

In Executive Council

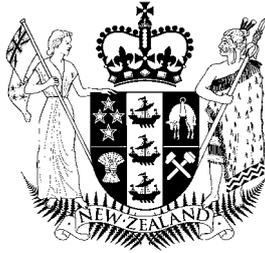
*Her Excellency the Governor-General is recommended to sign
the attached Order in Council making*

*Land Transport (Motor Vehicle Registration and Licensing)
(COVID-19—Extension of Duration of Motor Vehicle Licences)
Amendment Regulations 2020*

Hon Phil Twyford
Minister of Transport

Approved in Council

Clerk of the Executive Council



In Executive Council

*Her Excellency the Governor-General is recommended to sign
the attached Order in Council making
Land Transport Rule: Covid-19 Response (No 1) 2020*

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Cabinet Committee Background Information and Talking Points

Cabinet Committee:	COVID-19 Ministerial Group
Date:	7 April 2020
Paper Title:	Temporary extension of expired driver licences and vehicle certification documents
Portfolio:	Transport

Background

- This paper seeks Cabinet approval to:
 - a temporary extension of driver licences and vehicle certification documents, and a suspension of the requirement to display valid vehicle licences
 - authorise to the Executive Council the submission of:
 - the Land Transport Rule: COVID-19 Response (No 1) 2020 (the Rule)
 - the Land Transport (Motor Vehicle Registration and Licensing) (COVID-19—Extension of Duration of Motor Vehicle Licences) Amendment Regulations 2020 (the Amendment Regulations).
- Together the Rule and Amendment Regulations will address the validity of expired driver licences and vehicle certification documents during COVID-19 Alert Level 4 (AL4).

Talking Points

Purpose of the item

- Today, I'm asking you to agree to a temporary extension of some expired transport documents through a new Rule and Amendment Regulations.
- This is in response to the driver licensing and vehicle certification issues that have arisen because of AL4 restrictions.

Issue – validity of expired transport documents during COVID-19 lockdown period

- Drivers must have a current driver licence and valid vehicle certifications – including Warrants of Fitness (WoF) and Certificates of Fitness (CoF) – to drive on public roads.

- These documents need to be renewed on a periodic basis, and a total of 1.4 million of these documents are expected to expire within the next five weeks.
- There are several different offences for driving without valid documents, and NZ Police and parking wardens can issue infringement notices for non-compliance. Driving with expired documents may also affect vehicle insurance claims.
- However, AL4 restrictions mean that most of these documents can't be renewed during this period. There are also supply issues – some smaller specialist inspection and repair facilities are reportedly not operating for personal safety reasons.
- People shouldn't be unnecessarily restricted from travelling to access essential services solely because a transport document has expired. The ability to travel by private vehicle is particularly important during this time if alternative forms of transport are unavailable, or if people are unwell and need access to healthcare.
- In response to significant public and industry concern, the Ministry of Transport (in consultation with NZ Police and Waka Kotahi) issued guidance about the status of WoFs and CoFs during the AL4 period. This specified NZ Police and parking wardens will not issue infringement notices for an expired WoF or CoF during AL4.
- However, this guidance isn't consistent with existing legislation and doesn't currently address the other transport documents (eg expired driver licences). It's also silent on when people need to legally renew documents once the restrictions are lifted.

Proposal – temporary extension through a Rule and Amendment Regulations.

I propose that a temporary extension for some expired documents be issued through legislation.

- The following expired documents would be deemed valid from the date the Rule and Amendment Regulations are in force:
 - WoFs and CoFs, driver licences, and vehicle certifications issued under the Vehicle Standards Compliance Rule that **expired on or after 1 January 2020**
 - endorsements that **expired on or after 1 March 2020**.
- It would also temporarily suspend the requirement to display valid vehicle licences if the vehicle licence expired on or after 1 January 2020 (because you can't get a valid vehicle licence without a valid WoF or CoF).
 - This provides a brief grace period for people who were unable to renew documents shortly before the COVID-19 restrictions. However, it also reduces the risk of unintentionally allowing some drivers and vehicles that hadn't been inspected or tested for a lengthy period to be able to use the roads when they may not be safe.
- The 1 March 2020 eligibility date for expired driver endorsements recognises that endorsement holders have to meet additional requirements (eg pass Police vetted 'fit and proper person' checks). In some instances, endorsements may not have been renewed due to a person's inability to meet the required threshold, and could therefore pose public safety risks.
- Waka Kotahi also has an existing discretion to provide temporary extensions to people whose documents expired prior to those dates, on a case-by-case basis.

I recognise that there could be a small road safety risk from this temporary extension, particularly in relation to commercial or heavy vehicles

- However, this risk is outweighed by need for access to transport for essential services. Not providing an extension for recently expired CoFs could also cause significant disruption to essential services supply chains.

The risk is also mitigated by other safety requirements that will continue to be enforced

- The presence or absence of a current driver licence, WoF or CoF and/or vehicle licence are not, in themselves, an indication that a driver or vehicle is safe or unsafe. They are an indication of the currency of the most recent checks through the formal licensing and certification system.
- The changes proposed would not alter the separate legal requirement that a vehicle must be safe to operate. Drivers will also continue to be expected to be medically fit to drive, comply with relevant restrictions and conditions on their licence and comply with all other road rules. Any licence suspensions and disqualifications will also continue to apply. These requirements will be enforced by the NZ Police.

I propose that this temporary extension continue for no more than six months from the commencement date of the Rule and Amendment Regulations.

- Within that six month period, Waka Kotahi will set the deadlines for renewing expired documents, taking into consideration the status of any regional or national COVID-19 restrictions. This provides for an orderly return to compliance, especially if parts of New Zealand remain subject to AL3 or 4 restrictions.
- As there is considerable uncertainty around the duration of higher levels of alert for COVID-19 and the transition back to compliance, I propose to use the ministerial rule making process amend the Rule if necessary, without further reference to Cabinet.

There are no additional financial implications to this proposal for the Crown.

- Several of the proposals will lead to deferred collection of land transport revenue for the period of AL4. However, they will not see an overall drop in revenue over the longer term. This situation will also affect the collection of ACC levies.
- Both Waka Kotahi and ACC are aware of the potential for delayed revenue and do not anticipate any concerns with cash flow under current expectations for the period of AL4.

Next steps

Normally secondary legislation must be signed at least 28 days before it comes into force. As the proposal responds to an emergency and confer only benefits on the public, I am seeking a waiver to this 28-day rule.

- If agreed, the Rule and Amendment Regulations will come into force by notice in the *New Zealand Gazette* on 9 April 2020. They will apply from 10 April 2020.
- The Rule and Amendment Regulations will be communicated directly to the public, industry stakeholders, NZ Police and Local Government New Zealand. Waka Kotahi will publish the Rule on its website and provide guidance on the application of the Rule. I will issue a press release and FAQs.

IN CONFIDENCE

Land Transport (Motor Vehicle Registration and Licensing) (COVID-19—Extension of Duration of Motor Vehicle Licences) Amendment Regulations 2020

Governor-General

Order in Council

At Wellington this day of 2020

Present :
in Council

These regulations are made under section 269 of the Land Transport Act 1998 on the advice and with the consent of the Executive Council.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations	2
4	New regulation 14A inserted (Extension of duration of motor vehicle licences for COVID-19)	2
	14A Extension of duration of motor vehicle licences for COVID-19	2

Regulations

1 Title

These regulations are the Land Transport (Motor Vehicle Registration and Licensing) (COVID-19—Extension of Duration of Motor Vehicle Licences) Amendment Regulations 2020.

2 Commencement

These regulations come into force on the date of their notification in the *Gazette*.

3 Principal regulations

These regulations amend the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 (the **principal regulations**).

4 New regulation 14A inserted (Extension of duration of motor vehicle licences for COVID-19)

After regulation 14, insert:

14A Extension of duration of motor vehicle licences for COVID-19

- (1) This regulation applies to a licence for a motor vehicle that—
 - (a) expired in the period that began on 1 January 2020 and ends on the day before the date these regulations come into force if the licence remains expired on the date these regulations come into force; or
 - (b) expires in the period that begins on the date these regulations come into force and ends on [31 October 2020].
- (1) Despite regulation 14, a licence described in subclause (1) continues to have effect in the period that begins on the date these regulations come into force and ends on [31 October 2020].
- (2) This regulation does not affect a person's liability to pay the applicable prescribed fees and accident insurance levies from the date the licence would otherwise have expired.
- (3) A person does not commit an offence under regulations 77 and 78 in relation to a licence to which this regulation applies for the period the licence remains in effect under this regulation.

Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations extend the duration of motor vehicle licences

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the Ministry of Transport.

Proactively Released