

OC240116

08 March 2024

Tēnā koe

I refer to your letter dated 9 February 2024, requesting under the Official Information Act 1982 (the Act):

copies of any consultation documents and/or summaries of submissions produced by the Ministry in respect of the making of the Land Transport Rule: Vehicle Standards Compliance 2002 (Rule 35001/2002).

On 22 February 2024, you spoke to a member of my team by phone and clarified your primary interest was in the legislative history relating to clause 9.12 of the current Land Transport (Vehicle Standards Compliance) Rule 2002 (the Rule). This clause relates to inspection and certification of vehicles for in-service fitness at change of ownership.

On 26 February 2024, we notified you of our decision to partially transfer this request as it is more closely connected with the functions of the New Zealand Transport Agency (NZTA). This is because Land Transport Rules are drafted by NZTA (then the Land Transport Safety Authority) and made by the Minister of Transport on our recommendation. As such, it is most likely that NZTA holds information relating to consultation outcomes on the draft Rule.

My decision on your request for information

I have also considered your request for information. I am formally refusing your request for information under the following section of the Act:

18(e) that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found

We have identified one document which may be in scope, but have unfortunately not been able to locate this document in our electronic or offsite records:

Report and three attachments: *Land Transport Rule Vehicle Standards Compliance: Accompanying Papers*; specifically, attachment (c) *Consultation Record*.

The Ministry also reviewed records relating to initial development of the Rule and has not been able to identify any consultation documents or summaries of submissions produced by the Ministry, nor any other documents (including documents relating to later Rule amendments) that explain in meaningful detail the policy rationale of clause 9.12.

Although you are likely already aware of it, Annex 1 includes a statement regarding consultation on the Rule, taken from the front page matter of the original 2002 Rule.

I note that the Land Transport Safety Authority's original "Vehicle Safety Proposals Consultation Paper" dated 28 June 2001 appears to be [available for reading](#) in the Wellington reading room of the Alexander Turnbull Library.

NZTA may hold records relevant to consultation undertaken by the Land Transport Safety Authority, including a copy of its original consultation paper and any summary of consultation that took place.

Comment on related policy matters

For your information, it appears that the general requirement to show evidence of roadworthiness at point of sale is a long-standing one, dating back in at least some form to when the Traffic Regulations 1976 were initially made (and likely earlier). We understand the objective of the clause is to provide a minimum level of consumer protection at the point of sale, and that a number of overseas jurisdictions have similar requirements.

You may already be aware that trading in motor vehicles is also partly regulated by the Motor Vehicle Sales Act 2003. Sections 7–9 explain what a motor vehicle trader is and who is, and is not, a motor vehicle trader. As they often act in trade, motor vehicle traders will likely also have obligations under the Consumer Guarantees Act 1993, the Fair Trading Act 1986, and related legislation.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website www.ombudsman.parliament.nz.

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā



Joanna Heard
Manager, Safety

Annex 1—Excerpt of consultation statement from Land Transport Rule Vehicle Standards Compliance 2002 Rule 35001/1, *Objective of the Rule*

This text is from the front page of the original 2002 Rule.

Land Transport Rule: Vehicle Standards Compliance 1998 underwent four rounds of consultation with industry groups, interested government agencies and the public. Consultation with representative industry sectors in New Zealand through the Vehicle Standards Advisory Committee complemented the consultation mechanisms inherent in the rule-making process. There was also liaison with Australian authorities in the vehicle standards area, and research into trends for the global harmonisation of vehicle standards.

Consultation on the proposed revision of Land Transport Rule: Vehicle Standards Compliance 1998 began within the context of the Vehicle Safety Proposals Consultation Paper in June 2001. Submissions received on the five proposals relevant to this rule were summarised and were taken into account in drafting the revised rule.

The yellow (public consultation) draft of the revised rule was sent to key groups and individuals for consultation in September 2001. Others who had registered an interest in the rule were advised that the draft was available. The draft rule was also accessible on the Land Transport Safety Authority's website. The availability of the draft was publicised in 15 metropolitan and regional daily newspapers, the New Zealand Gazette, Te Maori News and industry publications. Copies of the draft rule were sent to overseas libraries and transport authorities. The deadline for submissions was 9 November 2001. Twenty-five submissions were received.

Issues identified in submissions and in consultation on the vehicle safety proposals were taken into account in redrafting this rule, before it was submitted to Cabinet, and to the Minister of Transport for signature.