



Policy Position

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Status: Approved

Date: 16 October 2018

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REFERENCE: 4WD Queensland's Policy Position on LS9 and LS10 Modification Codes

Introduction:

4WD Queensland has been working prior to the introduction of Queensland Code of Practice (QCOP) modification standards in 2012 to address the misalignment of vehicle legislation between states, and also regarding the introduction of Anti-Hooning laws in 2013, where unsuspecting motorists can be targeted with the Type 2 Illegal Modification offences, due to conflicting information from Department of Transport and Main Roads (TMR) website.

In Sep 2018, we inadvertently found out TMR were planning to release updates to QCOP LS9 and LS10 suspension codes, which were not practical for the wider 4WD community, however there was no prior engagement or discussions with 4WD Queensland to provide input or review.

Four wheel drivers need to be able to carry out modest modifications on standard vehicles, with no anticipated adverse impact on road safety, in order to:

- Improve ability to safely negotiate various types of terrain, in fair, and uncertain weather conditions;
- avoid becoming immobilised or stranded in remote areas; and
- minimise the need to undertake high energy / high risk recovery methods (e.g. snatch recovery), were people have died in recent incidents.

Recent action by the TMR and police in Queensland has highlighted the need for clear nationally consistent regulations relating to 4WD vehicle modifications.

In two recent community polls with several thousand respondents:

- 95% of respondents want a nationally based modification solution; and
- 94% of respondents want "Variable Lift Combinations", as opposed to the fixed 25mm / 75mm / 50mm limits currently proposed by TMR.

As there is disparity between TMR's proposed LS9 and LS10 specifications and those required of the wider Queensland 4WD community, the following represents 4WD Queensland's policy position on modifications, certification, and Type 2 Illegal Modification offences:



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QCOP changes to LS9 and LS10 modification codes:

- 75mm (self-certified): Up to 25mm lift in tyres and 50mm lift in suspension for both Electronic Stability Control (ESC) and Non-ESC MC category (4WD) vehicles - does not require vehicle to undertake certification processes;
- 100mm (mechanically-certified): Up to 50mm lift in tyres and 50mm lift in suspension (or 25mm / 75mm respectively) for both ESC and Non-ESC MC category (4WD) vehicles - requires vehicle to be inspected and issued a certificate to validate steering / wheel alignment and suspension geometry are within mechanical specifications, and speedometer recalibration (if required);
- Introduction of "Variable Lift Combinations" allowing mixed limits as a certifiable option (50mm lift tyres & 75mm lift suspension = 125mm without body blocks) for ESC and Non-ESC vehicles, following appropriate test procedures;
- 150mm Plus lifts to be engineered / approved directly by Approved Persons and Auto Mechanical Engineers - similar to NSW's Vehicle Safety Compliance Certification Scheme (VSCCS), following appropriate test procedures;
- Abolishing QCOP legislation, and adopt NSW's Vehicle Safety Compliance Certification Scheme (VSCCS), allowing Approved Persons and Engineers undertaking vehicle modifications and appropriate certifications based on their mechanical and engineering skillsets; and
- Any legislation to be applied in Queensland to be first reviewed with 4WD Queensland as the peak body representing all state 4WD owners, together with other motoring bodies and industry working groups.

NOTE: All state and territory 4WD associations have unanimously agreed that NSW's VSCCS scheme should be adopted as the basis for a national modification framework. Aligning with NSW is our immediate short term option, rather than aligning with National Code of Practice (NCOP).



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We expect all vehicle modification planning and implementation should comply with the following principles:

- **Safe:** All modifications for in-service road registered vehicles, must be safe and ensure vehicles undertake valid testing and certification they are not a danger to its occupants or other road users;
- **Practical:** All modification testing needs to be practical, i.e. mandating engine swap emission testing for a vehicle in Cairns, when there's only one test facility in Brisbane is impractical; and
- **Affordable:** All modification testing and certification processes should be affordable for every day motorists, otherwise people will bypass testing and certification if it is too expensive. i.e. destructive bulbar testing for individual, or low volume custom builds; this does not foster innovation or competition in smaller industry groups.

Training and community education:

TMR should develop a series of 4WD based training and communication videos under their "Drive to Survive Campaign"; these could include:

- **Beach driving:** tyre pressure adjustment, vehicle set up (appropriate range, gear, traction control off) and driving to conditions (e.g. slowing for washouts, undulating terrain); and
- **Steps for safe vehicle recovery:** Correct equipment, equipment inspection, anchor points, driver communication, safe standing distances.

NOTE: 4WD Queensland is a Registered Training Organisation (RTO) conducting basic and advanced 4WD training courses, and happy to provide any assistance in developing 4WD safety campaign videos for the Queensland Government.

Changes to "Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Bill 2013":

The "Type 2 - Illegal Modification Offence" is being misused to target motorists who are simply driving down the road, without displaying any anti-social / hooning behaviour, and may be unaware they potentially have illegal modifications.



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The Anti-Hooning laws were brought in to deal with anti-social driving behaviour, and many public submissions noted the "Illegal Modifications" should be reviewed due to this reason. Unfortunately, only QPS were allowed to brief the parliamentary "Legal Affairs and Community Safety Committee" (13 Feb 2013) in person, the general public were not allowed to provide briefings or ask questions of the committee or QPS during the proceedings. As per the misguidance on TMR's website, people have fitted larger tyres to ESC equipped vehicles, technically making them illegal and subject to Type 2 offences. This is a departmental issue which the Minister for Transport admits in parliament, however those motorists who were issued with Anti-Hooning offences should have them revoked. Additionally, TMR acknowledged in the recent industry forum that people who purchase second hand vehicles from used car yards or other private motorists, have no assurance that any modification fitted meets state requirements, despite having a valid roadworthy certificate for the vehicle's sale. TMR have no solution to address this.

Our guidance on the Type 2 - Illegal Modification Offence is to:

- Remove entirely and revert back to standard defect notifications which were suitable prior to the change in legislation; or
- Retain the Type 2 offence and ONLY allow them to be used if a more severe, Anti-Hooning offence occurs, which then triggers "Illegal Modifications" offence.

NOTE: 4WD Queensland recently contacted multiple Approved Persons and Auto Mechanical Engineers, who stated they fully support the introduction of "Variable Lift Combinations", and TMR held a (colloquially) "closed mindset" to fostering engineering experience from the Queensland aftermarket industry. We are of the opinion TMR are working towards their own agenda, as opposed to meeting industry and community expectations; this should be reviewed.

===== ENDS =====



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ABOUT FOUR WHEEL DRIVE QUEENSLAND

4WD Queensland was formed in 1976 when members from various 4WD clubs across Queensland, got together in an effort to unite the voice of four wheel drivers in promoting recreational four wheel driving.

Although 4WD Queensland predominately seeks to promote the requirements and interests of our affiliated clubs and their members, as the peak 4WD motoring body in QLD, we also represent the interests of all 4WD owners and operators throughout the state, when common issues benefit or tarnish both the association and general 4WDing community