

Proactive Release

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Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

Listed below are the most commonly used grounds from the OIA.

<u>Section</u>	<u>Description of ground</u>
6(a)	as release would be likely to prejudice the security or defence of New Zealand or the international relations of the New Zealand Government
6(b)	as release would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by (i) the Government of any other country or any agency of such a Government; or (ii) any international organisation
6(c)	prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
9(2)(a)	to protect the privacy of natural persons
9(2)(b)(ii)	to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
9(2)(ba)(i)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public
9(2)(ba)(ii)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest
9(2)(f)(ii)	to maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility
9(2)(f)(iv)	to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
9(2)(g)(i)	to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
9(2)(h)	to maintain legal professional privilege
9(2)(i)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities
9(2)(j)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

AIDE MEMOIRE

29 July 2025

OC250684

Hon James Meager
Associate Minister of Transport

AIDE MEMOIRE: OPTIONS TO SPEED UP THE REVIEW OF WARRANT OF FITNESS AND CERTIFICATE OF FITNESS A FOR LIGHT VEHICLES

Purpose

- 1 This aide memoire provides you with advice on options to speed up the review of Warrant of Fitness and Certificates of Fitness A¹ (WoF/CoF A) settings ahead of a meeting with officials 9am, Wednesday 30 July 2025.

Public consultation is scheduled for October 2025 followed by Rule signing in May 2026

- 2 Cabinet agreed to the Land Transport Rule Reform Programme in June 2025 (ECO-25-MIN-0083 refers), which contains seven streams of work, including a workstream to review the settings for WoF/CoF A for light vehicles.
- 3 The Cabinet paper signalled public consultation would begin in October 2025 followed by Rule signing in May 2026, and that the workstream would review both frequency and inspection requirements. The workstream will also look at the inspector reappointment process, roadside inspections performance, and other options for incentivising roadworthiness self-inspections.
- 4 Ministry of Transport (MoT) and New Zealand Transport Agency (NZTA) officials have established a project team and a plan to undertake analysis and provide you with advice based on the Cabinet paper timeline (refer to Annex 1).
- 5 The Land Transport Rule Reform Programme has received positive feedback from industry stakeholders, particularly noting the benefits of signalling a forward plan for consultation. This enables industry stakeholders to organise themselves efficiently and prepare members to provide input at the times signalled..

There are opportunities to bring forward the Rule signing

- 6 Timeframes between now and October 2025 are tight to deliver the required evidence. There is more flexibility to bring forward the date for Rule signing by combining advice on public consultation feedback (February 2026) with approval to lodge a Cabinet paper (March 2026). This could save between four to eight weeks and bring forward Rule signing to early April 2026, rather than in late May 2026.

¹ CoF A applies to light passenger service vehicles whereas CoF B applies to heavy vehicles over 3500kg

- 7 However, when the Rule will ultimately come into effect depends on the outcomes of the review and the option chosen and may be a significant period after the Rule signing, depending on implementation requirements. NZTA will provide advice on implementation requirements and timeframes for options ahead of public consultation.

We do not consider changes to scope to shorten timelines are justified given their opportunity cost

- 8 If you want to make progress faster than outlined above, more significant changes to scope or resource would be required.
- 9 The key change you could consider is narrowing the scope of the project to review only the frequency of WoF/CoF A. This is because most of the benefits and costs relate to this element of the system. If this change is made will mean officials would likely:
- 9.1 no longer review what is included in WoF/CoF inspections and the inspector reappointment process, and
- 9.2 only conduct a minimal review of current roadside inspection performance and other options for incentivising roadworthiness self-inspections.
- 10 This change would result in time savings in the order of weeks not months but forgoes an important opportunity to review the system as a whole and risks missing opportunities to improve other elements of the vehicle inspection system. In addition, frequency has been the primary focus of previous changes, which has led to inspection scope remaining relatively static despite significant progress in vehicle technology.
- 11 For example, the inspection scope would likely benefit from the inclusion of 'Advanced Driver Assistance Systems' (ADAS). ADAS includes highly effective safety mechanisms, such as Autonomous Emergency Braking and Lane Keep Assist, and have been standard safety features for the majority of cars manufactured over the last 5-7 years. Inspection organisations have signalled their support for changes to scope like this.

Changes to the quality of outputs or adding resource come with risk and complexity

- 12 The project timelines could also be reduced by adding more resource or reducing the expected quality of outputs, but these approaches come with risk or complexity we consider is likely to be unjustifiable.
- 13 Proposals to reduce WoF/CoF frequency are likely to be contentious with stakeholders concerned about safety, as was the case during consultation on the current requirements carried out in 2014. NZTA monitoring following the previous changes showed a small increase in deaths and serious injuries where vehicle faults were recorded as a contributing factor, though it is difficult to confidently attribute this to the regulatory changes.
- 14 We therefore expect there to be considerable public interest in any changes to the current vehicle inspection regime. This interest brings with it an increased risk of legal challenge in the form of judicial review. A key mitigation against successful legal challenge is ensuring the project can demonstrate that decisionmakers were provided with fulsome advice on a range of options and their respective risks and benefits.

- 15 Changes to the resource allocation for this project would require a reduction in resource allocation to another project within the programme or other initiatives outside the programme. Changes would require discussion and agreement with the Minister of Transport as they would likely affect outputs agreed with him.

Contacts

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Annex 1: Project timeline

Deliverable / Milestone	Deadline
Project Plan – Draft and secure Steering Group approval of the project plan.	End of July 2025
Background paper: Jurisdictional scan	Early August 2025
Background paper: Current NZ regime	Early August 2025
Background paper: Implementation	Late August 2025
Background paper: Monitoring and analysis	Late August 2025
Targeted stakeholder engagement	Late August 2025 to Early September 2026
Background paper: Options analysis	Early September 2025
Briefing – Secure a steer/endorsement from the Minister(s) prior to detailed work.	Mid-September 2025
RIS - Draft and secure Steering Group approval of the RIS.	End of September 2025
Discussion document – Draft and secure Steering Group approval of the discussion document.	End of September 2025
Draft Rule - Draft and secure Steering Group approval of the draft rule.	End of September 2025
Briefing – Seek approval of the supporting documents and agreement to consultation from the associate minister.	Mid-October 2025
Public consultation	Mid-October 2025 to Mid December 2025
Submissions analysis – Analyse submissions and respond as required.	January 2026
Briefing – Summary of consultation feedback	Mid-February 2026
Briefing – Approval of draft Cabinet paper	Late March 2026
Cabinet paper – Seek agreement to rule change.	Late May
Implementation	From June 2026