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Extract taken from: Alternative fuel system certification > Introduction > Inspection and certification process > Duties and responsibilities

3-1 Duties and responsibilities

3.1.1 General duties and responsibilities

- Applicable legislation: [Vehicle Standards Compliance Rule 2002](#) (the Rule).

1. Vehicle inspectors and inspecting organisations [definitions in the Rule]

Vehicle inspector means an individual appointed by NZTA under 2.2(1) [of the Rule] to carry out inspection and certification activities in accordance with requirements and conditions imposed by NZTA. Inspecting organisation means a person or organisation appointed by NZTA under 2.2(1) who is responsible for inspection and certification outcomes.

2. Inspection and certification activities [subclause 2.1(1) of the Rule]

Only vehicle inspectors and inspecting organisations appointed by NZTA may carry out inspection and certification activities as specified in [Land Transport Rule: Vehicle Standards Compliance 2002](#)

3. Primary duty [subclause 2.1(2) of the Rule]

Vehicle inspectors and inspecting organisations must carry out inspection and certification activities competently and diligently and in accordance with [Land Transport Rule: Vehicle Standards Compliance 2002](#) and with this manual.

4. Inspection and certification activities that can be carried out [subclause 2.2(2) of the Rule]

Vehicle inspectors and inspecting organisations may carry out only those inspection and certification activities for which NZTA has appointed them.

5. Requirements, conditions, and period of appointment [subclause 2.3(1) of the Rule]

NZTA may specify the period of appointment for a vehicle inspector and inspecting organisation and may impose requirements and conditions as to the performance of the inspection and certification activities, including the performance of those activities at individual sites.

6. Fit and proper person [subclause 2.3(3) of the Rule]

It is a condition of an appointment that a vehicle inspector or inspecting organisation continues to be fit and proper.

7. Document retention, advise incorrect certification, advise vehicle defects [subclause 2.3(4) of the Rule]

It is a condition of an appointment that a vehicle inspector or inspecting organisation:

1. keep all records and associated documents relating to vehicle inspections and certifications for a minimum period of 12 months, and
2. advise NZTA as soon as practicable if there is a reason to believe that the inspection and certification of a vehicle has been carried out incorrectly, and
3. advise NZTA as soon as practicable of a defect in a manufacturer's production run or quality control process of which the inspector or organisation has become aware that may affect the safety performance of a vehicle that has been

inspected and certified.

8. Delegation [subclause 2.4(1) of the Rule]

A vehicle inspector or inspecting organisation may not delegate any function or power to carry out inspection and certification activities for which they were appointed, except under conditions specified by NZTA in writing.

3.1.2 Inspection and certification

1. Alternative fuel inspection and certification [subclause 7.3(3) of the Rule]

The inspection and certification of a vehicle for operation in-service must be carried out in accordance with requirements and conditions imposed by NZTA.

2. Determining compliance of a vehicle's alternative fuel system [section 2 of the Rule, clause 7.4 of the Rule and TR76 Regulation 90K(2)(a)–(c)]

A vehicle's alternative fuel system may be certified for operation in-service only if a vehicle inspector or inspecting organisation has identified the vehicle and has determined, on reasonable grounds, that the vehicle's system meets all of the following:

1. the system is safe to be operated under normal conditions of use, and
2. the system has been designed and constructed using components and materials that are fit for their purpose, and is within safe tolerance of its state when manufactured or modified, and
3. every component of the alternative fuel system and the system as a whole is in a safe working condition, and
4. the system fully complies with the applicable requirements and the imposed conditions and requirements by NZTA in this manual.

3. Information to take into account when determining compliance of a vehicle [subclause 7.4(3) of the Rule]

A vehicle inspector or inspecting organisation, in making a determination, must take into account:

- a) information obtained from inspecting the vehicle and associated documents, and
- b) additional relevant information, if any, about the vehicle issued by a manufacturer, modifier, repairer, or other relevant person of which the inspector or organisation is aware.

4.LPG and CNG fuel system specialist certification [clause 7.2(b)(v) & 7.5(1)(ba) of the Rule]

A vehicle that, since it was last issued with an alternative fuel inspection certificate, has been modified in a way that affects the LPG or CNG fuel system must undergo alternative fuel system specialist inspection and certification.

Note: An alternative fuel installation certificate and an alternative fuel installation compliance plate are evidence of LPG or CNG fuel system specialist inspection and certification.

3.1.3 Revocation of an alternative fuel inspection certificate

1.Revocation of evidence of vehicle inspection and conditional permit [subclause 11.3(1) of the Rule]

NZTA may revoke, by giving written notice to a vehicle's operator, an alternative fuel inspection certificate issued under [Land Transport Rule: Vehicle Standards Compliance 2002](#) if NZTA believes, on reasonable grounds, that:

- a) the vehicle does not comply with applicable requirements, or
- b) the alternative fuel inspection certificate was issued on the basis of an incorrect determination.

2. Re-inspection and re-certification of a vehicle [clause 11.4 of the Rule]

If an alternative fuel inspection certificate has been revoked, NZTA may require in writing that a vehicle inspector or inspecting organisation:

- a) repeat the inspection and certification of the vehicle, and
- b) issue, if appropriate, an alternative fuel inspection certificate, and
- c) meet the costs of the activities undertaken under (a) and (b).

3.1.4 Performance review

1. NZTA may monitor and review performance [subclause 3.1(1) of the Rule]

NZTA may monitor and review the performance of a vehicle inspector or inspecting organisation in complying with the requirements and conditions imposed by NZTA, including the performance of inspection and certification activities at individual sites.

The requirements and conditions are contained in this manual and in the Performance Review System Manual.

2. Providing information to NZTA [subclause 3.1(2) & (3) of the Rule]

In monitoring and reviewing performance, NZTA may require a vehicle inspector or inspecting organisation to undergo such monitoring and review and provide such information as NZTA reasonably considers relevant. A vehicle inspector or inspecting organisation must comply with a requirement from NZTA.

3. Costs of monitoring and review [subclause 3.1(4) of the Rule]

A vehicle inspector or inspecting organisation must bear the costs of the monitoring and reviewing of their performance in accordance with any prescribed fee.

3.1.5 Investigations

1. Investigations [subclause 3.2(1) of the Rule]

If NZTA has reason to believe that a vehicle inspector or inspecting organisation has failed to comply with any of the conditions of their appointment, or has failed to comply with [Land Transport Rule: Vehicle Standards Compliance 2002](#) (the Rule) or with this manual, NZTA may require the inspector or organisation to undergo such an investigation and to provide such information as NZTA reasonably considers appropriate.

2. Notification of action (remedial action, suspension or revocation, but not immediate suspension or imposing of conditions) [subclause 3.2(3) of the Rule]

Following an investigation and before carrying out action, NZTA must notify the vehicle inspector or inspecting organisation in writing of:

- a) the action that is being considered, and
- b) the reasons for the action that is being considered, and
- c) the date by which submissions may be made to NZTA in respect of the action that is being considered, which must be at least 21 days after the notice was given, and
- d) where appropriate, the date on which the action that is being considered will take effect, which unless NZTA determines otherwise, must be at least 28 days after the notice was given.

3. Responding to a notification of action [subclause 3.2(5) of the Rule]

If a vehicle inspector or inspecting organisation is notified as above, they must ensure that all information that they wish NZTA to consider in relation to the action that is being considered is received by NZTA within the period specified in the notice or within any further period that NZTA may allow.

4. NZTA must consider submissions [subclause 3.2(6) of the Rule]

NZTA must consider the submissions made and information supplied, and must:

- a) decide whether or not to take the action that is being considered, and
- b) as soon as is practicable, provide written notification to the vehicle inspector or inspecting organisation of:
 - i. any decision made by NZTA, and
 - ii. if appropriate, the date on which the action is to take effect, and
 - iii. if appropriate, the right of appeal under section 106 of the [Land Transport Act 1998](#)

5. Remedial action, suspension, revocation [subclause 3.2(2) of the Rule]

If, following an investigation, NZTA is satisfied that the vehicle inspector or inspecting organisation has failed to comply with any of the conditions of their appointment, or failed to comply with the Rule or this manual, NZTA may do one or more of the following:

- a) require that remedial action, such as training, be undertaken by the inspector or organisation
- b) suspend the whole or any part of the appointment of the inspector or organisation for a specified period or until specified conditions are met
- c) revoke the whole or any part of the appointment of the inspector or organisation.

6. Immediate suspension or imposition of conditions [subclause 3.3(1) of the Rule]

If NZTA has reason to believe that a vehicle inspector or inspecting organisation has failed to comply with a condition of their appointment or with the Rule or this manual, and that this presents a significant risk to land transport safety, NZTA may suspend, with immediate effect, the whole or any part of the appointment, or impose any conditions on the appointment.

7. Notification of immediate suspension or imposition of conditions [subclause 3.3(2) of the Rule]

Where NZTA suspends the whole or any part of an appointment, or imposes conditions on the appointment, NZTA must notify the vehicle inspector or inspecting organisation in writing of:

- a) the grounds for the suspension or imposing of conditions
- b) the fact that the inspector or organisation may make submissions to NZTA
- c) the right of appeal under section 106 of the [Land Transport Act 1998](#)

8. NZTA must consider submissions following immediate suspension or imposition of conditions [subclause 3.3(3) of the Rule]

NZTA must, as soon as practicable, consider any submission made and notify the inspector or inspecting organisation in writing of the result of any such consideration.

9. Duration of immediate suspension or imposition of conditions [subclause 3.3(5) of the Rule]

A suspension or condition imposed remains in force until NZTA has determined the action to be taken and that action has been taken.

10. Withdrawal of immediate suspension or imposition of conditions [subclause 3.3(4) of the Rule]

NZTA may at any time withdraw a suspension or condition imposed.

11. Right of appeal [subclause 3.3(6) of the Rule]

A vehicle inspector or inspecting organisation may appeal under section 106 of the [Land Transport Act 1998](#) against a decision by NZTA to immediately suspend or impose conditions.

12. Costs of investigations [subclause 3.2(7) of the Rule]

NZTA may require a vehicle inspector or inspecting organisation to bear the costs associated with an investigation or remedial action in accordance with any prescribed fee.

13. Obligation to comply [subclause 3.2(8) of the Rule]

A vehicle inspector or inspecting organisation must comply with a requirement of NZTA in relation to paragraphs 1, 5, and 12.