

Road Vehicle Recalls Working Group

Meeting 1

2 – 4pm | Friday 10 August 2018

Boardroom | Ground floor, 62 Northbourne Avenue, Civic, ACT

Outcomes

Participants

Chair - Sharon Nyakuengama (SN), General Manager, Vehicle Safety Standards Branch (VSS), Department of Infrastructure, Regional Development and Cities (Infrastructure)

Infrastructure

Sue Tucker, Senior Director, Vehicle Standards and Regulatory Operations Group, VSS
Alison Watson (AW), Director, Regulatory Design and Operational Implementation, VSS
Beth Morrison (BM), Recall Reform Manager, Regulatory Design and Operational Implementation, VSS
Matt Skinner, Regulatory Design and Operational Implementation, VSS

Industry

Organisation	Representative/s
Australian Automotive Aftermarket Association (AAAA)	Lesley Yates on behalf of Stuart Charity
Australian Imported Motor Vehicle Industry Association (AIMVIA)	Jack Sandher , Zoran Tudorovic and Peter Greenwood on behalf of Kristian Appelt
Caravan Industry Association of Australia (CIAA)	James Field
Commercial Vehicle Industry Association Australia (CVIAA)	Dr Imogen Read obo Phil Hodges
Federal Chamber of Automotive Industries (FCAI)	James Hurnall and Hiep Bui
Heavy Vehicle Industry Australia (HVIA)	Greg Forbes
Mazda	Shane Bradford

Mitsubishi	Ashley Sanders
Nissan	John Galvin
Queensland Department of Transport and Main Roads	Anant Bellary
RAWS Association	Rob Ogilvie
Toyota	Lou Mandato
Truck Industry Council (TIC)	Chris Loose, Steven Ghaly and Barry Noble

Apologies

Organisation	Representative
AAAA	Stuart Charity
AIMVIA	Kristian Appelt
Australian Road Transport Suppliers Association (ARTSA)	Trevor Dickson
Bus Industry Confederation (BIC)	Luke Hardy
CVIAA	Phil Hodges
FCAI	Greg Snart
Honda	David Steven
Infrastructure	David Morton

Chairs opening remarks

Sharon Nyakuengama opened the meeting by welcoming the members and thanking them for their attendance.

Sharon gave background on the establishment of the Road Vehicle Recalls Working Group and then provided an update on the progress of the RVS legislation, noting that the recall provisions in the RVS Bill will commence 12 months after Royal Assent with no transition period.

Ref. #	Item	Status	Lead	Action required	Action status	TRIM Reference
RVR 1a	Terms of Reference	Endorsed	Infrastructure	Infrastructure to publish to the Recalls Working Group website	Complete	
<p>Draft Terms of Reference (ToR) were circulated to the members of the Recalls Working Group by email on 24 July 2018. SN sought feedback from the members as to whether the ToR required amendments. No concerns were raised by the membership. On this basis the ToR are taken to have been endorsed by the membership.</p> <p>The Terms of Reference at Attachment A will be published to the Recalls Working Group website at: https://infrastructure.gov.au/vehicles/recalls/rvr/index.aspx</p>						
RVR 1b	Comparative table of legislation	Finalised	Infrastructure	Nil	N/a	
<p>AW provided an introduction to the recall provisions under the Road Vehicle Standards (RVS) Bill and Rules supported by a comparative table of legislation, developed by Infrastructure, and distributed at the meeting. AW agreed to insert the definition of Type Approval at the request of the FCAI. See Attachment B. AW noted that the:</p> <ul style="list-style-type: none"> • provisions extend to include the recall of non-consumer goods (such as trucks and buses) • penalties for non-compliance with the recall provisions could include criminal and/or civil proceedings • legislation includes the introduction of infringement notices • penalties are consistent with the Australian Consumer Law (ACL), the only difference being that the ACL have their penalty units in dollar figures where RVS Bill has penalty amounts in penalty units, and • legislation enables a recall notice to be issued for non-compliance with standards, irrespective of whether there is a safety issue connected to the non-compliance. 						

Ref. #	Item	Status	Lead	Action required	Action status	TRIM Reference
RVR 1c	Future work plan: implementation of recall provisions under the RVS legislation	Circulated with amendments	Infrastructure	Members to provide written feedback by 31 August 2018	Open	
<p>BM handed out the future work plan for implementation of recall provisions under the RVS legislation to the members at the commencement of the meeting. BM sought immediate feedback from the members on the plan while noting that written feedback could be provided to the Secretariat prior to the plan being circulated for endorsement by late August 2018.</p> <p>Members requested that the following entries be added to the future work plan:</p> <ul style="list-style-type: none"> • Clarification of the role of State and Territory authorities • Clarification of who has obligations • Finalisation of recalls • Vehicle end of life (including statutory and economic write offs) <p>Written feedback from members on the amended future work plan at <u>Attachment C</u> can be provided to the Secretariat at Recalls@infrastructure.gov.au</p>						
RVR 1d	Future work plan: issues relevant to the administration of road vehicle recalls under current arrangements	Endorsed	Infrastructure	N/a	Nil	
<p>BM observed that it is not practical to develop a future work plan for these types of issues as they tend to be reactive rather than predictable. BM proposed that in the place of a future work plan, the Secretariat ensure that future agendas include a standing item on issues relevant to the administration of road vehicle recalls under current arrangements. BM undertook to liaise with Infrastructure's Recall Manager, David Morton, in relation to calling out for 'issues' prior to each meeting, noting it is open to members to contact the Recalls Manager at Recalls@infrastructure.gov.au at any time to raise issues.</p>						

Ref. #	Item	Status	Lead	Action required	Action status	TRIM Reference
RVR 1e	RVR Discussion Paper #1: Notification of voluntary recalls under the proposed Road Vehicles Standards (RVS) legislation	Circulated	Infrastructure	Members to provide responses to discussion questions on page 3 of the paper by 31 August 2018.	Open	

RVR Discussion Paper #1 was circulated to the members of the Recalls Working Group by email on 3 August 2018.

Discussion: BM noted Discussion Paper #1 and reiterated that the paper is intended to introduce concepts and assist suppliers to understand their obligations under recall notices. BM then facilitated discussion on the four questions asked in the discussion paper.

Q1 – What issues arise if, following commencement of the recall provisions under the RVS legislation, notification of action taken to voluntarily recall road vehicles, or approved road vehicle components, is to be made to Infrastructure?

- Shane Bradford from Mazda → said for Mazda it is more about the “mechanism” rather than who is responsible for recalls.

Q2 – What business processes/policies do you follow when initiating a voluntary recall?

- Shane Bradford from Mazda → when considering whether to issue a recall notice they will take into account any local market experience. Mazda will then share concerns with their parent company. The parent company is the ultimate decision maker. If the parent company identifies an issue that requires a recall notice being issued, it will then notify Mazda Australia and Australian distributors.
- Ashley Sanders from Mitsubishi → ultimate decision remains with parent company. The difficulty Mitsubishi has is determining when a decision to voluntarily recall a vehicle has been made and then notifying the responsible Minister within two days.
- Shane Bradford from Mazda → when questioned about how local dealers handled recalls, he noted that it is usually very positive.
- TIC → raised issues about the publication of recall notices related to non-consumer goods.

Q3 - What are the pain points when making a notification of a voluntary recall?

- Shane Bradford from Mazda → current mechanism works well for them. They complete an online form. However, they noted that identification of vehicles or rather the status of vehicles is really important to them. Advised that sometimes recalls will progress from where they initially started and they had trouble in notifying people of the progress. Further, some consumers become confused when an update is made as to whether it is a new recall notice or an update.

Q4 – What do you have regard to when considering whether to initiate a voluntary recall?

- Ashley Sanders from Mitsubishi – the ultimate consideration is whether the consumer is a risk. Noted that Mitsubishi already considered standards non-compliance.
- Lesley Yates from the AAAA – noted that with recalls, it is now a global issue. Lesley also noted that consumers are becoming more aware of overseas recalls.

Written responses from members to the questions on page 3 of **Attachment D** can be provided to the Secretariat at Recalls@infrastructure.gov.au

RVR 1e	Membership details for publication	Circulated	Infrastructure	Members to provide written feedback by 31 August 2018	Open	
-------------------	------------------------------------	------------	----------------	---	------	--

Written feedback from members on the amended future work plan at **Attachment E** can be provided to the Secretariat at Recalls@infrastructure.gov.au