



Australian Government

Department of Infrastructure and Transport

FOI request regarding Volkswagen recalls (FOI 13-62)

The Department of Infrastructure and Transport (the Department) received an FOI request seeking access to documents regarding recent recalls and transmission issues experienced with Volkswagen (VW) vehicles. The request also sought a large amount of information, since 2007, regarding the number and nature of complaints received by the Department about VW, Skoda and Audi vehicles. The Department provided the following information statement to the applicant.

The Department of Infrastructure and Transport (the Department) administers the *Motor Vehicle Standards Act 1989* (the Act) and *Motor Vehicle Standards Regulations 1989* (the Regulations) which regulates the manufacture, importation and supply to the market of road vehicles in Australia. This legislation aims to ensure an acceptable level of safety, emission control and anti-theft protection. Vehicle safety standards are provided for through the Australian Design Rules (ADR's).

The Department receives and considers complaints about vehicles that will or may cause injury as defined by the *Competition and Consumer Act 2010*, or complaints about a vehicle's compliance with the ADRs or other legislative requirements. Investigations may be conducted where there is evidence to support a systemic or wide scale issue.

When an individual has concerns about a vehicle and wishes to make a complaint they are asked to complete a standard vehicle complaint form that collects basic information about the vehicle, the individual owner and the issues or concerns. Complaints that relate to consumer satisfaction (including general product quality, warranties, levels of service and compensation) are not investigated by this Department and the Department does not provide a consumer advocacy function and cannot act on behalf of a complainant.

A preliminary assessment is carried out on complaints received and complaints are prioritised for investigation. Generally referrals from Coroners receive the highest priority, followed by complaints with evidence of death and/or injury, evidence of non-compliance with Motor Vehicle Standards legislation and finally other matters where the complainant believes there may be a safety issue. Matters that are not investigated are still recorded as they may support systemic issues in the future.

When investigating a safety concern, the Department seeks to determine if there is a systemic or ongoing issue that relates to the design or manufacture of a type of vehicle. Investigations are evidence based, and generally will not proceed if evidence is not available to the Department. Where there is a significant number of complaints that may indicate a wide scale or systemic issue, the Department asks the relevant manufacturer to conduct an investigation. Generally the Department would ask the manufacturer to advise on any known issues, the volume of complaints, cause, effect and levels of risk. The Department will then

assess the manufacturer's responses to determine if there is an issue related to the design or manufacture of the vehicle/s (as opposed to issues caused by driver behaviour, road conditions or lack of maintenance); and that the issue will or may cause injury. If so, the manufacturer is encouraged to undertake a voluntary recall.

The Department monitors active vehicle recalls on behalf of the Australian Competition and Consumer Commission (ACCC) and provides advice to the ACCC (and to manufacturers) on the appropriateness of recalls where there is concern. Under the current arrangements, it is the responsibility of a manufacturer to identify and address any safety issues in accordance with the Competition and Consumer Act. As a part of these arrangements, a manufacturer notifies the ACCC of their intent to recall a vehicle and provides details on the defect, hazard and proposed rectification. The manufacturer also provides regular progress reports to the Department.

It should be noted that the Department has no powers to force a manufacturer to conduct a recall. Where such action may be appropriate, the Department will refer the matter to the ACCC for their consideration. The Department's role in recalls is to assist the ACCC on technical matters for vehicle recalls and this is limited to only road vehicles and does not include vehicles like quad bikes or tractors.

In relation to your FOI request we note that the Department has received complaints since 2007 for, Audi, Skoda and Volkswagen vehicles. The table below lists the number of formal complaints received by the Department. As indicated above these complaints reflect situations where a vehicle complaint form has been completed, the vehicle and issues have been identified and the individual concerned has provided the required information to the Department. This table is indicative of the complaints received, not investigations undertaken.

	01/01/07 – 29/05/13	30/05/13 – 30/06/13
Audi	3	4
Skoda	0	1
Volkswagen	15	58

We further note that you requested information pertaining to VW's faulty diesel injector issue since 2007. Given the varying use of terminology used by individual complainants and levels of detail provided by complainants it is not always possible to determine all the details about a vehicle – in this case, particularly whether the vehicle had a six or seven speed DSG. Hence, we are unable to answer this or similar questions.