

11 February 2015

Feedback on changes to Ordering Vehicles off the Road Notice
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Dear Sir/Madam

Ordering Vehicles off the Road Notice

Thank you for the opportunity to provide comment on the Ordering Vehicles off the Road feedback document.

This submission by the New Zealand Automobile Association (NZAA) has been jointly prepared by NZAA Motoring Affairs, which advocates on behalf of NZAA Members and motorists, and NZAA Motoring Services, which provides a range of commercial services to drivers and vehicle owners.

The NZAA is not persuaded that a case has been made for amending the *Land Transport (ordering a Vehicle off the Road) Notice 1999* ('Notice') at this time.

The discussion document makes some assumptions, namely that changes to the CoF delivery model mean that some inspecting organisations (formerly Transport Service Delivery Agents, now referred to as Key Service Delivery Partners) *might* withdraw inspection services from some (less populated) areas; and if that occurs, then it *may* "be more difficult for vehicle owners in some locations, particularly rural locations...to find an inspection organisation able to remove a pink or green sticker."

To mitigate these assumptions, the discussion document then proposes permitting any inspection organisation to remove green or pink stickers, but then proposes new penalties to mitigate against the consequential risk of incorrect removal of stickers by the wider pool of inspection organisations and vehicle inspectors.

The NZAA does not consider there is a problem with the current Notice that needs to be resolved, and we believe the proposed solution may in turn lead to undesirable unintended consequences which might compromise safety.

In short, in our view it may be better to retain the status quo, even if there *may* be a risk that some vehicle owners *might* be inconvenienced by having greater difficulty in finding an authorised vehicle inspection agent to remove the sticker – which there is currently no evidence to support.

The NZAA suggests the impact of changes to the CoF service delivery model needs to be monitored, including changes to geographic provision of services by the Key Service Delivery Partners and any impact on the effectiveness and efficiency of the current Notice regime, and if issues are identified then consideration be given to reviewing the Notice then. At the same

time, we suggest it might be appropriate to undertake a wider review of the Notice regime, including its effectiveness and level of compliance, and whether there may be other ways to enforce and achieve compliance. We do note, with some concern, that the most common defect leading to the issuance of a sticker is bald tyres, with police officers likely only identifying the tip of the iceberg. This reinforces the need for more to be done by authorities to educate motorists about the importance of regularly checking tyre condition and change their behaviour, which ultimately could reduce the scale of stickers issues (and consequent concerns around access to authorised inspection agents).

If reduced geographic coverage by Key Service Delivery Partners is identified as an issue in future, rather than permitting any inspection agent anywhere in NZ to remove stickers as proposed, the Notice regime could instead permit a local inspection agent to do so, authorised by the Transport Agency on a case-by-case basis. This would also make the regime easier to manage, and eliminate the need to introduce new offences and penalties targeted at inspectors.

The establishment of new offences and penalties for incorrect removal of stickers by inspecting organisations and vehicle inspectors suggests that, by widening the removal powers to any inspecting organisation, including repairers, that there is then a greater risk that inspectors may incorrectly remove stickers. The NZAA suggests this wouldn't be necessary if the current provision in the Notice remained – that only authorised vehicle inspection agents (e.g. Key Service Delivery Partners) are permitted to remove stickers. We would expect that very few stickers are incorrectly removed by them under the current regime (versus incorrectly removed by owners), therefore the current wording in the *Land Transport (ordering a Vehicle off the Road) Notice 1999* works well in regards to managing this risk. But for clarity we recommend replacing the phrase 'authorised vehicle inspection agent' in the Notice with 'key service delivery partners'.

In summary, the NZAA does not consider there is a problem with the current sticker regime that requires any changes. However, the impact of changes in the CoF service delivery model to geographic provision by TSDAs needs to be monitored to see if this has any impact on the regime and ability for vehicle owners to locate authorised vehicle inspection agents to remove stickers. If it does, other authorised repairers could be authorised by the Transport Agency on a case-by-case basis as the need arises. In addition, the proposed establishment of new offences and penalties targeted at inspecting organisations would be unnecessary if removal of stickers was restricted to Key Service Delivery Partners and other authorised inspection agents.

Yours sincerely



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