

24 February 2021

Sharna-Kim
fyi-request-14531-519cce8b@requests.fyi.org.nz

REF: OIA-7618

Dear Sharna-Kim

Request made under the Official Information Act 1982

Thank you for your email of 26 January 2021 to the Department of the Prime Minister and Cabinet requesting information under the Official Information Act 1982 (the Act). Your request has been transferred to Waka Kotahi NZ Transport Agency as the matters raised fall within our responsibilities.

I have set out each of your questions and my responses below.

1) Is it LAWFULLY REQUIRED that I must have a drivers licence?

Yes, but only if you are driving a motor vehicle on a road. Section 5 of the Land Transport Act 1998 provides that a person may not drive a motor vehicle on a road without an appropriate current driver licence.

2) Is it LAWFULLY REQUIRED that I must take and pass a driving test?

Yes, if you wish to obtain a driver licence, or renew one in some circumstances. This is prescribed in the Land Transport (Driver Licensing) Rule 1999.

3) Is it LAWFULLY REQUIRED that I must register my own, paid-for [vehicle/motor car/private carriage] and therefore transfer its ownership to the government and I only become the registered KEEPER?

Yes and no. Section 242 of the Land Transport Act 1998 lawfully requires vehicles used on roads to be registered in the name of a registered person. However, the registration of vehicles does not impart legal ownership rights to the registered person or the Government.

4) Is it a LAWFUL REQUIREMENT that I must submit my [vehicle/motor car/private carriage] for an MOT test/certificate?

Yes. I interpret your question as pertaining to evidence of vehicle inspections (including Warrants of Fitness and Certificates of Fitness). Section 6 of the Land Transport Act 1998 lawfully requires that a motor vehicle may not be operated on a road without appropriate current evidence of vehicle inspection. The Land Transport Rule: Vehicle Standards Compliance 2002 prescribes which vehicles must have evidence of vehicle inspection to be operated on a road.

5) Is it a LAWFUL REQUIREMENT that I must annually pay tax ([vehicle/motor car/private carriage] licensing fee)?

Yes and no. Section 242 of the Land Transport Act 1998 lawfully requires vehicles used on roads to be licensed. Variable licence periods allow a degree of flexibility and are not necessarily required to be paid annually. The fees for vehicle licenses are prescribed in the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011.

6) *Is it a LAWFUL REQUIREMENT that I must submit a SWORN Notice to you (or anyone else) under ANY circumstance WHATSOEVER?*

No.

7) *Is it a LAWFUL REQUIREMENT that I must have 3rd party insurance?*

No.

8) *Am I not already adequately and LAWFULLY insured via my own NHI?*

I am refusing this question pursuant to section 18(e) of the Official Information Act 1982, as the information does not exist.

9) *Is it a LAWFUL REQUIREMENT that my [vehicle/motor car/private carriage] must have seat-belts fitted?*

Yes, for most motor vehicles. Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002 lawfully requires that most vehicles be fitted with approved seat belts. Your local Warrant of Fitness or Certificate of Fitness inspector will be able to advise if this is required for your specific vehicle, otherwise you are welcome to email your vehicle details to info@nzta.govt.nz for this information.

10) *Is it a LAWFUL requirement that I must wear seat-belts?*

Land Transport (Road User) Rule 2004 lawfully requires seat belts to be used (worn) in specific circumstances detailed under Part 7.

11) *Is it a LAWFUL requirement that my [vehicle/motor car/private carriage] must be fitted with a catalytic converter?*

No. Most vehicles that enter the NZ fleet must comply with approved vehicle emission standards. If a vehicle is modified after entry certification, including modifications to a vehicle's exhaust emissions or exhaust control systems, such modifications must not prevent the vehicle from complying with the standards that applied when the vehicle was entry certified. This is prescribed in the Land Transport Rule: Vehicle Exhaust Emissions 2007.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse question 8. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

If you would like to discuss this reply with the Waka Kotahi, please contact Rachel Mackey, Manager, Customer Response, by email to Rachel.Mackey@nzta.govt.nz.

Yours sincerely



Michelle Charlton
Senior Manager, Customer Services