

In Confidence

Office of the Minister of Transport
COVID-19 Ministerial Group

Temporary extension of expired driver licences and vehicle certification documents during COVID-19 lockdown period

Proposal

- 1 This paper:
 - 1.1 seeks agreement for a temporary extension of driver licences and vehicle certification documents, and a suspension of the requirement to display valid vehicle licences
 - 1.2 recommends that the COVID-19 Ministerial Group authorise the submission of the following to Executive Council:
 - 1.2.1 Land Transport Rule: COVID-19 Response (No 1) 2020 (the Rule)
 - 1.2.2 Land Transport (Motor Vehicle Registration and Licensing) (COVID-19—Extension of Duration of Motor Vehicle Licences) Amendment Regulations 2020 (the Amendment Regulations).

Executive Summary

- 2 On 26 March 2020, after community transmission of COVID-19 was confirmed, New Zealand entered into and remains at the highest alert level – Alert Level 4 (AL4). During this period, it is critical that people are able to access essential services via private motor vehicles. 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.
- 3 In order to be able to drive legally on public roads, drivers must have a current driver licence and valid vehicle certifications (including WoF and CoF). These need to be renewed on a periodic basis, and a total of 1.4 million of these documents are expected to expire before 17 May 2020. There are several different offences for driving without valid documents and the lack of these documents may also affect vehicle insurance claims. However, many people are unable to access vehicle inspection and licensing facilities to renew these documents during AL4, and some of these facilities have closed for personal safety reasons.
- 4 I do not want the fear of enforcement or insurance concerns to restrict access to essential services during this period. I therefore propose a temporary extension through a Rule and Amendment Regulations.

- 5 The following expired documents would be deemed valid from the date the Rule and Amendment Regulations are in force:
- 5.1 WoFs and CoFs, driver licences, and vehicle certifications issued under the Vehicle Standards Compliance Rule that expired on or after 1 January 2020
- 5.2 endorsements that expired on or after 1 March 2020.
- 6 This provides a brief grace period for people who were unable to renew documents shortly before the COVID-19 restrictions, while also reducing 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.
- 7 The 1 March 2020 eligibility date for expired driver endorsements acknowledges that endorsement holders need to satisfy a number of additional requirements, including a recent course certificate (for moving dangerous goods), a medical certificate and/or a Police vetted 'fit and proper person' check (for passenger services). In some instances, endorsements may not have been renewed earlier in the year due to a person's inability to meet the required threshold, and should therefore not be extended due to potential public safety risks.
- 8 The changes proposed would not alter the separate 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.
- 9 I propose that this temporary extension continue for no more than six months from the commencement date of the Rule and Regulations. Within that six month period, Waka Kotahi NZ Transport Agency (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, and reduces the likelihood of compliance bottlenecks at agencies and inspecting organisations.
- 10 There is considerable uncertainty around both the likely duration of higher levels of alert for COVID-19, and of the ability of relevant organisations to manage the transition back to compliance. If required, I propose to use the ministerial rule making process to make amendments to the Rule to respond to these issues without further reference to Cabinet.

Drivers must have a current driver licence and valid vehicle certifications to drive on public roads, and many of these documents will expire during AL4

- 11 To legally operate or park a vehicle on a public road, a driver must have a valid driver licence. The vehicle they operate must also have, among other things:

- 11.1 a current warrant of fitness (WoF) if it is a light vehicle
 - 11.2 a certificate of fitness (CoF) if it is a heavy or special vehicle (eg passenger service vehicles and rental cars)
 - 11.3 an up-to-date vehicle licence (often called a rego).
- 12 These documents need to be renewed on a periodic basis by authorised agents (some as frequently as every three months). As a result, many of these documents are expected to expire during the AL4 period. Data from Waka Kotahi indicates that around 600,000 WoFs and CoFs, 800,000 vehicle licences, and 40,000 drivers' licences and 12,500 endorsements are expected to expire between 24 March 2020 and 17 May 2020 (28 days after the currently planned end of AL4).
- 13 Operating a motor vehicle on a public road without these documents are offences (enforced by NZ Police or local government parking wardens for WoF, CoFs and vehicle licences), with associated penalties of:
- 13.1 \$400 for driving without a current driver licence
 - 13.2 \$200 for driving or parking a private light vehicle without a valid WoF or CoF
 - 13.3 \$600 for driving or parking a commercial heavy motor vehicle or transport service vehicle without a valid CoF
 - 13.4 \$100 for driving a vehicle without a current vehicle licence.

Many people will not be able to access inspection and licensing services to renew these documents during this time

- 14 On 26 March 2020, after community transmission of COVID-19 was confirmed, New Zealand entered the highest alert level – AL4. Under AL4, people are instructed to stay at home and all businesses and facilities – apart from 'essential services' (eg supermarkets, pharmacies, clinics and lifeline utilities) – are closed. During this period, many motorists will have difficulty fully complying with land transport legislation as access to licensing and certification services is restricted.
- 15 Under AL4, an inspection site may open on a restricted basis to repair or maintain a vehicle, and issue a new WoF or CoF, for an 'essential services' worker. However, the vast majority of people who are not carrying out essential services are unable to renew their WoF or CoF (provision is made for essential repairs carried out on their private vehicles (eg to replace punctured tyres or damaged windscreens) in order for these vehicles to remain safe and operational to access essential services.
- 16 I am also conscious that while those who do perform essential services are able to request a WoF or CoF during AL4, this may not be practical in all situations. For example, where essential service vehicles are in short supply and cannot be taken off the road. I am also aware there are some supply

issues where specialist certifiers are not available to certify a vehicle or a repair, due to some specialist inspection and repair facilities reportedly not operating in the interests of personal safety for their staff.

- 17 Vehicle and driver licensing requirements will also be affected. Most people can renew vehicle licences online but some will not be able to. Waka Kotahi will also struggle to send new vehicle licence labels to people during AL4. In addition, vehicle licences cannot be issued unless the motor vehicle also has a current WoF or CoF. Authorised agents are also unavailable during the AL4 period to issue vehicle licences or renew driver licences.

People should not be unnecessarily restricted from travelling to access essential services solely because a document has expired

- 18 Compliance with the driver licensing and vehicle certification systems are important for road safety, because they are mechanisms for ensuring drivers have the appropriate type of driver licence, and that vehicles are regularly checked for safety issues.
- 19 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.
- 20 In addition to the requirement for drivers to have a valid driver licence, drivers, as well as all other road users, are expected to comply with the road rules, as set out in the Road User Rule 2004.¹ The Rule's requirements apply regardless of whether the driver is licenced, and breaching its requirements is an offence.
- 21 Similarly, in addition to the requirement for vehicles to have a current WoF or CoF and vehicle licence, there is also a general requirement that vehicles are safe and maintained in the condition appropriate for the issue of a WoF or CoF.² This means that, for example, it is an offence for a vehicle's tyres to have less than a minimum amount of tread, or headlights that do not work, even if a the vehicle has a current WoF or CoF. There are also a range of other matters that vehicles must comply with to remain safe, including requirements for certification of modifications.

The Ministry of Transport has issued guidance confirming that expired WoFs and CoFs will be deemed valid during the AL4 period

¹ Land transport (Road User) Rule 2004 1.7(1) (1) A road user must comply with the applicable provisions of this rule.

² Land Transport Act 1998 6(1) – A person may not operate an unsafe motor vehicle on a road. Land Transport (Road User) Rule 2004 Clause 8.9 – Motor vehicle must be kept in appropriate condition.

- 22 The Ministry of Transport and Waka Kotahi have received a large number of enquiries from both the public and inspectors regarding what they can do if they have an expired WoF and CoF.
- 23 In response, the Ministry of Transport issued guidance (in consultation with NZ Police and Waka Kotahi) about the status of WoFs and CoFs during the AL4 period. This confirms that:
- for the period of AL4, all expired WoFs and CoFs will be deemed current
 - essential maintenance and repairs can be provided to ensure a private vehicle remains safe and operational for essential purposes
 - Police will not issue infringement notices for an expired WoF or CoF during AL4
 - vehicles with safety issues identified as unsafe or defective (i.e. those that threaten a vehicle's safe operation) may be ordered off the road by Police, until essential safety repairs have been completed.

Given the degree of ongoing public concern, I consider that further clarity is needed on this and related issues

- 24 While the guidance issued on 27 March 2020 is clear, it is not consistent with existing legislative provisions. This means that it still relies on the discretion of individual enforcement officers to decide whether to enforce a Rule. In addition, there is a potential risk that drivers would be without insurance because of an expired WoF or CoF. This would remain a risk even if the offence of driving without a valid WoF or CoF was removed. While the NZ Insurance Council has issued a public statement that a car's insurance would still be in place even if a driver's WoF is due during AL4, final decisions on the insurance cover would legally be at the discretion of individual insurance companies.
- 25 Importantly, the guidance does not currently address the other transport documents including driver licences and endorsements, and other vehicle certifications that may also expire during this time. It also does not address the lack of specialist testing facilities in some areas.
- 26 In addition, the guidance creates some uncertainty for both vehicle owners and enforcement authorities around the deadlines for when people have to obtain relevant vehicle certification documents once New Zealand, or parts of New Zealand, return to AL2 or lower. I do not want testing, inspection or certification agencies to be overwhelmed when the restrictions are lifted. A transition period with clear deadlines for renewal will provide clarity to both vehicle owners and agencies on this issue.

I am therefore proposing to provide a temporary extension of driver licensing and vehicle certification documents through legislation

- 27 Amending the legislation sends a clear message to all New Zealanders and to the hundreds of thousands of drivers and vehicle owners affected during this period. It provides a legal framework for on-road enforcement staff, and certainty to the driver licensing and vehicle inspection industries (and the public) on what to do with an expired driver licence or expired vehicle certification documents during and after the return to AL2 or lower.
- 28 The temporary extension will apply to:
- 28.1 driver licences and endorsements
 - 28.2 WoFs and CoFs
 - 28.3 other vehicle certifications issued under the Vehicle Standards Compliance Rule, including alternative fuel inspection certificates, permits authorising use of vehicles with conditions, and heavy vehicle specialist certifications of towing connections and log bolster attachments.
- 29 It would also enable a temporary suspension of the requirement to display valid vehicle licences if the vehicle licence expired on or after 1 January 2020.

Only documents that expired on or after a certain date would be eligible for the temporary extension

- 30 The following documents would be deemed valid from the date the Rule and Amendment Regulations are in force
- 30.1 WoFs and CoFs, vehicle certifications issued under the Vehicle Standards Compliance Rule and driver licences that expired on or after 1 January 2020
 - 30.2 endorsements (including passenger endorsements held by taxi drivers and dangerous good endorsements held by some truck drivers) that expired on or after 1 March 2020.
- 31 Except as noted, the extension applies to all documents that expired during the relevant period, regardless of whether they were no longer valid because of failed inspection or failure to renew. This reflects that people may not have been able to re-submit for a further inspection due to AL4, even if they had carried out the necessary repair or other remedial action.
- 32 Any infringement notices, or other restrictions issued for expired documents prior to the commencement of the Rule, will still be valid. However, as at any time, NZ Police have discretion to waive infringements before they are paid.
- 33 The proposed extension recognises that most drivers (including all non-essential workers) will not be able to access a driver licensing or testing site or send their vehicles in for an inspection during the current AL4 period. The extension also recognises that many drivers with expired licences will not be able to renew them where a medical certificate is required, and where primary

healthcare providers are not undertaking face-to-face consultations for routine purposes.

- 34 The 1 January 2020 eligibility date for expired WoFs and CoFs, some vehicle certifications and driver licences was chosen as a balance between two considerations:
- 34.1 reducing the risk of unintentionally allowing some drivers and vehicles that may not have been inspected or tested for a lengthy period to be able to use the roads when they may not be safe
 - 34.2 recognising that there may be individual circumstances preventing people from renewing documents shortly before the COVID-19 restrictions were in force, and providing a brief ‘grace period’ for these circumstances.
- 35 The 1 March 2020 eligibility date for expired driver endorsements was chosen because there are additional criteria that need to be satisfied before an endorsement can be renewed. This includes a recent course certificate (for dangerous goods), a medical certificate, and a Police vetted ‘fit and proper person’ check (for passenger services, or driving instructors). In some instances, endorsements may not have been renewed earlier in the year due to a person’s inability to meet the fit and proper threshold to retain the endorsement. Allowing an extension in these circumstances (eg for the driver of a school bus who did not pass a ‘fit and proper person’ check) could pose a public safety risk.
- 36 There may be people with documents that expired before 1 March 2020 (for endorsement) or 1 January 2020 (for other documents) who need to use their vehicles and have a good reason to do so. Waka Kotahi can consider providing exemptions to those people on a case-by-case basis, using an existing discretion under the Land Transport Act.

There could be a small road safety risk from this temporary extension

- 37 I recognise that there could be a small road safety risk from this temporary extension, particularly in relation to commercial or heavy vehicles. This could affect already limited health resources if it led to an increased rate of road accidents. I also recognise that these risks could increase the longer the COVID-19 restrictions are in place.
- 38 However, this risk is outweighed by the risk that some members of the public may not otherwise have access to a private vehicle, which is regarded as a critical lifeline at this time. Not providing an extension for recently expired CoFs could also cause significant disruption to essential services supply chains. Without such an extension, many of the estimated 100,000 vehicles affected would need either to find an open CoF testing site, or be pulled from service. In Waka Kotahi-sponsored industry forums, a number of representatives have asked for the extension option to reduce the likelihood of interruptions resulting from having to find an open and available CoF inspection site.

- 39 I have been advised that some VINZ and AA inspection sites remain closed, with VTNZ also operating reduced hours. This means some vehicles may be unable to readily access these services and need to travel some distance for their CoF, increasing disruption.

This risk is mitigated by the fact that compliance with road user rules, vehicle safety requirements and other driver licence restrictions will continue to be enforced

- 40 The new legislation removes the uncertainty over the legal status of key transport documents that are relevant in case of a vehicle insurance claim. This will provide clarity on their status, but a decision on any claim will remain at the discretion of the individual company.
- 41 The changes proposed would not alter the separate legal requirement that a vehicle must be safe to operate.³ This means vehicles should continue to meet key safety standards of a WoF or CoF. Vehicle owners will be advised in public announcements to self-inspect their vehicles using the TWIRL procedure (tyres, windscreen, wipers, mirrors, indicators, rust and lights) to assess their vehicle's safety, using the guidance on Waka Kotahi's website.⁴
- 42 Drivers will also continue to be expected to comply with all other road rules, as set out in the Land Transport (Road User) Rule 2004, as well as any relevant restrictions of their licence (e.g. learner licence restrictions and zero alcohol licences). Any licence suspensions, disqualifications and revocations will also continue to apply. In addition, companies and employees would be expected to adhere to requirements under the Health and Safety at Work Act 2015 and other relevant workplace safety requirements.
- 43 These requirements will continue to be enforced to ensure drivers are acting safely and with care on the roads. Both Waka Kotahi and the NZ Police are concerned about any potential increased risks to road safety and will monitor this closely.

The temporary extension will continue no more than six months unless a new amendment rule is made

- 44 At this stage, I propose that the temporary extension continue no more than six months.
- 45 However, within that six month time period, Waka Kotahi would set the deadlines for when expired documents would need to be renewed. These deadlines can vary depending on the type of document, but all deadlines for renewal must fall within the six month period.
- 46 In setting these deadlines, Waka Kotahi will take into account the COVID-19 situation, any relevant restrictions that are in place (regionally or nationally), and the capacity of agencies and inspecting organisations. They will also give

³ Land Transport Act 1998 6(1) A person may not operate an unsafe motor vehicle on a road. Clause 8.9 Land Transport (Road User) Rule 2004 – Motor vehicle must be kept in appropriate condition

⁴ <https://www.nzta.govt.nz/assets/userfiles/file/20141211-TWIRL-check-your-car-flyer.pdf>

consideration to prioritising the renewal of some documents (eg heavy vehicle CoFs) ahead of other vehicles based on any safety risks.

- 47 This provides for an orderly return to compliance and reduces the likelihood of compliance bottlenecks at agencies and inspecting organisations.

48 I note that there is considerable uncertainty around both the likely duration of higher levels of alert for COVID-19 and of the capacity for organisations to manage the transition back to compliance. Unless the issues arising require Cabinet's attention, I propose that adjustments to the expiry dates in the Rule can be made by me through Ministerial rule making processes, without further reference to Cabinet. I do not anticipate needing to amend the Regulation at this time. It only deals with vehicle licensing and this is a simple matter to bring back into compliance.

Withheld
under
section
9(2)(f)(iv)
of the OIA

Financial Implications

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

53 Because vehicle licensing is continuous⁶, the licence expiry date will not be altered by the extension, even if the vehicle was not being used during AL4. This means owners will still need to pay for their licence including for the period of the extension, but do not need make the payment (or display an up-to-date label) during the period of AL4. For example, if a person's annual vehicle licence expired in March 2020, and services resumed in April 2020,

⁵ It is an offence to operate a vehicle without a valid RUC licence and this has a fine of up to \$1,000.

⁶ Continuous licensing means that vehicles are licensed from and too a specific date, usually annual. These dates remain constant regardless of when the fee is paid.

they would need to pay for their licence renewal in April backdated to March 2020 and pay for the following year's licence renewal in March 2021.

- 54 Several of the proposals will lead to deferred collection of land transport revenue for the period of AL4, but they will not see an overall drop in revenue over the longer term. This situation will also affect the collection of ACC levies, which make up the bulk of the costs of a vehicle licence.
- 55 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. If the period of AL3 or AL4 continues for an extended period, further advice will need to be provided on the financial implications of delayed revenue for the Crown. Consideration may also need to be given to whether any changes to continuous licensing are merited.

Legislative Implications

- 56 Under section 152A of the Land Transport Act 1998 (LTA), ordinary land transport rules may be made, amended or revoked by the Governor-General by Order in Council, on the recommendation of the Minister of Transport.
- 57 Under section 269 of the LTA, the Governor-General may by Order in Council make regulations providing for the licensing and registration of motor vehicles.
- 58 In order to give effect to the policy referred above, I recommend that the Rule and the Amendment Regulations be made in order to effect the changes as quickly as possible.

Timing and the 28-day rule

- 59 I am seeking a waiver of the 28-day rule, as the Rule and the Amendment Regulations are made in response to an emergency and confers only benefits on the public. The Rule and the Amendment Regulations are drafted to come into force the day after they are notified in the *New Zealand Gazette*.

Compliance

- 60 The Rule and the Amendment Regulations comply with the:
 - 60.1 principles of the Treaty of Waitangi
 - 60.2 rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
 - 60.3 principles and guidelines set out in the Privacy Act 1993
 - 60.4 relevant international standards and obligations
 - 60.5 Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

- 61 Section 152A(2) of the LTA requires me to have regard to the criteria specified in section 164(2) of the LTA before making a recommendation that the Governor-General amend a rule under section 152A(1). I can confirm that I have had regard to, and have given such weight as I considered appropriate to that criteria in recommending that the Governor-General make the Rule.

Regulations Review Committee

- 62 Under section 152A(6) of the LTA, ordinary rules are disallowable instruments for the purpose of the Legislation Act 2012 and, under section 41 of that Act, must be laid before the House of Representatives not later than the sixteenth sitting day after they are made.
- 63 I have not referred a draft of the Rule to the Regulations Review Committee under Standing Order 318(2).

Legal Advice

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Withheld
under
section
9(2)(h) of
the OIA

Certification by Chief Legal Adviser and Parliamentary Counsel Office

- 67 The Rule was drafted by Waka Kotahi in consultation with the Ministry of Transport. The Chief Legal Adviser, Ministry of Transport, has certified the Rule as being in order for submission to Executive Council.
- 68 The Amendment Regulations were drafted by Parliamentary Counsel Office and have been certified as being in order for submission to Executive Council.

Impact Analysis

Regulatory Impact Statement

- 69 The Treasury has determined that this is a direct COVID-19 response and has suspended the RIA requirements in accordance with CAB-20-MIN-0138. The Treasury has worked with the Ministry of Transport to ensure relevant analysis is included in the Cabinet Paper.

Population Implications

70 There are no specific population implications from the proposal in this paper.

Human Rights

71 The proposal in this paper is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Consultation

72 Waka Kotahi NZ Transport Agency and the Treasury, NZ Police, Ministry of Business Innovation and Employment (Accident Compensation Policy) and ACC were consulted in the development of the paper and supported its recommendations. The Department of Prime Minister and Cabinet has been informed.

73 There was no public consultation on any aspects, but the proposal was discussed with the New Zealand Automobile Association and the Federation of Motoring Clubs. Both groups support the proposed changes.

Communications and Publicity

74 The Rule and Amendment Regulations will be communicated directly to the public, 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.

75 Waka Kotahi will also ensure its communications on the changes emphasise the importance of complying with driver licence conditions, and the need to keep vehicles up to standard, including through its existing TWIRL material.

76 The Rule and Amendment Regulations will be notified in the *New Zealand Gazette*.

Proactive Release

77 I intend to proactively release this Paper and associated papers within 30 days of the COVID-19 Ministerial Group decision.

Recommendations

The Minister for Transport recommends that the COVID-19 Ministerial Group:

- 1 **note** that since the COVID-19 Alert Level 4 (AL4) was implemented there has been public concern with vehicles driving or parked on a public road without a current warrant of fitness (WoF) or certificate of fitness (CoF)
- 2 **note** that there are fines for operating a vehicle without the appropriate documents
- 3 **note** that although an official statement has been issued saying that requirements for current WoFs and CoFs would not be enforced, this relies on

the discretion of individual enforcement officers, and that are a number of other land transport documents that will also expire during this period

- 4 **note** that only essential workers are able to have their vehicles inspected during the period of AL4 and that vehicle owners who are not part of essential services are not able to have their vehicles repaired or maintained, or have a new WoF or CoF issued unless it is for travel that is considered essential
- 5 **note** that facilities to test drivers or carry out specialist inspections are not likely to be available in all parts of New Zealand and not all members of the public have access to online transactions, where these are an option
- 6 **agree** that for a period of up to six months after the legislation comes into effect there will be:
 - 6.1 a temporary extension of the following expired transport documents:
 - 6.1.1 warrants of fitness
 - 6.1.2 certificates of fitness
 - 6.1.3 other vehicle certifications issued under the Vehicle Standards Compliance Rule which will expire over the period, including alternative fuel inspection certificates, permits authorising use of vehicles with conditions, and heavy vehicle specialist certifications of towing connections and log bolster attachments
 - 6.1.4 driver licences and endorsements
 - 6.2 a suspension of the requirement to display valid vehicle licences
- 7 **agree** that other than for endorsements the extension would apply to all licence holders or vehicles where these documents expired on or after 1 January 2020
- 8 **agree** that for endorsements (including passenger endorsements held by taxi drivers and dangerous good endorsements held by some truck drivers) the extension would apply endorsements that expired on or after 1 March 2020
- 9 **agree** that Waka Kotahi NZ Transport Agency be enabled to end the temporary extension period for specific documents identified in recommendation 6 earlier than six months if this was necessary to ensure safety or to provide flexibility for managing the transition to compliance
- 10 **note** that legislation would not alter the separate requirement that a vehicle must be safe to operate on a public road or that a driver comply with road rules or any restrictions on their drivers licence, and any licence suspensions, disqualifications and revocations would also continue to apply
- 11 **note** that Waka Kotahi and NZ Police will monitor the outcomes of these extensions to assess whether road safety outcomes are not affected

Land Transport Rule: COVID-19 Response 2020

- 12 **note** that the Minister of Transport may amend the Land Transport Rule: COVID-19 Response 2020, without further reference to Cabinet, to adjust period of validity of documents and any of the expiry dates for the extensions in the rule to address changing levels of COVID-19 alert and sector capacity issues
- 13 **note** that under section 152A of the Land Transport Act 1998 (LTA) ordinary land transport rules may be made, amended or revoked by the Governor General by Order in Council, on the recommendation of the Minister of Transport
- 14 **note** that section 152A(2) of the LTA requires that the responsible Minister have regard to the criteria specified in section 164(2) of that Act before recommending the amendment to a rule, by Order in Council under section 152A(1)
- 15 **note** the advice of the Minister of Transport that this requirement has been met
- 16 **agree** the Land Transport Rule: COVID-19 Response (No 1) 2020 (the Rule) is the appropriate regulatory response to give effect to recommendations 6 to 9
- 17 **authorise** the submission of the Rule to the Executive Council

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

- 18 **note** that under section 269 of the LTA the Governor-General may by Order in Council make regulations providing for the licensing and registration of motor vehicles
- 19 **agree** that the Land Transport (Motor Vehicle Registration and Licensing) (COVID-19—Extension of Duration of Motor Vehicle Licences) Amendment Regulations 2020 (the Amendment Regulations) give effect to recommendation 6
- 20 **authorise** the submission of the Amendment Regulations to the Executive Council

Waiver to 28-day rule

- 21 **note** that a waiver of the 28-day rule is sought:
 - 21.1 so that the Rule and Amendment Regulations can come into force the day after they are notified in the *New Zealand Gazette*
 - 21.2 on the grounds that the Rule and Amendment Regulations responds to an emergency and confers only benefits on the public.

- 22 **agree** to waive the 28-day rule so that the Rule and Amendment Regulations can come into force the day after they are notified in the *New Zealand Gazette*.
- 23 **note** that there will be a deferred collection of transport revenue by the NZTA for the period of AL4.

Authorised for lodgement

Hon Phil Twyford
Minister of Transport

Proactively Released