
INSPECTING ORGANISATION APPLICATION INFORMATION

Border Inspection

Used Light Entry Inspection and Certification

OCTOBER 2023

FINAL

Contact for queries: borderandentry@nzta.govt.nz

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Queries and more information

Questions about applications can be made to: **borderandentry@nzta.govt.nz**

If it is necessary to discuss your query with someone at Waka Kotahi, please contact the Contact Centre on 0800 699 000 and they will arrange for a staff member to call you back.

This document is available on the NZ Transport Agency's website at <https://vehicleinspection.nzta.govt.nz/border-and-used-entry-io>

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ABOUT THE APPOINTMENT PROCESS

The appointments to be made

- 1 The New Zealand Transport Agency (Agency) is conducting an appointment process for inspecting organisations undertaking the following activities:
 - (a) Border inspection.
 - (b) Used light vehicle entry inspection and certification.
(together, the Activities).
- 2 Inspecting organisations appointed to undertake entry certification will also be appointed to carry out the assignment and affixing of Vehicle Identification Numbers (**VINs**).
- 3 These appointments are to be made under clause 2.2(1) of the Land Transport Rule: Vehicle Compliance 2002 (**Vehicle Compliance Rule or Rule**).
- 4 All existing appointments of inspecting organisations for the Activities are due to expire on 30 June 2020. New appointments are expected to commence on 1 July 2020, and to be for between 3 and 5 years.
- 5 This document contains information about the appointment process and the requirements for making an application for appointment.

Background to this appointment process

- 6 This appointment process is part of the Agency's project to strengthen its regulatory oversight of border inspection and entry certification activities. The Agency's overarching goal is to improve the safety of New Zealanders using the land transport system by being a firm and fair regulator.
- 7 The importation of used light vehicles into New Zealand is large scale, involving approximately 180,000 vehicles per annum. Depending on their class, imported vehicles will pass through the border inspection and/or entry certification processes. These inspections should ensure that each vehicle entering the New Zealand fleet:
 - meets New Zealand's safety and emissions requirements;
 - is safe to drive;
 - is referred to a repairer and/or a specialist repair certifier if required to meet legal safety requirements; and
 - has had its identity and legal ownership verified, a valid VIN assigned and affixed and its unique information recorded in the Motor Vehicle Register.
- 8 These key "gateway" functions are critical to the Agency's mission of improving the overall safety of the vehicles on New Zealand's roads. To ensure the safety of these vehicles, the inspection and certification functions need to be rigorous and protected from inappropriate influence.

- 9 The Agency is aware of a number of factors that could adversely affect the effectiveness of current inspections, including inspection organisations' management of conflicts of interest and other inappropriate influences. The Agency considers that standards should improve in other areas, such as information and performance management. The Agency also intends to better employ its existing regulatory tools to intelligently assess risk, and to regulate with a higher degree of vigilance.

What we are looking for

- 10 Appointments of inspecting organisations are made under the Vehicle Compliance Rule and assessed against the criteria in clause 2.5 of that Rule (attached at Appendix H).
- 11 Given the crucial nature of these appointments in terms of used vehicle safety, the Agency will be seeking to achieve the following goals in applying the statutory criteria and making the appointments.

(a) **Trusted partnerships.**

All border and entry inspection organisations—and the individual inspectors—should be *trusted partners* in delivering the Agency's regulatory objectives. Partnership involves open communication between both partners, mutual recognition of roles and a shared objective of vehicle safety.

(b) **High standards of performance and integrity of inspection decisions.**

Border and entry inspecting organisations should be *highly competent* organisations with *demonstrated capabilities* in inspection, information management, quality assurance and conflict management. We expect high professional standards at all times, particularly with regard to protecting the independence and impartiality of inspections. We also expect the organisations to be expert and vigilant in self-monitoring their inspection activities.

(c) **A commitment to intelligent, continuous improvement.**

Border and entry inspecting organisations should be committed to operating intelligently and making the necessary investments to improve the quality of inspections over time. In particular, the Agency expects organisations to achieve high standards of information and performance management within the sector over the term of the appointment..

(d) **Greater assurance and verification of standards.**

The Agency will make its appointment decisions based on verifiable information, and requires high levels of assurance that inspecting organisations are performing. We expect information provided by those organisations to be robust, verifiable and auditable. We expect information included in applications to be candid and supported by evidence.

- 12 Overall, the Agency will continue to value vehicle inspection professionals with significant experience and a commitment to a long-term focus on vehicle safety, as well as their own business objectives.
- 13 Inspecting organisations should also expect that if standards fall below expectations an appropriate enforcement response will follow, consistent with the Agency’s firm and fair approach to its regulatory function.

How the Agency expects to manage appointments

- 14 A draft Notice of Appointment is attached as Appendix C, which includes the conditions and requirements of appointment that the Agency expects to set. Applicants should carefully read this document and satisfy themselves that they can comply with the expected conditions if they are appointed (including by making improvements or investments, if necessary).
- 15 The draft notice and conditions may be subject to revision as a result of the application process.

Term of appointment

- 16 The appointments are expected to commence on 1 July 2020 and will be for a fixed period. The Agency anticipates providing appointments for a term between 3—5 years depending on the Agency’s degree of confidence in the Applicant. In general:
- (a) where the Agency has a *high degree of confidence* that the organisation meets its regulatory expectations, including the requisite integrity, competence and quality of inspection decisions, it will grant a 5-year appointment.
 - (b) where the Agency is *satisfied* that the organisation meets its regulatory expectations, including the requisite integrity, competence and quality of inspection decisions, it will grant a 3-year appointment.

Conditions of appointment

- 17 Some of the key areas where the Agency intends to enhance the conditions of appointment are as follows.
- (a) Information management.
 - (b) Auditing—internal, external and by the Agency.
 - (c) Management of conflicts of interest and inappropriate influences.
 - (d) Third party compliance sites.

Border inspection inside and outside of New Zealand

- 18 The Agency’s goal is that border inspection will occur *outside* New Zealand, in the country of origin of the used vehicle, where possible. For example, vehicles being imported from Japan should be border inspected in Japan and not in New Zealand.
- 19 Border inspection that occurs *in* New Zealand will need to be undertaken by a vehicle inspector appointed by the Agency and engaged by an inspecting organisation that has been appointed by the Agency to conduct border inspection.
- 20 Border inspection that occurs *outside* New Zealand, for example in Japan, must be undertaken by suitably qualified personnel, who are not necessarily appointed by the Agency, but must be engaged by an inspecting organisation that has been appointed by the Agency to conduct border inspection.

Assignment and affixing of VINs

- 21 Inspecting organisations undertaking entry certification will be entitled to hire or contract with personnel to assign and affix VINs to vehicles. The inspecting organisation will have specific obligations to manage these personnel (including their access to the Agency's information systems), and to reconcile the number of VIN plates issued with the number of certification decisions made and recorded.

Application process

- 22 The requirements for making an application are outlined in this document. Because these differ from guidance issued in the past, applicants should read this document carefully rather than rely on applications they may have made in the past.

Preparing an application

- 23 Prior to submitting an application, the Applicant must:
- (a) examine all written information made available by the Agency to the Applicant for the purpose of the application;
 - (b) prepare an application that complies with each of the Application Requirements (starting at page 13 of this document), including responding fully to each of the information requirements outlined in the tables in that section;
 - (c) take all reasonable steps to inform itself of all risks, contingencies and other circumstances that will or may be relevant to and/or have an effect on the application;
 - (d) document in the application all assumptions and qualifications made about the Applicant's ability to meet the Application Requirements set out in this document, including any assumption that the Agency or a third party will deliver any aspect of the requirements or incur any cost related to their delivery;
 - (e) if appropriate, obtain independent advice before submitting an application;
 - (f) satisfy itself that the application is correct, complete and not misleading in any respect;
 - (g) ensure that the application does not contain intellectual property that will breach a third party's rights; and
 - (h) mark any confidential or commercially sensitive information as confidential or commercially sensitive (as explained below at paragraph 44).
- 24 An incomplete application that does not comply with the requirements in this document will be deemed to be non-conforming and may be rejected.

Questions

- 25 Each applicant should satisfy itself that it understands the requirements in this document.
- 26 Questions and requests for clarification can be made before **6 December 2019** to **borderandentry@nzta.govt.nz**. The Agency will endeavour to respond to questions. The Agency may publish answers to the questions on its website at <https://vehicleinspection.nzta.govt.nz/border-and-used-entry-io>.
- 27 In submitting a request for clarification, an Applicant should indicate if any information in the question is confidential (as explained below at paragraph 44).

- 28 In the absence of a response to a specific request for clarification, an applicant should make a reasonable interpretation of this document and explicitly state the assumption being made, particularly if it has a material effect on the application.

Submitting an Application

- 29 Applications for this round of appointments are due by 5 pm on **20 December 2019**. Each applicant is responsible for ensuring its application is received by the Agency on or before the application due date. The Agency will acknowledge receipt of each application.
- 30 Applications are to be made by submitting an electronic (soft) copy to borderandentry@nzta.govt.nz.

Application Fee

- 31 No application fee applies.

Agency's consideration of applications

- 32 The Agency will consider the applications in confidence.
- 33 The Agency may notify an Applicant if further information is required following submission of an application. This information must be submitted on or before the date specified by the Agency. If the additional information fundamentally alters the application, the Agency will require a detailed explanation for the change.
- 34 The Agency may require a presentation or site visit following consideration of an application if this is necessary to provide clarification or assurance of any aspect of the application.

Appointment decisions

- 35 The Agency will invite successful applicants to accept a Notice of Appointment. A draft Notice of Appointment is attached as Appendix C. This document may be subject to revision as a result of the application process.
- 36 As noted earlier, the appointments are expected to commence on 1 July 2020 and will be for a fixed period. The Agency anticipates providing appointments for a term between 3—5 years depending on the Agency's degree of confidence in the Applicant.
- 37 The Agency may later, at its sole discretion, make provision for extensions to an appointment period subject to the inspecting organisation satisfying performance expectations.
- 38 If an application for appointment is declined, the Agency will notify the Applicant of this, in writing, with reasons. The Applicant may appeal against that decision under section 106 of the Land Transport Act 1998.

General conditions that apply to the application process

- 39 The application process is subject to the following general conditions.

Ethics

- 40 Applicants must not attempt to influence or provide any form of personal inducement, reward or benefit to any representative of the Agency in relation to this application process.

Any such attempt may disqualify the Applicant, with the Agency not considering their application further.

- 41 The Agency, as part of this application process, requires the Applicant and certain specified categories of individuals to provide fit and proper declarations. The Agency reserves the right to require additional declarations, or other evidence from an applicant, or any other person, throughout the application process to ensure the probity of the application process.

Anti-collusion and application rigging

- 41 Applicants must not engage in collusive, deceptive or improper conduct in the preparation of their applications or other submissions or in any discussions with the Agency. Such behaviour may result in the Applicant being disqualified from participating further in the application process.

Confidential information

- 42 Each application will be held by the Agency under the Official Information Act 1982 and may become publicly available under the terms of the legislation.
- 43 However, the Agency recognises that in order to make a full application an Applicant may need to disclose information that is confidential or commercially sensitive (i.e., information that would unreasonably prejudice the Applicant's commercial position if released publicly).
- 44 Therefore, some parts of an application can be held confidentially by the Agency if the procedure set out below is followed:

- (a) If an Applicant wishes to include confidential or commercially sensitive information in the application, please clearly mark the specific parts of the application that are affected.
 - (i) Applicants should mark information as "confidential" if they otherwise would not reasonably be able to provide that information to the Agency.
 - (ii) Applicants should mark information as "commercially sensitive" if it would unreasonably prejudice their commercial position if the Agency released it publicly.
- (b) If possible, it is best that confidential or commercially sensitive information is segregated in a separate section of the application.
- (c) On the basis that an Applicant reasonably identifies information as confidential or commercially sensitive, the Agency:
 - (i) confirms that it will treat the information as confidential and so will not release the information voluntarily; and
 - (ii) confirms its understanding that the information likely can be withheld under sections 9(2)(b)(i) and 9(2)(b)(ii) of the Official Information Act 1982.

- 45 All applicants should be aware that any decision of the Agency to withhold information under the Official Information Act 1982 is subject to correction by the Ombudsman, who can require that the Agency release the full information.

Costs of participating in the application process

- 46 Each applicant will meet its own costs associated with the preparation and presentation of an application and any discussions with the Agency.

Elimination

- 47 The Agency may exclude an Applicant from participating, or continuing to participate in the application process, if the Agency has evidence of any of the following, and it is considered by the Agency to be material to the application:

- (a) the Applicant has failed to provide all information requested, or in the correct format, or materially breached a term or condition of the application pack.
- (b) the application contains a material error, omission or inaccuracy.
- (c) the Applicant (or one of its controlling personnel) is in bankruptcy, receivership or liquidation.
- (d) the Applicant (or one of its controlling personnel) has made a false declaration.
- (e) there is a serious performance issue in a historical or current contract delivered by the Applicant (or one of its controlling personnel).
- (f) the Applicant (or one of its controlling personnel) has been convicted of a serious crime or offence.
- (g) there is professional misconduct or an act or omission on the part of the Applicant (or one of its controlling personnel) which adversely reflects on the integrity of the Applicant.
- (h) the Applicant (or one of its controlling personnel) has failed to pay taxes, duties or other levies.
- (i) the Applicant (or one of its controlling personnel) represents a threat to national security or the confidentiality of sensitive government information.
- (j) the Applicant as an organisation (or one of its controlling personnel) is designated as a terrorist by New Zealand Police.

New Zealand law

- 48 The laws of New Zealand shall govern the application and each Applicant agrees to submit to the exclusive jurisdiction of the New Zealand courts in respect of any dispute concerning the application, application process or appointment.

Disclaimer

- 49 The Agency will not be liable in contract, tort, equity, or in any other way whatsoever for any direct or indirect damage, loss or cost incurred by any applicant or any other person in respect of the application process.
- 50 Nothing contained or implied in the application, or application process, or any other communication by the Agency to any applicant, shall be construed as creating a contract with the applicant, nor as legal or financial advice.

Law relevant to appointments

- 51 The Agency appoints inspecting organisations under the Vehicle Compliance Rule (which is included as Appendix H). In particular, it may appoint inspecting organisations to carry out:
- (a) border inspection, under clause 2.2(1)(k) of the Vehicle Compliance Rule; and
 - (b) used light vehicle entry inspection and certification, under clause 2.2(1)(e) of the Vehicle Compliance Rule.
- 52 Under clause 2.5(1) of the Vehicle Compliance Rule, applications for appointments must be made to the Agency and contain the information required by the Agency.
- 53 If an application meets those requirements, the Agency assesses it against the criteria in clause 2.5(2), which are summarised below.
- 54 The Agency must first be satisfied that the Applicant is a fit and proper person in relation to the following matters (set out in clause 2.6 of the Vehicle Compliance Rule):
- (a) the Applicant's criminal history, if any;
 - (b) any offending by the Applicant in respect of transport-related offences, including any infringement offences;
 - (c) any complaints made in relation to any transport service provided or operated by the Applicant or in which the Applicant is involved (in particular, persistent or serious complaints made by users of the service); and
 - (d) any other matter that the Agency considers is appropriate in the public interest.
- 55 The Agency must then consider—and give such weight as it consider appropriate—to the following matters (set out in clause 2.5(2)(b)):
- (a) the Applicant's ability and competence to undertake inspection and certification activities, including the qualifications and experience of vehicle inspectors and persons who will be carrying out the Activities;
 - (b) the Applicant's arrangements for public liability insurance and professional indemnity insurance;
 - (c) the Applicant's degree of financial or professional interest in importing or selling vehicles or vehicle parts, or in modifying or repairing vehicles; and the extent to which that interest, if any, is counterbalanced by other relevant factors;
 - (d) the arrangements considered necessary by the Agency to monitor and review the Applicant's performance;

- (e) the number of vehicle inspectors and inspecting organisations already appointed and available in the relevant geographical areas;
- (f) the Applicant's quality assurance arrangements and performance management systems;
- (g) any other information the Agency considers relevant.

56 The Agency has an operational policy—the *Managing Integrity of Vehicle Certification Inspection and Inspection Organisations – Operational Policy*¹ (**Operational Policy**)—which sets out the Agency's general approach to the application process for, amongst others, border inspection and used light vehicle entry inspection and certification. The Operational Policy can be found at Appendix I.

¹ (September 2014).

APPLICATION REQUIREMENTS

General requirements

Applicants must:

- 1 Respond fully to each of the information requirements outlined in the tables below.
- 2 Use the same numbering format and ensure headings are clearly identifiable.
- 3 Supply information related only to that requested in the relevant headings and avoid adding information of a general nature.
- 4 Provide sufficient information to allow an assessment against the appointment criteria. Applicants should focus their application on demonstrating how their experience, capability and nominated people, working in partnership with the Agency, are going to ensure quality inspections of used light vehicles, in the interest of vehicle safety.
- 5 The Agency expects information will be provided that is factual and verifiable. The Agency requires evidence and/or references to be provided in support for such information.
- 6 Please ensure that all information provided will be accurate and complete for the Applicant if appointed as an inspecting organisation from July 2020 onwards. If the Applicant's projected July 2020 position is materially different from the Applicant's current position, please indicate this clearly and provide an explanation.

Information requirements

Note that any text in italics below is provided as guidance.

A – Applicant company information

Statutory Criteria (Rule clause 2.5(1)) <i>An application for appointment must be made on a form specified by the Agency and contain such information specified by the Agency.</i>	
Guidance <i>The Applicant must be a company registered in New Zealand, with a New Zealand address for service and a New Zealand bank account.</i>	
Information requirements	
A1	Applicant details form and declaration Complete the Applicant details form and declaration (Appendix A).
A2	Organisational chart and description Provide an organisational chart that depicts each division of the Applicant's business and each management role (including contractors). Include a general description of the management structure and roles within the organisation.

<p>A3</p>	<p>Group chart (if applicable)</p> <p>Provide a group structure chart that includes all entities “related” to the Applicant or otherwise “closely associated” with the Applicant.</p> <p>List the directors and shareholders of each entity (or their equivalent if it is not a company). List the professional addresses (in or out of New Zealand) of each organisation, director and shareholder.</p> <p><i>Use the definition of “related” in s 2(3) the Companies Act 1993, modified as necessary if the entity is not a company. An “entity” may be a company, partnership, trust, arrangement for the sharing of profits, union of interest, co-operation, joint venture, business, or other similar arrangement. So, for example, “shares” should be read to include any form of voting rights, and “members” and “board” to include directors, trustees, managers, or office holders (however described).</i></p> <p><i>As a “closely associated” entity, include any entity where there is a significant overlap of directors or shareholders (or equivalent concept) with the Applicant or other related entities. These are entities that do not strictly meet the definition of “related”, but are still substantially connected to the Applicant. The Agency expects applicants to be frank and fulsome in disclosing related and closely associated entities, including considering the practical reality of beneficial ownership and control rather than only technical legal definitions.</i></p>
<p>A4</p>	<p>Significant commercial relationships</p> <p>Provide a list of the companies or organisations with whom the Applicant has, or anticipates having, a significant commercial relationship relating to the provision of the Activities.</p> <p>Include detail of the business of the noted companies/organisations and the nature of their relationships with the Applicant.</p> <p><i>An example of a significant commercial relationship is a major, exclusive or minimum quantity arrangement with a customer (such as a vehicle importer or exporter) or a supplier (such as a parts or repair provider).</i></p>
<p>A5</p>	<p>Key Personnel list</p> <p>Provide a list of the names and roles of the Applicant’s proposed Key Personnel (including contractors) under the following categories.</p> <ul style="list-style-type: none"> • Directors and any other persons with significant control of the business (Controlling Personnel). • Managers, including any person who will manage or be responsible for the relevant inspection function at any particular inspection site (Managerial Personnel). • Vehicle inspectors undertaking the relevant inspection function (whether border vehicle inspection or entry certification and inspection) (Vehicle Inspectors). • Personnel who assign and affix VINs (VIN Personnel). <p>(together, Key Personnel)</p> <p>If the Applicant proposes to hire or contract new personnel if appointed, note the proposed roles in the list.</p> <p><i>More information is sought about these Key Personnel below. To avoid duplication, it is suggested that you create a personnel profile for each person and attach these to the application. Please note that Managerial Personnel are expected to include individuals in roles such as site managers (or others in senior positions at different sites), and key management positions such as health and safety, quality assurance and training managers.</i></p>

A6	<p>Inspection site list</p> <p>Provide a list of each site at which the Applicant proposes to undertake the relevant inspection function (Applicant's Sites). Include the full physical address.</p> <p><i>More information is sought about the Applicant's Sites in section C below. To avoid duplication, it is suggested that you create a site profile for each site and attach these to the application.</i></p>
A7	<p>Financial viability</p> <p>Provide independently and professionally verified evidence of the Applicant's financial viability, such as the Applicant's most recent audited accounts.</p>

B – Fit and proper

<p>Statutory criteria (Rule clause 2.5(2)(a), 2.6)</p> <p><i>The Applicant is a fit and proper person in relation to:</i></p> <p>(a) <i>The Applicant's criminal history, if any;</i></p> <p>(b) <i>Any offending by the Applicant in respect of transport-related offences, including any infringement offences;</i></p> <p>(c) <i>Any complaints made in relation to any transport service provided or operated by the Applicant or in which the Applicant is involved, in particular, persistent or serious complaints made by users of the service; or</i></p> <p>(d) <i>Any other matter that the Agency considers is appropriate in the public interest.</i></p>	
<p>Guidance</p> <p><i>Applicants and their Key Personnel are required to be fit and proper in relation to the specified matters. The Agency also requires assurance that controlling persons or managers of any third-party Sites are fit and proper.</i></p> <p><i>The Agency will consider the information included in the Application. It will also conduct its own background checks of the Applicant and its personnel.</i></p>	
<p>Information requirements</p>	
B1	<p>Fit and proper declarations and consent - Applicant</p> <p>Provide a completed fit and proper declaration and consent for the Applicant (Appendix B).</p> <p>Disclose if the Applicant has ever been:</p> <ul style="list-style-type: none"> • convicted of, or is currently charged with, or is subject to an investigation that may lead to a charge with regard to: <ul style="list-style-type: none"> ○ any criminal offence (including any offence under any criminal law, company law, securities or tax legislation); or ○ any transport-related offence. • subject of any persistent or serious complaints within the last five years, in particular those relating to border inspection and/or used light vehicle entry inspection and certification; • involved in any business that was placed in statutory management or receivership; • the subject of an adverse finding by a court; or • expelled from, or prohibited from being a member of, a professional body or disciplinary

	body in any professional or business capacity.
B2	<p>Fit and proper declarations and consent – Key Personnel</p> <p>Provide a completed fit and proper declaration and consent for each person in the Applicant’s Key Personnel group (which includes Controlling Personnel, Managerial Personnel, Vehicle Inspectors and VIN Personnel) (Appendix B).</p> <p>Disclose any information referred to above at B1, that has been disclosed by the Applicant’s Key Personnel to the Applicant pursuant to the Fit and Proper Declarations completed in connection with this application.</p>
B3	<p>Fit and proper declarations and consent – Third Party Compliance Site</p> <p>If the Applicant intends to undertake inspection activities at any third-party site, then under section C2.1 the Applicant is required to obtain fit and proper declarations from the controlling persons or managers of those third party sites. Please provide those declarations as requested under that section. A fit and proper declaration and consent for such third party controlling persons and managers is included at Appendix B.</p>

C – Competence and capabilities

<p>Statutory criteria (Rule clause 2.5(2)(b)(i))</p> <p><i>The Applicant's ability and competence to undertake inspection and certification activities, including qualifications and experience of vehicle inspectors and persons who will be carrying out the activities.</i></p>	
<p>Guidance</p> <p><i>The Agency needs to be satisfied that you will be able to perform with a high degree of competence and capability from July 2020. Competence and capability may be demonstrated by your experience and track record, as well as the robustness of your future plans supported by evidence.</i></p> <p><i>Please ensure that all information provided will be accurate and complete for the Applicant, if appointed as an inspecting organisation, from July 2020 onwards. If the Applicant’s projected 2020 position is materially different from the Applicant’s current position, please indicate this clearly and provide an explanation.</i></p>	
<p>Information requirements</p>	
<p>C1 Management and personnel</p> <p><i>Applicants must demonstrate that their Vehicle Inspectors can operate effectively in the vehicle and compliance environment.</i></p>	
C1.1	<p>Applicant’s experience</p> <p>Explain the Applicant’s experience in vehicle inspection and the used light vehicle industry. Describe any partnerships, such as with the Ministry for Primary Industries and/or Customs.</p>
C1.2	<p>Key Personnel qualifications and experience</p> <p>For <i>each member</i> of the Applicant’s Key Personnel (which includes Controlling Personnel, Managerial Personnel, Vehicle Inspectors and VIN Personnel), provide the following information:</p> <ul style="list-style-type: none"> • Position/role in the Applicant organisation. • Qualifications and training. • Relevant experience, including (if applicable): <ul style="list-style-type: none"> ○ when they were appointed as a vehicle inspector and the scope of their experience as a vehicle inspector;

	<ul style="list-style-type: none"> ○ any managerial experience; and ○ any other experience in the motor vehicle industry. <p><i>It is suggested that you include this information in personnel profiles attached to your application.</i></p> <p><i>Please note that attendance at a course is not sufficient evidence of a skill unless it includes evaluation. Rather, practical and theory test results are sought.</i></p>
C1.3	<p>Management of inspections</p> <p>Explain and provide evidence of the Applicant’s capability to conduct border inspections and/or used light vehicle entry inspection and certification.</p> <p>Include descriptions of the Applicant’s approach to each of the following:</p> <ul style="list-style-type: none"> • Training, advancement and professional support of vehicle inspectors (including materials and manuals to ensure vehicle inspectors remain knowledgeable of relevant vehicle standards, legislation and technology). • Managing the inspection process (provide an examples of any checklists used, including approved checklists, IT and other support provided to vehicle inspectors). • Performance assessment and management (explain how vehicle inspectors are assessed, including KPIs and remuneration incentives). • Management of temporary staff (describe the process for engaging temporary vehicle inspectors and managers and ensuring they have the requirement skills and qualifications to carry out the services). • Internal and external auditing and monitoring of the performance of inspections. • Other vehicle inspector support capabilities.
C1.4	<p>Other management systems</p> <p>Describe the Applicant’s governance and management systems (including external and internal auditing in the following areas):</p> <ul style="list-style-type: none"> • Corporate governance; • Complaints management system; • Risk management; • Health and safety; • Harassment and discrimination; • Diversity and inclusion; and • Environmental management. <p><i>Please note that applicants are required to provide a detailed explanation of their approach to aspects of risk management in other sections of their applications. To avoid duplication, applicants may refer to those parts of their applications in this section.</i></p>
C1.5	<p>Assignment and affixing of VINs (if applicable)</p> <p>If applicable, describe in detail how the Applicant intends to manage VIN Personnel. Include descriptions of how the Applicant will manage access to computer systems and reconcile the number of VIN plates received from the Agency with the Applicant’s inventory of inspected vehicles.</p>
C1.6	<p>Charging for inspection and certification</p> <p>Describe in detail how the Applicant intends to charge for border inspection or entry</p>

	<p>certification services. Specify if the Applicant’s fees will involve:</p> <ul style="list-style-type: none"> • fee per inspection; • fee for compliance (ie a “pass”, regardless of the number of inspections conducted—also known as fixed-price compliance); • hourly rates; • volume discounts. <p>If the Applicant intends to have arrangements with any other entity (including a related entity) that charges for fixed-price compliance (even if, for example, that entity must pay the Applicant per inspection), explain those arrangements.</p> <p>Describe how the Applicant intends to charge Agency regulatory fees and remit these to the Agency.</p>
<p>C1.7</p>	<p>Delegation</p> <p>If the Applicant proposes to delegate or contract for any of its inspection functions (including with another organisation), describe that proposed arrangement in detail including the following:</p> <ul style="list-style-type: none"> • The minimum qualifications and work experience the Applicant will accept for vehicle inspectors who will be carrying out inspections on behalf of the Applicant at a delegated/contracted organisation; • Ongoing training and management of those vehicle inspectors at the delegated/contracted organisation to ensure their competency; and • How the Applicant’s inspection management systems set out above at C1.3 and C1.4 will be applied in respect of the Applicant’s delegates. <p><i>Please note that an application must be made to the Agency to delegate or subcontract inspection functions, and this must be approved by the Agency in the same manner as an Inspecting Organisation/Vehicle Inspector application.</i></p>
<p>C2</p>	<p>Sites</p> <p><i>The sites at which inspection activities take place must be suitable and are subject to Agency approval. The Agency’s oversight includes assessment of the suitability of controlling personnel and managers at these sites. Inspecting organisations will not be permitted to operate at compliance sites that fall below Agency expectations of quality, integrity and independence.</i></p> <p><i>Border inspection of vehicles from Japan should occur in Japan and be consistent with MPI requirements.</i></p>
<p>C2.1</p>	<p>Site profiles</p> <p>For each of the Sites at which inspections by the Applicant are conducted, provide the following information:</p> <ul style="list-style-type: none"> • Who has control or possession of the site. Please specify if the site is controlled by the Applicant or a third party. • The terms on which the Applicant has access to the site (eg lease, transaction-based commercial contract). • The Applicant’s senior personnel based at the site and the personnel who will be responsible for day-to-day oversight of inspection functions. These personnel should be included in the Applicant’s Key Personnel. • If the site is a third-party site, please provide details of the third-party ownership of the site, all controlling persons of that third party, and all persons in charge of the site and their contact details. • If the site is a third-party site, please obtain fit and proper declarations from any of the controlling persons of that third party or any of the persons in charge of the third-party site and provide these declarations. (If the Applicant has not obtained such declarations, please explain why not.) A fit and proper declaration and consent for third party controlling

	<p>persons and managers is included at Appendix B.</p> <ul style="list-style-type: none"> • Other activities involving vehicles (including inspection, repair, maintenance, importing or selling) undertaken at the site or in its immediate proximity. • Expected annual volume of inspections at the site on behalf of the Applicant.
C2.2	<p>Compliance with site requirements</p> <p>For each of the Sites at which inspections by the Applicant are conducted, provide the following information:</p> <ul style="list-style-type: none"> • Describe the layout of the site and provide a scale plan. • Provide a completed site requirements checklist. (See Appendix J (Entry) and Appendix K (Border)). • Confirm that the site can comply with the data technical standards outlined in Appendix F.
<p>C3 Information management</p> <p><i>Applicants must demonstrate that they have systems in place to record every inspection decision. The Agency expects inspecting organisations to use these systems to monitor the performance of their own Vehicle Inspectors, including detecting performance issues or inappropriate behaviour. The Agency also requires this information to undertake its own monitoring.</i></p> <p><i>The Agency wants to see an improvement in the information management capabilities of inspecting organisations in the future. These requirements are particularly important for organisations intending to undertake large numbers of inspections.</i></p> <p><i>Inspecting organisations must retain records of every inspection decision (as per clause 2.3(4) of the Vehicle Compliance Rule) but these records do not have to be paper-based. Best practice is that an inspecting organisation retain an electronic record system of each inspection decision which is secure, auditable and backed-up.</i></p>	
C3.1	<p>Information management system</p> <p>Describe the Applicant's information management system, including its functionality / capability in relation to the following:</p> <ul style="list-style-type: none"> • Retaining and accessing records of <i>each</i> inspection decision in a manner that is auditable, secure and accessible in a timely manner. If records are retained electronically, identify the software used. • Collating and evaluating inspection decisions of individual vehicle inspectors, including, for example, by volume, pass/fail rates, status of damage flags and other metrics. • Audit systems recording access to records of inspection decisions. • Point of sale invoicing systems for inspections. • Any other information system that includes information about inspected vehicles (eg that may include access to Japanese auction house data). <p>Explain how this information is used by the Applicant to assess vehicle inspector performance and detect inappropriate behaviour.</p>
C3.2	<p>Data storage and back-up</p> <p>Describe the Applicant's data/information storage and back-up systems for inspection records (whether paper or electronic).</p>
<p>C4 Future investment plans</p> <p><i>The Agency is looking for applicants committed to making the necessary investments to improve standards over time.</i></p>	
C4.1	<p>Future investment plans</p> <p>Explain any plans the Applicant has to improve its services, business or systems with respect to the relevant inspection function. In particular, describe plans the Applicant has for future</p>

	<p>investment in the following:</p> <ul style="list-style-type: none"> • Information systems; • Sites; • People; and/or • Other systems to implement inspection policies and procedures.
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D – Insurance

<p>Statutory Criteria (Rule clause 2.5(2)(b)(iv))</p> <p><i>The Applicant’s arrangements for public liability insurance and professional indemnity insurance.</i></p>	
<p>Information requirements</p>	
<p>D1</p>	<p>Evidence of insurance</p> <p>Provide evidence of public liability and professional indemnity insurance:</p> <ul style="list-style-type: none"> • in the Applicant’s name; • for liability that may arise in relation to the provision and performance of the inspection activities; • to a minimum level of cover of \$5 million public liability and \$5 million for professional indemnity, with an excess no greater than \$20,000 per incident.

E – Other interests in vehicles (conflicts of interest)

<p>Statutory Criteria (Rule clause 2.5(2)(b)(iii))</p> <p><i>The Applicant’s degree of financial or professional interest in importing or selling vehicles or vehicle parts, or in modifying or repairing vehicles; and the extent to which that interest, if any, is counterbalanced by other relevant factors.</i></p>	
<p>Guidance</p> <p><i>If the Applicant—or any related entity or Key Personnel—has other commercial interests in vehicles, the Agency requires assurance that those other interests will not compromise the integrity of inspections.</i></p> <p><i>This is because these types of interests create the risk that the inspecting organisation has a conflict of interest between its interest in providing an independent professional inspection and another interest in the vehicle being inspected. For example, if an inspecting organisation has an interest in repairing vehicles, it may be interested in withholding entry certification so the organisation (or its related entity) benefits from the repair work. On the other hand, if the inspecting organisation has an interest in importing the vehicle, it may be interested in granting entry certification, so the organisation (or its related entity) benefits from not having to incur repair costs.</i></p> <p><i>These are examples of types of conflict of interest that may arise. Management of other types of influence that can compromise inspection decisions must be addressed under the heading “performance management” in table [F1.1], although there will be some overlap.</i></p> <p><i>Applicants must be able to demonstrate that they can:</i></p> <ul style="list-style-type: none"> • <i>Identify and disclose relevant interests in vehicles.</i> • <i>Functionally separate their inspection functions from other commercial activities involving vehicles.</i> • <i>Assess and manage any potential conflicts of interest in a manner that protects the integrity of the inspection decision. This can involve management or avoidance of the conflict.</i> 	

There is a particularly high standard for used light vehicle entry inspection and certification. The Agency's policy (contained in the Operational Policy attached at Appendix I) is that an entry certification organisation (or any related entity) must not have any ownership or financial interest in any vehicles being inspected, unless it can demonstrate a transparent and robust system to negate any real or perceived conflict of interest and to ensure an accurate inspection of the vehicle is undertaken. This is not a "ban" on these type of potential conflicts, but indicates that a high level of scrutiny will be applied to them.

Therefore, if an applicant is not proposing to avoid these conflicts (ie by not inspecting vehicles that the organisation has another interest in), it should propose a robust system for managing the potential conflict of interest. The Agency expects a clear articulation of how the organisation will ensure its Vehicle Inspectors cannot be affected by the other interests of the organisation, which should include the following components.

- *Comprehensive conflict of interest policy specific to the organisation. This should cover training of staff, the process for identifying and disclosing interests, and dealing with breaches or concerns.*
- *Entrenchment of separation and independence of the inspection function from other business activities (eg in the constitution of the organisation).*
- *Separation and independence of the Key Personnel (including directors) involved in the inspection function from other business activities. Specifically, address how personnel involved in other activities (eg importing vehicles) do not have the opportunity to influence inspection decisions either formally and informally.*
- *Internal monitoring and auditing, and independent external auditing. The Agency will expect to be provided with evidence of the organisation's own monitoring and audit activities, including full copies of audit reports.*

Information requirements

E1

Disclosure of interests of Applicant in vehicles

Disclose any financial or professional interests held by the Applicant (or any related entity) in the following:

- Importing, exporting or selling vehicles or vehicle parts, including transportation and logistics;
- inspecting vehicles;
- repairing, modifying or maintaining vehicles; or
- any other interest in the vehicles that may be inspected by the Applicant.

Use the definition of "related" entity noted above in Table A.

The Agency expects applicants to be forthright in disclosing interests. You should err on the side of disclosure if in doubt. Include interests in third-party sites at which inspections are conducted.

E2

Disclosure of interests of Key Personnel in vehicles

Disclose any financial or professional interests held by the Applicant's Key Personnel (including Controlling Personnel, Managerial Personnel, Vehicle Inspectors and VIN personnel) and shareholders in:

- importing or selling vehicles or vehicle parts, including transportation and logistics;
- inspecting vehicles;
- repairing, modifying or maintaining vehicles; or
- any other interest in the vehicles that may be inspected by the Applicant.

The Agency expects applicants to be forthright in disclosing interests. You should err on the side of disclosure if in doubt. Include interests in third-party sites at which inspections are conducted.

<p>E3</p>	<p>Functional separation</p> <p>Explain how the Applicant’s inspection function will be <i>separated from</i> any other inspection, maintenance, repair or commercial activity involving vehicles—including any function identified above.</p> <p><i>Examples of mechanisms to achieve functional separation include separate directors, operational management and sites. Higher levels of separation may be achieved by entrenching functional separation and addressing informal channels of influence.</i></p>
<p>E4</p>	<p>Assessment and management of potential conflicts of interest</p> <p>Provide a detailed explanation of how the Applicant will <i>assess and manage</i> the interests identified in [E1] and [E2] above that may conflict with the inspection function.</p> <p><i>This includes identifying the Applicant’s risk to the inspection activity arising from the conflicting interest, and explaining how this is addressed.</i></p> <p><i>For an Applicant entry certification and inspection organisation, if it is proposed that it (or any related entity) may have an ownership or financial interest in any vehicles that could be inspected by the Applicant organisation, then the Applicant will need to demonstrate a <u>transparent and robust</u> system to <u>manage</u> any real or perceived conflict of interest and to ensure an accurate, independent and professional inspection of the vehicle is undertaken.</i></p>
<p>E5</p>	<p>Conflict of interest policy</p> <p>Provide the Applicant’s conflict of interest policy, which should include details of the Applicant’s procedures for identifying and managing conflicts of interests.</p>

F – Performance monitoring

<p>Statutory criteria (Rule clause 2.5(2)(b)(iv))</p> <p><i>The arrangements considered necessary by the Agency to monitor and review the Applicant’s performance under section 3.</i></p>
<p>Information requirements</p>
<p>F1 Managing the integrity of inspection decisions</p> <p><i>The primary duty of vehicle inspectors and inspecting organisations is to ensure that inspection decisions are the result of an independent professional assessment of the vehicle against the applicable requirements. Inspecting organisations must have a risk management framework and control environment that identifies and addresses risks to the integrity of the inspection decisions.</i></p> <p><i>Therefore, in addition to conflicts of interest that arise because of interests in vehicles (which are addressed separately at Table E above), the Agency expects applicants to identify and address other sources of inappropriate influence.</i></p>

<p>F1.1</p>	<p>Inappropriate influence – general risk management and control</p> <p>Explain how the Applicant intends to identify and manage potential sources of inappropriate influence on inspection decisions.</p> <p><i>The Agency expects applicants to identify and address the following possible sources of inappropriate influence on inspection decisions:</i></p> <ul style="list-style-type: none"> • <i>corruption or influence from customers, including compliance sites;</i> • <i>corruption or influence from vehicle inspectors or management of the inspection organisation, including undisclosed conflicts of interest or the taking of bribes;</i> • <i>influence on inspection outcomes deriving from a vehicle inspector’s personal performance criteria and remuneration; and</i> • <i>influence generated by financial consequences for the vehicle inspector / inspecting organisation (or a related party) of inspection decision outcomes (for example arising from fixed-price compliance).</i>
<p>F1.2</p>	<p>Inappropriate influence – site specific risk management and control</p> <p>For each of the Applicant’s Sites, identify any aspect of the site that may generate the risk of inappropriate influence on inspection decisions and explain how that risk is managed.</p> <p><i>The Agency expects Applicants to identify and address the following possible sources of site-related inappropriate influence:</i></p> <ul style="list-style-type: none"> • <i>proximity or accessibility of the customer and other activities involving vehicles (eg the third-party compliance site or a sale yard) to the inspection activity;</i> • <i>physical isolation of vehicle inspectors from the Applicant (e.g. working in isolation at a third-party site).</i>
<p>F1.3</p>	<p>Codes of Conduct – Vehicle Inspectors</p> <p>Confirm that each of the Applicant’s Vehicle Inspectors have signed and returned the Agency’s new Code of Conduct for Border and Entry Vehicle Inspectors, and that any new Vehicle Inspectors will be required to do so prior to undertaking any inspection activities for the Applicant .</p> <p><i>Appendix E is a copy of the new Agency Code of Conduct for Vehicle Inspectors engaging in border inspection and/or entry certification and inspection activities.</i></p>
<p>F1.4</p>	<p>Codes of Conduct – Third-Party Compliance Sites</p> <p>Provide a signed copy of the new Code of Conduct between the Applicant and each third-party site organisation at which the Applicant proposes to undertake inspections.</p> <p><i>See new third party site for border and entry Code of Conduct at Appendix E.</i></p>
<p>F2 Reporting requirements</p> <p><i>Inspecting organisations will be required to provide quarterly reports setting out the details and outcomes of each inspection.</i></p> <p><i>Appendix D is a template of the information that border inspection and entry certification and inspection providers will be required to submit to the Agency on a quarterly basis, in MS Excel spreadsheet or another suitable format.</i></p>	
<p>F2.1</p>	<p>Provision of information to the Agency</p> <p>Confirm that the Applicant has the capability to provide the Agency with quarterly reports about inspections conducted, which include:</p> <ul style="list-style-type: none"> • information about <i>each</i> inspection or certification decision in the MS Excel format provided in Appendix D: • inspection error rates, the types and causes of errors ;

	<ul style="list-style-type: none"> patterns or trends detected and actions taken on those; and <p>a management review of the past three months and comment on what is anticipated over the coming three-month period.</p>
F2.2	<p>Remote access</p> <p>If the Applicant proposes to provide access to its information systems remotely (for example, if inspections are proposed to be undertaken offsite), explain how and what security controls will be applied to protect access to this system.</p>

G – Geographic coverage

<p>Statutory criteria (Rule clause 2.5(2)(b)(v))</p> <p><i>The number of vehicle inspectors and inspecting organisations already appointed and available in the relevant geographical areas.</i></p>	
<p>Guidance</p> <p><i>There are no target numbers of inspecting organisations undertaking border inspection or used light vehicle entry inspection to be appointed. However, if an applicant will fill a gap in the provision of an inspection activity in a particular geographic area—and the provision of services in that area is important to the Agency’s regulatory objectives—that may be a factor weighed in favour of the application.</i></p> <p><i>The Agency expects that entry certification and border inspection will be available near major New Zealand ports and that border inspection will also be available at major Japanese ports.</i></p>	
<p>Information requirements</p>	
G1	<p>Geographic coverage (optional)</p> <p>Explain if the Applicant serves an area of geographic importance to the Agency’s regulatory objectives that is not currently covered and/or may not be covered by another appointed organisation.</p>

H – Quality assurance and performance management

<p>Statutory criteria (Rule clause 2.5(2)(b)(vi))</p> <p><i>The Applicant’s quality assurance arrangements and performance management systems.</i></p>	
<p>Guidance</p> <p><i>Applicants must operate a quality assurance system approved by the Agency. Its compliance with that system must be independently audited at regular intervals.</i></p> <p><i>The Agency currently recognises the following quality assurance standards:</i></p> <ul style="list-style-type: none"> ISO17020 NZTA Performance Review System 	
<p>Information requirements</p>	
H1	<p>Quality management system</p> <p>Confirm that the Applicant operates a quality assurance system that is accepted by the Agency and that its compliance with that system is independently and externally audited. If such a system is not presently in operation, confirm that it will be in operation no later than six months following the date of appointment.</p>

H2	<p>Independent accreditation</p> <p>Provide evidence of any independent accreditation of the Applicant as an inspection body.</p>
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I – Other information

<p>Statutory criteria (Rule clause 2.5(2)(b)(vii))</p> <p><i>Any other information the Agency considers relevant.</i></p>	
<p>Guidance</p> <p><i>The Applicant may provide further information it wishes the Agency to consider relating to the Applicant or any related person’s experience, knowledge or capability, insofar as they have not already been requested in the tables above.</i></p>	
<p>Information requirements</p>	
I1	<p>Please provide any other information you wish the Agency to take into account.</p>

TABLE OF APPENDICES

Appendix	Heading
A	Applicant form—Application for appointment as an inspecting organisation
B	Fit and proper declarations and consents to background checks
C	Sample notice of appointment
D	Sample reporting document
E	Agency Code of Conduct for Border and Entry Vehicle Inspectors and for third-party sites
F	Data technical standards
G	Vehicle inspection requirement manual: Border inspection Vehicle inspection requirement manual: Entry certification
H	Vehicle Standards Compliance Rule 2002
I	Managing Integrity of Vehicle Certification Inspection and Inspection Organisations — Operational Policy
J	Site checklist—Used light entry certification
K	Site checklist—Border inspection premises
