

24 April 2024

Cody C
fyi-request-26242-dde0702f@requests.fyi.org.nz

REF: OIA-15018

Dear Cody

Request made under the Official Information Act 1982

Thank you for your email of 26 March 2024 requesting the following information under the Official Information Act 1982 (the Act):

Please provide the source of the relevant legislation, or legal advice, which prohibits the supervisor being either asleep or drunk.

In response to your request, there is no definition of “*in charge of*” in the *Land Transport (Driver Licensing) Rule 1999 s18(2)(b)* (the Rule). However, the Rule outlines that people on a learner or restricted licence should be supervised by a qualified driver seated as closely as possible to the driver so that they can take control of the vehicle if need be. If that person is drunk or asleep, this intervention is not possible and, ultimately defeats the objective of the Rule to make significant gains in land transport safety. Looking to the purpose of the provision and legislation to infer its meaning would be in line with the *Legislation Act 2019 section 10*.

The very act of supervision is active not passive. The supervisor is there to monitor the driver and must be prepared to take over the vehicle or intervene if the inexperienced driver gets into difficulty.

If you would like to discuss this reply with NZTA, please contact Ministerial Services, by email to official.correspondence@nzta.govt.nz

Yours sincerely



Iain Feist
General Counsel, Regulatory