

Notice of Appointment

As a Heavy Vehicle Specialist Inspection and Certification Inspecting Organisation (known as 'manufacturing HVSC Inspecting Organisation')

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Notice of Appointment

AS A HEAVY VEHICLE SPECIALIST INSPECTION AND CERTIFICATION INSPECTING ORGANISATION

Under clause 2.2(1)(i) of the Land Transport Rule: Vehicle Standards Compliance 2002

1. **Full Name** (Inspecting Organisation) is appointed by the Director of Land Transport (the Director), as an *inspecting organisation* responsible for the heavy vehicle specialist inspection and certification outcomes of any Heavy Vehicle Specialist Inspection and Certification Vehicle Inspector employed by the Inspecting Organisation (the Activities).
2. The Inspecting Organisation's appointment (the Appointment) starts on [**Start Date,**] and, unless the appointment is surrendered, suspended, revoked, or extended, ends on [**Start Date + 7 years**] (the Term). The Term may be extended in accordance with clause 1.6 of Schedule One up to a maximum of 10 years in total from the start date.
3. Any previous appointment or approval under section 2 of Land Transport Rule: Vehicle Standards Compliance 2002, or any previous comparable legislation, in respect of the Activities specified in this Notice terminates and no longer has effect from the start date of this Notice. For the avoidance of doubt, where the Inspecting Organisation holds any other appointment or approval in respect of activities that are not specified in this Notice, such appointments or approvals are not affected by this Notice
4. If the Inspecting Organisation wishes to continue to carry out the Activities after the end of the Appointment, the Inspecting Organisation must apply for re-appointment, including the payment of any prescribed fees, prior to the expiry of the Appointment. Unless and until a new Notice of Appointment is issued by the Director, the Inspecting Organisation is not permitted to carry out any of the Activities after the Term.
5. The Appointment is subject to the requirements and conditions contained in the following schedules, which may be amended by the Director from time to time with reasonable notice.
 - (a) Schedule One: General requirements and conditions of appointment.
 - (b) Schedule Two: Site details.
 - (c) Schedule Three: Specific requirements and conditions for insurance
6. For the avoidance of doubt, the Director may from time to time impose further requirements and conditions as reasonably necessary and amend any of the terms of Appointment as reasonably necessary. The Director may consult appointees on significant amendments on a case-by-case basis. Should the Director determine to impose further or amended requirements and/or conditions the Inspecting Organisation will be advised in writing with reasonable notice. Any failure to comply with such further or amended requirements and/or conditions from the date they take effect will be a failure to comply with the requirements and/or conditions of this Notice.

Dated: **[DATE OF APPOINTMENT]**

Signed for and on behalf of
The Director of Land Transport

Schedule One

GENERAL REQUIREMENTS AND CONDITIONS OF APPOINTMENT

Version: 1
Start date: [start date]

1 Regulatory appointment

- 1.1 All vehicle inspections and certification activities under the Appointment must be carried out by a Heavy Vehicle Specialist Inspection and Certification Vehicle Inspector holding the relevant and current appointment(s) by the Director and who is employed by the Inspecting Organisation.
- 1.2 The Inspecting Organisation is responsible for inspection and certification outcomes for the Activities in accordance with the following (as may be amended or replaced from time to time, including with reasonable notice during the Appointment):
 - (a) Land Transport Act 1998 (the Act), particularly section 4;
 - (b) Land Transport Rule: Vehicle Standards Compliance 2002 (Compliance Rule);
 - (c) This Notice of Appointment (including schedules and amendments);
 - (d) All applicable current conditions, requirements, and guidelines issued by Waka Kotahi or the Director, including the applicable Vehicle Inspection Requirements Manual(s) (VIRM); and
 - (e) Any other applicable legislative requirements, including the Health and Safety at Work Act 2015 and the Privacy Act 2020.
- 1.3 If there is any discrepancy between the above documents, the Inspecting Organisation must comply with legislative requirements first (including the Compliance Rule and other legislative instruments) and then the requirements of Waka Kotahi or the Director. Any discrepancy identified between legislative and Waka Kotahi or Director requirements must be reported by the Inspecting Organisation to Waka Kotahi as soon as possible.
- 1.4 The Director will monitor and review the performance and compliance of the Inspecting Organisation and, if the Director is satisfied on reasonable grounds that the Inspecting Organisation has failed to comply with any requirements and conditions of this Appointment, including statutory requirements, then the Director may require the Inspecting Organisation to undergo an investigation and take compliance action (including requiring remedial action, and/or amending, suspending or revoking the Appointment).
- 1.5 The Director may amend, suspend, or revoke the Appointment or take such other remedial action as appropriate if satisfied on reasonable grounds that the Inspecting Organisation has failed to comply with the Appointment or there has been a change of circumstances that would have materially affected the assessment by Waka Kotahi or the Director of the Inspecting Organisation's application for appointment.
- 1.6 The Director may, at his or her discretion and in accordance with the Compliance Rule, extend the period of the Appointment up to a maximum of 3 years following the expiry of the initial term of appointment. Before granting any extension, the Director must consider the Inspecting

Organisation's performance under the Appointment and the suitability of granting an extension.

- 1.7 Nothing in this Notice of Appointment or the attached Schedules limit the powers of Waka Kotahi or the Director under any legislation, including the Compliance Rule.
- 1.8 Any variations to the Inspecting Organisation's appointment, including variations to conditions and requirements, apply only if the Director has provided or acknowledged them in writing.

2 General requirements for participants in the land transport system

- 2.1 The Inspecting Organisation is a "Participant" in the land transport system and the Appointment is a "Land Transport Document" as those two terms are defined in the Act.
- 2.2 The Inspecting Organisation therefore is a person who must be aware of and comply with the "General requirements for participants in the land transport system" as specified in section 4 of the Act insofar as they apply to the Inspecting Organisation and the Activities.

3 Quality assurance and performance management systems

- 3.1 The Inspecting Organisation must operate a quality assurance and performance management system that is approved by the Director.
- 3.2 For the avoidance of doubt, an Inspecting Organisation may continue to use an existing quality assurance and performance management system previously approved by Waka Kotahi or the Director (for example, the Performance Review System) until further notice.

4 Reliance on the application for appointment and ongoing obligation to inform the Director

- 4.1 The Director has relied on the information provided in the Inspecting Organisation's application for appointment and will continue to rely on that information.
- 4.2 The Inspecting Organisation must advise the Director, on an ongoing basis as soon as is reasonably practicable, and in any case within 14 days of any changes, if:
 - (a) any of the circumstances or information contained in the Inspecting Organisation's application for appointment change in any material respect, including in relation to the name of any entity, and the ownership¹ and controlling personnel of the Inspecting Organisation² (whether those changes take place in New Zealand or not);
 - (b) any of the Inspecting Organisation's contact details change (including, but not limited to, business address, phone numbers, and email address);
 - (c) there is any change of circumstances that could affect the Director's assessment of the Inspecting Organisation's:
 - (i) ability and competence to be responsible for inspection and certification activities;
 - (ii) arrangements for public liability insurance and professional indemnity insurance;
 - (iii) degree of financial or professional interest in importing or selling vehicles or vehicle parts, or in modifying or repairing vehicles; or

¹ Ownership includes the ultimate beneficial ownership of **the Inspecting Organisation**.

² Controlling personnel may include directors and any other persons with significant control of the business.

- (iv) quality assurance arrangements and performance management systems;
 - (d) there is any change of circumstances that could affect the Inspecting Organisation's systems for recording and reporting data on the conduct of the Activities (including records of individual inspection or certification decisions), and particularly any concerns regarding the accuracy or integrity of these systems or their contents;
 - (e) the Inspecting Organisation or any person in control of the Inspecting Organisation is charged with or convicted of a criminal offence or a serious transport-related offence, or is subject to any serious complaint relating to the Activities;
 - (f) the Inspecting Organisation is subject to any legal claim relating to the performance of the Activities;
 - (g) the Inspecting Organisation starts or ceases in whole or in part to carry out the Activities;
 - (h) the Inspecting Organisation has any reason to believe that an inspection and certification of a vehicle or vehicle component has been carried out incorrectly;
 - (i) the Inspecting Organisation has any reason to believe that any person associated with the Inspecting Organisation in relation to the Activities has compromised or has attempted to compromise the integrity of any inspection and certification decisions; and
 - (j) the Inspecting Organisation has become aware of a defect that may affect the safety performance of a vehicle or component that has been inspected and certified, including a defect caused by a manufacturer's production run or quality control process.
- 4.3 The Inspecting Organisation will immediately inform the Director of any theft or loss of any Land Transport Documents such as LT400 certificates.

5 Management systems

- 5.1 The Inspecting Organisation must remain highly competent at managing and diligently carrying out the Activities, including any inspection and certification activities carried out by Vehicle Inspectors employed by the Inspecting Organisation.
- 5.2 The Inspecting Organisation must maintain and operate, to a standard satisfactory to the Director, management systems relating to the following matters:
- (a) training and maintenance of the skills base of the Inspecting Organisation and Vehicle Inspectors employed by the Inspecting Organisation, including ensuring that the Inspecting Organisation and such Vehicle Inspectors have the necessary appointments, qualifications, supervision, and current competence to carry out the Inspecting Organisation's tasks;
 - (b) management of the inspection and certification process;
 - (c) the security and integrity of the inspection and certification process, including in relation to the physical conditions at inspection sites;
 - (d) complaints management; and
 - (e) internal auditing.

6 Fitness and propriety, right to work in New Zealand

- 6.1 The Inspecting Organisation must continue to be a fit and proper person.

- 6.2 The Inspecting Organisation must ensure that any person who assists the Inspecting Organisation to carry out the Activities, whether by delegation or otherwise, holds any necessary qualification and is a fit and proper person to carry out the role.
- 6.3 For the period of the Appointment, the Inspecting Organisation must inform the Director of any matters which may affect the Inspecting Organisation's fitness and propriety, including if the Inspecting Organisation or any person in control of the Inspecting Organisation is charged with or convicted of a criminal offence or serious transport-related offence.
- 6.4 The Inspecting Organisation must at all times when carrying out the Activities be lawfully entitled to carry on business in New Zealand. For the avoidance of doubt, the entitlement to carry on business must include entitlement to carry out the Activities.

7 Making, maintaining, and providing records of the Activities

- 7.1 The Inspecting Organisation must make and maintain records relating to the Activities conducted under this Appointment, including records of each inspection and/or certification decision by any Vehicle Inspector employed by the Inspecting Organisation (the Records). At the least, the Records must contain the minimum file content specified in the VIRM.
- 7.2 The Records may be kept in a physical or electronic format and the Inspecting Organisation must have suitable back-up arrangements in place for electronic records. For the avoidance of doubt, this requirement does not limit any requirements imposed by the Director in relation to a records repository.
- 7.3 The Records must be kept:
- (a) for inspections and certifications related to components with no prescribed certification life, for a minimum period of 6 years from the date of issue of the certification; or
 - (b) for inspections and certifications related to components with a prescribed certification life, for the period prescribed for that certification life plus 1 year from the date of issue of the certification.
- 7.4 The Inspecting Organisation must produce any of the Records made and held under this Appointment to the Director at any reasonable time within the appointment period(s).
- 7.5 At the end of the Appointment or any subsequent appointment (including if any appointment is ended by suspension, revocation, or surrender), and if the Inspecting Organisation is not reappointed, the Inspecting Organisation must:
- (a) keep the Records in its possession at that time for any remaining period of the periods specified in clause 7.3 and produce them to the Director at any reasonable time within those periods; or
 - (b) with prior written approval of the Director, deliver the Records to another Inspecting Organisation. If the Director approves such delivery, the Inspecting Organisation receiving the records must retain the Records for the remaining period of the periods specified in clause 7.3, and produce them to the Director at any reasonable time within those periods.
- 7.6 For the avoidance of doubt, the requirements in clause 7.5 to produce the Records continues to apply even if the Inspecting Organisation is no longer appointed by the Director.
- 7.7 From the time that the Director establishes a records repository of any form during the Appointment, the Director will require the Inspecting Organisation to upload the Records to that repository within a reasonable period as specified by the Director.

8 Monitoring, review, investigation and audit

- 8.1 The Director will monitor and review the performance of the Inspecting Organisation and the Inspecting Organisation's compliance with the requirements and conditions of the Appointment, including statutory requirements. The Director may require the Inspecting Organisation to undergo investigations and provide information to the Director as the Director reasonably considers appropriate and relevant including, without limitation:
- (a) the Director may monitor and review the Inspecting Organisation's activities on an announced or unannounced basis.
 - (b) the Director may re-inspect any vehicle inspected or certified by the Inspecting Organisation including any vehicle inspected or certified by a Vehicle Inspector employed by the Inspecting Organisation.
 - (c) the Director may observe the Inspecting Organisation's activities through a "mystery shopper". This will involve an undisclosed (undercover) Waka Kotahi representative using the Inspecting Organisation's services to test the Inspecting Organisation's performance in relation to the Activities.
- 8.2 If the Director is satisfied that the Inspecting Organisation has failed to comply with any of the requirements and conditions of the Appointment, the Director may take any of the following actions in accordance with the Compliance Rule:
- (a) Require the Inspecting Organisation to undergo an investigation; and/or
 - (b) Require that remedial action be undertaken by the Inspecting Organisation; and/or
 - (c) Suspend the whole or any part of the Appointment for a specified period or until specific conditions are met; and/or
 - (d) Revoke the whole or any part of the Appointment; and/or
 - (e) With immediate effect suspend the whole or part of the Appointment, or impose any conditions on the Appointment.
- 8.3 The Inspecting Organisation must facilitate and co-operate with the Director's monitoring and review activities, including by complying with any lawful request for information and making any Vehicle Inspector(s) employed by the Inspecting Organisation available during any monitoring and review. If lawfully required for the purposes of monitoring, reviewing, or auditing, the Inspecting Organisation must grant the Director immediate access to any inspection site under its control, to any vehicle under its control, and, as soon as is reasonably practicable, any relevant records under its control, whether in physical or electronic form.
- 8.4 The Director may charge the Inspecting Organisation for monitoring and review in accordance with the Compliance Rule and other relevant legislation.
- 8.5 For the avoidance of doubt, as any Vehicle Inspector employed by the Inspecting Organisation is appointed by the Director, the Director may perform regulatory functions and exercise regulatory powers directly in relation to any Vehicle Inspector, regardless of the position of the Inspecting Organisation.

9 Insurance

- 9.1 Throughout the Term, the Inspecting Organisation must maintain continuous public liability and professional indemnity insurance:
- (a) in the Inspecting Organisation's name;

- (b) for liability that may arise in relation to the provision and performance of the Activities, including the performance of inspection and certification activities by any Vehicle Inspectors employed by the Inspecting Organisation; and
 - (c) that meets the level of cover, and terms and conditions specified, in Schedule Three.
- 9.2 The terms and conditions in Schedule Three may be amended if requested by the Inspecting Organisation only if the Director agrees and issues an amended Schedule Three to the Inspecting Organisation.
- 9.3 The Inspecting Organisation must provide the Director with evidence of its insurance cover as at the commencement of the Appointment.
- 9.4 The Inspecting Organisation must obtain an endorsed certificate annually, maintain a copy on file, and produce it to the Director upon request at any reasonable time. As a minimum, the certificate must contain information confirming that the policies held comply with clauses 6, 8, 9, 10, and 11 of Schedule Three.
- 9.5 Any application for re-appointment must include evidence of appropriate insurance cover throughout the Term.
- 9.6 The Inspecting Organisation must notify the Director in writing if a policy held in accordance with the requirements in Schedule Three:
- (a) is cancelled; or
 - (b) has the level(s) of cover reduced below the level(s) specified in Schedule Three; or
 - (c) the level(s) of excess are increased above the level(s) specified in Schedule Three.

10 Management of conflicts of interest and other inappropriate influences

- 10.1 The Inspecting Organisation must:
- (a) carry out the Activities honestly, conscientiously, and to the highest standards of integrity in the interests of land transport safety;
 - (b) ensure no favour or inducement that is intended (or may reasonably be construed as intended) to compromise the integrity of the Activities is accepted, given, or promised; and
 - (c) immediately notify the Director where the Inspecting Organisation becomes aware of any possible violations of this clause of the Notice or the Compliance Rule.
- 10.2 The Inspecting Organisation must not engage in any activities that may conflict with the Inspecting Organisation's independence of judgement and integrity in relation to the services delivered.
- 10.3 The Inspecting Organisation must maintain and operate, to a standard satisfactory to the Director, a robust system for identifying and managing risks to the integrity of inspections and certifications conducted by the Inspecting Organisation or by Vehicle Inspectors employed by the Inspecting Organisation, including real or perceived risks arising from corruption or conflicts of interest held by the Inspecting Organisation and/or Vehicle Inspectors employed by the Inspecting Organisation, including if the Inspecting Organisation carries out any other inspection, maintenance, repair or commercial activities involving vehicles.
- 10.4 All real or perceived conflicts of interest, including any which have been approved by the Director, must be recorded by the Inspecting Organisation and be produced to the Director upon request at any reasonable time.

- 10.5 The Inspecting Organisation must not be responsible for the inspection or certification of any vehicle that the Inspecting Organisation or a related entity has a financial or ownership interest in unless, with the approval of the Director, the Inspecting Organisation has in place a transparent and robust system to manage any real or perceived conflict of interest and to ensure an accurate, independent, and professional inspection of the vehicle is undertaken.
- 10.6 Without limiting the general effect of clauses 10.1 to 10.5:
- (a) The Inspecting Organisation may carry out the Activities in relation to a vehicle they have manufactured, modified or repaired; and
 - (b) The Inspecting Organisation must not certify a vehicle in which an immediate family member of a person in control of the Inspecting Organisation has a personal ownership interest; and
 - (c) The Inspecting Organisation must not certify an aspect of a vehicle for which the Inspecting Organisation is not appointed.

11 Delegation

- 11.1 The Inspecting Organisation must not delegate any of the Inspecting Organisation's functions or duties under the Appointment (including any part of the Activities that involve independent judgement) to any person(s) other than by way of a delegation that is made:
- (a) in full compliance with any relevant conditions and requirements published in the VIRM for heavy vehicle specialist certification; or
 - (b) with the prior written consent of the Director.

12 Use of Waka Kotahi information and Land Transport Documents

- 12.1 The Inspecting Organisation must not access, use or share any information made available by the Waka Kotahi System for any purpose other than undertaking the Activities, unless Waka Kotahi has already made that information available to the public.
- 12.2 The Inspecting Organisation must not use the Waka Kotahi brand, logo, or name in connection with the Inspecting Organisation's business except with prior written consent of Waka Kotahi. For the avoidance of doubt, an Inspecting Organisation or Vehicle Inspector employed by an Inspecting Organisation may use and issue branded documents which have been issued by Waka Kotahi or the Director for the purpose (such as pre-printed LT400 certificates).
- 12.3 The Inspecting Organisation must return to the Director, or destroy as required by the Director, any Land Transport Documents, including any LT400 documents, in the possession of the Inspecting Organisation when the Appointment ends for any reason, including if the Appointment is suspended or revoked.

13 Collection and payment of fees

- 13.1 The Inspecting Organisation must collect and pay to Waka Kotahi in a timely manner:
- (a) any fees relating to the Activities required under the Land Transport (Certification and Other Fees) Regulations 2014 (or any amendment or replacement regulations); and
 - (b) any levy lawfully required by Waka Kotahi or the Director.

14 Engagement with Waka Kotahi

- 14.1 Although it is not an enforceable condition of the Appointment, Waka Kotahi and the Director expect the Inspecting Organisation to contribute to any Director or Waka Kotahi led industry forums and initiatives to address issues within the heavy vehicle specialist inspection and certification sector.

15 System requirements

- 15.1 Waka Kotahi will provide access to its System for use in undertaking the Activities.
- 15.2 The Inspecting Organisation will not use or share any information made available by the System for any purpose other than undertaking the Activities.
- 15.3 If the Inspecting Organisation uses the System, it must ensure that all inspections, determinations and certifications and all matters that are required to be recorded, are recorded and entered in the System in accordance with the Compliance Rule, this Notice, the VIRM, and any other relevant document or procedures issued from time to time by Waka Kotahi or the Director.
- 15.4 The Inspecting Organisation will, so far as is applicable, operate and use the System and the Inspecting Organisation's own System Equipment, in accordance with all relevant manufacturer's or licensor's instructions, specifications and operations manuals, and any reasonable instructions provided by Waka Kotahi or the Director from time to time.
- 15.5 Where the Inspecting Organisation becomes aware that any of the following may have occurred the Inspecting Organisation will promptly inform Waka Kotahi of:
- (a) any transaction, information, data, or details collected or used by the Inspecting Organisation in the course of carrying out the Activities or using the System which are or may be incorrect or incomplete; or
 - (b) any unauthorised person accessing (including, where relevant, obtaining copies of) any component of the System Equipment, the System, or any information, data, or details collected or used by the Inspecting Organisation in the course of carrying out the Activities or using the System or System Equipment (including through inadvertent disclosure to that unauthorised person).
- 15.6 The Inspecting Organisation will ensure that only those persons who have been allocated a User Identity Code by Waka Kotahi enabling those persons to access the System, do in fact have access to the System, and that only those with the appropriate delegation in writing from either Waka Kotahi, the Director, or the Inspecting Organisation to do so, enter, remove, alter, or otherwise deal with information in the System.
- 15.7 The Inspecting Organisation will ensure that the security and confidentiality of the System is maintained. All information held on, or provided to the Inspecting Organisation by, the System must be treated as Confidential Information and may only be used, or disclosed to any person (including employees, contractors or agents of the Inspecting Organisation), where such use or disclosure is for the purpose of carrying out the Activities.

16 Continuing professional development

- 16.1 The Inspecting Organisation must ensure that any employed Vehicle Inspector or other staff member who has an involvement in carrying out the Activities engages in continuing professional development (CPD). This must include a minimum of 20 hours of CPD activities per year which conform with industry best practice for CPD and which are relevant to the competencies required to undertake the Activities.

16.2 Details of CPD must be recorded as a training record and be provided to the Director upon request.

17 Definitions

The following definitions apply to this Notice.

Description	Meaning
Conflict of interest	A conflict arises where the Inspecting Organisation (including any employee or direct family member of an employee) has a financial or professional interest which has the potential to conflict with the performance of the Inspecting Organisation's duties and responsibilities under this Notice
Director	The Director of Land Transport appointed under section 104A of the Land Transport Management Act 2003
Inspecting Organisation	Means a person or organisation appointed by Waka Kotahi or the Director under 2.2(1) of the Compliance Rule who is responsible for inspection and certification outcomes
Land Transport Document	Licences, permits, approvals, authorisations, exemptions, certificates, and similar documents issued under this Land Transport Act 1998 and any Land Transport Rules made under that Act
Compliance Rule	Land Transport Rule: Vehicle Standards Compliance 2002
VIRM	Vehicle Inspection Requirements Manual(s) appropriate to the approval(s) granted to the Inspecting Organisation as amended from time to time
System	The overall technology system (which may be made up of a combination of systems) operated by or on behalf of Waka Kotahi or the Director for the Activities comprised of a combination of equipment, software, and activities which provides the Inspecting Organisation with the means, by access obtained through connection of the System Equipment, for supplying the Activities
System Equipment	The Inspecting Organisation's technology system by which the Inspecting Organisation gains access to the Waka Kotahi System
Vehicle Inspector	An individual appointed by Waka Kotahi or the Director under 2.2(1) of the Compliance Rule to carry out inspection and certification activities in accordance with requirements and conditions imposed by Waka Kotahi or the Director
Waka Kotahi	New Zealand Transport Agency established by section 93 of the Land Transport Management Act 2003

Schedule Two

SITE DETAILS

Version: 1
Effective date: [Effective Date]

Sample

Schedule Three

SPECIFIC REQUIREMENTS AND CONDITIONS FOR INSURANCE

1. Where this Notice of Appointment reappoints an inspecting Organisation who held a comparable appointment immediately before this Notice takes effect, if the requirements set out in this Schedule differ from the policies currently providing cover for the Inspecting Organisation immediately before this Notice of Appointment takes effect, the Inspecting Organisation may maintain the existing policies and conditions for a period of 12 months after the date this Notice takes effect.
2. The Inspecting Organisation must obtain, and maintain for the full duration of the appointment and for a minimum period of six years from the cessation of the performance of the Activities for any reason, public liability and professional indemnity insurance in relation to the provision and performance of the Activities under this Notice of Appointment.
3. The specified levels of cover are the allowable minimum, and the levels of excess are the allowable maximum. Inspecting Organisations may obtain higher levels of cover and/or lower levels of excess appropriate to the level of risk incurred by the provision and performance of the Activities.
4. Where the Inspecting Organisation's business risks change, the Inspecting Organisation must assess the effect of such change and implement changes to insurance as necessary.
5. The Inspecting Organisation must not act in a way knowingly to prejudice or void its public liability and/or professional indemnity insurance policies.
6. The insurance policies required under this Schedule must be held in the name of the Inspecting Organisation, and provide the specified cover in relation to the Inspecting Organisation's provision of the Activities under this Notice of Appointment and the inspection and certification activities of Vehicle Inspectors employed by the Inspecting Organisation.
7. A certificate of insurance from the insurer or insurance broker detailing the types, policy periods, and liability limits of such insurance must be available for the Director's inspection at any reasonable time. As a minimum, the certificate must contain information confirming that the policies held comply with clauses 6, 8, 9, 10, and 11 of this Schedule.
8. Unless the insurer has a rating exemption from the Reserve Bank of New Zealand, the public liability and professional indemnity insurance must be provided by an insurer who has a minimum A- Insurer Financial Strength Rating by S&P Global Ratings (previously known as Standard & Poor's) or an equivalent rating from a credit rating agency.
9. The insurance policy in place for public liability insurance cover must not exclude cover in respect of Personal injury or Property damage as a result of a breach of professional services where:
 - a. The insured does not separately charge a fee for those services and/or;
 - b. In relation to the specified certification activities.
10. The insurance policy in place for professional indemnity insurance must specifically cover financial loss as a result of the certification activities but exclude bodily injury or property damage that is intended to be insured under the public liability insurance policy.
11. The level of cover for insurance must be:
 - a. For **public liability insurance**, a maximum excess of **\$12,000** and:
 - i. minimum cover of **\$1 million** if the Inspecting Organisation expects to undertake **fewer than 100** certifications per annum; or,
 - ii. minimum cover of **\$2.5 million** if the Inspecting Organisation expects to undertake **between 100 and 500** certifications per annum; or,
 - iii. minimum cover of **\$5 million** if the Inspecting Organisation expects to undertake **more than 500** certifications per annum.

- b. For **professional indemnity insurance**, a maximum excess of **\$12,000** and minimum cover of **\$1 million**.

Sample