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Fit and proper person guidelines

for inspecting organisations, vehicle inspectors and specialist certifiers





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Waka Kotahi NZ Transport Agency
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Introduction

Improving road safety is a priority for Waka Kotahi. To create a road system where no one is killed or seriously injured, we need to improve the safety of all parts of the system. This is a job for all of us and making sure vehicles are safe and comply with required standards when they're inspected and certified plays an important part.

Anyone wanting to be an inspecting organisation (IO) vehicle inspector (VI) or specialist certifier must be fit and proper person.

This guide covers the fit and proper criteria Waka Kotahi considers when assessing IO or VI applications. We also regularly audit appointed IO and VI to make sure they continue to meet the fit and proper criteria.

The legislation

Section 2.5(2)(a) of the Land Transport Rule: Vehicle Standards Compliance 2002 includes the requirement for an applicant to be fit and proper.

Part 4 subsection 4 of the Land Transport Act 1998 includes the requirement for a person applying for appointment as an IO or VI to be assessed as fit and proper person.

General requirements

Each IO and VI must:

- be ethical and behave properly
- be aware of their influence on road safety
- not bring Waka Kotahi or the vehicle standards it administers into disrepute
- be able to read and understand technical notices related to the role
- be legally allowed to work in New Zealand.

You must keep to this standard while you're appointed. If you don't, we may revoke or suspend your appointment.

Waka Kotahi must make sure it's consistent when considering an appointment. Each application must be considered:

- on its individual merits
- under the relevant legislation.

Why have the fit and proper person requirements?

IOs and VIs are part of making sure safe vehicles are used on our roads.

Waka Kotahi has a duty of care to New Zealand citizens and visitors. This includes making sure those appointed to do vehicle safety inspections understand the importance of maintaining vehicle safety and how this can reduce harm.

Ethics

Ethics is when a person acts in line with accepted ideas of right and wrong.

Unethical actions can be a sign you aren't fit and proper and a reason to decline your application or revoke your appointment. These actions include:

- fraud
- dishonesty
- transport-related offences such as drink driving and infringement offences
- complaints made about your work in a transport service, particularly complaints made by users of the service
- not paying fines for transport related offences.

We'll look at your entire history but with particular focus on the last five years.

Behaviour and other matters

When assessing your suitability, we also look for other things we think are in the public interest. These may include:

- serious behaviour problems
- criminal offending in New Zealand or overseas, including charges and convictions for violence or sexual offences, drugs or firearms offences, or organised criminal activities
- involvement in managing a business declared bankrupt or placed into liquidation
- times where you were banned from being the director of a company.

The standard

Road safety

Waka Kotahi must consider your suitability for appointment as a IO or VI if there is evidence to show that you:

- deliberately used the incorrect vehicle type or usage
- fraudulently tampered with the VIN or chassis number
- gave the Registrar of Motor Vehicles false details, including evading entry certification by registering a car or truck as a mobile machine, tractor or similar
- made illegal use of trade plates or were involved in their illegal use
- were convicted of theft of a motor vehicle
- operated an unlicensed motor vehicle or a motor vehicle that didn't display a current vehicle safety inspection certificate outside of carrying out your role as an IO or VI
- had a previous appointment as an IO or VI revoked.

The period of time since the last event occurred, patterns and any history of re-offending and the role you played in the offending will also be considered.

Driver licensing offences or convictions

A history of vehicle related convictions or infringements, including accumulated demerit points, driving with excess blood alcohol levels and dangerous or careless driving seriously brings into question your suitability to be an IO or VI.

A review of your suitability will be carried out if your driving history shows:

- a pattern of repeat offending
- you've been disqualified from holding a driver licence
- your driver licence was suspended due to the accumulation of demerit points.

If you're appointed as an IO, VI, or specialist certifier and we identify you as a risk to road safety, we'll seriously consider your suitability to continue holding that appointment.

Not bring Waka Kotahi into disrepute

Your actions must not bring Waka Kotahi or vehicle standards into disrepute. You're expected to:

- treat everyone fairly and with respect
- be professional and responsive
- carry out the functions of a IO or VI unaffected by personal beliefs
- act lawfully and objectively
- treat information with care and use it only for proper purposes
- be trustworthy
- comply with the terms of your *Notice of appointment* at all times.

Communication skills

A IO or VI must be able to communicate at a level appropriate to their role. You must be able to read and understand technical notices, the VIRM and similar publications and you must be able to verbally communicate with others at the same level.

Legally permitted to work in Aotearoa New Zealand

To legally work in Aotearoa New Zealand you must hold one of the following:

- New Zealand citizenship
- New Zealand residents permit
- Valid permit allowing you to work in New Zealand.

You're responsible for making sure you're eligible to work in New Zealand. You don't need to provide evidence of your immigration status to Waka Kotahi.

Go to www.immigration.govt.nz/new-zealand-visas for more information about working in New Zealand.

Term	Meaning
Duty of care	A legal obligation imposed on people and organisations to make sure they don't cause harm to others.
Fit and proper person	The suitability of a person to be an IO or VI. A fit and proper person must meet the fit and proper person criteria.
IO or VI	Inspecting organisation or vehicle inspector. Also includes specialist certifier
Waka Kotahi, we, us	Waka Kotahi NZ Transport Agency.
The rule	Land Transport Rule: Vehicle Standards Compliance 2002.
The act	Land Transport Act 1998.
Transport-related offences	These include, but are not limited to, infringement offences and summary traffic related offences incurred while driving any motor vehicle privately and commercially.
Vehicle inspector Inspecting organisation	A person or organisation appointed by Waka Kotahi who is responsible for vehicle inspection and certification outcomes.
VIN	Vehicle identification number.
VIRM	Vehicle inspection requirements manual.