

**Australian  
Low  
Volume &  
Individually  
Constructed  
Vehicle  
Association**

03 March 2023

<https://www.alvicva.org.au/index.htm>

To:

David Elliot (Minister for Transport)  
Sam Farroway (Minister for Regional Transport  
and Roads)  
Mark Hodges (Castlehill@nswliberal.org.au)  
Chris Minns (kogarah@parliament.nsw.gov.au)  
Jo Haylen (summerhill@parliament.nsw.gov.au)  
Tina Cartwright  
(tina.cartwright@nswlabor.org.au)

**Reform for Individually Constructed Vehicle Registration in NSW**

As President of the Australian Low Volume and Individually Constructed Vehicles Association (ALVICVA) and a member of the Transport for New South Vehicles Standards Working Group (VSWG), I call upon all politicians in the Transport portfolio to state their position on reform of the Registration of ICVs in NSW.

Understanding the position of the various candidates will guide ICV enthusiasts who are members of ALVICVA when they cast their votes in the upcoming NSW Election. I include Minister Farroway as he has been briefed previously, the Shadow ministers and candidates for Castle Hill who could be my next local member, replacing the Minister for Transport.

Since 2012, after the term of Duncan Gay and his undertaking to never allow the RTA treat ICVs poorly again, the situation has now deteriorated to the point where there are virtually no ICVs being registered in NSW. This has occurred across the entities of RTA, RMS, and now TfNSW and is due to:

- NSW's ICV vehicle standards deviating from the National Code of Practice (NCOP VSB14) for modified vehicles and ICVs. Ironically three RTA staff were involved in developing this NCOP but **NSW has never implemented these ICV vehicle standards**
- **The ICV standards adopted by NSW are more onerous to test**, in particular noise testing. The differing vehicle standards then hinder interstate commerce by imposing a significant re-work and testing expenses on vehicles bought from interstate
- NSW allows vehicles from other jurisdictions built and certified to NCOP VSB14 to travel on NSW roads but these **exact same vehicles become unregistrable in NSW once they are owned by NSW residents.**
- TfNSW is overly pedantic on their assessments of Certifier's reports for an ICV. Due to the difficulty in dealing with TfNSW, many Certifiers will no longer accept ICVs for certification,

not because of the vehicles being substandard, but **because the headache and effort of dealing with TfNSW is too hard**. Many Certifier reports get “lost” resulting in a significant expense to recompile and resubmit the report and the introduced time delay by this action.

- If you can get an ICV passed, the process takes months in elapsed time and multiple iterations. In contrast, **a car that was denied registration after several attempts over many months/years in NSW was registered in Queensland in a matter of elapsed working days/weeks.**
- When queried about the choice of vehicle standards and the adoption of alternatives, the response is one of rhetoric (e.g. ICVs are one of the most dangerous vehicles on NSW roads). **No metrics such as the accident, or fatality rates of ICV incidents, have been provided.**
- In regard to my previous inquiries regarding ICV standards (see attached letters), I am aware of two significantly different responses from Ministers and from within the TfNSW legal area. **It is unfathomable that TfNSW has subsequently stated that the letter from two Ministers, stating VSB14 was the applicable standard, was wrong and provided incorrect advice. It is inexcusable that once the error was noticed, all recipients of this incorrect advice were not notified nor a correction issued.**
- **Working within the Vehicle Standards Working Group is too slow.** When raising ICV standards issues near the end of 2021, we have not yet resolved anything having only 3 meetings since the start of 2022 (February, November and February 23) and some discussion papers – but no sign of any improvements. Meanwhile no ICVs are being submitted for certification while we have this situation.
- A matter that is under investigation by the NSW Ombudsman concerns the inability of re-registering an ICV first inspected and registered by the DMR in 1970 with continual registration since then. The registration lapsed by 4 months in 2022 (one month over the 3 month leeway). The current TfNSW rules require a new VSCCS Certificate, totally disregarding the 1970 assessment by DMR Officers.

This is a subset of the issues for ICV registration in NSW. The consequences are businesses that support ICV building are closing, STEM skills are being lost and NSW ICV enthusiasts are suffering.

To the outsider, it appears that rule makers within RTA/RMS/TfNSW have an agenda of eradicating registered ICVs from the garages of NSW motoring enthusiasts for reasons known only to themselves. This is borne out by the purple graph in the Attachment overleaf that displays new ICV certifications up to mid 2020. The numbers since are negligible, but there is a huge backlog.

**My request to you is to state whether you support the rights of NSW ICV enthusiasts to:**

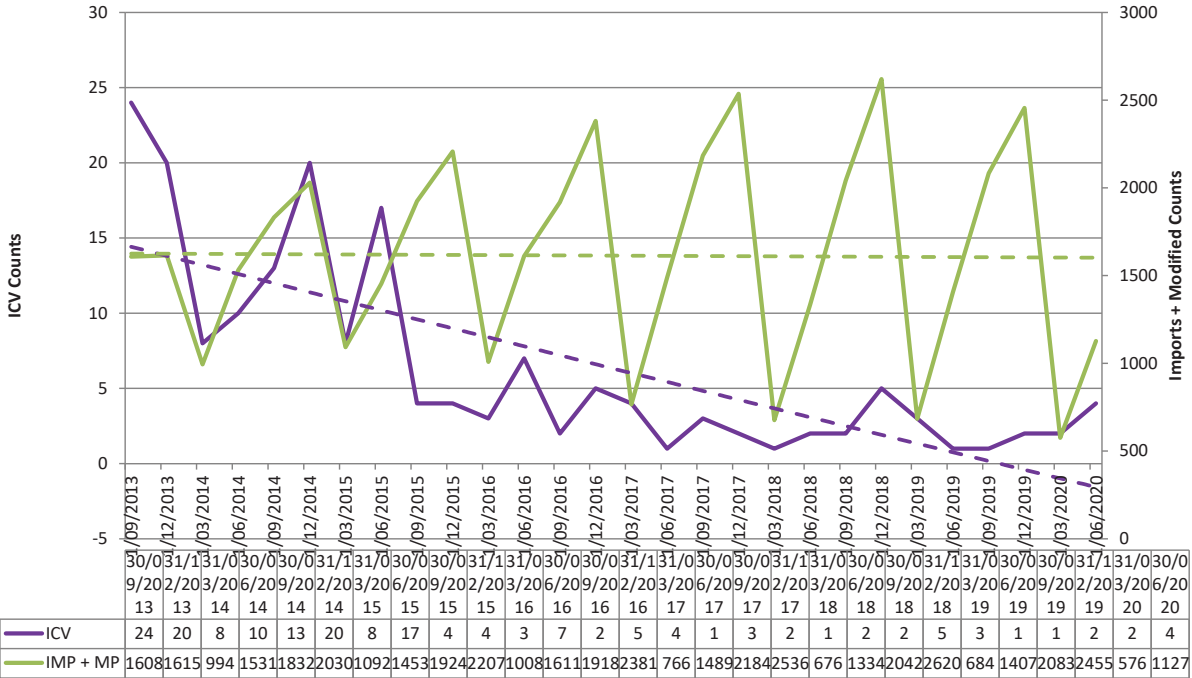
- **be treated equally as their colleagues in other Australian States and Territories**
- **instigate an independent external investigation and review of ICV Regulation in NSW regarding standards, assessments, and processes.**

**Adopting the National Code of Practice VSB14 will bring NSW into line with the rest of Australia. As such this will eliminate the current discrimination by TfNSW of the state’s ICV enthusiasts.**

Yours sincerely

*R. J. Audsley* , Richard Audsley, President ALVICVA

## Quarterly VSCCS Certificates Issued ICV Vs Other Types



Data Source GIPA 20T-0971

### Points to Note

- Trend line of ICV Certificates Volumes has a step change after June 2015 but the trend line for all other vehicle type certificates have not changed. After the drop, some months had zero ICV certificates issued. A personnel change occurred around this time along with the release of VSI53.
- Subsequent Months had the release of BAM, Gazetting of BAM and VSCCS Bulletin 2, demanding the fitment of ABS, ESC and EBA
- Includes VSCCS Certificate issued for cars transferred from interstate as well as new vehicle registrations



The Hon Andrew Constance MP  
Minister for Transport and Roads

Our Ref: 01065738

Mr Ray Williams MP  
Member for Castle Hill  
Suite 202  
Rouse Hill Town Centre  
10-14 Market Lane  
ROUSE HILL NSW 2155

Dear Mr Williams

Thank you for your correspondence on behalf of Mr Steven Bode of 12 Liberty Way, North Kellyville, about registering an Individually Constructed Vehicle (ICV).

I appreciate Mr Bode taking the time to provide his feedback.

Road safety is a top priority for the NSW Government. As ICVs are the highest risk vehicle category, ensuring that vehicle standards are met is paramount.

I am advised the process for ICV evaluation has not changed since the introduction of the Vehicle Standards Bulletin 14 (VSB14). There is no testing required above VSB14. As per the VSB14, an ICV must comply with the applicable vehicle standards as at the Date of Manufacture (DOM). The DOM is determined by either the Transport for NSW Reference number or the date of lodgement of a Compliance Certificate.

The first version of the *NSW Brake Assessment Manual (BAM)* was gazetted in October 2013. A Vehicle Safety Compliance Certification Scheme (VSCCS) Licensed Certifier must ensure an ICV's braking requirements meet the VSB14 or BAM. If a vehicle fails to meet the required performance standard, the Licensed Certifier is provided with a Vehicle Summary Report. This report outlines the omissions and errors of the submission.

The Preface to BAM states that it is a live document and subject to review based on feedback. As Mr Bode is aware, the BAM has been reviewed and is about to be released as Version 3. Modifications have already been made to assist in the VSCCS Licensed Certifier being able to more easily conduct spike stops and also options at lower-road speeds.

This current review began in 2017, and was intended to be a short process to redress a number of identified shortcomings, and to ensure it was suitable as newly gazetted Authority technical specification. The review took longer than intended. At a meeting of the Brake Focus Group on 20 November 2019, it was agreed that it was ready for publication as Version 2, and other matters were to be deferred to a further review.

I am further advised that a site at Cudal near Orange has been purchased by Transport for NSW's Centre for Road Safety for vehicle testing and evaluation, and has been offered to VSCCS Certifiers for their use. This is one of many locations available for testing. The conditions associated with using this test facility are being developed.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Constance', written in a cursive style.

30/06/2020

**The Hon Andrew Constance MP**  
**Minister for Transport and Roads**



Ms Eleni Petinos MP  
Parliamentary Secretary for Transport and Roads

Our Ref: 01071274

Mr Richard Audsley  
President  
Australian Low Volume and Individually Constructed Vehicle Association Inc.  
president@alvicva.org.au

Dear Mr Audsley

Thank you for your correspondence to the Member for Ryde, which was referred to the Minister for Transport and Roads, about registering an Individually Constructed Vehicle (ICV) and the Cudal vehicle testing site. The Minister has asked me to respond on his behalf.

I appreciate you taking the time to provide your feedback.

Road safety is a top priority for the NSW Government. As ICVs are the highest risk vehicle category, ensuring that vehicle standards are met is paramount.

I am advised the process for ICV evaluation has not changed since the introduction of the Vehicle Standards Bulletin 14 (VSB14). There is no testing required above VSB14. As per the VSB14, an ICV must comply with the applicable vehicle standards as at the Date of Manufacture (DOM). The DOM is determined by either the Transport for NSW Reference number or the date of lodgement of a Compliance Certificate.

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The Preface to the BAM states that it is a live document and subject to review based on feedback. As you are aware, the BAM has been reviewed and is about to be released as Version 3. Modifications have already been made to assist in the VSCCS Licensed Certifier being able to more easily conduct spike stops and also options at lower-road speeds.

As you are aware, a site at Cudal near Orange has been purchased by Transport for NSW's Centre for Road Safety for vehicle testing and evaluation. The site has been offered to Vehicle Safety Compliance Certification Scheme certifiers for their use and is one of many locations available for testing. The conditions associated with using this test facility are being developed.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'E Petinos', enclosed within a blue rectangular box.

13/08/2020

**Eleni Petinos MP**  
**Parliamentary Secretary for Transport and Roads**

cc The Hon Victor Dominello MP, Minister for Customer Service, Member for Ryde



Thursday 23rd December 2021

Objective Ref: A41135605

Mr Richard Audsley  
President ALVICA  
Email: [president@alvicva.org.au](mailto:president@alvicva.org.au)

Dear Mr Audsley,

Your correspondence has been forwarded to myself for a response as the Senior Manager for Vehicle Programs, Vehicle Safety, Transport for NSW (TfNSW). Thank you for raising your concerns.

Firstly I can confirm that I am unable to comment on any preceding comments or advice provided by previous Ministers. I can however confirm that TfNSW's current position as it relates to demonstrating compliance for Individually Constructed Vehicles (ICV's) is below:

**VS14:**

- For ICVs VS14 is a guidance document. It was developed by the Australian Motor Vehicle Certification Board to assist individuals of ICV's towards a pathway for registration in a particular jurisdiction.
- Compliance with VS14 does not necessarily guarantee registration within any State or Territory if a jurisdiction has determined that certain aspects of VS14 require refinement for the jurisdictions own purposes.
- VS14 itself states "*Compliance with VS 14 requirements will **help** ensure that work undertaken satisfies the regulatory requirements of jurisdictions*". VS14 also states "...compliance with this VS 14 does not guarantee that a vehicle will be acceptable for registration in the case of an ICV..."
- VS14 is not a mandate of the Commonwealth rather it is a document that applicants can use to guide pathways for certification noting each jurisdiction will have its own state level requirements as part of the registration process.

**Clause 64 of the Road Transport (Vehicle Registration) Regulation 2017.**

- This clause relates to registered light vehicles that have subsequently been modified. The requirements of this clause are not for ICVs.

**Clause 65 of the Road Transport (Vehicle Registration) Regulation 2017.**

- This clause provides that TfNSW may publish guidance material on how a person may demonstrate that a vehicle complies with the applicable vehicle standards.



- In the case of ICV's, TfNSW does not consider that VSB14 covers all requirements. As such following extensive consultation with industry TfNSW published the current VSCCS Bulletin 2 in July 2018.
- VSCCS Bulletin 2 has been gazetted by TfNSW as a standard compliance specification. As such VSCCS Bulletin No.2 supersedes VSB14 as it relates to the requirements for ICV's in terms of TfNSW's requirements for registration in NSW.

Taking into the account TfNSW's current position I have committed to the following:

- TfNSW undertaking a review of VSCCS Bulletin 2. This review has commenced and following broad internal consultation TfNSW will consult with industry through the Vehicle Standards Working Group, Chaired by Transport's Centre for Road Safety. I have noted your feedback and this will be considered as part of the review.
- TfNSW submitting to the Australian Motor Vehicle Certification Board that a review of VSB14 may be due – noting this document is an Australian Motor Vehicle Certification Board document. Whilst TfNSW can review and propose changes – any such changes will need to be consulted through multiple external stakeholders and jurisdictions, and put to the Australian Motor Vehicle Certification Board as a proposal. I have noted your feedback and this will be considered as part of this review. In any event, as per the note above, it should be stressed that VSCCS Bulletin 2 is the necessary pathway to ICV registration in NSW, not VSB 14.
- I am aware of the number of outdated documents and compliance specifications TfNSW has available. I have committed to a longer-term plan to review and update our guidance material.

I am pleased that our Partnerships Team has reached out to your association. I also acknowledge our conversation of 23 December 2021, where the current progress of your association's questions and issues were explained. That conversation confirmed that the Vehicle Standards Working Group will meet in February 2021, with relevant items progressing to the agenda.

Kind regards



Natalie Martin

Senior Manager Vehicle Programs

Vehicle Safety | Regulatory Operations | Safety Environment & Regulation

**Transport for NSW**

**Transport for NSW**

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## Glossary

ADR	Australian Design Rule. A measure of performance that a vehicle must satisfy if it applies to a specific vehicle
ALVICVA	Australian Low Volume and Individually Constructed Vehicle Association. AN incorporated body representing the interest of owner, clubs and ICV businesses in NSW
Applicable Vehicle Standards	This is a special term that describes the set of specific ADRs that apply to a vehicle. The Applicable Vehicle Standards may differ depending on the jurisdiction, vehicle type and category.
Certifier	A person licensed with TfNSW to inspect and assess the compliance of a vehicle to its applicable vehicle standards under VSCCS
DMR	Department of Main Roads, the regulatory body of NSW from the 1930s through to 1989
ICV	Individually Constructed Vehicle – a one off vehicle that is not type approved by Federal Transport Authority and is certified by the State and Territory regulator
NCOP	National Code Of Practice. This national document was developed by representatives from each State and Territory regulator to facilitate national standards and ease of transfer across state borders for modified vehicles and ICVs. It is a guidance document and is not legally binding.
RMS	Roads and Maritime Service - - the title of the NSW regulator prior to the present TfNSW
RTA	Roads and Transport Authority – the tile of the NSW Regulator after DMR and before RMS
RTVRR	Road Transport Vehicle Registration Regulation – the legal framework to regulate
TfNSW	Transport for New South Wales – the present name for the NSW Transport regulator
TfNSW technical compliance specification	<p>Currently comprised of two gazetted documents:</p> <ul style="list-style-type: none"> <li>• VSCCS Bulletin No. 2</li> <li>• Brake Assessment Manual</li> </ul> <p>These documents contain the applicable ADRs for non-type approved vehicles in NSW and the accepted methods of testing to grant or deem compliance to the ADRs that apply to NSW vehicles</p>
Type Approved Vehicles	Vehicle that are sold in full volume to the Australian market must be federally approved and entered on the Register of Approved Vehicles (RAV)
VSB14	This is NCOP that is housed by the Federal regulator but not maintained by them. It comprises of guidance to modify and build vehicle with checklists of ADRs (i.e. applicable vehicle standards) for various vehicles types, including two checklists for ICVs depending on their age/Date of Manufacture
VSCCS	NSW Vehicle Safety Compliance Certification Scheme – the collective term for the mechanism to verify accepted vehicle standards in NSW
VSCCS Bulletin No 2	The list of applicable vehicle standards for NSW registered vehicles that are not type approved and the accepted methods to demonstrate performance to the ADRs
VSCCS Certificate	A Certificate issued under VSCCS to confirm the vehicle has been inspect after a major modification to comply with the applicable vehicle standards
VSWG	Vehicle Standards Working Group -A multi-disciplinary group of stakeholders that provides guidance and feedback to TfNSW in the formulation of vehicle standards, documents and testing of in service, modified and one-off vehicles.

## Financial Impact Assessment of Stalled ICV Approvals

### Vehicle Investments

Estimate of Vehicles Complete or partially built (one Certifier has 57 vehicles on their books)	70	
Estimate of Average Vehicle Investment	\$90,000	
Estimate of Total ICV Bcaklog Investment		<u><u>\$6,300,000</u></u>

### Certifier Impact

Average of Unbilled Expenses	\$5,000	
Average of Unbilled Time due to incomp	\$1,000	
Average of Unbillable Time Due to TfNSW Request/mishandling	\$4,000	
Total Certifier Exposure		<u><u>\$700,000</u></u>
Certifier with 57 vehicles could have exposure of up to \$570,000		

### Registration Costs Impact

Stamp Duty	\$3,600	
Total Stamp Duty Forgone		<u><u>\$252,000</u></u>
Registration Fees (< 2 tonne)	\$70	
Weight Tax	\$233	
Registration Fees Foregone		<u><u>\$21,210</u></u>
Greenslip	\$450	
		<u><u>\$31,500</u></u>

## Example of an ICV Build Timeline

Date	Description	Comment
1/08/2008	First payment for Body & Chassis (Homebush Fibreglass)	
19/01/2011	VSB 14 Ver-2 Jan 2011 (Checklist LO1-3)	Having a checklist for ICV's (I assumed this was correct path). - Very confusing on RMS website to determine actual requirements. Assumed National gazumped State??
17/12/2012	National Stationary Exhaust Noise Test for In-Service Motor Vehicles (September 2006)	Assumed National gazumped state.
18/12/2012	VSCCS B2 (Published - 19/11/2012)	Assumed National gazumped state.
26/02/2012	ICV registration had 'stalled' for 2 - 3 years but <b>Duncan Gay MP</b> came to a meeting at Eastern Creek raceway and ICV regos started again.	He could see the value to the economy of this industry! (And the amount the NSW Government was losing
4/05/2013	First Engineering Inspection with Certifier - Rolling Chassis.	
Oct-16	ICV rego ceased again (Not known to Certifier and myself at the time)	Over 5 years ago now and I know of only 2x ICV's being registered in that time (2nd half of 2021). If I was in another state or territory the car would have been registered in a few weeks, (I know of many examples). This is a chronic problem that raises itself 'regularly' over the years. This creates much stress and angst for the public and Certifiers have very poor experiences with TfNSW. Not to mention the revenue that the NSW Government is 'throwing away'!
5/12/2016	ICV Number Issued	
21/01/2017	First Engineering Inspection of complete car	
8/02/2017	Completed RMS Emission Testing (Botany)	
13/02/2017	Obtained Weighbridge Ticket	
17/04/2017	Second Engineering Inspection of completed car (Eng. signed off OK)	
	Certifier had 2 or 3 cars rejected by RMS - he decided not to submit any more reports until these were sorted.	It was pointless to submit certification reports until one was accepted
July 2017	Release of BAM V 1.0 - NSW Government	
3/07/2017	Letter from Roger Weeks (RMS) Director Compliance	Requirement for ABS Brakes May 2017 BAM. No notice or industry consultation
12/12/2018	ABS Exemption Letter for ICV's from RMS	Acknowledgement there are no suitable aftermarket system available
30/01/2019	VIN Number allocated for my vehicle	
March 2020	Release of BAM V 2.0 - NSW Government	BAM V1.0 was poorly written requiring tests procedure impossible to follow on closed roads
June 2020	BAM V 2.0 withdrawn - by order of <b>Mr Toole MP</b> . Revert back to BAM V 1.0	
Jun, Aug, Nov	Letters from:- <b>Andrew Constance MP</b> (30/06/2020), <b>David Mehan MP</b> (05/11/2020) & <b>Ms Eleni Petinos MP</b> (13/08/2020), confirming VSB14 is all that is required to meet registration in NSW	Personnel Changes Occurred in Vehicle Standards and Compliance. Steeve Cangy and Michael Romano appointed in August to handle the issues. These gentlemen left within 1 year
3/04/2021	Release of V 3.0 BAM - NSW Government TfNSW	Industry consulted to make BAM a practical document for Certifiers to follow
28/06/2021	Engineering Report for ICV Submitted to TfNSW	
10/09/2021	Vehicle Summary Report (VSR) - 12 points of issue	
2nd half 2021	2 of Certifier's customers have cars registered 1x Cobra and 1x Clubman	
23/12/2021	TfNSW reply to ALVICVA - VSB 14 & Clauses 64 & 65 Road Transport (Vehicle Registration) Regulation 2017 <b>Now VSB 14 is deficient and not suitable for according to TfNSW</b>	Even though VSB14 vehicle standards are accepted in every other state and territory and communicated as suitable for NSW by multiple Members of Parliament to their constituents in 2020.
13/02/2022	Email to Ashkan (TfNSW) re my vehicle and drive by vs stationary sound testing and conforming the sound test is all to go?	
16/02/2022	Email from Ashkan Sound is an issue of complaint to TfNSW hence requirement and added a statement that "No issues with ICV's complying"	VSB Checklist LO1-3, NTC Noise Testing Guidelines and NSW EPA only require static noise testing. TfNSW Cudal test location does not comply with European Rule for road surface specification for noise testing. The only likely Australian location of a suitable surface is Angelsea in Victoria.
17/02/2022	Email from Nick Garrido (TfNSW) remaining issues sent to Certifier.	
18/02/2022	Email from Certifier (to me), they have all the information but require it 'Formally' added to the report. Sound Test still an issue though.	
18/02/2022	Email from ALVICVA (Richard Audsley) to Ashkan requesting further information to the comments in his reply to me.	Ashkan suggested ALVICVA submit GIPA for data to verify his statements
Today	This Car is still not approved for registration NSW	