dunedin 9058





## Brent Downes

---

**From:** s 9(2)(a)  
**Sent:** Wednesday, 18 April 2018 8:16 AM  
**To:** Vehicle Certification Complaints  
**Subject:** RE: Complaint regarding VINZ

Good evening,

Thank you for your reply, and for the links to VIRM.

I have read and understood the VIRM over the past 6 months while I have been dealing with both VINZ and VTNZ, so I am aware of what the guidelines are in this case.

What I need from NZTA is a formal investigation on this matter, as both Andrew Hilson and Bill Hyslop have informed me that if I make a formal complaint I will get a formal investigation into this matter and receive a ruling as it seems the VIRM is open to interpretation, which I feel is not expectable.

The facts are in the Land data information for the truck EBE235. The truck was imported but has no record of any type of deck or use of truck. The truck has a NZ made tipping body made by Adam&Currie with a manufacture date of 07/07. I have photos if needed. I will also supply an email conversation (if needed) with VINZ I have had which clearly shows how they operate.

Basically they say they gave it a COF based on the information held in Land data which I find interesting as that's exactly the reason VTNZ failed it for a COF.

I need to know who is correct, I don't want more extracts from the VIRM, I need someone there to look into this and give me a decision in writing and this needs to happen promptly. You can check with Andrew Hilson that this has been going on for too long.

If you need more information please don't hesitate to contact me, I am very willing to help.

Kind Regards

s 9(2)(a)

**From:** Vehicle Certification Complaints <vccomplaints@nzta.govt.nz>  
**Sent:** 3 April 2018 3:47 PM  
**To:** bcrimclunie@hotmail.com  
**Subject:** FW: Complaint regarding VINZ

Good afternoon Brad,

Thanks for submitting your complaint. You've asked for clarification on the rules for the truck so you can move on to the next step.

The Vehicle Inspection Requirements Manual (VIRM) is available to the public online – here is a link that takes you straight to Heavy Vehicles <http://vehicleinspection.nzta.govt.nz/virms/in-service-wof-and-cof/heavy-vehicles> You may be able to find the information you're looking for in the Structure section. You will see that there are 3 tabs, Reasons for rejection, Tables and Images, and Summary of Legislation for each page. Click on each tab for information.

## 3 Vehicle structure

### 3-1 Structure

Reasons for rejection

Tables and images

Summary of legislation

I'm not sure what action you are planning to take next, but if you are considering taking legal action, some useful information can be found here: <https://www.disputestribunal.govt.nz/how-to-make-a-claim/> You can use your receipts etc and checksheet from VTNZ as supporting evidence.

We will be booking in a visit to VINZ in Gore to discuss this case with them and ensure that a) they are fully aware of requirements etc and b) they are inspecting these types of vehicles correctly.

Thank you for bringing this to our attention.

Kind Regards

*Kelly Menhennet*

*Advisor Complaints – Intervention Surety  
Palmerston North Office*

---

**From:** s 9(2)(a)  
**Sent:** Tuesday, 3 April 2018 8:11 a.m.  
**To:** Vehicle Certification Complaints  
**Subject:** FW: Complaint regarding VINZ

**From:** s 9(2)(a)  
**Sent:** 3 April 2018 7:51 AM  
**To:** [vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)  
**Subject:** Complaint regarding VINZ

Good afternoon,

Please find attached VCCPFO1 form completed.

Should you have any further questions please don't hesitate to contact myself on 0212471982

Kind Regards

s 9(2)(a)

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[www.nzta.govt.nz](http://www.nzta.govt.nz)

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---

Hi Brent

There could be two schools of thought here regarding whether this vehicle required certification when it arrived in the country or when the deck was fitted.

1:- As the vehicle was first certified on 5/4/2005 this is after the date (1/4/2005) in which vehicles are required to have HV Certification for tipping bodies we could assume all CoF's issued following that would have been incorrect

On reading the complaint form he indicated that it is now fitted with a quick release type of tipping deck and has twistlocks for a turntable and quick release deck mounts which would require certification

2:- If it was fitted with the tipping deck when it came into the country and as the core details entered into Landata on 12/4/200 the ammendment to the VIRM was to affect vehicles modified after 1/4/2005 but specifically exempted vehicles from Japan (see note 7)

Without knowing if the tipper body was fitted with a sub frame (as per note 7) on entry to NZ I assume that the vehicle inspector has made the call that it did not require certification and the compliance inspector entered (in notes) that the load anchorage points required certification or be removed

The only exemption for not having load anchorage points is if the load would be contained wholly within the deck and sideboards ( ie gravel or grain type loads)

This would indicate to me that the body was a bulk tipping type otherwise he could not have asked for them to be removed

If my assumption is correct then VTNZ Cambridge has made a call on the now deformation to the chassis and without confirmation as to when the current set up was fitted they have asked for certification which is correct.

If this vehicle was modified in NZ then the VI who conducted the first post modification CoF inspection should have refused the CoF and required HV certification as so should have all of the other ones.

It is a requirement for all Vi's to enter the relevant details into Landata so that the records are correct.

In hindsight it would be helpful if notes were entered into the system to indicate what reason the VI had applied so that future inspectors would have something to assist them with their decision

INIT	Date	Text
<input type="checkbox"/>	05APR05	Border Check Chassis WDB6531582K211340
<input type="checkbox"/>	05APR05	changed to in VALOC
<input type="checkbox"/>	05APR05	05/04/2005 Pre Registration reading 174824
<input type="checkbox"/>	05APR05	ANNEX C ONLY, VINZ 05/04/2005
<input type="checkbox"/>	14APR05	CONFIRMATION OF EMISSION STD TARE WEIGHT DOCKET AND DISPLAY TARE
<input type="checkbox"/>	14APR05	CAB ROOF LIGHTS TO COMPLY REAR MUDFLAPS TO COMPLY REAR REFLECTORS
<input type="checkbox"/>	14APR05	REMOVE REFLECTOR OVERLAYS OF GLAZING PROVID ENGINE NUMBER
<input type="checkbox"/>	14APR05	EXHAUST LEAKS ALING L/F HEAD LIGHT FRONT SWAY BAR BUSHES

**Out of Scope**

Mnt	Date	Text
<input type="checkbox"/>	14APR05	EXHAUST LEAKS ALING L/F HEAD LIGHT FRONT SWAY BAR BUSHES
<input type="checkbox"/>	14APR05	RIGHT FRONT MUFLAP HUBO
<input type="checkbox"/>	14APR05	1ST & 2ND & 3RD AXLE DUE BRAKE RELINE 2ND AXLE AIR LEAK B/CHAMBER
<input type="checkbox"/>	14APR05	LOAD ANCHORAGES TO CERT OR REMOVE LOW AIR BUZZER OR EXEMPTION
<input type="checkbox"/>	26JUL05	Licence exemption granted
<input type="checkbox"/>	28JUL05	MR15 -PERMANENTLY TAKEN OFF ROAD
<input type="checkbox"/>	09AUG05	Refund for CSJ662 put to I status by ANNM
<input type="checkbox"/>	09AUG05	pulling form to see if reason given for non return of plates

	NOTES	COMMENTS
<input type="checkbox"/>	HVEC 586132 CMD <b>HV CHASSIS ENGINEER CERTIFICAT</b>	19/09/2017 CERT CHASSIS FOR TIPPING BODY
<input type="checkbox"/>	HVET 409875 MGS <b>HV TOWING CONNECTIONS ENGINEER</b>	22/11/2012 22/11/2022 NZS5446 MTM:30000KG
<input type="checkbox"/>	HVEK 370882 PAS <b>HV BRAKE SPECIALIST</b>	22/06/2011 CERTIFY TO BRAKE RULE VT45

\*\*\* Notes attached \*\*\*

VIN	WDB6531582K211340		VIN Recorded	05/04/2005	VINZ1379
Chassis			Reference	513758	
Vehicle Type	08 GOODS VAN/TRUCK/UTILITY	N/U/R or S	R Reregistere	Border check date	23/03/2005
1st NZ Reg	29/06/2005	1st Reg Date	/12/1998	Engine No	44198620893179
Prev Cntry	JPN JAPAN	Indust Model	2543K	Seats	2
Basic Colour	WHITE	Engine Type	02 DIESEL	Second Colour	SILVER
Make	MERCEDES-BENZ	Other Truck		Model	2534
Sub Model		Odometer	0	Variant	999
Veh Year	1998	No Of Axles	3	Imported LHD	No
GVM	22500	FC Ext. Urban	0	Altern Fuel	
Body Type	OT	FIS	No	Odo Unit	Kilometres
CC Rating	10960	Tare	9940	Orig Cntry	JPN JAPAN
Assmby Type	1 IMPORTED BUILT-UP	VTGB	s 9(2)(a)	FC Combined	0
Class	NC GOODS VEHICLE GVM > 12 T	Approved For Reg	Yes	Special Permits	
Test Regime	EUR1			Certifier ID	TDFC 21/06/2005
FC Urban	0				
A/C Fitted					
Gas Type					
MR2A Issued	13/08/2007				
Print MR2A	No				

### Table 3-1-2. Requirements for HVS certification

- See **Interim amendment: Heavy vehicle modifications (1 March 2018)**.

#### HVS certification is required

1. Repairs to a structural component of a monocoque body.
2. Repairs to a chassis cross-member, ie:
  - a) the first or last cross-member of the chassis
  - b) a cross-member that is fitted within 500mm of an engine mount, transmission mount, or suspension support
  - c) a cross-member to which a driveshaft centre bearing is fitted
  - d) a cross-member that supports any of the following:
    - i. ballrace turntable
    - ii. tow coupling
    - iii. fifth wheel
    - iv. kingpin
    - v. bolster attachment
    - vi. hoist, hydraulic cylinder of a tipping body or any other device that may place a concentrated load on the chassis.
3. Repairs to a coaming rail that supports a certified load anchorage point or J-hook, or that secures a load-rated curtain.
4. Modifications carried out **on or after 1 April 2005** that affect the chassis, including fitting of a hoist, crane, tipping body or other special equipment which may result in increased stress to a localised area of the chassis or significant redistribution of the load over the chassis as determined by an HVS certifier. (**Note 6**) (**Note 7**)

For modifications carried out **before 1 April 2005** it is up to the vehicle inspector to determine if certification is required. **Individual certification is only required when the vehicle inspector determines, on reasonable grounds, that the component presents a safety risk.**

#### Note 6

Some new trucks imported from Japan fitted with ShinMaywa tipper bodies in Japan can be accepted without an LT400. See **Technical bulletin (CoF) 8** for a list of the makes and models that can be accepted without an LT400.

#### Note 7

Any Japanese-market imported used vehicle that has had a tipper body or tail lift that mounted onto a sub frame does not require HVS certification, provided the vehicle inspector is satisfied that the vehicle was registered in Japan in that configuration. This applies to all makes of vehicle. The vehicle and body should be free from damage, repairs or modifications when presented.

## Brent Downes

---

**From:** Brent Downes  
**Sent:** Monday, 9 April 2018 7:07 AM  
**To:** Kelly Menhennet  
**Cc:** Ross Bayne  
**Subject:** FW: Re VINZ Gore - #115555  
**Attachments:** Mercedes.docx

Hi Kelly,

Thoughts on the 1998 Mercedes attached. A plausible explanation and potentially no deliberate wrong doing or obvious mistake.

### Brent Downes / Manager Provider Compliance (South Island)

Transport Access Delivery

s 9(2)(a)

E [Brent.Downes@nzta.govt.nz](mailto:Brent.Downes@nzta.govt.nz) / w [nzta.govt.nz](http://nzta.govt.nz)

Christchurch Office / Level 1, BNZ Centre, 120 Hereford Street, Christchurch  
PO Box 1479, Christchurch Mail Centre, Christchurch 8011, New Zealand



---

**From:** Ross Bayne  
**Sent:** Friday, 6 April 2018 11:13 a.m.  
**To:** Brent Downes  
**Subject:** Re VINZ Gore

Hi Brent

Could you have a read of the attached and let me know if I am on the right track  
If you are happy with it can you send it to Kelly please

PS

Can you please send the complaint form to us that you talked about yesterday

**Ross Bayne**

Certification Officer  
Provider Compliance  
Transport Access Delivery

s 9(2)(a)

E [ross.bayne@nzta.govt.nz](mailto:ross.bayne@nzta.govt.nz)

Level 2 AA centre  
450 Moray Place  
Dunedin 9058

## Brent Downes

---

**From:** Vehicle Certification Complaints  
**Sent:** Thursday, 5 April 2018 2:37 PM  
**To:** Brent Downes; Ross Bayne  
**Subject:** FW: Complaint regarding VINZ  
**Attachments:** Vehicle Cert Complaint Form.pdf

**Categories:** To be triaged

Hi Brent,

I think the best way to handle this is to visit VINZ Gore and ensure they are inspecting these types of vehicles correctly. See response to customer below.

Ross, I'm assuming this would be your patch – I have logged an educational visit (job number 115555) for you. Please refer to complaint form attached.

No need to report back.

Thanks

*Kelly Menhennet*  
*Advisor Complaints – Intervention Surety*  
s 9(2)(a)  
*Palmerston North Office*

---

**From:** Vehicle Certification Complaints  
**Sent:** Tuesday, 3 April 2018 3:47 p.m.  
**To:** s 9(2)(a)  
**Subject:** FW: Complaint regarding VINZ

Good afternoon, s 9(2)(a)

Thanks for submitting your complaint. You've asked for clarification on the rules for the truck so you can move on to the next step.

The Vehicle Inspection Requirements Manual (VIRM) is available to the public online – here is a link that takes you straight to Heavy Vehicles <http://vehicleinspection.nzta.govt.nz/virms/in-service-wof-and-cof/heavy-vehicles> You may be able to find the information you're looking for in the Structure section. You will see that there are 3 tabs, Reasons for rejection, Tables and Images, and Summary of Legislation for each page. Click on each tab for information.

## 3 Vehicle structure

### 3-1 Structure

Reasons for rejection   Tables and images   **Summary of legislation**

I'm not sure what action you are planning to take next, but if you are considering taking legal action, some useful information can be found here: <https://www.disputestribunal.govt.nz/how-to-make-a-claim/> You can use your receipts etc and checksheet from VTNZ as supporting evidence.

We will be booking in a visit to VINZ in Gore to discuss this case with them and ensure that a) they are fully aware of requirements etc and b) they are inspecting these types of vehicles correctly.

Thank you for bringing this to our attention.

Kind Regards

*Kelly Menhennet*  
*Advisor Complaints – Intervention Surety*  
*Palmerston North Office*

---

**From:** s 9(2)(a)  
**Sent:** Tuesday, 3 April 2018 8:11 a.m.  
**To:** Vehicle Certification Complaints  
**Subject:** FW: Complaint regarding VINZ

**From:** s 9(2)(a)  
**Sent:** 3 April 2018 7:51 AM  
**To:** [vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz)  
**Subject:** Complaint regarding VINZ

Good afternoon,

Please find attached VCCPFO1 form completed.

Should you have any further questions please don't hesitate to contact myself on s 9(2)(a)

Kind Regards

s 9(2)(a)



## Brent Downes

---

**From:** Vehicle Certification Complaints  
**Sent:** Tuesday, 3 April 2018 3:47 PM  
**To:** s 9(2)(a)  
**Subject:** FW: Complaint regarding VINZ  
**Attachments:** Vehicle Cert Complaint Form.pdf

**Categories:** To be triaged

Good afternoon Brad,

Thanks for submitting your complaint. You've asked for clarification on the rules for the truck so you can move on to the next step.

The Vehicle Inspection Requirements Manual (VIRM) is available to the public online – here is a link that takes you straight to Heavy Vehicles <http://vehicleinspection.nzta.govt.nz/virms/in-service-wof-and-cof/heavy-vehicles> You may be able to find the information you're looking for in the Structure section. You will see that there are 3 tabs, Reasons for rejection, Tables and Images, and Summary of Legislation for each page. Click on each tab for information.

## 3 Vehicle structure

### 3-1 Structure

Reasons for rejection   Tables and images   **Summary of legislation**

I'm not sure what action you are planning to take next, but if you are considering taking legal action, some useful information can be found here: <https://www.disputestribunal.govt.nz/how-to-make-a-claim/> You can use your receipts etc and checksheet from VTNZ as supporting evidence.

We will be booking in a visit to VINZ in Gore to discuss this case with them and ensure that a) they are fully aware of requirements etc and b) they are inspecting these types of vehicles correctly.

Thank you for bringing this to our attention.

Kind Regards

*Kelly Menhennet*  
*Advisor Complaints – Intervention Surety*  
*Palmerston North Office*

---

**From:** s 9(2)(a)  
**Sent:** Tuesday, 3 April 2018 8:11 a.m.  
**To:** Vehicle Certification Complaints  
**Subject:** FW: Complaint regarding VINZ

From: s 9(2)(a)  
Sent: 3 April 2018 7:51 AM  
To: [vccomplaints@nzta.govy.nz](mailto:vccomplaints@nzta.govy.nz)  
Subject: Complaint regarding VINZ

Good afternoon,

Please find attached VCCPFO1 form completed.

Should you have any further questions please don't hesitate to contact myself on s 9(2)(a)

Kind Regards

s 9(2)(a)

# Vehicle certification complaint form

The NZ Transport Agency is responsible for ensuring that vehicle inspection and certification is carried out in accordance with the *Vehicle inspection requirements manual* (VIRM) and Land Transport Rules. The VIRM can be found online at <https://vehicleinspection.nzta.govt.nz>.

You should receive an acknowledgement of your complaint within three working days. If we deem an inspection of your vehicle is required, we will endeavour to complete this as soon as possible. The usual turnaround time for a complaint is 18 working days from receipt to completion/outcome, but complex cases can take longer.

**Note:** we cannot require the organisation or inspector to make monetary compensation to you as a result of your complaint, and nor can the NZ Transport Agency compensate you. If you wish to seek compensation, you may be able to do so through the Disputes Tribunal under the Consumer Guarantees Act 1993 or the Fair Trading Act 1986. For further information can be found at [www.disputestribunal.govt.nz](http://www.disputestribunal.govt.nz). If your complaint is upheld, you may be able to use our outcome letter to support your case.

**Your details**

Full name  
 s 9(2)(a)

Postal address  
 s 9(2)(a)

Phone number (daytime)  
 \_\_\_\_\_

Mobile number  
 s 9(2)(a)

Email address  
 s 9(2)(a)

**Vehicle details**

Make  
 Mercedes

Model  
 SK2532

Year  
 1998

Registration plate number  
 EBE235

Current odometer reading  
 \_\_\_\_\_

Location of vehicle (if different from above)  
 Auckland now.

Is the vehicle available to be inspected by the Transport Agency?  
 Yes  No *maybe*

If no, please provide details explaining why not  
 Have since sold vehicle

Has the vehicle been repaired or altered since the inspection?  
 Yes  No

If yes, please provide details of repairs/alterations  
 Subframe put in.

## Tyres and wheels

Is the complaint in regard **only** to tyres or wheels? (see Note 1)

Yes

No

## Complaint against

(Vehicle inspector/certifier/  
inspecting organisation)

Name

VINZ GORE

Address

GORE

Where possible, you should attempt to resolve the issue with the inspecting organisation before submitting a complaint to the Transport Agency.

Have you tried to resolve the issue with the inspecting organisation?

Yes

No

## Please provide a detailed description of your complaint

(continue on a separate sheet if necessary)

To speed up the processing of your complaint, please include the following supporting information (where available):

- checksheets
- LVV forms (if applicable)
- vehicle condition assessments
- pre-purchase inspection documents
- photos of the WoF/CoF label (front and back)
- receipts for any repairs carried out
- photos of damage/vehicle faults.

I will try and keep this short. This is more about VINZ not understanding the VIRM which is quite scary as they are handing out CoF's. They checked a truck I purchased down here and deemed it safe for road use. Six months later, I take to UTNZ Cambridge and they failed it due to no certification for tipping deck. They showed me documents on the VIRM that stated a vehicle registered after 1st April 2005 had to have certification if application had point loading on chassis which a tipping bin does. So I had to spend over \$8000 to add a subframe to strengthen chassis which actually had quite a bend in it from a ~~peer~~ not having one originally. Another thing I will point out but not really an issue for me was that this truck also had container twist locks attached to chassis for I guess maybe a removable turntable? as this tipping deck was a quick removable setup. (twist locks had no cert). VINZ to this day still think they were correct in giving this truck a CoF. even though it clearly states otherwise in the VIRM. It is a real concern and I need basically a ruling on the rule's and clarification. so I can move onto the next step. ~~was~~ I had truck certified Oct. last year 2017 and have since sold.

## Notes

### Note 1

The Transport Agency may only investigate complaints that relate to a vehicle certification issue or the behaviour of a vehicle inspector, as per the *Vehicle inspection requirements manual* (VIRM). We can only action complaints that relate to individuals and organisations that we have authorised and have jurisdiction over.

In addition, the Transport Agency is only able to progress complaints if the condition of the vehicle at the time of the original certification can be reliably determined. We may not be able to reliably determine this, and therefore your complaint may not be able to be progressed, if:

- the original certification was more than six months ago, or
- the vehicle has travelled a significant distance since the original certification, which may have impacted on the condition of the vehicle, or
- the vehicle has been repaired or otherwise altered since the certification, or
- the complaint relates only to tyres or wheels, which can be easily removed from a vehicle.

### Note 2

In order to investigate the complaint, we may need to inspect the vehicle and assess, to the extent that we are able, what condition the vehicle was in at the time of the inspection. You are not obliged to have the vehicle inspected, but it may limit our ability to follow up on the complaint if you do not. Please do not carry out any repairs to the vehicle or use the vehicle more than necessary until we have examined it, as this may affect our ability to investigate your complaint.

### Note 3

If a complaint is upheld, remedial actions or other sanctions may be required of or imposed on the inspecting organisation or vehicle inspector involved. Please note that, pursuant to the Official Information Act 1982, the Transport Agency may withhold specific details of the sanction or remedial action imposed on the vehicle inspector or inspecting organisation when notifying you of the outcome of your complaint.

## Privacy statement

The information requested through this complaint form is required to process your complaint. All information contained in this form will be held by the NZ Transport Agency and treated as confidential subject to the Official Information Act 1982 and the Privacy Act 1993.

Information that you submit to the Transport Agency through this process will be used to investigate your complaint. The information may be disclosed to the inspecting organisation and/or vehicle inspector your complaint relates to, and to the vehicle owner (if your complaint relates to a vehicle owned by someone else) in relation to this purpose. If you do not provide the information required by this form, the Transport Agency may be unable to process your complaint.

Under the Privacy Act 1993, you have the right to request access to and correction of any personal information you supply as a part of this process from the Transport Agency. Should you wish to exercise these rights, please contact the NZ Transport Agency, Private Bag 11777, Palmerston North 4442 or email: [info@nzta.govt.nz](mailto:info@nzta.govt.nz).

## Declaration

I have read and understood the notes and privacy statement above.

Please forward this form to:

**Vehicle Certification Complaints, NZ Transport Agency, Private Bag 11777, Palmerston North 4442**

or click on **Email** to attach your completed form to an email.

You can also manually attach this form to an email and send it to [vccomplaints@nzta.govt.nz](mailto:vccomplaints@nzta.govt.nz).

**Email**

## Brent Downes

---

**From:** s 9(2)(a)  
**Sent:** Tuesday, 3 April 2018 8:11 AM  
**To:** Vehicle Certification Complaints  
**Subject:** FW: Complaint regarding VINZ  
**Attachments:** Vehicle Cert Complaint Form.pdf

**Categories:** To be triaged

**From:** s 9(2)(a)  
**Sent:** 3 April 2018 7:51 AM  
**To:** vccomplains@nzta.govy.nz  
**Subject:** Complaint regarding VINZ

Good afternoon,

Please find attached VCCPFO1 form completed.

Should you have any further questions please don't hesitate to contact myself on s 9(2)(a)

Kind Regards

s 9(2)(a)

## Brent Downes

---

**From:** Andrew Hilson  
**Sent:** Tuesday, 28 November 2017 4:19 PM  
**To:** s 9(2)(a)  
**Cc:** Kelly Menhennet; Bill Hyslop  
**Subject:** Tipper certification

Hi,

A formal complaint will get a formal investigation that will get input from inspecting organisations. And that's what's needed as I'm still not sure what they are referring to. But I'll only be passing the problem on to Kelly, if you're OK with letting me know who you are speaking to at VINZ I can give them a call and they can point me in the right direction for the different dates. Then if we can't progress the formal complaint might be the best avenue.

<http://www.nzta.govt.nz/resources/vehicle-certification-complaints-form/>

Regards

Andrew Hilson / Technical Support Officer, Vehicles  
Operational Standards & Guidelines

s 9(2)(a)  
E [andrew.hilson@nzta.govt.nz](mailto:andrew.hilson@nzta.govt.nz) / w [nzta.govt.nz](http://nzta.govt.nz)

PALMERSTON NORTH OFFICE / 43 Ashley Street,  
Private Bag 11777, Palmerston North 4442, New Zealand



---

**From:** s 9(2)(a)  
**Sent:** Tuesday, November 28, 2017 12:11 PM  
**To:** Andrew Hilson  
**Subject:** RE: Attn: Product Specialist

Hello again Andrew, sorry to bother you. How do I go about getting a ruling on this issue? As Vinz still say there are different dates? Do I go down the formal complaints path will that get a ruling on this particular issue?

Regards  
Brad McClunie

On 27/11/2017 2:39 PM, "Andrew Hilson" <[Andrew.Hilson@nzta.govt.nz](mailto:Andrew.Hilson@nzta.govt.nz)> wrote:

Sorry for the delay in replying,

Below is the link to the appropriate page for this. I'm not sure where the 2007 date reference comes from sorry. I hope this is the information you are after, if not please let me know.

## In-service certification (WoF and CoF)

Introduction

General vehicles

Heavy vehicles

1 Vehicle identification

2 Vehicle exterior

3 Vehicle structure

**3-1 Structure**

4 Lighting

5 Vision

# 3 Vehicle structure

## 3-1 Structure

Reasons for rejection

**Tables and images**

Summary of leg

**Table 3-1-2. Requirements for HVS certification**

### HVS certification is required

1. Repairs to a structural component of a monocoque body.
2. Repairs to a chassis cross-member, ie:
  - a) the first or last cross-member of the chassis

HV  
1. l  
of i  
2. l  
cro

For lifts

Tractors

Unclassified vehicles

Technical bulletins (general)

Technical bulletins (CoF)

Technical notes

Send us your feedback

## SIGN UP FOR NEWS

Click here to join our mailing list

## USER GUIDE

User guide and Quick reference guide

anchorage point or hook, or secured to load-rated curtain

4. Modifications carried out **on or after 1 April 2005** that affect the chassis, including fitting of a hoist, crane, tipping body or other special equipment which may result in increased stress to a localised area of the chassis or significant redistribution of the load over the chassis as determined by an HVS certifier. **(Note 6)**

For modifications carried out **before 1 April 2005** it is up to the vehicle inspector to determine if certification is required. Individual certification is not required that the installation is clearly in accordance with the manufacturer's instructions.

If a vehicle inspector is not sure if the modification was carried out in accordance with manufacturer's instructions **and has valid reason to suspect it may not have been carried out to standard good industry practice**, then it is up the vehicle owner to present information to the vehicle inspector showing **either** that the manufacturer's instructions were followed **or** provide an LT400.

### Note 6

Some new trucks imported from Japan fitted with ShinMaywa tipper bodies in See **Technical bulletin (CoF) 8** for a list of the makes and models that can



Quick Navigate

VIN Authority Allocation/Confirmation

1.60v67

Valid VIN ENTERED

\*\*\* Notes attached \*\*\*

VIN	WDB6531582K211340		VIN Recorded	05/04/2005
Chassis	<input type="text"/>		Reference	
Vehicle Type	08 GOODS VAN/TRUCK/UTILITY <input type="checkbox"/>	N/U/R or S	R Reregistere <input type="checkbox"/>	Border check
1st NZ Reg	29/06/2005		Engine No	
Prev Cntry	JPN JAPAN <input type="checkbox"/>	1st Reg Date	/12/1998	Seats
Basic Colour	WHITE <input type="checkbox"/>			Second Colour
Make	MERCEDES-BENZ <input type="checkbox"/>		Model	
Sub Model	<input type="text"/>		Variant	
Veh Year	1998	Body Type	OT	Imported LHD
GVM	25000	CC Rating	10960	Altern Fuel
Assmby Type	1 IMPORTED BUILT-UP <input type="checkbox"/>	OTHER TRUCK	Engine Type	02 DIESEL <input type="checkbox"/>
Class	NC GOODS VEHICLE GVM > 12 T <input type="checkbox"/>	No Of Axles	3	Odo Unit
Test Regime	EUR1	FC Urban	0	Orig Cntry
A/C Fitted	<input type="checkbox"/>	FC Ext. Urban	0	FC Combined
Gas Type	<input type="checkbox"/>	FIS	No <input type="checkbox"/>	Special Permit
MR2A Issued	13/08/2007	Tare	9940	Certifier ID
Print MR2A	No <input type="checkbox"/>	s 9(2)(a)	Approved For Reg	Yes <input type="checkbox"/>
27/11/2017	VIN	ANDREWH	Ban Rsn	TAM015

Next

**ERROR 22513 Vehicle already Registered**

Regards

Andrew Hilson / Technical Support Officer, Vehicles  
Operational Standards & Guidelines

s 9(2)(a)

E [andrew.hilson@nzta.govt.nz](mailto:andrew.hilson@nzta.govt.nz) / w [nzta.govt.nz](http://nzta.govt.nz)

PALMERSTON NORTH OFFICE / 43 Ashley Street,  
Private Bag 11777, Palmerston North 4442, New Zealand

**From:** s 9(2)(a)  
**Sent:** Monday, November 20, 2017 10:06 PM  
**To:** inspections  
**Subject:** Attn: Product Specialist

Good Evening, I would like some help please, I have an issue which I'm told you can clarify for me.

It's regarding a Mercedes Sk2532 truck Rego EBE235.

I recently purchased this truck (8months ago) had a new COF issued by VINZ Gore, 6 Months later I take to VTNZ Cambridge for COF and it fails on a very unsafe and worn hinge setup (tipping body) which Vtnz then pointed out that it had never been certified and that it should have been, quoting me paragraphs and extracts from the VIRM. I spoke and have been dealing with VINZ about this and they say that it did not need certification quoting it had some sort of granddaddy rights? I think I am going to end up in court over this as it has cost me a lot of money to get roadworthy and VINZ have only offered to pay me half of the costs to do so. What I'm am asking your help for is to please clarify the rules on a truck with a tipping body and certification, I guess you have access to land transport data, from what Vtnz have shown me the truck was initially registered in June 2005 which was after the 1st April 2005 cut off so that it should have needed certification. VINZ say that the Virm says a date in 2007 they believe is when it need certification from but i think they are referring to load restraint type certifications, please I have been trying my best to sort this myself but it seems maybe both VTNZ and VINZ need clarification on the RULES?

Please could you get back to me Asap on the actual ruling. I need to try and sort this out.

Kind Regards

s 9(2)(a)