

Statement of approval conditions

governing the delivery of Waka Kotahi approved driver licensing courses

May 2023





Waka Kotahi NZ Transport Agency

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Purpose

This document is a statement of approval conditions imposed under clause 102(2) of the Land Transport (Driver Licensing) Rule 1999 on any individual or organisation approved to conduct Waka Kotahi NZ Transport Agency approved driver licensing courses.

As this document may be updated periodically, please ensure that you always refer to (and comply with) the current version available on the Waka Kotahi website.

The purpose of this document is to clarify and supplement any existing requirements contained in associated documentation, legislation, policies and procedure. This document must therefore be read and applied in conjunction with any other relevant documents which may include, but is not limited to, the following list:

- Land Transport Act 1998 (the Act)
- Road User Charges Act 2012
- Health and Safety at Work Act 2015
- Land Transport (Offences and Penalties) Regulations 1999
- Road User Charges Regulations 2012
- Land Transport Rule: Tyres and Wheels 2001
- Land Transport Rule: Passenger Service Vehicles 1999
- Land Transport Rule: Door Retention Systems 2001
- Land Transport Rule: Glazing Windscreen Wash and Wipe and Mirrors 1999
- Land Transport Rule: Vehicle Equipment 2004
- Land Transport Rule: Heavy Vehicles 2004
- Land Transport (Driver Licensing) Rule 1999 (the Rule)
- Land Transport Rule: Dangerous Goods 2005
- Land Transport (Road User) Rule 2004
- Land Transport Rule: Vehicle Lighting 2004
- Land Transport Rule: Traffic Control Devices 2004
- Land Transport Rule: Work Time and Logbooks 2007
- Land Transport Rule: Operator Licensing 2017
- Land Transport Rule: Vehicle Dimensions and Mass 2016
- Te Pūkenga – New Zealand Institute of Skills and Technology trading as MITO and Te Pūkenga – New Zealand Institute of Skills and Technology trading as Connexis assessment schedules, marking guides and (if applicable) the appropriate study guides, trainer guides, and trainee activity books.
- Relevant Te Pūkenga or other NZQA accredited education organisation’s assessor codes of practice
- Relevant Te Pūkenga or other NZQA accredited education organisation’s assessor policy and procedure manual
- New Zealand Qualifications Authority (NZQA) unit standards
- Privacy Act 2020
- The official New Zealand truck loading code (published by Waka Kotahi NZ Transport Agency)
- Waka Kotahi Learning system for driving instructors syllabus (LSFDI)
- The official New Zealand Road Codes
- Safety code for forklift truck operators: No 1 front loading forklift trucks (published by the Ministry of Business, Innovation and Employment)
- Approved code of practice for training operators and instructors of powered industrial lift trucks (forklifts) (published by the Ministry of Business, Innovation and Employment)
- Operator safety manual for earthmoving machinery (available from Civil Contractors New Zealand Inc).

The relevance of these documents will vary depending on which type of course the provider is approved to conduct.

The list shall include any subsequent amendments to the listed documents.

For avoidance of doubt, should any requirement contained in this document conflict with legislative requirements, the legislative requirement shall take precedence.

Definitions

Acknowledgement of completion of training form in the context of this document means the form(s) that must be completed at the conclusion of training (where it is prescribed as part of the course content) by the assessor(s) who have delivered the mandated training component of the course. There are two forms to be completed, one for theory training and one for practical training (applicable to class 2, 3, 4, 5, courses).

Agricultural tractor means a vehicle that is designed and constructed principally for the purposes of towing an agricultural trailer or powering agricultural implements.

The Act means in the context of the text in this document the Land Transport Act 1998 and any subsequent amendments.

Approval means an approval by the Director pursuant to clause 102 of the Land Transport (Driver Licensing) Rule 1999 to conduct approved driver licensing courses.

Approved course content means the content of the Waka Kotahi approved course, including any training and/ or assessment to be conducted as part of the course.

Approved driver licensing course means any course approved by the Director pursuant to clause 96 of the Rule or as amended under clause 97 of the Rule.

Assessment questions mean the theory questions contained in the approved assessment schedules that are used to determine a trainee's competency.

Assessment schedule in the context of this document means the approved course assessment schedule which specifies the assessment questions and tasks that must be undertaken. In the case of non-unit standard courses, it means the approved Waka Kotahi course test paper.

Assessment venue or course venue means any venue established by the provider for conducting an approved driver licensing course.

Assessments means those course assessments prescribed as being part of a driver licensing course approved under clause 96 or as amended under clause 97 of the Land Transport (Driver Licensing) Rule 1999.

Assessor means a person that holds an appropriate assessor registration from Te Pūkenga or other NZQA accredited education organisation and is either, a person approved by the director as an individual course provider, or a person employed, contracted or engaged by an Organisation to conduct approved driver licensing courses and who holds for that specific Organisation, either a Waka Kotahi Certificate of Authorisation, or for whom the Organisation, in accordance with the requirements of this document, has previously notified Waka Kotahi of the assessors involvement in the conduct of approved driver licensing courses on behalf of the approved organisation.

Assessor policy and procedure in the context of this document means the applicable NZQA accredited education organisation and NZQA current code of practice, assessor policy and procedure manual, assessment plans, assessment schedules, marking guides, and any other relevant material, guidelines, or instructions distributed by them to any of their registered assessors.

Certificate of Authorisation (CoA) - Superseded. means the document that was issued by Waka Kotahi prior to an assessor conducting any component of an approved driver licensing course for an organisation.

Note: The CoA process was superseded by the Notice of Change to Organisational Structure (NoCOS) on 03 April 2023.

CoAs issued prior to the date the NoCOS came into effect, satisfy the requirements of the NoCOS whilst the assessor continues to conduct the approved courses for the Organisation named on the CoA.

Class in relation to a driver licence means a class of licence specified in schedule 3 of the Rule.

Combination vehicle means any motor vehicle (other than a special type vehicle) with a trailer attached or that has any pivot points to allow any part of chassis of the vehicle to move or rotate in relation to any other part of the chassis of the vehicle.

Connexis in the context of this document means Te Pūkenga trading as Connexis for the Waka Kotahi approved wheels (W), tracks (T) and rollers (R) endorsement courses.

Course(s) see approved driver licensing course.

Course assessment means judgement made about a trainee's ability to perform to the predetermined criteria, based on skill and knowledge in completing the specified course tasks contained in the approved Waka Kotahi course assessment schedules.

Course completion certificate means the numbered Waka Kotahi driver licensing course completion certificate issued to a trainee when they have successfully completed an approved driver licensing course.

Course unit standards means the NZQA unit standards that are included in the approved Waka Kotahi course content.

Course venue means the place or location where the course is to be conducted.

Director means the Director of Land Transport appointed under section 104A of the Land Transport Management Act 2003

Evidence means the knowledge and skills displayed by the trainee in completing the tasks that are specified in the approved course.

Forklift means a motor vehicle (not being fitted with self-laying tracks) designed principally to lift, carry, or stack goods by means of one or more tines, platens, clamps, or other similar attachments.

Immediate family member in the context of this document means father, mother, son, daughter, brother, sister, husband or wife, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, stepchild, or others considered to be members of the household and living under the same roof.

Individual (course provider) means in the context of this document, a person approved by the Director to be a Course Provider pursuant to Cl 102 of the Rule and to issue course completion certificates.

Judgement statements describe acceptable answers to questions on the assessment schedule. They define the standard expected for the task in relation to the element(s) being assessed and advise the assessor how they can know that the candidate's evidence meets the standard.

Marking guide in the context of this document means Waka Kotahi approved marking guide that specifies the minimum knowledge and skills required to be displayed for the course assessment outcome to be achieved. In the case of non-unit standard courses, it means the approved Waka Kotahi course model answers.

MITO in the context of this document, means Te Pūkenga – New Zealand Institute of Skills and Technology trading as MITO for Waka Kotahi approved class 2-5 courses and the forklift (F), vehicle recovery (V), dangerous goods (D) and driving instructor (I) endorsement courses.

MITO study guides mean the appropriate MITO course study guide(s) that all trainees must be supplied with prior to or at the commencement of an approved driver licensing course for classes 2, 3, 4, 5 or V endorsement.

Notice of Change To Organisational Structure (NoCOS) means the mandatory notification provided to Waka Kotahi from an approved course provider organisation giving notification of any change to that organisation's business structure or, personnel employed, contracted or engaged to deliver any approved course on behalf of that organisation.

Note: The NoCOS replaced the CoA process on 03 April 2023

NZQA means the New Zealand Qualifications Authority.

NZQA accredited education organisation means an education organisation that is accredited to deliver one or more of the unit standards contained within the Waka Kotahi approved courses.

Organisation means in the context of this document an Organisation approved by the Director to be a Course Provider pursuant to clause 102 of the Rule and to issue course completion certificates.

Pivot steer vehicle means a vehicle with a chassis that is split into two dependent parts connected by a permanent steering pivot.

Provider means an individual or organisation approved by the Director pursuant to clause 102 of the Rule to conduct approved driver licensing courses and to issue course completion certificates.

Register means the registers required to be established and maintained under clauses 101(d) and 102 (4) (b) of the Rule.

Regulations means any relevant regulations in law that will influence how the provider can legally conduct a course. They include, but are not limited to, the Road User Charges Regulations 2012 and the Heavy Motor Vehicle Regulations 1974.

Rigid vehicle means a vehicle that does not have any pivot points to allow any part of the chassis of the vehicle to move or rotate in relation to any other part of the chassis of the vehicle; and includes an articulated bus and a pivot steer vehicle; and includes an articulated bus and a pivot steer vehicle.

The Rule means in the context of the text in this document the Land Transport (Driver Licensing) Rule 1999 and any subsequent amendments.

Skills means the ability to do something well, a particular ability, or type of ability.

Special type vehicle means any motor vehicle that:

- a. is a forklift, or
- b. runs on rollers, or
- c. runs on:
 - i. self-laying tracks, or
 - ii. wheels, but is not a passenger service vehicle, a trade vehicle, tractor, fire engine or a vehicle recovery service vehicle.

Te Pūkenga means Te Pūkenga – New Zealand Institute of Skills and Technology providing vocational education in New Zealand, under which both MITO and Connexis are business divisions thereof.

Trainee means a person applying to complete or who is undertaking an approved driver licensing course.

Trainee activity booklet in the context of this document means an original copy of the trainee activity booklet that must be provided to the trainee for completion during the mandated training component of a course. The activity booklet forms part of the approved course content.

Trainee course documentation in the context of this document means:

- a. completed course assessment schedule(s) and
- b. where the assessment includes a class 2–5 practical driving assessment also includes
 - i. a map of the assessment route used, as described in clause 5.34(e) of this document,
 - ii. a copy of the trainee’s driver licence (as described in clause 5.20 of this document) and
- c. for courses that have a mandatory training component as described in clause 3.1 also includes:
 - i. completed trainee activity booklet
 - ii. completed acknowledgement of completion of training form(s) (as described in clause 6.4 of this document)
 - iii. in situations where the trainee has been exempted from any requirements in relation to course content, copies of the evidence provided that supports the exemption (as described in clause 3.2 and 3.3 of this document).

Trainer guide means the document that contains the teaching and learning instructions for training modules and training activities that must be completed as the minimum course training requirements (where training is mandated as part of the course content). The trainer guide forms part of the approved course content.

Training activities means the part of the course content that a trainee must participate in or complete to effect learning.

Unit standards means the NZQA registered standard that describes what a learner needs to know or what they must be able to achieve and contains clearly defined performance measures for a trainee to achieve competency.

Waka Kotahi NZ Transport Agency means Waka Kotahi, and, in relation to any powers/ functions under this document includes any authorised employee, servant, agent or representative; and in respect of any approval includes any person holding a duly delegated authority.

1. Approval

- 1.1 Pursuant to clauses 99-102 of the Rule, the Director may approve an organisation or individual as a course provider to conduct approved driver licensing courses and to issue course completion certificates.
- 1.2 Such approval is subject to any conditions or requirements specified in this document, the Rule, the Act, or any applicable NZQA or NZQA accredited education organisation's assessor policy or procedure.
- 1.3 Where the provider approval is for an organisation (as opposed to an individual), refer to the special provisions in section 2 of this document.
- 1.4 Where a provider has a change of physical business address/email address or phone contact, they must, within five working days, notify Waka Kotahi at dtadmin@nzta.govt.nz of any such change taking place.
- 1.5 Any person approved as an individual course provider must immediately notify Waka Kotahi at dtadmin@nzta.govt.nz of any change to the status of their driver licence that would preclude them from being able to legally drive on a road (for example, disqualification, suspension, expiry).

2. Organisational approvals

- 2.1 The organisation is directly responsible and accountable for the actions or inactions of any person they employ, contract or engage to conduct courses under their organisational approval.
- 2.2 An approved course provider organisation must not allow any person they have employed, contracted or engaged to conduct any of the Waka Kotahi approved driver licensing course(s) unless:
 - a. Waka Kotahi has previously issued that person with a 'Certificate of Authorisation' to conduct driver licensing courses for that specific approved course provider organisation, or
 - b. The approved course provider organisation has previously completed and sent to

Waka Kotahi, a 'Notification of change to organisational structure' (NoCOS) that identifies the role of the assessor, and that the organisation is satisfied the assessor meets the requirements of clause 2.3 below.

- 2.3 It is the responsibility of the organisation to ensure that all assessors employed, contracted or engaged to conduct courses under their approval have the necessary skills, training and experience to conduct the specific course(s) they have or are conducting on behalf of the organisation.
- 2.4 An approved course provider organisation must retain all evidence used to determine an assessor's appropriate skills, training and experience for each course type they will be conducting on behalf of the approved course provider organisation along with a copy of the NoCOS.
- 2.5 The evidence must be retained by the approved organisation for the period of time the assessor is employed, contracted or engaged by the approved course provider organisation and for a period of 18 months thereafter.
- 2.6 An approved course provider organisation must ensure that any assessor(s) employed, contracted or engaged by the organisation holds and continue to hold, the relevant and current driver licence for the course(s) they are conducting on behalf of the organisation.
- 2.7 Where there is any change to the status of the licence that precludes an assessor from being able to legally drive on a road (for example, disqualification, suspension, expiry) the organisation:
 - a. must immediately ensure the assessor ceases conducting approved driver licensing courses, and
 - b. must, within 5 working days, notify Waka Kotahi at dtadmin@nzta.govt.nz of any such change to the status of an assessor's licence.
- 2.8 The organisation must ensure that each assessor conducting a course(s) under their approval holds the relevant and current assessor registration and accreditation with Te Pūkenga or other NZQA accredited

education organisations in relation to the approved course type they have or are conducting on behalf of that organisation.

- 2.9 Where the assessor is conducting class 2, 3, 4, or 5 course(s) or the driving instructor (I) endorsement course, the organisation must ensure that the assessor holds a current driving instructor (I) endorsement for the class(es) of motor vehicle the approved course(s) relate to.
- 2.10 Where an assessor is conducting forklift endorsement courses for the organisation, the provider must ensure that the assessor holds a current Worksafe operators or trainer's certificate.
- 2.11 In applying to be an approved course provider the organisation was required to have provided a recorded organisational structure in which accountability and roles within the organisation is clearly identified. Should this structure change with any person(s) joining, leaving or changing role, the approved course provider organisation must, **within 5 working days**, compile and send to dtadmin@nzta.govt.nz a Notification of Change to Organisational Structure (NoCOS) available at <https://agent.nzta.govt.nz/forms>
- 2.12 The organisation must maintain a register of assessors as specified in clause 8.2 of this document.
- 2.13 The organisation must ensure that all assessors have read, are fully aware of, and always comply with the contents of the relevant version of this document at the time a course is conducted, the criteria of the Privacy Act 2020 and any other relevant Rule, Act, Regulation or any other applicable NZQA or assessor policy or procedure.

3. Approved course content for class 2, 3, 4, 5 and vehicle recovery (V) endorsement courses

- 3.1 In the case of approved driver licensing courses for classes 2, 3, 4, 5, and vehicle recovery (V) endorsement, approved course content requires trainees to complete both training and assessment requirements as detailed below:
- a. Training – as prescribed in the relevant MITO trainer guide (as shown in the table on page 9). This represents the minimum course training requirement. In delivering this training, providers must cover the modules and associated training activities prescribed in the trainer guide. However, providers may supplement (add to) the prescribed training and activities using their own resources if they wish to do so.
 - b. Assessment – as prescribed in the relevant course unit standards (as shown in the table on page 9).
- 3.2 Exemptions from course requirements
- Unit standard 24089 (demonstrate knowledge of fatigue management, work time, driver logbook requirements) – where a trainee provides evidence of having previously successfully completed course requirements for unit standard 24089 (as part of another approved driver licensing course) the following requirements apply:
- a. If course requirements relating to unit standard 24089 were successfully completed within 12 months of the current course – there is no requirement to complete further training or assessment.
 - b. If course requirements for 24089 were successfully completed more than 12 months prior to the current course – the provider must confirm that the trainee has retained the knowledge and skills to be competent in this unit
- This is achieved by either:
- i. the provider reviewing seven consecutive days of logbook pages completed by the trainee within the preceding 12 months, or
 - ii. in situations where the trainee has not been required to maintain a logbook, having one attempt at completing any one of the approved course logbook scenarios
 - iii. in confirming competency in either (i) or (ii) above, the required standard is that all completed logbook pages satisfy legal requirements.
- c. This evidence (ie photocopy logbook pages or retain completed logbook scenario) must be documented and placed with the trainee's course documentation.

d. If the trainee fails to meet the required standard the trainee is to complete the full course requirements (including training) that relate to unit standard 24089.

3.3 Exemptions from training requirements

The only exemptions from course training requirements relate to the following situations:

a. Class 4 courses – as the class 2 and 4 study guide and trainer guide are the same, where a trainee provides evidence of having completed the approved driver licensing course for class 2, they will not be required to undergo

the theory training component of the class 4 course. However, they must still satisfy the practical training and **full assessment requirements** (ie theory and practical).

b. Class 5 courses – as the class 3 and 5 study guide and trainer guide are the same, where a trainee provides evidence of having completed the approved driver licensing course for class 3, they will not be required to undergo the theory training component of the class 5 course. They must however still satisfy the practical training and **full assessment requirements** (ie theory and practical).

Course type	Course content	
	Training (ref. MITO trainer guides and trainee activity booklets)	Assessment of unit standards
Class 2	Class 2 driver licences (unit standard 17574)	Unit standard 17574: operate a heavy rigid vehicle to meet the requirements for a full class 2 driver licence
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements
Class 3	Class 3 driver licences (unit standard 17575)	Unit standard 17575: operate a combination vehicle to meet the requirements for a full class 3 driver licence
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements
Class 4	Class 4 driver licences (unit standard 17576)	Unit standard 17576: operate a rigid vehicle to meet the requirements for a full class 4 driver licence
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements
Class 5	Class 5 driver licences (unit standard 17577)	Unit standard 17577: operate a combination vehicle to meet the requirements for a full class 5 driver licence
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements
Vehicle recovery endorsement	V (vehicle recovery) endorsement (unit standard 17580)	Unit standard: 17580: demonstrate knowledge of driver requirements for endorsement V (vehicle recovery)
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements

Note: The MITO trainer guides, trainee activity booklets and unit standards (including the corresponding assessment schedules) referred to above are to be the version current at the time the course training and assessment is commenced.

3.4 Where an exemption contained in clause 3.2 or 3.3 of this document, is applied in relation to an approved driver licensing course, the provider must place a copy of the evidence provided by the trainee (in relation to previously completed courses) with the trainee's course documentation. Please note that a trainee's NZQA record of learning/ record of achievement is not acceptable evidence, as this does not verify that the unit was completed as part of a approved driver licensing course.

4. Approved course content for forklift (F), dangerous goods (D), wheels (W), tracks (T), rollers (R), driving instructor (I) endorsement courses and class 2-5 learner licence course for persons 25 years of age or over

4.1 In the case of approved driver licensing courses for forklift (F), dangerous goods (D), wheels (W), tracks (T), and rollers (R) endorsements, approved course content requires trainees to successfully complete the relevant unit standard based courses as detailed in the table below.

Course type	Course content
Dangerous goods endorsement	Unit standard 16718: demonstrate and apply knowledge of law and practice for the transport of dangerous goods by road
Forklift endorsement	Unit standard 18496: demonstrate knowledge and skills for driving a forklift on a road for endorsement F (forklifts)
Wheels endorsement	Unit standard 16701: demonstrate knowledge and skills for driving on a road for endorsement W (wheels)
Tracks endorsement	Unit standard 16703: demonstrate knowledge and skills for driving on a road for endorsement T (tracks)
Rollers endorsement	Unit standard 16702: demonstrate knowledge and skills for driving on a road for endorsement R (rollers)

Note: The unit standards (including the corresponding assessment schedules) referred to above must be the version current at the time the assessment is commenced.

4.2 In the case of approved driver licensing courses for class 2-5 learner licence course for persons 25 years of age or over, and driving instructor (I) endorsement, approved course content requires trainees to successfully complete the relevant course content as detailed in the following table.

Course type	Course content
Driving instructor endorsement	Individual provider training and assessment material as approved by Waka Kotahi
Class 2-5 learner licence course for persons 25 years of age or over	Course content as specified in the Waka Kotahi document Class 2-5 learner licence course for persons 25 years of age or over - information for course providers

5. Conducting approved driver licensing courses

5.1 The provider must maintain such standards of competency and integrity in respect of the provision of the course as Waka Kotahi considers appropriate.

5.2 The provider must ensure that all approved driver licensing courses are conducted in accordance with the requirements of this document and any other relevant Rule, Act, Regulation or any applicable NZQA assessor policy or procedure. For avoidance of doubt where any NZQA, Te Pūkenga or other NZQA accredited education organisation assessor/ assessment policy or procedure conflicts with legislative or approved driver licensing course requirements, the legislative or Waka Kotahi requirements shall take precedence.

5.3 The provider must comply with any conditions or requirements specified in relevant Waka Kotahi approved assessment schedules and any special notes or entry criteria contained in the course unit standards.

5.4 Trainees must be fully assessed against all the questions/tasks specified in the approved Waka Kotahi course assessment schedule(s).

5.5 All required assessment information and assessment evidence gathered by the assessor must be accurate and fully

- documented on the approved course assessment schedule(s).
- 5.6 The provider must satisfy the prescribed course content when conducting any approved driver licensing course (see sections 3 and 4). In the case of class 2, 3, 4, 5 and V endorsement courses this will include the mandated training (as prescribed in the relevant MITO trainer guides) and assessment of the relevant course unit standards.
- 5.7 The provider must not alter the content of any courses or vary from the conditions of approval in any way without prior written consent from Waka Kotahi. The only exception to this requirement is when conducting the training component of courses in relation to class 2, 3, 4, 5 and V endorsement, the provider may supplement the training and activities prescribed in the MITO trainer guide without obtaining prior written consent from Waka Kotahi.
- 5.8 In situations where supplementary training is included as part of the course content, the provider must ensure that it complies with current legal requirements and industry best practice principles.
- 5.9 All approved driver licensing courses must be conducted using only the assessment schedules (and training material where it is prescribed as part of the approved course content) that has been approved for use by Waka Kotahi.
- 5.10 When considering assessment evidence, the assessor must take into account the appropriate approved Waka Kotahi marking guides. While the answers provided by the trainee are not required to mirror word for word those shown in the marking guides, trainees must nevertheless correctly and fully complete all questions/tasks.
- 5.11 Where approved Waka Kotahi marking guides provide a judgement statement, they must be fully satisfied for the trainee to be deemed to have achieved competency.
- 5.12 Any unanswered questions or answers provided that are incorrect or incomplete must result in a 'not yet achieved' outcome.
- Trainees can be provided a re-assessment.
- 5.13 The course venue must be appropriate for that purpose and be conducive to the trainee successfully completing the course.
- 5.14 The course venue must be of sufficient size for the number of trainees undertaking the course and also be sufficiently quiet and free from external interruptions at all times.
- 5.15 Furthermore, the course venue must provide the trainee with adequate lighting, heating, ventilation, tables and chairs. Toilet facilities must be available and always maintained in a clean and tidy state.
- 5.16 Course assessments must only be conducted by:
- an assessor who holds the relevant course provider approval as an individual, or
 - in the case of an approved course provider organisation, that the requirements of clause 2.2 a and b of this document have been met.
- 5.17 When conducting an assessment, the assessor must be physically present and actively supervise trainees for the duration of the assessment.
- 5.18 The use of verifiers is not permitted for any assessments.
- 5.19 The provider must, prior to commencing the course, confirm the identity of the trainee to ensure the correct person is presenting for the assessment(s). For the Class 2-5 courses and the vehicle recovery (V), Driving Instructor (I), Wheels (W), Tracks (T) and Roller (R) courses the trainee is required to produce a current NZ driver licence. Where a trainee is sitting the Dangerous Goods course and may not be the holder of a driver licence, the provider must sight **original identification** showing a photographic image to verify the trainee's identity. This could be:
- An overseas photo driver licence
 - A passport
 - Firearms licence
 - Student ID card
 - Any other form of original photographic ID where the provider can clearly see the person presenting for the course is the same person as on the photographic ID.

- 5.20 Where a driver licence is required as part of the course requirements, the trainee's driver licence must be checked prior to commencing the course to confirm that they hold a current New Zealand driver licence of the appropriate class that satisfies the course entry criteria, as specified in either the relevant course unit standards or Waka Kotahi course criteria.
- 5.21 A copy of the trainee's driver licence or in the case of the Dangerous Goods (D) endorsement course (where the trainee does not hold a driver licence) a copy of the photographic evidence sighted to confirm the trainee's identity must be placed with the trainee's course documentation.
- 5.22 In relation to class 2–5 courses this means that prior to conducting any prescribed mandatory training for unit standards 17574 (class 2), 17575 (class 3), 17576 (class 4), or 17577 (class 5), the provider must ensure that the trainee holds a current learner licence for the appropriate class of vehicle.
- 5.23 Where a trainee undertakes a course for either class 2, 3, 4, 5 or V endorsement, the provider must issue each trainee (either prior to or at the commencement of the course) original copies of the MITO study guides appropriate to the course being undertaken.
- 5.24 For future reference and reinforcement of information, the provider is to ensure that each trainee is given the study guide at the completion of the course. The only exception to this requirement is where the trainee wishes to complete either a class 4 or 5 course, and they can produce their own copy of the relevant MITO study guide that they have obtained from having previously completed either the class 2 or 3 course.
- 5.25 The provider must ensure that answers to written assessment questions are recorded in ink (not pencil) and that any changes/alterations to answers are clearly visible (ie changed answers are crossed out with a single line rather than concealed by the use of whiteout or masking products).
- 5.26 Where all or part of a course assessment (including any reassessments) are conducted orally, the assessor must write the trainee's exact response on the assessment schedule as they answer each question(s). Questions that are delivered orally must be exactly as they are written in the assessment activity and cannot be altered or restated in different words.
- 5.27 Where a trainee is not yet achieved in any assessment item of the course assessment, the assessor must record on the assessment schedule the trainee's responses/actions that led the assessor to make this judgement.
- 5.28 All trainees must be fully assessed against all requirements contained in the approved Waka Kotahi course assessment schedule(s). Credit Recognition Transfer (CRT) and recognition of prior learning (RPL) as defined by the NZQA cannot be used for driver licence courses.
- 5.29 The provider can only issue a course completion certificate where the trainee has satisfied all course requirements and the course documentation supports the outcome of the trainee having successfully completed the course.
- 5.30 The approved driver licensing course completion certificates must only be signed by the assessor who has conducted the course assessment. In the case of courses that have been conducted by more than one assessor, the course completion certificate is to be signed by either all persons who have assessed the course unit standards, or by the person who has assessed the last unit standard that completes the course.
- 5.31 The use of scanned signatures on course certificates is not permitted as these can be generated by persons other than the course assessor.
- 5.32 Waka Kotahi approved course content must not be split between providers. The course must be **conducted in full** by one provider even where the course may consist of more than one unit standard.
- 5.33 When conducting any course that includes practical driving requirements, the provider must ensure that:

- a. the vehicle used meets the driver licensing class and endorsement specifications contained in schedules 3 and 4 of the Land Transport (Driver Licensing) Rule 1999, and
 - b. all legal requirements relating to the vehicle, and its use on the road are complied with, and
 - c. the trainee is carrying an appropriate and current driver licence with them during any practical training or assessment.
- 5.34 When completing the practical course requirements relating specifically to classes 2-5, the provider must ensure that:
- a. practical urban driving assessments for class 2-5 courses are only undertaken in the approved locations as specified on www.nzta.govt.nz/statement-approval
This will ensure that the trainee will have their practical urban driving skills assessed in an environment providing sufficient traffic situations and interaction with other road users to allow the assessor to gather evidence of the trainee's driving skills and make an appropriate judgement.
In special circumstances where the provider wishes to conduct a practical driving assessment in a location that is not listed on the above website, the provider may apply for an exemption from Waka Kotahi at dtadmin@nzta.govt.nz In such a case the practical assessment cannot be conducted until a written exemption is obtained from Waka Kotahi and retained with the trainee's course documentation.
Any exemptions granted will be specific to a particular assessment only and will not be generic.
 - b. the assessor holds a current driving instructor endorsement for the class of vehicle in which the practical training or assessment is being conducted
 - c. agricultural tractors or any other special type vehicle (see definitions) are not used for practical training or assessment for classes 2-5 courses
 - d. any vehicle used for a practical course assessment must meet the vehicle and loading requirements specified in the relevant assessment schedules
 - e. the assessor includes with the trainee's course documentation a map clearly indicating the assessment route taken including confirmation of the location where the reversing manoeuvres were assessed (or alternatively reference to a standard route map that is available for viewing)
 - f. the practical driving assessment is one continuous drive (without interruption) that takes a minimum of 40 minutes and covers a minimum distance of 20km
 - g. once the practical driving assessment has commenced, no assistance in the form of training, mentoring, or coaching may be provided.
 - h. If any training, mentoring or coaching is provided at any time after the practical assessment has started, the assessment must cease and an outcome of 'not yet achieved' must be recorded on the assessment schedule
- 5.35 When conducting any training or assessment for class 2, 3, 4, 5 or the driving instructor (I) endorsement course, the assessor must hold a current driving instructor (I) endorsement for the class of vehicle the training is being provided in.
- ## 6. Conducting course training
- 6.1 Where the approved course content includes mandatory training requirements (as specified in section 3), this must only be conducted:
 - a. by a person who holds the relevant course provider approval as an individual, or
 - b. in the case of an approved course provider organisation, the organisation must ensure that either:
 - i. the assessor holds the relevant Certificate of Authorisation, or
 - ii. the organisation has met the requirements of 2.2b. in relation to any assessor employed, contracted or engaged by the organisation to deliver any mandatory training requirements of the approved courses.
 - 6.2 No training or training activities contained in the trainee activity booklet can be completed by distance learning.

- 6.3 Each assessor must have the appropriate original and complete MITO trainer guide in the training room when delivering the training.
 - 6.4 The provider will ensure that an Acknowledgement of completion of theory training form and an Acknowledgement of completion of practical training form (where applicable) are completed at the conclusion of the relevant training requirements and are to be retained with the trainees' course documentation.
 - 6.5 The assessment must be conducted in full at the conclusion of the mandated training. Any competencies displayed by the trainee during the training component of the course cannot be used as evidence of competency for assessment purposes.
- d. a copy of the course completion certificate must be retained with the trainee course documentation.
 - 7.2 The provider must retain the completed trainee course documentation for a minimum of 18 months from the date the course was completed.
 - 7.3 The course documentation must support any decision the assessor has reached regarding the trainee's eligibility to receive a course completion certificate.
 - 7.4 Where any technological evidence has been taken in relation to any practical driving assessment such as GPS records or camera recordings, the provider must retain this material for 18 months from the date that the course was completed.

7. Keeping records

- 7.1 The provider must retain the following documentation relating to each individual trainee:
 - a. completed course assessment schedule(s), and
 - b. where the assessment includes a class 2-5 practical driving assessment documents must also include:
 - i. a map of the assessment route used, as described in clause 5.34e of this document, and
 - ii. a copy of the trainee's driver licence, as described in clause 5.22 of this document, and
 - c. for courses that have a mandatory training requirement, as described in clause 3.1 of this document, also includes:
 - i. completed trainee activity booklet, and
 - ii. completed Acknowledgment of completion of training form(s), as described in clause 6.4 of this document, and
 - iii. in situations where the trainee has been exempted from any requirements in relation to course content, copies of the evidence provided that supports the exemption, as described in clause 3.2 and 3.3 of this document.

- 7.5 During any practical assessment the trainee is not permitted to use any feature of a vehicle that may be used to perform a task normally carried out by the driver, eg cruise control, automatic parking assist, auto steer, auto lane change, traffic light and stop sign control etc. Note: many vehicles are fitted with warning devices that provide information to the driver. The use of these devices, which usually cannot be turned off, should not affect the outcome of the assessment and may be used during the assessment (for example, reversing cameras or audible proximity alarms).

8. Registers

- 8.1 **Trainee Register**
The provider must, in accordance with clause 102(4)(b) of the Rule, operate and maintain, in an accurate and current state, a register that records, for at least the preceding 12 months, the following information for each trainee irrespective of whether they have been successful or not:
 - a. full name of the trainee as it appears on their driver licence
 - b. address
 - c. contact phone number
 - d. driver licence number
 - e. type of course

- f. course units
- g. result of each course unit assessment (achieved/not yet achieved)
- h. date of the assessment for each course unit (if the provider is an organisation include the name of the assessor conducting the assessment)
- i. date the course certificate was issued
- j. approved course certificate number issued.

8.2 Assessor Register

If the provider is an organisation, they must also operate and maintain, in an accurate and current state, a register of assessors who have and are currently conducting courses under the providers approval. This register must contain the following information for each assessor:

- a. name and address of assessor
- b. contact phone number
- c. email address of assessor
- d. relevant assessor registration number(s) and renewal date(s) as issued from Te Pūkenga or other accredited NZQA education organisations
- e. driver licence number and expiry date(s)
- f. driving instructor (I) endorsement expiry date (applicable only if conducting classes 2-5 or driving instructor endorsement courses)
- g. the date of the first assessment conducted for the organisation and if the assessor ceases to conduct assessments, the date of their last assessment
- h. list of the approved driver licence course(s) the organisation is satisfied the assessor has the necessary skills, training and experience to conduct.

9. Certificates

- 9.1 Only Waka Kotahi course completion certificates may be issued to successful trainees. The certificates are individually numbered and must be accounted for.
- 9.2 All course certificates remain the property of Waka Kotahi until issued to successful trainees.
- 9.3 Any certificates spoiled and not issued must be retained for audit purposes and recorded in the trainee course register.
- 9.4 The provider must only issue course completion certificates that have been allocated to them by Waka Kotahi.
- 9.5 Certificates must not be transferred from one provider to another.
- 9.6 Should the provider misplace, lose or have any certificates stolen, they must immediately report the loss (including the numbers of the affected certificates) to Waka Kotahi at dtadmin@nzta.govt.nz.
- 9.7 Any course completion certificates issued must be completed in full by the provider.
- 9.8 The name written on the certificate must be the same as it appears on the trainee's driver licence. (Do not use abbreviations, nicknames or variations from that shown on the driver licence.)
- 9.9 Where a course certificate has been lost the provider who issued the original certificate will, upon request, supply to any trainee a replacement certificate (containing the same details as the original certificate) at a reasonable cost.
- 9.10 Any replacement certificates issued must be recorded in the trainee course register.
- 9.11 Where a provider ceases to conduct courses, they must, pursuant to section 19, return any unused course certificates to Waka Kotahi.

10. Conflict of interest

- 10.1 The provider must ensure that neither they, nor any of their employees, contractors, agents, or any other person directly or indirectly involved with the providers business, carry out any other work or undertake any activities, either directly or indirectly, that may conflict with or adversely affect the proper performance of their responsibilities under this document or compromise their role as a provider.
- 10.2 In particular the provider must ensure that neither they, nor any of their employees, contractors, agents or any other person directly or indirectly involved with the course

providers business, either directly or indirectly seek or accept any gift, benefit, privilege or concession from any trainee or person in any way connected with a trainee.

10.3 Where any gift, money, benefit, privilege or concession is offered by a trainee at any time, the provider must immediately:

- a. decline the offer,
- b. record the details of the offer, and
- c. notify Waka Kotahi at dtadmin@nzta.govt.nz. If the offer is made during a course being conducted by the provider, the involvement of that individual in the course must cease immediately and Waka Kotahi be advised accordingly.

10.4 The provider must also refrain from any financial interest or undertaking that may interfere with or compromise the performance of the provider's responsibilities.

10.5 The provider must, within 5 working days, notify Waka Kotahi at dtadmin@nzta.govt.nz of any involvement by the provider, or in the case of an organisation, its directors and shareholders and/or its employees, contractors or agents where it is known or ought to be known that any financial undertaking has the potential to conflict with the performance of its responsibilities.

10.6 Under no circumstances is the provider or any employee, contractor or agent of the provider, permitted to conduct approved driver licensing course(s) for;

- a. any immediate family member (refer to definitions) of the provider, or
- b. any immediate family member of any employee, contractor or agent of the provider

10.7 When the provider becomes aware that any situation specified above may occur, or may have occurred, the provider must immediately notify Waka Kotahi at dtadmin@nzta.govt.nz.

11. Security

11.1 The provider must ensure that any assessment schedules, marking guides or course completion certificates are stored securely at all times. Where a provider

becomes aware that there has or may have been a security issue regarding course documentation, they are to immediately investigate the issue and as soon as practicable, notify Waka Kotahi at dtadmin@nzta.govt.nz of the situation.

11.2 The provider must take all reasonable steps to ensure that the courses are conducted in a proper manner and are not compromised in any way by cheating (including but not limited to any form of communication or collusion between trainees during the assessment), impersonation of trainees, or in any other manner.

11.3 The provider must ensure that:

- a. no course assessment questions are made available to trainees prior to the assessment being conducted.
- b. no course assessment questions are copied or removed from the assessment venue by trainees.
- c. no course assessment answers are made available to trainees prior to or during any assessment.

11.4 The provider must at all times ensure that it complies with the principles of the Privacy Act 2020, in particular:

- a. the course provider and all staff are properly trained and understand the requirements of the Privacy Act 2020, and
- b. personal information (information about an identifiable individual) must be handled in accordance with the Privacy Act 2020, and
- c. the provider's Privacy Act obligations extend to the whole life cycle of the personal information - from its collection, storage, security, access, correction, use, disclosure and its disposal.

11.5 Where a provider becomes aware that they have, or may have, breached any provision of the Privacy Act 2020, or the provider becomes aware that any situation specified in section 11 of the Privacy Act 2020 may occur, or may have occurred, they are required:

- a. in the first instance, to meet the relevant obligations under the Privacy Act 2020, and

- b. secondly, as soon as practicable, to notify Waka Kotahi at dtadmin@nzta.govt.nz of the situation.

12. Audit and inspection

- 12.1 Waka Kotahi may in writing require any provider to undergo an audit or inspection where Waka Kotahi reasonably considers it necessary in the interests of land transport safety. In such cases the provider must permit Waka Kotahi to enter the premises of the provider, including any training or assessment venue, and:
 - a. audit or inspect any course related documents or other related material held by the provider in paper, electronic or any other form whatsoever, and
 - b. observe or monitor activities or work carried out by the provider in connection with the provision of approved driver licensing courses.
- 12.2 If during an audit or at any other time, a duly authorised employee, agent or representative of Waka Kotahi makes a written or verbal request for copies of any documents, records, information or other material held by the provider in relation to the provision of approved driver licensing courses, the provider must provide such copies without delay or if applicable within any timeframe stipulated.
- 12.3 Notwithstanding clause 12.1 of this document, any duly authorised employee, agent, or representative of Waka Kotahi may, with or without prior notice to the provider, but at reasonable times, carry out inspections at or visits to any course venue of the provider in order to determine or ensure compliance with the conditions of this document, appropriate legislation and any other relevant requirements.
- 12.4 The provider must comply with any lawful instructions made in writing by Waka Kotahi to the provider arising out of any audit or inspection under section 198 of the Act.
- 12.5 The provider must provide all such assistance as is necessary, to facilitate any authorised employee, agent or representative of Waka Kotahi in respect of any audit or inspection requirements.

- 12.6 Waka Kotahi, at their discretion, can uplift any original course documentation. Where this occurs, Waka Kotahi will issue a receipt to the provider for the documentation that was uplifted. Should the provider require, Waka Kotahi will send the provider photocopies of the documentation uplifted.

13. Notice of non-compliance

- 13.1 Where Waka Kotahi is satisfied that the provider is not maintaining acceptable standards in respect of conducting any approved driver licensing course in accordance with this document, appropriate legislation, approved course content or any other relevant requirement, Waka Kotahi may give the provider notice in writing to rectify any non-compliance.
- 13.2 Where any notice is given under clause 13.1 of this document the provider must rectify the non-compliance specified in that notice within the time specified in that notice or, if no such time is specified, within a reasonable time.
- 13.3 Notwithstanding clause 13.1 of this document, where the non-compliance identified is of a serious nature, Waka Kotahi may:
 - a. suspend the provider from conducting approved driver licensing courses until such time as Waka Kotahi is satisfied that the non-compliance has been rectified, or
 - b. take immediate revocation action in relation to any provider approval(s).

14. Notification of changes to conditions of approval or course requirements

- 14.1 Waka Kotahi may from time to time notify providers of changes in relation to this document and/or approved course requirements. Upon notification of such changes the provider is to implement and comply with the updated version of this document, as published on the Waka Kotahi website and/or any updates to approved course requirements. Notification of changes will be deemed to be served in terms of section 20 of this document.

15. Health and safety

- 15.1 The provider is to ensure that the courses conducted in accordance with this agreement are done in a manner that:
- will avoid harm to themselves or to any other person(s), and
 - complies at all times with the requirements of the Health and Safety at Work Act 2015.
- 15.2 The provider must ensure that all generally recognised safety procedures are adhered to, and appropriate safety checks on all equipment or vehicles used by the provider are carried out.
- 15.3 Where a provider becomes aware that they have, or may have, breached any provision of the Health and Safety at Work Act 2015, they are required:
- in the first instance, to meet the relevant obligations under the Health and Safety at Work Act, and
 - secondly, as soon as practicable, to notify Waka Kotahi at dtadmin@nzta.govt.nz of the situation.
- 15.4 Where the provider fails to comply with the Health and Safety at Work Act 2015, Waka Kotahi reserves the right to suspend/revoke the provider's approval as specified in section 17 of this document.

16. Voluntary surrender of course provider approval(s) and/or assessor registration

- 16.1 Where any provider intends to cease conducting approved driver licensing courses, they must give no less than 21 days notification of their intention to Waka Kotahi at dtadmin@nzta.govt.nz. During that 21 day period the provider is still bound by and required to comply with this document. Once a provider has ceased conducting approved driver licensing courses they must forward any course documentation, to Waka Kotahi pursuant to section 19 of this document.
- 16.2 Where an organisation becomes aware that an assessor has voluntarily surrendered their assessor registration to the relevant NZQA accredited education organisation (or a

specific course unit standard from their assessor registration scope), the provider must ensure that that assessor does not undertake any mandatory training or assessment for the approved driver licensing courses that contain any of the surrendered unit standards.

- 16.3 When an assessor ceases conducting courses for or on behalf of the organisation, the requirements of clause 2.11 apply.

17. Revocation or suspension of approval

- 17.1 Waka Kotahi may revoke or suspend a provider's approval under clause 103 of the Land Transport (Driver Licensing) Rule 1999 by notice in writing should the following arise:
- Waka Kotahi is satisfied that through the actions or non-actions of the provider (or any person acting as a employee, contractor, agent or any other person directly or indirectly involved with the course providers business, has ceased to meet the requirements of clause 100(a) of the Rule in that they do not possess the appropriate skills, training, or experience to conduct the approved driver licensing course(s) as per clause 103(c) of the Rule. Examples that may result in Waka Kotahi making this determination include (but are not limited to) situations where:
 - the provider fails to maintain a standard of competency that Waka Kotahi considers appropriate, or
 - the provider acts inappropriately or illegally, or
 - the provider breaches any condition of the provider's approval, or
 - the provider compromises the integrity of the driver licensing system, or
 - the provider fails to provide secure storage of course documentation, course certificates and records, or
 - the provider fails to control the actions of any persons directly or indirectly involved with the provider's business where those actions have compromised or could compromise the standard or integrity of the courses being delivered or breach the principles of the Privacy Act 2020, or

- vii. the provider commits a breach of the health and safety requirements in terms of the Health and Safety at Work Act 2015, or
 - viii. in the case of a provider approved as an individual to conduct courses; the provider ceases to be a registered assessor with Te Pūkenga or other NZQA accredited education organisations, or ceases to hold the appropriate course unit standards on their NZQA accredited education organisation assessor registration scope, or
 - ix. in the case of a provider approved as an organisation to conduct courses, the sole assessor conducting courses within the organisation ceases to be a registered assessor with Te Pūkenga or other NZQA accredited education organisations, or ceases to hold the appropriate course unit standards on their NZQA accredited education organisation assessor registration scope, or
 - x. in the case of a class 2-5 practical course requirement the individual provider or assessor (in the case of an approved organisation) ceases to hold the appropriate class of driving licence and /or driving instructor endorsement.
- b. The provider ceases to meet the requirements described in clause 100(b) of the Rule, in that where the provider is an organisation, there is no longer a recorded organisational structure in which accountability is clearly defined.
- c. The provider fails to comply with any instruction arising out of any audit or inspection under section 198 of the Act or fails to comply with a notice of non-compliance issued under clause 13.1 of this document.
- d. The provider fails to comply with a requirement made in writing by Waka Kotahi to the provider arising out of an audit or inspection under section 198 of the Act.
- e. The provider fails to implement or comply with any notification of changes to conditions of approval or course requirements notified under section 14 of this document.
- f. The provider ceases to carry on business, or where the approved provider is an

organisation and there has been a change in the ownership affecting control of the provider (unless such change is previously approved in writing by Waka Kotahi), or

- i. the provider commits any act of bankruptcy, or
- ii. the provider goes into or is put into receivership or liquidation, or is wound up or is disestablished, or
- iii. where a meeting is called for the purpose of considering appointment of a liquidator to the provider.

18. Appeal provisions

- 18.1 Where Waka Kotahi has suspended or revoked the provider's approval, the provider has the right to appeal this decision through the District Court in accordance with section 106 of the Land Transport Act 1998.

19. Return of property

- 19.1 Where Waka Kotahi has revoked the provider's approval, the provider must, within seven days of the date of notification of that decision, return any unused course completion certificates to Waka Kotahi.
- 19.2 When a provider ceases to conduct courses, the provider must, on request of Waka Kotahi and within the timeframe specified, forward all completed trainee course documentation, trainee course register, unused course certificates and any other stipulated data / material for the period in the notice.
- 19.3 The provider, on application, may receive a full refund for the cost of any unopened/unsoiled packets of returned course certificates (current version).

20. Service of notices

- 20.1 Any written notice issued under this document will be personally delivered or sent by post or sent by electronic means to the street or postal address, email address or facsimile number of the provider.
- 20.2 Any notice personally delivered or sent by post will be sent to the provider's usual or last known business or residential address or

address specified by the provider in any application or document provided to Waka Kotahi.

- 20.3 The notice shall be deemed delivered upon personal delivery or five days after mailing by standard post (unless returned undelivered) or sending of the electronic transmission.

21. Course fees

- 21.1 The provider shall set its own course fees.

22. Assignment

- 22.1 The provider cannot assign its approval as a course provider to anyone or any other entity, including by sale of the business.

23. Relationship between parties

- 23.1 The relationship between Waka Kotahi and an approved driver licensing course provider derives from an approval in accordance with statutory powers and shall not be deemed to be that of employer/employee, joint venture, partnership or otherwise.

24. Exchange of information

- 24.1 Where the provider is not an NZQA accredited education organisation, it agrees to the exchange of information between the relevant Te Pūkenga Business Division and Waka Kotahi about the provider and their performance in conducting the approved driver licensing course, eg trainee course register.

25. Exclusion of liability

- 25.1 Waka Kotahi shall not be liable whether in tort, contract or on some other basis, for any direct, indirect or consequential damage or loss suffered or incurred by the provider or any persons directly or indirectly involved with the provider's business or any trainee or any third party, including any liability in connection with a course not performed competently or course certificate issued contrary to this document, the Act, rules, regulations, NZQA or NZQA accredited education organisation assessor policy and procedures.

26. Indemnity

- 26.1 The provider shall indemnify Waka Kotahi against all losses, liabilities, claims, costs, and expenses that may result directly or indirectly from the provision of or the failure to competently conduct the courses or from any other act or omission of the provider or any person acting on behalf of the provider or any other person directly or indirectly involved with the provider's business.