

Attachment 3:

22 February 2002

Consultation record**Land Transport Rule: Vehicle Standards Compliance 2002 (Rule 35001/1)**

The *Land Transport Rule: Vehicle Standards Compliance 2002* ('the *Compliance Rule*') sets out requirements in relation to the inspection and certification of motor vehicles for the purposes of determining whether they are safe to enter the land transport system and to be operated on the road in New Zealand.

This record summarises consultation regarding the:

- public (yellow) draft;
- issues relating to the *Vehicle Safety Proposals Consultation Paper*;
- 1996 discussion document: *On-road use and regulation of agricultural and contracting machinery*.

Analysis of submissions on the yellow (public) draft

The yellow (public) draft of the *Land Transport Rule: Vehicle Standards Compliance* was consulted on within the context of the *Vehicle Safety Proposals Consultation Paper*, during July and August 2001. The LTSA consulted on the proposals in tandem with the re-drafting of the rule that would be necessary in order to implement each proposal. The re-drafted rule was sent out in September, with a deadline for submissions of 9 November, and those who had registered interest in it were sent a letter informing them it was available. This compilation presents a summary in tabular form of the main issues raised by the 24 submissions received on the draft rule itself.

List of submissions

Y1	Low Volume Vehicle Technical Assoc. Inc., Section 9(2)(a)
Y2	NZ Buick Enthusiasts Car Club, Section 9(2)(a)
Y3	Vintage Car Club of NZ Inc, Section 9(2)(a)
Y4	Section 9(2)(a)
Y5	Section 9(2)(a), Manukau Institute of Technology
Y6	Ministry of Agriculture & Forestry, Section 9(2)(a)
Y7	Motor Trade Association, Section 9(2)(a)
Y8	Section 9(2)(a)
Y9	Motor Industry Association, Section 9(2)(a)
Y10	NZ Agricultural & Machinery Group, Section 9(2)(a)
Y11	Federated Farmers of NZ Inc., Section 9(2)(a)
Y12	OnRoad New Zealand, Section 9(2)(a)
Y13	Autocar European, Section 9(2)(a)

Y14 New Zealand Taxi Federation Inc., Section 9(2)(a)
 Y15 Section 9(2)(a), Registered Engineer,
 Y16 New Zealand Automobile Association Inc., Section 9(2)(a)
 Y17 Section 9(2)(a), formerly Manager Vehicle Standards, LTSA
 Y18 Section 9(2)(a), Fleet Consultant
 Y19 Road Transport Forum, Section 9(2)(a)
 Y20 Section 9(2)(a)
 Y21 Section 9(2)(a), Joe Lett Suzuki
 Y22 Motor Vehicle Dealers Institute, Section 9(2)(a)
 Y23 New Zealand Police, Robert Morgan
 Y24 Transit New Zealand

Keywords	Submissions	Issues raised in submissions	LTSA response
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Keywords	Submissions	Issues raised in submissions	LTSA response
Agricultural	Y4, Y5, Y6, Y8, Y10, Y11, Y16, Y17, Y18, Y20, Y23	<p>The draft rule proposed that the regime for ‘agricultural’ vehicles (namely tractors and machines used solely in agricultural, construction and land management operations) should be based on whether the vehicle was travelling at more than 30 km/h rather than the existing and outdated ‘capable of’ criterion. This had been extensively consulted on before being proposed in the rule, and the overall concept was agreed on, although there were matters of detail to discuss, mainly whether the regime in <i>5.9(1)(h)</i> for agricultural trailers should also be changed, and whether sophisticated modern machinery (Fastracks for instance) should be treated as heavy vehicles on CoF. The responses included:</p> <ul style="list-style-type: none"> • <i>5.9(1)(h)</i> should be retained • allow concessions for WoF inspection, on form, annual, by repairers etc • comprehensive submission from Federated Farmers • information from a farm vehicle rental company • note that infringement of the speed based regime needs to be clearly stated in law • opposition to these vehicles being on WoF or CoF • note that there are OSH requirements for vehicles used on farms • two recommendations for retaining ‘capable of’ criterion, three of support for a speed-based regime, some suggestions for an alternative regime. 	<p>These comments were taken into account in re-drafting the rule, and further consultation was held with key concerned parties. The rule now retains <i>5.9(1)(h)</i> (now <i>s 7.1(1)(g)</i>) for agricultural trailers and is simplified beyond that proposed in the yellow draft, specifying only that a WoF is required for an ‘agricultural’ vehicle operated on road at over 30 km/h. Those who object to this regime can simply undertake never to travel at this speed. Transitional provisions in the rule allow for time to implement the new regime. The offence will be operating without due evidence of inspection, namely the police will be able to require a current WoF of any agricultural vehicle travelling on the road at more than 30km/h. The actual items to be inspected at WoF are being developed in the context of each of the individual rules for vehicles standards, e.g. the Vehicle Lighting Rule, soon to be released as a yellow draft.</p>

Keywords	Submissions	Issues raised in submissions	LTSA response
comments on rule	Y14, Y15, Y16, Y19, Y21, Y24	Submitters stated they supported the rule, and one supported the proposals in principle but was concerned about implementation issues. There was adverse comment on the qualitative nature of the overview's summary of submissions on the proposals that related to this rule, that had been consulted on separately in the <i>Vehicle Safety Proposals</i> consultation paper. It was suggested Table A could be changed to clarify scooters.	Support is noted; the LTSA has strategies to address implementation of those proposals that are adopted in the rule. The overview material was presented qualitatively so as to give some indication of the responses that had been received on the proposals simply for the convenience of submitters on the rule itself. There was no intention of making decisions on a 'numbers' basis. Table A is linked to other legislation and cannot be changed in this rule at this stage, also cannot be changed without consultation.

Keywords	Submissions	Issues raised in submissions	LTSA response
Drafting	Y1, Y4, Y6, Y7, Y9, Y17, Y18, Y19, Y23	<ul style="list-style-type: none"> • 1.2(1) to clarify inspectors' roles • 1.3(a) align with 1.2(1) • 10.2(2) is a new requirement. Remove? • 10.7 reconsider word surrender • 6.2 focuses on inspection not certification • 6.5(1)(b) and 7.5(1)(b) need to be clearer • 7.1(2)(a) reference to schedule • 7.4(2) standards inspection at WoF • 7.6(3)(b) too open-ended re enforcement • 8.4 add usage category • 9.3(4)(i) include location of trailer WOF • 9.5(3) and 9.6(3) queries why months are specified • 9.7(c)(ii) needs rewording • clarify documentation requirements in s 6 • clarify function of border certifier • clarify 'functioning' in alternative fuels in 6.6(1)(b), 6.6(2), 7.6(1)(a) and 7.6(2) • clarify heading of schedule 3 • define border • definition of LVV auxiliary component to be changed • definitions required for certifiers • need to have infringements for trade plate system • need to provide clear Form A in rule, with conditions of operation • replace word issued in 7.5(3)(c) • Section 10 to put responsibility on operator • Section 11 should include revocation of a LVV plate • Section 4 to stress need for vehicle identification 	<p><i>The LTSA thanks submitters for these suggestions and has taken them into account in re-drafting the rule.</i></p> <p style="text-align: right; color: blue;">22 FEBRUARY 2002</p>

Keywords	Submissions	Issues raised in submissions	LTSA response
Operational	Y7, Y19	Changes were requested to the Fees Regulations linked to this rule. It was stated that in practice the expiry date on a WoF is not always calculated by the computer. The rule should include the inspector's right to refuse an inspection. Shingle crushers should be specifically included.	The LTSA has noted these comments on operational issues and will consider them. In general it is not possible to change operational requirements such as fees for inspection without consulting on them.
Proposal 2 <i>More stringent border inspection</i>	Y7, Y9, Y11, Y16,	This proposal was consulted on separately in the <i>Vehicle Safety Proposals</i> consultation paper and the gist of the comments had been listed qualitatively in the overview to the yellow draft of the rule. Additional comments made in the context of consultation on the rule itself were: <ul style="list-style-type: none"> • concern about State operating border sites • Should not apply to agricultural vehicles • support in principle but there would be implementation issues. 	The rule does not include any change to the existing situation, although the border inspection will be continuously monitored and evaluated to ensure it is efficient and cost-effective.

Keywords	Submissions	Issues raised in submissions	LTSA response
Proposal 3 WATER DAMAGED VEHICLES TO BE BANNED	Y3, Y7, Y9, Y10, Y11, Y13, Y15, Y16, Y17	<p>This proposal was consulted on separately in the <i>Vehicle Safety Proposals</i> consultation paper and the gist of the comments had been listed qualitatively in the overview to the yellow draft of the rule. Additional comments made in the context of consultation on the rule itself were:</p> <ul style="list-style-type: none"> • comments on water damage • define water damage threshold and processes • definitions and guidelines required • Historic Motor Vehicles should be exempted • how will inspectors be notified? Information in Gazette not accessible • should not apply to agricultural vehicles designed to be wet • suggests processes if detected in service • support. 	<p>This has been included in the rule as an empowerment of the Director to ban water damaged vehicles from being certified for entry into service in NZ. The prohibition does not apply to vehicles that are water damaged in service in NZ except any such vehicles that are deregistered by an insurance company because of water damage. These must undergo stringent inspection and repair certification if they are to re-enter service, but in this case, unlike the case of a used import with water damage, there is a known history of the immersion. A definition of water damage is given in the rule.</p>

Keywords	Submissions	Issues raised in submissions	LTSA response
Proposal 9 CHANGE TO WOF FREQUENCY	Y2, Y11, Y16, Y17, Y18, Y19	<p>This proposal was consulted on separately in the <i>Vehicle Safety Proposals</i> consultation paper and the gist of the comments had been listed qualitatively in the overview to the yellow draft of the rule. Additional comments made in the context of consultation on the rule itself were:</p> <ul style="list-style-type: none"> • border control will keep junk out • do not support reduction to 5 years • does not support distance-based criteria • frequency should be reduced to annually up to 10 years as LTSA had suggested in consultation in 1997/8 • queries economic or technical basis for proposal • support simplification but not really the 5 yrs, 	<p>The rule includes a simplified and more cost-beneficial version of the proposal, namely</p> <p>removal of the distinction between used imports and NZ-new cars, so that they are all on annual inspections until they are 6 years old, and six-monthly thereafter. (The proposal originally was for the change over to occur at 5 years). The change will come into force gradually over a year as affected vehicles will be affected progressively as their WoFs expire.</p>

Keywords	Submissions	Issues raised in submissions	LTSA response
Proposal 10 VARIABLE COF FREQUENCY	Y6, Y7, Y11, Y15, Y16, Y17, Y19	<p>This proposal was consulted on separately in the <i>Vehicle Safety Proposals</i> consultation paper and the gist of the comments had been listed qualitatively in the overview to the yellow draft of the rule. Additional comments made in the context of consultation on the rule itself were:</p> <ul style="list-style-type: none"> • concern there would be safety losses if the CoF frequency were allowed to decrease overall • suggest the idea could be extended to WoF • good operators could have the period extended to 12 months • suggest defer till the whole operator safety rating scheme is in place • suggest extend to up to 12 months • supports variable CoF 	<p>This has been included in the rule as an empowerment of the Director to vary the CoF frequency. It would only come into effect at such time as the Director decided to use this power.</p>
Proposal 11 REVOCATION OF COF	Y7, Y11, Y18, Y19	<p>This proposal was consulted on separately in the <i>Vehicle Safety Proposals</i> consultation paper and the gist of the comments had been listed qualitatively in the overview to the yellow draft of the rule. Additional comments made in the context of consultation on the rule itself were:</p> <ul style="list-style-type: none"> • do not support • requires categorisation of defects, • supports but only for serious faults • will be difficult to implement in trucking industry • WoF should also be revoked 	<p>This proposal has not been included in the rule.</p>

Keywords	Submissions	Issues raised in submissions	LTSA response
section 2	Y1, Y7, Y9,	<p>This section of the draft rule contained the most noticeable drafting changes, amalgamating sections 2 and 9 of the previous rule. An extensive number of comments was received on section 2, and many of these are included in 'drafting' above. General comments on section 2 alone were:</p> <ul style="list-style-type: none"> • queries limit to number of certifiers in a geographical area • clarify functions of certifiers, including those for new vehicles • clarify responsibilities of inspectors • clarify roles of inspectors and certifiers • costs of auditing fees • LVV function not spelled out, more detail required as suggested for each certifier by this submitter • Reword 2.2(2)(e) regarding conflict of interest. 	<p>The LTSA thanks submitters for these suggestions and has taken them into account in re-drafting the rule. Section 2 now refers specifically to vehicle inspectors and inspection organisations as in the Act and clarifies the functions of certification.</p>

Keywords	Submissions	Issues raised in submissions	LTSA response
trade plates OPERATION ON CONDITIONAL PERMITS	Y4, Y9, Y16, Y22, Y23,	<p>The draft rule proposed to remedy an omission in the existing rule, namely it did not cover the operation on the road of uncertified vehicles on trade plates, such as vehicles that were safe to operate but needed repair or specialist certification before being in a condition to be certified. An exemption regime had been set in place and administered by the LTSA, from which the LTSA had been able to evaluate a system of conditional permits. The amendment of the rule would allow the use of the conditional permits. Comments received were:</p> <ul style="list-style-type: none"> • This is not perfect but better than the exempt regime • concern that the self-certification in Annex B system will be abused • conditional permits indeed needed for heavy vehicles being repaired • suggest include prototype test vehicles • need to cover 'certified' but not registered cars driven by dealers • rule does not provide enough control, and there must be clear infringements. 	<p>The rule includes in sections 5, 9 and 10 a system allowing conditional operation of an uncertified vehicle either before it is registered or if it is in service and needs repair or specialist certification. Those permits issued by the operator are called Annex B checksheets, and are only to be used in conjunction with an Annex A logsheet which specifies the conditions of operation of the vehicle, and the allowed distances to be travelled. A gazette notice will specify the format of these forms and the transitional provisions in the rule specify that existing exemptions remain valid while needed. The Annex C conditional permit is issued by a certifier and the format is among those for other certification processes. It will be an offence to operate incorrectly on a conditional permit.</p>

Keywords	Submissions	Issues raised in submissions	LTSA response
WoF issues	Y2, Y4, Y7, Y11, Y12, Y15, Y16, Y17, Y18,	<p>Apart from the change to WoF frequency, several other WoF issues were raised for discussion in the yellow draft. Interesting comment was received but there was no consensus on any of the issues. Comments were:</p> <ul style="list-style-type: none"> • 10.2(2) might not cover a vehicle off the road for some time • alternative fuel certificates • do not support 28 day free recheck • does not support proposal re change of ownership • drop change of ownership as it is not a road safety issue • fee should reflect a normal charge out • may be unnecessary compliance cost at change of ownership • No WoF needed at change of ownership • position of label on trailer, replacement label fee • retain WoF at change of ownership for consumer protection • retain WoF at change of ownership • should make concession for older vehicles • support the dropping of WoF at change of ownership • was opinion on the WoF sought from elderly etc? 	No changes have been made to the WoF regime apart from the change to the WoF frequency (see Proposal 9).

Analysis of submissions on Proposals 2, 3, 9, 10, and 11 of the Vehicle Safety Proposals Consultation Paper

Nearly 300 submissions were received on the *Vehicle Safety Proposals Consultation Paper*, and they were numbered consecutively in order of receipt as V01, V02 ...

Some of these submissions were the same as each other, being sent from different members of associated organisations, and these have been grouped together when being analysed for content; they are indicated on the list with an asterisk. In the tables of analysis of submissions submission V56* is used to represent all of these identical 'form' letters.

- 76 submissions were received on Proposal 2
- 78 submissions were received on Proposal 3
- 70 submissions were received on Proposal 9
- 47 submissions were received on Proposal 10
- 48 submissions were received on Proposal 11

List of submissions

V01	Mr B J Felton, MV Disputes Tribunal
V02A	Section 9(2)(a), Dinitrol Products NZ
V02B	Section 9(2)(a), Dinitrol Products NZ
V04	Section 9(2)(a)
V07	Section 9(2)(a)
V08	Section 9(2)(a), Gleniti Auto Services
V09	Section 9(2)(a), Whangarei Testing Station
V11	Section 9(2)(a)
V13	Section 9(2)(a), Reesby Coachlines
V14	Section 9(2)(a), Transport Maintenance (TGA)
V16	Section 9(2)(a), Four Wheel Drive Parts Ltd
V18	Section 9(2)(a), Interbus
V19	Section 9(2)(a)
V20	Section 9(2)(a), Renaissance Aotearoa Foundation
V21	Section 9(2)(a)
V23	Louise Pye, Auckland District Health Board, Public Health Protection
V24	Section 9(2)(a), National Road Carriers Inc
V26	Section 9(2)(a), The Hollies
V28	Section 9(2)(a), Southland Tramping Club
V30	Section 9(2)(a), Vehicle Testing New Zealand Limited
V31	Section 9(2)(a), McKay Commercials Ltd
V32	Section 9(2)(a)
V33	Section 9(2)(a), Just Trucks
V35	Section 9(2)(a), Consumers Institute
V36	Section 9(2)(a), Te Aroha District Federated Farmers
V37	Section 9(2)(a)
V38	Section 9(2)(a)
V39	Section 9(2)(a), New Zealand Buick Enthusiasts Car Club

V40 Section 9(2)(a), J & N Wholesalers Ltd LMVD
V41 Section 9(2)(a)
V42 John Burton, Ministry of Agriculture and Forestry Quarantine Service
V43 Section 9(2)(a), Makaraka Cars
V45 Section 9(2)(a), Insurance Council of New Zealand Inc
V51 Section 9(2)(a)
V56* Porirua Parts World
V63* Porirua Parts World
V64* Section 9(2)(a), Just Commercial Parts World Ltd
V65 Section 9(2)(a), Dollar Save Car Hire New Zealand
V67* Section 9(2)(a), Nissan 4WD PartsWorld
V76* Section 9(2)(a), Wairarapa PartsWorld
V81* Autoparts Timaru Ltd
V84* Section 9(2)(a), Nissin King PartsWorld
V87 Section 9(2)(a)
V89 Section 9(2)(a), Daylight Branch of Te Atatu Labour Party
V90 Section 9(2)(a)
V91* Section 9(2)(a), Autoland Dismantlers
V97* Section 9(2)(a), Autoland Dismantlers
V101* Motex PartsWorld
V108* Section 9(2)(a), City South Auto Spares
V116* Section 9(2)(a), Kiwi Auto Spares
V120* Section 9(2)(a), U Pick Auto Recyclers
V122* Section 9(2)(a), Just Jap Spares
V125* Section 9(2)(a), Robinson's Auto Dismantlers Ltd
V130* Section 9(2)(a), Mudgway PartsWorld
V145* Avalon Auto Spares Ltd
V146 Section 9(2)(a), Turners Auctions Support Office
V147 Section 9(2)(a)
V148* Section 9(2)(a), Mitsi PartsWorld
V150 Section 9(2)(a), Association of Rover Car Clubs NZ (Inc)
V151 Section 9(2)(a), Parts Connection
V152 Section 9(2)(a), Automotive Engineering Division of Manukau Institute of Technology
V155 Steve Fitzgerald, National Road Safety Manager, New Zealand Police
V156* Section 9(2)(a), Kent Distributors
V159* Section 9(2)(a), Budget Auto Dismantlers Ltd
V163* Section 9(2)(a), Henderson Parts World
V166* Section 9(2)(a), Ultra Cheap Auto Spares
V175* Section 9(2)(a), Te Puke PartsWorld
V181* Section 9(2)(a), Christenson Auto Spares
V183* Section 9(2)(a)
V185 Section 9(2)(a)
V187 Section 9(2)(a), Croydon Wholesalers LMVD
V189 Section 9(2)(a), Canterbury Land Rover Owners Club (Inc)
V190 Section 9(2)(a), Euro Tech Car Audio and Security
V191 Section 9(2)(a), Motor Industry Association
V192 Section 9(2)(a), Haverhill Investments Ltd T/A Kirin Motor Company
V194 Section 9(2)(a), Gilmour Motors
V195 Section 9(2)(a)

V196 Section 9(2)(a), Michael Fiddymont Ltd
 V198 Section 9(2)(a), New Zealand Dairy
 V199 Section 9(2)(a), West Coast and Buller Road Safety Council Inc
 V200 Section 9(2)(a), Rob Dahm Ltd
 V201 Section 9(2)(a), Enterprise Motor Group
 V202 Section 9(2)(a), FruitBowl Orchard
 V204 Section 9(2)(a), Collision Repair Association
 V205 Section 9(2)(a), Car Wholesalers Ltd
 V206 Section 9(2)(a), (Light Vehicle Repair Certifier)
 V207 Section 9(2)(a), Christchurch Co-ordinating Committee for Traffic Safety
 V208 Section 9(2)(a), Financial Services Federation Inc
 V209 Section 9(2)(a), DPA (NZ) Inc
 V210 Section 9(2)(a), Road Safety Community Group Marlborough
 V211 Section 9(2)(a), On Road New Zealand
 V213 Section 9(2)(a), Cedar Motor Court Ltd
 V214 Section 9(2)(a), Consumer's Institute
 V215 Section 9(2)(a), New Zealand Automobile Association
 V218* Section 9(2)(a), Thames Parts World
 V219* Everetts Auto Dismantlers
 V220* Section 9(2)(a), Beachys Auto Spares
 V221* Section 9(2)(a), Bay Commercial Spares Ltd
 V222 Section 9(2)(a)
 V223 Section 9(2)(a), Bikers Rights Organisation of New Zealand (Otago) Inc
 V224 Section 9(2)(a), GDM Consultants
 V227* Section 9(2)(a), Maleme Street Auto Parts
 V228* Section 9(2)(a), Invercargill PartsWorld
 V229* Section 9(2)(a), Birch Ave Auto Spares
 V233* Section 9(2)(a), Palmerston North PartsWorld
 V234 Angow Motors
 V236* Section 9(2)(a), Diamond Dismantlers
 V237* Section 9(2)(a), Parts Connection Group
 V238 Section 9(2)(a), Rex Russell Ltd
 V240 Section 9(2)(a), Vehicle and Transport Consultants
 V241 Hawkes Bay Branch Motor Trade Association, c/o Andrew Hollywood Motors
 V242* Advantage Partsworld
 V243 Section 9(2)(a)
 V244* Section 9(2)(a), Mazline Partsworld
 V246 Section 9(2)(a), Vehicle Testing and Compliance Ltd
 V247* Lovegrove Bros (1989) Ltd
 V248* Hi Tech Auto Parts Automotive Dismantlers
 V250 Section 9(2)(a)
 V252 Section 9(2)(a), Vehicle Testing New Zealand
 V253 Section 9(2)(a)
 V254* Section 9(2)(a), Australian Auto Partsworld
 V255* Acme Auto Dismantlers
 V256 Section 9(2)(a)
 V257 Section 9(2)(a), Vehicle Identification New Zealand
 V258 Section 9(2)(a)
 V259 Section 9(2)(a), New Zealand Federation of Motoring Clubs

V260	Section 9(2)(a)
V261*	Puke Road Wreckers
V262	Section 9(2)(a), National Council of Women of New Zealand
V263	Section 9(2)(a)
V264	Fraser Boyd, New Zealand Defence Force
V265*	Levin Partsworld 1997
V267	Section 9(2)(a), Trucks NZ
V269*	Section 9(2)(a), Tasman Partsworld
V270*	Section 9(2)(a), Nissbits
V272	Section 9(2)(a), Mike Bird Motors
V273	Section 9(2)(a), Auto Dismantlers
V274*	Section 9(2)(a), Partsworld
V275*	Section 9(2)(a)
V276	Tim Horner, NZ Customs Service
V277*	4WD and Commercial Partsworld
V278*	Section 9(2)(a)
V279*	Section 9(2)(a)
V280	Section 9(2)(a), AA Automotive Dismantlers
V281	Bevan Clement, Environment Waikato
V282	Section 9(2)(a), Bridgestone/Firestone NZ Ltd
V283	Section 9(2)(a), Motor Trade Association
V284	A Shaw, South Waikato District Council
V286*	Section 9(2)(a), Wreck King Ltd
V288	Section 9(2)(a)
V289	Section 9(2)(a), Motor Vehicle Dealers Institute
V290	Section 9(2)(a), Independent Motor Vehicle Dealers Institute

Table showing analysis of submissions

Proposal 2: Border inspections for imported used vehicles to be made more stringent

	Submissions	Comments
Support proposal	V38, V36, V259, V26, V243, V214, V258, V262, V208, V199, V152, V191, V02A, V150, V20, V23, V215, V30, V190, V207, V02B, V24, V39, V284, V250, V205	More stringent border inspection supported in principle. For detailed comments see response to individual questions below
Do not support proposal	V201, V187, V241, V31, V204, V213, V151, V194, V40, V257, V289, V43, V272, V246	Oppose principle of one site or proposed changes. For detailed comments see response to individual questions below

	General comments
V151, V259, V150, V187	Some submitters were concerned about the possibility of new inspection sites being built instead of using already established sites. The number of inspection sites is also an issue
V199, V211, V281, V65	A consistent and standardised set of inspection criteria is required
V199, V211,	Inspection organisations should be totally independent from any financial interest or involvement in the sale of the vehicle and avoid bribery and graft or backhanders from the industry
V241, V252	Audit trails and processes need to be rigorous to ensure inspections and refurbishments carried out effectively
V151, V240, V215, V08	Maintaining competition is very important to keep costs down
V246	Submitters were concerned about the volume of vehicles shipped at any one time and the implication of peaks and troughs on inspection resources, storage areas and potential processing delays
V240, V204, V289	Concerned about the impact on small businesses or towns
V213, V151, V241, V240, V194, V187	Concerned about handling of vehicles imported for parts and/or vehicles imported in containers – These vehicles miss checks. Tracking of these vehicles important.
V20, V259	Classic, specialist or collectable cars should be treated with leniency to preserve the original classic or specialised features of the vehicle.
V215, V191, V276, V257, V195	Some Submitters would like to meet to discuss what is proposed, opportunities within the proposal and/or to set up a working group for to help decide the best approach.
V208, V259, V150, V215, V90, V45	Recommendations for a CBA before implementation to determine best option

Comments on specific questions asked		
Question	Submission	Comment
2(a): Are there any drawbacks of having inspections carried out in a secure area away from the dockside?	V253, V04, V02A, V02B, V08, V243, V211, V210, V259, V256, V240, V150,	There would be no drawbacks
	V195, V151, V246, V191, V45, V215, V190, V42, V267, V281, V31, V201, V257, V43, V19, V155, V204, V258, V213, V01, V146, V283, V205, V272, V187	There would be additional/increased costs, especially the costs of set up and associated costs; the costs of transporting vehicles from the dockside to the secure area and associated handling costs; the costs of storage.
	V205, V201, V257, V194, V31, V258, V187, V151, V215, V190, V146, V246, V281, V42, V213, V283, V19, V40, V289, V204, V272	There would be processing delays, particularly when there were peak flow vehicle volumes.

	V37, V42, V215, V30, V246, V257, V195	There would be practical problems regarding the availability and location of storage space and increased risk of damage to, or loss of property.
	V42, V246, V257, V252, V201, V187, V289	There would be loss of industry co-operation, destruction of current businesses, loss of management of business assets, sunk investment and job losses
	V213, V151, V241, V240, V194	How would container vehicles or parts vehicles be handled?
	V256	Importer or dealer should be allowed to inspect vehicles to confirm it is the right vehicle handed over to the shipping agent at the port of loading
2(b) What procedures should be established for heavy imported used vehicles – should the process be different?	V259, V281, V240, V155, V234, V11, V42, V210, V253, V01, V04, V37, V33, V24, V39, V190, V150, V08, V40, V02A, V21, V02B	All vehicles should be treated the same
	V215, V19, V195, V14, V18, V33, V211, V256, V267, V45, V289, V257	It was stated that the inspection of light vehicles and heavy vehicles is different, involving different items and vehicle conditions. The testing of heavy vehicles requires specialist equipment. Heavy vehicles may require more emphasis on the bodywork and a more thorough inspection. A high proportion of heavy commercial vehicles are modified in some way so there is no point checking vehicles until the final layout is decided, and pointless completing CoF at border inspection time. Chassis rating checks need to remain.
2(c) For what proportion of imported vehicles might all certification processes be completed at the border? Would there be benefits to importers in being able to complete all procedures at the border?	V256, V01, V02A, V42, V04, V195, V19, V210, V45	Estimates of the proportion of vehicles that could be completely certified at the border ranged from none to 100%
	V259, V150	One rule for all is simplest.
	V43, V253, V40, V08, V192, V196, V190, V257	Some submissions said there would be no benefits. The current procedures were satisfactory.
	V11, V37, V243, V201, V211, V02B, V01, V190, V21	Those submissions that felt there would be benefits said it would be a “One stop shop”; there would be improved inspections as the importer was not present, and that benefits to the importer would off-set any increased costs of time delays, logistic problems and loss of management of business assets

2(d) What costs and other implications would there be if the release of vehicles were delayed at the border while the more detailed inspections were carried out?	V21, V195, V150, V253, V259	There would be no increased costs, or the extra cost was irrelevant if defective/dangerous/accident-impaired vehicles were weeded out and banned entry
	V155, V37, V32	Importers would need to weigh up the likely compliance costs of importing damaged vehicles versus importing undamaged vehicles, if it is uneconomic vehicles shouldn't be imported. If vehicles don't meet requirements then delays should be expected.
	V191, V146, V19, V11, V01, V215, V257, V289, V45, V08	Extra Costs/Increased importer overheads/decreased cashflow/logistical problems
	V190, V257, V196, V43, V42, V146, V19, V02A, V02B, V234, V211, V146, V289, V215	The costs would depend on the process, location and logistics problems. Some or all of the following might arise: Transportation Costs; Cost of delays; Cost of idle resources such as equipment, premises, vehicles and transportation; Extra demurrage fees at ports; Increased storage and storage security costs; Natural cost of anti-competitive situation
	V259, V257, V201, V150, V43	There would be pressure from importers; risk of damage to or loss of property eg CD players etc; loss of goodwill - customers want assurance of when vehicle arrive. Delays to release of vehicles would create serious problems: Increased stock holding and capital outlay; Backlog of delivery on units; Inability to supply to retail yards pre-sold, popular or specific models; Supply of stock units on ad hoc basis to the importer
2(e) What effect will the proposal have on the used import refurbishment industry in New Zealand?	V281, V199, V21, V195, V253, V01	Some submissions said there would be no or little effect – faults picked up at inspection would be passed to the repairer
	V196, V257, V267, V192, V190, V37, V11, V201, V43, V259, V150, V08, V40	Submissions reporting that the industry would be affected stated that: The proposal could put private workshops out of the vehicle compliance industry. The proposal would ruin the industry. The proposal would produce lay-offs, shortage of parts, cripple small centres. There would be increased compliance costs, which would increase vehicle prices as costs are passed on. There would be less competition in industry, increased cost and loss of jobs. Work would be spread amongst industry
	V02B, V04, V02A, V37, V211	Submissions reporting that the industry would be affected stated that: New jobs and employment would be created; The market would open up; Standards would be raised

2(f) Should the border inspection be carried out by a state agency, a single private sector organisation, or several organisations?	V32, V250, V256, V02A, V02B, V42, V20	Some submissions stated it could be a State agency or a private sector organisation; others said it could be both.
	V281, V243, V190, V215, V19, V150, V211, V253, V224, V146, V65, V257, V45, V40, V01, V259, V20, V24, V155, V289	Those submissions favouring the private sector differed whether this should be a single provider or if two or three separate organisations were needed to avoid monopolistic attitudes and inefficiencies. They would need to be suitably qualified and rigorously audited. They could be responsible to a state agency
	V42, V210, V11, V04, V199, V37, V19	State Agency - Advantages: Not influenced by pressure groups; Keeps charges to minimum; Reduce instances of bribery or backhanders from industry
2(g) Should there be a time limit set between the border inspection and the later certification?	V259, V215, V201, V150, V37, V45, V146, V32, V256, V21, V190, V211, V42, V20, V199, V214, V240, V19, V253	Submissions agreeing with a proposed time limit stated that it should be : <ul style="list-style-type: none"> flexible depending on any repair constraints and the type of repair to be carried out. based on vehicle category eg size 2500kg realistic so inspection efficiency is not compromised 90 days with an exemption of 30 days available to vehicle inspectors for part if not available set at 28 days to allow repairs on rejected vehicles different for classic or specialty vehicles
	V213, V196, V02A, V04, V08, V11, V40, V210, V155, V267, V65, V281, V195, V243,	Submissions disagreeing with a time limit stated: <ul style="list-style-type: none"> It was not necessary If an imported vehicle goes direct from wharf to independent inspection agency there would be no need to impose a time limit for certification It would be unreasonable to place undue pressure on an importer that got caught with a vehicle requiring rectification work, in the event significant repairs were required or parts has to be imported.

Proposal 3: Ban flood damaged vehicles

	Submissions	Comments
Support proposal	V283, V30, V214, V204, V211, V26, V199, V213, V207, V403, V40, V39, V152, V208, V190, V21, V38, V194, V23, V215, V65, V224, V246, V257, V262, V289, V250	<p>Many submissions agreed with the proposal to ban water-damaged vehicles from NZ roads and that vehicles that have been damaged by immersion in water pose a long-term risk to land transport safety. (For other types of high-risk vehicles see 3(a) below)</p> <p>Most submissions agreed with the proposal to ban water damaged vehicles from entering NZ. (For vehicles water-damaged when already in NZ in service, see 3(b) below).</p> <p>It was stated that not only the first owner will be affected. The vehicles should be banned from the consumer protection point of view. The ban would prevent unsafe vehicles from entering the NZ fleet. There was adequate choice without these vehicles.</p> <p>In some cases it was stated that parts could be retrievable, if “inert”, or if they were identified as coming from a water damaged vehicle (see also 3(c) below) so that the integrity of salvaged parts is identified and maintained. But parts could cause serious problems if used to repair vehicles- could end up as unsafe on-board diagnostics or SRS or ABS components,</p> <p>It was noted that current procedures, if water damage is detected at entry to the land transport system, effectively constitute a ban as they involve extensive replacement of parts such as SRS systems and repair certification.</p> <p>It was suggested the proposal should also include new imported vehicles that might have been water-damaged.</p>
Do not support proposal	V196, V150, V259, V163*, V269*, V151*, V187, V201, V223, V234, V56*	<p>It was stated that it was not practical to impose a blanket ban on these vehicles. It was difficult to establish if they had been water damaged, let alone the degree of damage, as the vehicle history was not known and damage might have been disguised. Below a threshold the damage might be repairable; clean fresh water might not be as bad as salt-water damage. What constitutes a water-damaged vehicle and how do you identify it?</p> <p>Repairers and recyclers stated they had never had a problem with ‘wet’ vehicles. Salt-damaged vehicles would never be out back on the road because of damage to trim as well as to mechanical or body parts. However fresh-water damage could be repaired e.g. for 4WD vehicles used off road. It was stated that banning would be irresponsible and contradictory as many vehicles are used in service trouble-free after water damage. It was stated that a good test of these statements was that no complaints were made against parts from water damaged vehicles that had been issued against warranty.</p> <p>While it was preferable to not have such cars in the country, it was stated that there would be many cases where it was impossible to tell a vehicle had been flood</p>

		<p>damaged and cleaned up either in NZ or overseas, or if the degree of damage was serious or minor.</p> <p>This would ban the import of vehicles such as old and unusual motorbikes imported for restoration, and would not be enforceable as vehicles flood-damaged in service are not banned.</p>
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Comments on specific questions asked		
Question	Submission	Comment
3(a): Are there any other types of damaged vehicles that should be banned?	V21, V146, V08, V01, V191, V11, V37, V211, V243, V210, V19, V185, V256, V26, V199, V243, V24, V215, V43	All seriously (structurally not cosmetically) accident-damaged, especially chassis damage or with signs of structural repair, especially if this affects compliance with a frontal-impact protection system
	V21, V09, V243,	Fire damaged
	V196, V16, V189, V206, V259	Salt-water-damaged
	V196, V243, V257	Damaged by corrosive substances
	V146, V210, V155, V195, V256, V190, V214, V26, V241, V289, V43, V259	Vehicle written off in Japan (or other countries overseas); does the deregistration system there allow such vehicles to be identified as such/
	V192, V32, V190, V214, V43	Rebuilt write-offs (including those written-off in NZ)
	V185, V250	Cars brought in as wrecks or half-cuts
	V147, V43	Vehicles which have structural damage that are being sold registered (at Damaged Vehicle Auctions advertised on the internet), bought by the general public, repaired and put back on the road and may be unsafe
3(b) Should there be any concessions for vehicles damaged by water immersion while already in service in NZ?	V192, V21, V196, V24, V02B, V51, V191, V01, V07, V40, V08, V190, V281, V146, V208, V37, V211, V45, V19, V155, V234, V250, V214, V20, V194, V65, V201, V240, V289	No concessions: Same treatment for all. But how to define the degree of water damage in an imported vehicle whose history is unknown?
	V04, V11, V36, V243, V02A, V185, V257, V262, V204, V45, V206, V02B, V258, V189, V28, V283	In-service vehicles can be treated case-by-case as their history is known, so for instance salt-water damage can be treated differently (must be crushed) than freshwater damage (can be rust-treated and repaired). The degree of water damage depends on the corrosion protection, contaminants, and the water depth and is difficult to measure especially if the vehicle has been cleaned up. 4WD vehicles without modern electronic systems might have a concession if immersed in water off-road.
	V264	It was necessary to clarify the inspection of vehicles immersed in water by nature of their duties, as in the Defence Force.

3 (c) What should be done with an imported vehicle found to be water-damaged after certification?	V21, V07, V08, V02, V04, V36, V01, V259, V150, V214, V24, V215, V224	Decertify, send it back (re-export) or scrap at importers expense (may also contain insects or disease)
	V192, V08, V32, V04, V39, V01, V289	Decertify. Scrap it (in a steel crusher)
	V43, V146, V37, V257, V26	Decertify. Flag on LANDATA. Allow use for parts ensuring they are marked as from a water-damaged vehicle. (Sell with roof cut as prohibited import on safety grounds)
	V07, V191, V37, V51, V250, V259, V150	Decertify. Require importer to recompense current owner (and impose penalties on the importer)
	V20	Before being crushed the car might be sold to an action film company or demolition derby
	V211, V02B, V11,	Depends on time lapsed since certified. (Did it get damaged in NZ?). Might be able to flag and repair
	V190, V281, V208, V32, V19, V210, V155, V230. V259, V150, V283, V214, V213	Who is liable? Purchaser, seller, importer, certifier? Pre-purchase inspection in Japan might not identify some of the vehicles. Liability could arise if the original owner had sold it. Depending on the exact definition of the degree of damage the certifier might also be involved in the debate. 'While these [possible scenarios] would fall within the civil jurisdiction, with properly drafted rules the interests of any purchaser could largely be protected'. Innocent parties' interests should be protected, e.g. retail purchasers who had no involvement in import.

Proposal 9: WoFs to be yearly until vehicles are 5 years old, and 6 monthly after that

Note: (V211, V19, V09, V35, V155, V262). There is an erratum on page 21 of the *Vehicle Safety Proposals Consultation Paper*. The last line of the fourth paragraph should read ‘ fifth anniversary of its first registration outside New Zealand’.

Submitters are thanked for pointing this out. Unfortunately, some submitters found this text confusing. It was suggested the rule needs to be clear that the 5 years is measured from the date of first registration of a vehicle anywhere.

	Submissions	Comments
Support proposal	V209, V150, V259, V30, V208, V211, V195, V39, V43, V207, V281, V151*, V283, V215, V243, V32, V89, V191, V187, V24, V65, V155, V223, V224, V240, V246, V252, V257, V262, V272, V241, V234	<p>Submissions in support of the proposal said it had the merits of being simple (“amazingly simple and sensible”) and logical, provided that the “age” of the vehicle (year of manufacture or time since first registration anywhere) was clearly defined.</p> <p>The proposed removal of separate regimes for NZ-new and imported-used vehicles was seen as a positive move by many submitters, especially as these vehicles would have had a through inspection under the Compliance Rule before going on the road in NZ. However some submissions still felt that the maintenance history of these vehicles was unknown, or that they had been exposed to different environments, and that they should remain on 6-monthly inspections at all ages.</p> <p>Some vehicles would go from 6 monthly to yearly inspections, others the other way, and the proposal would be compliance-cost neutral overall to the motorists in NZ.</p> <p>Comments on including a mileage criterion are summarised below; Question 9.</p>
Do not support proposal	V26, V253, V19, V199, V21, V152, V67*, V87, V185, V222, V250, V256, V38, V214	<p>There was a wide range of suggestions on WoF frequency, from decreasing it to 6-monthly after warranties run out at 3 years, to phasing out the whole WoF regime as cars were now more reliable and people should be responsible for ensuring their own vehicle maintenance. One submission suggested inspections be 6-monthly after any crash repairs. One submission said inspections should be annual at a fixed cost of \$25 for cars, and \$10 for trailers.</p> <p>People who had commented on WoF frequency previously (this was consulted on by the LTSA when developing the Compliance Rule in 1998) stated that they preferred the previous proposal that WoF frequency be reduced overall, in line with the frequencies used in overseas jurisdictions that had WoFs.</p> <p>Some submissions were in favour of retaining the status quo as they saw no benefits in the new proposal. It was commented that the proposal did not target areas of high risk since vehicle faults that may be associated with WoF in crashes do not increase until vehicles are more than 8 years old.</p>

Comments on specific questions asked		
Question	Submission	Comment
9. Should distance-based criteria for starting 6-monthly inspections be included? How effectively could this be enforced?	Yes: V202, V39, V208, V41, V21, V152, V37, V24, V223, V224, V234, V260, V262, V36, V11, V191, V211, V210, V07, V08	The discussion document had suggested that the changeover to 6-monthly WoFs could be initiated either when the vehicle was 5 years on the road or when it had done a specified distance e.g 100000 km. Those submissions that agreed with a mileage based criterion suggested various mileages ranging from 70000 to 200000 km as the changeover date. It was suggested that a mileage criterion would be appropriate for vehicles used by people in family situations, mothers and pensioners who did not get about much, or for vintage vehicles or Emergency and Civil Defence vehicles that are not used often. On the other hand, vehicles deteriorate with time, not just with use.
	No: V146, V196, V19, V258, V214, V281, V283, V215, V32, V187, V240, V250, V252, V196, V09, V05, V243, V01, V241, V155	It was suggested a mileage criterion would not be appropriate for agricultural vehicles that do low km but in rough terrain. Many submissions commented that odometer readings were unreliable and could be tampered with so that mileage criteria would be impractical, unreliable and inconsistent. Also they could encourage odometer rewinding and lessen safety standards. A sealed hubodometer on NZ-new cars could enable a mileage based system. Introducing a distance-based inspection regime could encourage people to under-record distance travelled and make this idea largely ineffective.

Proposal 10: Frequency of CoF inspections to vary, depending on the operator's safety performance

	Submissions	Comments
Support proposal	V195, V199, V26, V211, V30, V19, V214, V43, V207, V215, V151*, V20, V191, V152A, V198, V13, V24, V65, V250,	Many submissions supported the proposed Operator Safety Rating Scheme and of these, most supported the particular initiative, i.e penalising poor operators by making them have more frequent inspections, although there was some concern that the 'reward' of a longer CoF interval would be abused and would decrease safety. It was stated that this was an innovative and forward thinking suggestion. One large transport operator reported that the proposal would have a positive impact on their transport operation, which was seasonal so that the current CoF inspection impacts heavily in the peak period. CoF

		<p>inspections on a twelve-monthly basis would allow the CoFs to be spread out evenly as the fleet expands. The operator maintains their trucks and trailers to a very high standard; have a regular service schedule in place; have computerised maintenance records and scheduled overhaul on each vehicle based on km traveled; regular fleet replacement policies; in-house driver trainers; and ongoing training for all staff.</p> <p>Two submissions suggested the scheme be extended to the light-vehicle (WoF) regime.</p>
Do not support proposal	V150, V259, V196, V283, V187, V241, V152b, V37, V281, V185, V224, V240, V252, V256, V257, V284,	<p>Some submissions stated an Operator Safety Rating Scheme would not be viable because of the resource that would be required to set it up, to decide on rating criteria, and to monitor and implement fairly.</p> <p>There were reservations about the specific proposal (variable CoF frequency) being implemented in isolation or in advance of other incentives/disincentives in the Operator Safety Rating Scheme. CoF frequency was a very narrow tool for performance measurement.</p> <p>Misunderstandings could occur; a decrease in safety might occur.</p> <p>It was suggested the proposal would be appropriate for operators with large fleets but not for the operator with only a few vehicles. It was suggested it would only work with fleets that had good maintenance regimes already. The system would not work well with agricultural equipment where wear is due to machinery use not timeframe.</p> <p>Some submissions stated the regime would be likely to be abused – cutting on maintenance was in practice the only way to cut costs of a transport operation. If the present regime were relaxed the standard of maintenance would suffer.</p> <p>Some inspection agencies said the proposal would focus on the grey areas of discretion and place commercial pressure on inspection staff who would be both ‘judge and jury’ on inspection periods. There might be contention about whether a vehicle failed if the rating depended on it: conflict between certifiers and operators might arise, and risk to a certifier’s integrity. This might be worse if the CoF rating were the only incentive in place rather than (in advance of) a complete Operator Safety Rating system.</p>

Comments on specific questions asked		
Question	Submission	Comment
10(a) Are there other ways the CoF inspection regime could be better targeted to risk?	V19, V200, V283, V37, V13, V252, V257, V200, V211, V198,	<p>It was reported that in the past LTSA had considered allowing extended CoF periods to 'good' operators, based on Telarc certification to ISO procedures, but that there was little encouragement from operators.</p> <p>One option might be to retain a full CoF inspection as the norm but to allow some approved companies to have the inspection reduced to, say, a roller brake test and a check of specialist certification; a company with a proven regular maintenance regime might not need routine items checking regularly at CoF.</p> <p>Other rating tools might include RUC charge variations, reports from motorists, results of roadside checks etc. However some of these might need legislative change to implement.</p> <p>Inspection for vehicles under 5 years old and less than 500000 km could be annual, with the right to withdraw this privilege if inspection showed any serious faults.</p> <p>Good maintenance was a reward in itself, as good vehicles passed quickly and easily. Some sort of PR recognition of good operators by the LTSA might be a good 'reward'.</p> <p>LTSA could use material in the 'CoF defects' inspection database.</p> <p>Police could have the authority to reduce the CoF frequency if they found vehicles in poor condition.</p> <p>There should be regular audit of each individual company's maintenance and also random audit to weed out operators abusing the privilege of extended CoF periods. Authority should be given to one individual to oversee compliance for the company.</p> <p>Target high-risk vehicles by on road spot checks including mobile brake testers.</p> <p>Look closely at what systems are put in place by transport authorities overseas, and work closely with them.</p>

Proposal 11: Testing stations to remove CoFs if serious defects found

	Submissions	Comments
Support proposal	V195, V214, V19, V30, V26, V43, V211, V281, V241,	Submissions supported the proposed focus on getting rid of poor operators. Some said the initiative should come in as soon as possible. It was suggested the public be

	V215, V207, V151*, V20, V243, V39, V191, V152A, V37, V24, V224, V240, V250, V51,	<p>informed of such initiatives to improve the industry. It was noted that the Police (CVIU) and LTSA enforcement officers already have the power to remove a CoF from a non complying vehicle but it was felt that responsible inspection companies should also have this power, even if it was not frequently used, so as to get vehicles with serious defects off the road.</p> <p>Several suggestions were made for practicality, e.g. requiring the station manager's approval of a removal, or getting an LTSA enforcement officer to come immediately to arbitrate. It was suggested a label be attached when the CoF revoked, to alert police officers that the vehicle should not be on the road without serious repairs.</p> <p>Some suggested the proposal be extended to WoFs, or that the CoL be revoked too. It was stated the proposal would remove the possible grey area about having 28 days to fix the vehicle.</p>
Do not support proposal	V150, V259, V283, V199, V196, V187, V152B, V252, V257.	<p>Submissions stated that it was already illegal to operate an unsafe vehicle and yet poor operators did so, even if it had a current CoF. The policy might rebound and have the effect that poor operators did not bring in a vehicle until the due date, so that unsafe vehicles were in fact on the road longer than at present.</p> <p>Some inspection agencies did not believe a certifier should be placed in a position to cancel a CoF when there were proper authorities to carry out this task. The inspector should be divorced from driver reaction. There might be contention about whether it was a 'serious defect': conflict between certifiers and operators might arise, and risk to a certifier's integrity. This might be worse if failure of a vehicle under proposal 11 was taken into account in rating the operator under proposal 10, especially if the CoF rating were the only incentive in place for that.</p> <p>There would also be the problem of what to do with the unsafe vehicle now at the testing station. Several suggestions were made, including keeping the status quo but the certifier should call the police in to exert existing powers, or phone the police to report the vehicle prior to leaving.</p>

Comments on specific questions asked		
Question	Submission	Comment
11(a) Which items should be included in the list of serious safety defects that would lead to a CoF being cancelled?	V145, V214, V37, V65, V19, V155, V185, V250, V21, V210, V43, V01, V02b, V11, V211, V40, V04, V256	<p>Many submissions stated that the list was vital but that there would still be borderline decisions e.g McPherson struts, and judgement calls by the certifier.</p> <p>A police submission preferred use of the power under 115(3) of the Act to remove an unsafe vehicle, rather than the power under 115(3) to place a defective vehicle out of service.</p>

		<p>Reference was made to an Australian NRTC document: <i>Assessment of defective vehicles, 1999</i>.</p> <p>Items very commonly suggested were brakes, lights, tyres, steering</p> <p>Other items were drive train items; serious structural defects (would need to be defined); extensive chassis rust, or chassis heave; liquid lines leaking (brakes, oil, fuel).</p>
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Analysis of submissions on ‘On-road use and regulation of agricultural and contracting machinery’

In December 1996 the LTSA published a discussion document: *On-road use and regulation of agricultural and contracting machinery*, and this was consulted on during 1997. The document included (in 7 and 10.1) a discussion of the same issue that is being put forward in the revised rule now. Fifteen submissions were received on 7, and 17 submissions were received on 10.1. The comments are summarised here. The draft policy developed as a result of that consultation exercise is also set out below.

Comments received on 7: Technical basis for vehicle exemptions

The document provided some background to the legal systems for operation of agricultural vehicles overseas, and then said “Whether or not an upper limit of 30km/h should continue to be the significant qualifying condition for the majority of exempt vehicles and machines in New Zealand is open to debate. Most modern tractors designed for high-speed road operation could meet most WoF or CoF requirements. Federated Farmers support continuation of the use of 30 km/h for discrimination between exempt and non-exempt vehicles for the purpose of WoFs and CoFs. However, they have suggested actual speed on the road rather than speed capability should be the ground for exemption. The LTSA invites comment on this suggestion.”

AA	Agree exempt vehicles must still meet minimum requirements on page 14 (turn indicators, lights, brakes, driver vision, vehicle visibility, and vehicle loads).
Contractors Federation	(1) Agree exempt vehicles must still meet minimum requirements. (2) There should continue to be exemptions for vehicles working in designated construction ones or not driven over 30km/h. (3) WoF and CoF certificates should not apply to vehicles operating within these conditions.
Federated Farmers	Agree exempt vehicles must still meet minimum requirements. Recommend three-tier system: Category 1: 30 km/h or less: exempt farm vehicles towing farm implements Category 2: 30-45 km/h: Maintain to WoF standards when trailer GVM over 1.5 X weight of towing vehicle Category 3: >45 km/h: Maintain to CoF standards for tractor and towed implement. Sign indicating maximum permitted speed should be displayed.
Federated Farmers (South Canterbury)	Support main submission of Federated Farmers.
Federation of Motoring Clubs	Support proposed regime based on speed.
Franklin Vintage Machinery Club	Contend that presentation of accident involvement of ‘exempt’ vehicles is emotive. Oppose change to legislation as older vehicles are indeed not capable of exceeding 30km/h. Nevertheless agree exempt vehicles must meet minimum requirements.
MAF	Suggest single speed classification be changed to two classes with

	differing safety requirements. One would be tractors not capable of exceeding 30 km/h and the other would be tractors capable of exceeding 30 km/h. More than two speed classes would be administratively costly.
MTA Waikato	Should have indicators
A C Howey	Many vehicles in NZ capable of up to 40 km/h don't have sprung front axles. European tractors obviously designed to travel safely unsprung up to 40 km/h
MTA	Boat tractors should be treated in the same way as agricultural and contracting machinery Suggest 2 km limit of operation
OSH	Support LTSA view that performance should meet reasonable expectations in respect of turn indicators, lights, brakes, driver vision, vehicle visibility and vehicle loads. Support performance based standard incorporating these.
Rose Agricultural	Stay 30 km/h. In practice farmers will not come out of back country to get WoF. Health and Safety Act should be enough
South Canterbury Traction Engine Club	Agree there should be performance related standards – impossible to bracket modern tractors capable of 80 km/h with 1949 tractor capable of 17 mph. Modern tractors, although exempt, should have to comply with WoF/CoF or similar. A maximum speed should be determined for all modern tractors.
VegFed	<p>Recommend 3 speed categories as in Executive Summary, i.e. 30km/h; 31- 50 km/h; and over 50 km/h. Support identification by visible window stickers.</p> <p>Technical standards reflect owner use and cater for old and new equipment, which may vary considerably in terms of technical standards.</p> <p>Support concept of speed classification in European Standards. Oppose “capable of speeds” as will require a system (at some considerable cost) to define speed capabilities. Modifications can then alter capacity, creating policing difficulties. Question relevance of speed capability as this will be defined by circumstances, e.g. towed implements, weather, road conditions, etc.</p> <p>Agreed that all exempt vehicles must meet basic standards. Propose achieve this by establishing performance standards rather than a licence or registration regime.</p>
VTNZ	<p>Still a need for exempt vehicles as compliance cost not justified.</p> <p>3 categories emerging in Europe which industry representatives seem to favour.</p> <p>NZ vehicles categorised by 3500 kg GVM for WoF/CoF. If applied to agricultural vehicles a large number would need CoF and extra road mileage likely to increase accidents. For this reason current speed capability criteria should be retained. Actual road speed confusing and difficult to enforce. European directives enforced by a track test. Could be displayed on the machine as happens overseas. Recommend categories:</p> <ol style="list-style-type: none"> a. Exempt vehicles <ul style="list-style-type: none"> -recommended that existing vehicles be grandfathered into this category - those which by design are not capable of exceeding 50 km/h b. High speed tractors. Industry is unanimous that these should be inspected by an independent authority and issued a CoF c. All new vehicles capable of 45km/h to comply with specified requirements and pass a periodic inspection. Standards specified for turn indicators, lighting, brakes, driver vision, vehicle visibility, and

	loads.
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Comments received on: 10.1 Exempt vehicle speed

Section 10.1 of the discussion document referred to the proposal in section 7, that exemptions should be granted on the basis of vehicles travelling at a speed not greater than 30 km/h, and not on their speed capability. The document presented an outline of the proposed regime, commenting also on the British system and concluded that "...the LTSA believes [all other] presently exempt vehicles capable of more than 30 km/h should be subject to most of the requirements of WoF or CoF tests appropriate to their speed class." The document also suggested that .."some revisions to the requirements and frequency of tests for WoFs and CoFs will be necessary to meet the specific characteristics of agricultural and road construction vehicles that will be travelling at speeds above 30 km/h".

Federated Farmers	Most tractors have rev counters also ground speed indicators readily available for vehicles though perhaps not fitted
Federation of Motoring Clubs	Speed for exempt vehicles should be raised to 40 km/h to cover newer tractors. This should not include vehicles such as JCB Fastrac capable of 80km/h.
Franklin Vintage Machinery Club and MTA Waikato	Question need for 30 to 45 km/h step. Support increased requirements for vehicles capable of over 40 km/h
Geoff Wallace Holdings	"Capable of" should be removed as not controllable, tractors readily converted by gearing. All tractors should have plates front and rear displaying speed restrictions. Periodic inspection should be required. Would stop idiots towing ten-tonne bailers at 70 km/h. Towed equipment over 40km/h to be coded to the tractor. Restrictions must be easily interpretable by any police officer. They cannot be controlled easily by the words "capable of". Highly recommends signage for speed-limited vehicles. Speedometers or rev counters should be fitted, if not electronic speedometers available.
Section 9(2)(a) and Top of the South Tractor Group	All exempt vehicles should be restricted to 30 km/h on public roads. Above this speed a WoF should be maintained.
Groundspread	Agricultural vehicles capable of more than 30 km/h should be subject to WoF or CoF requirements. If a vehicle has a speed capability of more than 30 km/h very few drivers would travel at the legal speed on the road.
Section 9(2)(a)	Suggest 40 km/h as max speed for exempt vehicles as most new tractors now capable of up to 40 km/h. LTSA suggests regulations based on speed capability . To apply this argument to other road users would require car safety standards allowing them to travel at 180 km/h +.
IPRU	British requirements at variance with EU. Favour (a) since (c) will require greater policing. Perhaps other road users could be warned by flashing indicators operating. Agree with LTSA stance on machines

	capable of 30 km/h.
JCB	The JCB Fastrac is “more than just a machine”. It has “a unique steering system that significantly boosts productivity ... the most productive tractor you can put your hands on. The high draught tractor designed for your 365 day working year. Operator comfort from dawn to dusk. All the power and torque you need. <i>Table of speeds:</i> Speeds up to 54 km/h depending on the transmission configuration. Fastrac 135 and 155 capable of 75 km/h.
MAF	Agree there is a need to more clearly define an exempt vehicle. Suggest single speed classification be changed to two classes with differing safety requirements. One would be tractors not capable of exceeding 30 km/h and the other would be tractors capable of exceeding 30 km/h. More than two speed classes would be administratively costly.
MTA	Agree definition should be based on actual speed rather than “capable of”. Most support was for onroad speed of exempt vehicles to be restricted to 30 km/h. Some submissions suggested a speed limiter to be fitted or retrofitted.
RACF	With modern advances in tractor manufacture maximum speed for exempt vehicle should be raised to 40 km/h and any exemptions should be granted on the basis of actual speed on the road and not available speed. The LTSA should be more concerned with vehicles travelling slower than faster as they are more involved in accidents. Signage should warn of slow-moving vehicles.
RTA	-30km/h should be maximum speed for exempt vehicles -exempt categorisation should only be available at purchase or first registration. New vehicles should have compliance plate stating maximum speed, axle loadings, drawbeam and drawbar rating and GVM. Impossible to police every vehicle. -combination of (a) and (c) in 10.1 would best suit NZ. Drivers must be more responsible. Assume most vehicles have a speed measuring device.
Selwyn Works	Vehicle should be certified as being incapable of exceeding 50 km/h. Speedometers are not practical. Vehicles capable of exceeding 50 km/h should be subject to full WoF or CoF.
Section 9(2)(a)	Sadly correct that vehicles exceed 30 km/h – no need for tests- manual states top speed.

Draft policy for agricultural vehicle operation

Written in response to consultation on 1996 discussion document: On-road use and regulation of agricultural and contracting machinery

Introduction

Traffic Regulation 89 exempted tractors and machines used solely in farm or roading operations from a number of *Traffic Regulations* provided they were not capable of more than 30 km/h, or to trailers designed exclusively for agricultural purposes. The exemptions for agricultural trailers applied when being delivered by a manufacturer to his agent, taken to or from an agricultural show, and when being taken to or from a farm or from one part of a farm to another part of the same farm. When an agricultural trailer is being towed by a tractor which is itself entitled to the exemptions, the trailer is exempt from registration and licensing.

The exemptions in the Traffic Regulations are for:

- Brakes (TR68)
- Warning devices (TR69)
- Steering (TR70)
- Tyres (TR71)
- Speedometer (TR72)
- Windscreens and glazing (TR73)
- Rear Vision Mirror (TR74)
- Sun Visor (TR75)
- Mudguards (TR76)
- Seat belts (TR78)
- Exhaust system and silencer (TR81)
- Means of exit and entrance (TR82)
- WoFs and CoFs (TR 84)
- Display of WoFs and CoFs (TR85)
- Delivery of WoF or CoF to new owner.

Note that these vehicles are *not* exempt from TR 83, which requires breakaway brakes to be fitted on trailers whose weight is above 2,000 kg, nor from TR80, which requires vehicles to be safe. Very few agricultural trailers have complied with these two regulations since the Traffic Regulations came in.

Discussion

In the Compliance Rule, the WoF and CoF exemptions were carried over, but the exemptions were specifically removed from agricultural trailers being taken to or from a farm. This was at the request of the Tractor and Machinery Association (TAMA), who were concerned that the majority of agricultural trailers and implements were constructed to operate at speeds below 30 km/h, and wished to avoid the situation then happening, of such trailers being hitched behind a ute, and taken into town at highway speeds. It is still permissible to take such trailers to or from a farm behind tractors capable of no more than 30 km/h, although such trips are limited to 21 km. The alternative, used frequently by agricultural contractors, is to equip the trailers to all legal requirements and obtain a WoF or CoF.

Under the revised vehicle standards rules and other new proposed rules, many of the exemptions allowed by TR89 disappear. For tractors under 3.5 tonnes, the Light-vehicle Brakes Rule contains braking requirements for tractors, agreed by the industry. Requirements in the draft Tyres and Wheels Rule are being negotiated with the industry. The Glazing, Windscreen Wipe and Wash, and Mirrors Rule now applies to tractors, which are required to fit mirrors and laminated glass windscreens. The draft Lighting Rule contains requirement for tractors and farm trailers that have lately been discussed with the industry; the principal issue is the date of first application. Also, the Lighting Rule allows the use of flashing amber beacons on agricultural vehicles. Some of the other exemptions are removed in the draft Vehicle Equipment Rule, yet to be considered by the industry.

Generally, the industry has accepted the changes to the exempt regime that they used to have, especially as the rules conditions that apply to tractors and farm trailers have recognised the special requirements and limitations of such vehicles. Almost none of the changes are linked to the speed capability of the tractors and agricultural trailers - possibly the only change that is speed-linked is the removal of the right to take exempt unregistered agricultural trailers to or from a farm behind vehicles capable of highway speeds. There are concessions to agricultural machines on dimensions, which are linked to 30 km/h capability, and which carry over in the proposed Vehicle Dimension and Mass Rule.

The 30 km/h capability of tractor operation, however, used in both TR89 and the Compliance Rule, is nowadays out of line with the operation of agricultural machinery on the road, and also presents serious enforcement difficulties. In Europe, speed capability is assessed by a rigorous test regime, and vehicles are labelled (with very large labels, easily read from a distance) according to their capability. Almost all tractors can now exceed 30 km/h, and hence for at least 5 years Police enforcement has been based on the speed tractors are travelling at, rather than capability. Enforcement of the law as it stands would bring agriculture in New Zealand to a halt. Most modern tractors are safely capable of 40 km/h, and some of 50 km/h. Above 50 km/h, the machine is not legally a tractor, but becomes a heavy vehicle.

Road safety would probably be enhanced by increasing the speed at which tractors are allowed to travel relative to that of other road users, providing that the combination of tractor and whatever is being towed is safe. Under the general safety requirements of the Act and the Compliance Rule, increasing the speed of tractors and trailed equipment to 40 km/h without the necessity for certification for on-road fitness may be justifiable, but would require trailed equipment to be labelled for safe speed, since most trailed equipment would be unsafe above 30 km/h. A critical factor might be braking capability for equipment travelling at 40 km/h, but the performance requirements for tractors under 3,500 kg are controlled by the provisions of the proposed Light-vehicle Brake Rule, and the proposed Heavy-vehicle Brakes Rule can be used to control heavier tractors.

For tractors capable of between 40 km/h and 50 km/h, the performance is approaching that of other highway speed vehicles, and it would be appropriate to require certification, as far as their construction permits, to WoF standards. At these speeds, travel to a local WoF agent is not out of the question in terms of time of travel. It would be essential for trailed equipment towed by such tractors to be labelled for appropriate speed restrictions, or to be equipped to full WoF standards.

At present, concessions on equipment requirements apply principally to farmers and not to farm contractors, although many contractors are also farmers, possibly in order to take advantage of the concessions. Discriminating between contractors and farmers has no basis relative to road safety, and the historical situation that gave rise to traffic regulation exemptions simply reflects the political influence of the farming community upon previous governments. Now that operating conditions appropriate to the vehicles are being specified in rules, and farming exemptions removed, it would be logical to apply conditions suited to the safe operation of tractors, farm machinery and trailers without discrimination between contractors and farmers.

Policy recommendations

The policy recommendations, therefore, are:

1. Introduce speed labelling on tractors and agricultural implements and trailers appropriate to their safe speed of operation, both as single vehicles and in combination.
2. Make the operation of vehicles above their labelled speed an offence.
3. Allow the concessions on the need to be certified for in-service operation to be raised from a speed capability of 30 km/h to an operating speed of 40 km/h. Above 40 km/h operating speed, require certification for in-service fitness appropriate to the type of vehicle to be instituted.
4. Retain the over-width provisions for vehicles labelled with a speed limit of 30 km/h.
5. Require the use of amber beacons on agricultural vehicles travelling below 40 km/h. Under the proposed Lighting Rule, the use of such beacons is optional.

6. Remove any discrimination on vehicle safety performance based on the occupation of the agricultural vehicle operator. (Note: There remains discrimination based on the occupation of owners in the classes of licence for such vehicles, but these are the result principally on how ACC levies are paid).

Policy changes on agricultural vehicles relative to the requirements in rules as they are developed should be part of the normal rules processes.