

OC240382

09 May 2024



Tēnā koe 

I refer to your email dated 10 April 2024, requesting the following under the Official Information Act 1982 (the Act):

“Might there have been some discussion of this internally at MoT?

I’m trying to work out how dealers got included, in the design phase, or perhaps they were always summed to be going to be eligible so it was a non-issue?”

Five documents fall within the scope of your request and are detailed in the schedule attached as Annex 1. The schedule outlines how the information you requested has been treated under the Act.

Certain information is withheld under the following sections of the Act:

9(2)(a)	to protect the privacy of natural persons
9(2)(h)	to maintain legal professional privilege

Please note that on 19 April 2021, Cabinet agreed to implement the Clean Car Discount, enabling consumers to receive discounts on their first purchase of newly registered zero and low emissions vehicles. The general function of administering the Clean Car Discount, along with operational sub-functions such as the eligibility criteria for assessing whether an applicant qualifies as a consumer for a rebate, were outlined by a Ministerial Direction dated 20 June 2021 and details were then mutually agreed upon by the New Zealand Transport Agency (NZTA) and the Ministry of Transport in a letter dated 30 June 2021.

The attached documents provide information on the development of the eligibility criteria, as well as the checks and balances introduced to prevent any potentially fraudulent activity.

With regard to the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman’s website www.ombudsman.parliament.nz

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā



Natasha Rave
Acting Manager Environment

Annex 1

Doc #	Title documents	Date	Proposed treatment under the Act
1	Email: 'FW: CCD- Urgent Clarification of Scope of Ministerial Direction'	25 June 2021	Withheld entirely under the following section of the Act: <ul style="list-style-type: none"> 9(2)(h) to maintain legal professional privilege.
2	Email: 'Eligibility criteria'	28 June 2021	Some information withheld under the following section of the Act: <ul style="list-style-type: none"> 9(2)(a) to protect the privacy of natural persons.
2.1	Version 2 'Eligibility criteria' <i>This document is an attachment to the email: 'Eligibility criteria' (document 2)</i>	28 June 2021	Released in full
3	Email: 'RE_CCD-Urgent clarification of scope of Ministerial Direction'.	29 June 2021	Some information withheld under the following sections of the Act: <ul style="list-style-type: none"> 9(2)(a) to protect the privacy of natural persons. 9(2)(h) to maintain legal professional privilege. While your request captures a draft version of 'Signed letter from Karl Simpson to Brett Aldridge' [document 5.2], we believe the final version satisfies the public interest test and intention of the Act.
4	Email: 'FWD FYI- letter in process of being finalised' <i>Attachments refers to documents 5.1 and 5.2</i>	30 June 2021	Some information withheld under the following section of the Act: <ul style="list-style-type: none"> 9(2)(a) to protect the privacy of natural persons.
5	Email 'Attached: letter from Karl Simpson, MoT to Brett Aldridge, Waka Kotahi'	30 June 2021	Some information withheld under the following section of the Act: <ul style="list-style-type: none"> 9(2)(a) to protect the privacy of natural persons.
5.1	Direction to Waka Kotahi NZTA from Minister Wood, Clean Car Discount.pdf. <i>This document is an attachment to the email: 'Direction to Waka Kotahi' (document 5).</i>	30 June 2021	Released in full
5.2	Signed letter from Karl Simpson to Brett Aldridge Waka Kotahi re Ministerial Direction Clean Car Discount.	30 June 2021	Released in full

Doc #	Title documents	Date	Proposed treatment under the Act
	<i>This document is an attachment to the email: 'Direction to Waka Kotahi' (document 5).</i>		

Carol Rios Diaz

From: Saul Derber <Saul.Derber@nzta.govt.nz>
Sent: Monday, 28 June 2021 3:40 pm
To: Steph Gregor
Subject: FW: eligibility criteria
Attachments: Version 2 - draft eligibility criteria.docx

Steph

This is our near final draft of the eligibility criteria (subject to MoT's reply to the points I've raised). Might assist with your discussions.

Ngā mihi nui,
Saul

Saul Derber ([he/him](#)) / General Counsel, Regulatory

Legal Team / Corporate Support

DDI: [s 9\(2\)\(a\)](#)

E saul.derber@nzta.govt.nz / w nzta.govt.nz

Waka Kotahi NZ Transport Agency
Auckland Office / Level 5, AON Centre, 29 Customs Street West,
Private Bag 106602, Auckland 1143, New Zealand



This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

Eligibility criteria for the Clean Car Discount from 1 July-31 December 2021

1. A rebate is only payable if the criteria set out in this document have been met (eligibility criteria).

The relevant vehicle

2. The relevant vehicle must be one of the following:
 - a. A new imported light battery electric vehicle (BEV); or
 - b. A used imported light battery electric vehicle (BEV); or
 - c. A new imported light Plug-in Hybrid Electric Vehicle (PHEV); or
 - d. A used imported light Plug-in Hybrid Electric Vehicle (PHEV).

Please note the requirement that the vehicle is a "PHEV" or "BEV".

3. For the avoidance of doubt, petrol hybrids (hybrids whose motive power is not derived, wholly or partly, from an external source of electricity) do not qualify for a rebate at this time.
4. The relevant vehicle must be a light electric vehicle (see definition).
5. The relevant vehicle must be registered for the first time in New Zealand between 1 July and 31 December 2021.
6. The relevant vehicle must have a safety rating of 3 stars or more on the Rightcar website.
7. The relevant vehicle must have been purchased for less than \$80,000, including GST and on-road costs (the purchase price).
8. The purchase price cannot include the trade-in value of another vehicle associated in any way with the purchase.

Commented [JE1]: For Darrell to confirm?

How much will you get?

9. The amount of the rebate available is based on the criteria as set out under the heading **Rebates available**.

Registered person requirements

10. A rebate is only payable to the first person registered to the relevant vehicle, unless one of the following apply:
 - a. the registered person is a registered motor vehicle trader – in which case clause 12 applies; or
 - b. the registered person is a lessee or lessor of the relevant vehicle – in which case clauses 10-11 apply.

Commented [JE2]: Have highlighted clause references to double check in case numbering changes as we edit

When lessee is first registered person

11. A lessee who is the first registered person of the relevant vehicle is not eligible to receive a rebate.
12. A lessor is eligible to receive a rebate, when they are not the person registered to the relevant vehicle, if:
 - a. The lessor owns the relevant vehicle; AND

- b. There is a lease agreement between the lessor and the lessee in relation to the relevant vehicle; AND
- c. The first registered person to the relevant vehicle is the lessee; AND
- d. All other criteria for receiving a rebate are satisfied, including complying with all requirements set out in the Clean Car Discount application form and providing the requisite supporting documentation.

Registered motor vehicle traders who are the first registered person

13. A registered motor vehicle trader, who is the first registered person of the relevant vehicle, is not eligible to receive a rebate unless:
- a. The registered motor vehicle trader owns the relevant vehicle; AND
 - b. The registered motor vehicle trader does not sell, and does not offer to sell, the vehicle to another person within 3 months of registration; AND
 - c. One of the following apply:
 - i. The relevant vehicle is being used as a company car; or
 - ii. The relevant vehicle is being used as a demonstration vehicle; or
 - iii. The relevant vehicle is being used as a courtesy vehicle; AND
 - d. All other criteria for receiving a rebate are satisfied, including complying with all requirements set out in the Clean Car Discount application form and providing the requisite supporting documentation.

Commented [JE3]: Saul should I add this just to be sure?

Applications

14. Applications for vehicles registered between 1 July and 31 December 2021 that meet the eligibility criteria will be accepted until 28 February 2022 (if funding permits).
15. To apply, you must complete the online application form (including reading and agreeing to the terms and conditions) and provide the requisite supporting documentation.

Funding restrictions

16. If, due to demand, rebate funds are exhausted, no rebate will be paid. Once the scheme restarts, only vehicles registered from the restart date, that meet the then eligibility requirements, will qualify for a rebate.

Rebates available

There are four rebates available, based on the type of electric vehicle and whether it is a used or new vehicle:

1 July-31 December 2021	Business and individuals (GST incl)		Public authorities (councils and government agencies) (GST excl)	
	New Vehicle	Used Import	New Vehicle	Used Import
BEV	\$ 8625	\$ 3450	\$ 7500	\$ 3000

PHEV	\$ 5750	\$ 2300	\$ 5000	\$ 2000
------	---------	---------	---------	---------

Note: GST is included in rebates, except for public authorities, which cannot claim the GST.

Definition

Company car means the vehicle is to be used by staff members of the registered motor vehicle trader for the primary purpose of carrying out their work.

Courtesy car means a vehicle that is used for the primary purpose of being provided to customers while their vehicle is temporarily unavailable.

Demonstration vehicle means a vehicle that is used by staff members of the registered motor vehicle trader for the primary purpose of demonstrating the vehicle as a product to potential customers.

Registered motor vehicle trader means a person registered as a motor vehicle trader under the Motor Vehicle Sales Act 2003.

Relevant vehicle means a vehicle in relation to which the rebate is being applied for.

Lessor means a person who is recorded as a leasing company in the motor vehicle register.

Lessee means a person who is leasing a vehicle from a lessor.

Battery electric vehicle or **BEV** means a light electric vehicle with the motive power wholly derived from an external source of electricity.

Plug-in Hybrid Electric Vehicle or **PHEV** means a light electric vehicle that is not a battery electric vehicle.

Light Electric Vehicle-

(a) means a vehicle

- (i) classified as MA, MB, MC, MD1, MD2 or NA under Part 2 of Table A of the Land Transport Rule: Vehicle Standards Compliance 2002; and
- (ii) with a gross vehicle mass of no more than 3,500 kilograms; and
- (iii) with motive power wholly or partly derived from an external source of electricity; and

(b) excludes:

- (i) vehicles that have previously been registered in New Zealand; and
- (ii) vehicles that are never registered to be used on roads.

(c) To provide further clarity, the following cannot be light electric vehicles:

- (i) a moped within the meaning given in section 2(1) of the Land Transport Act 1998;
- (ii) a motorcycle within the meaning of section 2(1) of the Land Transport Act 1998;
- (iii) a motor tricycle;
- (iv) a power assisted cycle within the meaning of clause 1.6 of the Land Transport (Road User) Rule 2004;
- (v) a special interest vehicle within the meaning given in Part 2 of the Land Transport Rule: Frontal Impact 2001;
- (vi) a veteran motor vehicle within the meaning given in regulation 3 of the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011;
- (vii) a vintage motor vehicle within the meaning given in regulation 3 of the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011;

- (viii) all heavy vehicles (being vehicles with a gross vehicle mass of more than 3, 500 kilograms):
- (ix) any other vehicle not classified under Part 2 of Table A of the Land Transport Rule: Vehicle Standards Compliance 2002.

RELEASED UNDER
THE OFFICIAL INFORMATION ACT 1982

Carol Rios Diaz

From: Saul Derber <Saul.Derber@nzta.govt.nz>
Sent: Tuesday, 29 June 2021 1:44 pm
To: Steph Gregor; Chris Roblett
Cc: Brendan Booth
Subject: RE: CCD - Urgent clarification of scope of Ministerial Direction
Attachments: For WK comments - letter to WK clarifying Ministerial Direction and additional function SD amends.docx

Joint interest privilege and in confidence

Hi folks

I'm awaiting instructions on the letter but to save time I attach our comments. Please note this is subject to instructions. Apologies but in my haste might not have tracked a couple of the deletions.

Saul

From: Saul Derber
Sent: Monday, 28 June 2021 5:47 PM
To: Steph Gregor <S.Gregor@transport.govt.nz>
Cc: Darrell Hart <Darrell.Hart@nzta.govt.nz>; Juliet Esposito <Juliet.Esposito@nzta.govt.nz>; Chris Roblett <c.roblett@transport.govt.nz>; Emma Petersen <E.Petersen@transport.govt.nz>; b.booth <b.booth@transport.govt.nz>; Shannon Bainbridge <shannon.bainbridge@nzta.govt.nz>; Paul Fantham <Paul.Fantham@nzta.govt.nz>
Subject: RE: CCD - Urgent clarification of scope of Ministerial Direction

Thanks Steph.

s 9(2)(h)

I'm also thinking the letter may need to be addressed to Nicole.

Speak further tomorrow.

Saul

From: Shannon Bainbridge <shannon.bainbridge@nzta.govt.nz>
Sent: Monday, 28 June 2021 5:21 PM

To: Steph Gregor <S.Gregor@transport.govt.nz>; Saul Derber <Saul.Derber@nzta.govt.nz>
Cc: Darrell Hart <Darrell.Hart@nzta.govt.nz>; Juliet Esposito <Juliet.Esposito@nzta.govt.nz>; Chris Roblett <c.roblett@transport.govt.nz>; Emma Petersen <E.Petersen@transport.govt.nz>; b.booth <b.booth@transport.govt.nz>
Subject: RE: CCD - Urgent clarification of scope of Ministerial Direction

Thanks Steph,

Their titles are as follows:

Paul Fantham / Senior Manager (he/him)
Commercial Licensing and Revenue

Brett Aldridge (he/him)
Chief Operating Officer

Ngā mihi,

Shannon Bainbridge (she/her)

Clean Cars Business Owner, Commercial Licensing and Revenue

Te Rōpu Waeture | Regulatory Services

Phone: s 9(2)(a)

Mobile: s 9(2)(a)

Waka Kotahi NZ Transport Agency

From: Steph Gregor <S.Gregor@transport.govt.nz>

Sent: Monday, 28 June 2021 5:13 pm

To: Saul Derber <Saul.Derber@nzta.govt.nz>

Cc: Shannon Bainbridge <shannon.bainbridge@nzta.govt.nz>; Darrell Hart <Darrell.Hart@nzta.govt.nz>; Juliet Esposito <Juliet.Esposito@nzta.govt.nz>; Chris Roblett <c.roblett@transport.govt.nz>; Emma Petersen <E.Petersen@transport.govt.nz>; b.booth <b.booth@transport.govt.nz>

Subject: RE: CCD - Urgent clarification of scope of Ministerial Direction

Hi everyone,

Saul, thanks for your time on the phone over the course of today.

As discussed, please find attached a draft letter from the Ministry to WK.

I have made a couple of comments of questions I have, could you please have a look through the document and respond to these questions as well as providing any additional feedback you may have.

I understand that this letter is best addressed to Paul Fantham, copying in Brett Aldridge. Could you please confirm this and send me confirmation of role titles, where to be addressed etc.

If you could please have any comments to me by midday tomorrow that would be greatly appreciated, but if any issues with this timeframe just let me know!

Cheers ☺

Steph Gregor ([she/her](mailto:S.Gregor@transport.govt.nz))

Solicitor

Corporate Services | Te Kāhui Tangata

Ministry of Transport – Te Manatū Waka

M: s 9(2)(a) E: S.Gregor@transport.govt.nz www.transport.govt.nz

Enabling New Zealanders to flourish

This [SEEMAIL] is confidential to the Ministry of Transport and may be legally privileged. If this email is not intended for you, do not use, read, distribute or copy it. Please notify the sender of the email immediately and then delete the email and any attachments.

From: Steph Gregor
Sent: Monday, 28 June 2021 11:19 AM
To: Saul Derber <Saul.Derber@nzta.govt.nz>; Chris Roblett <c.roblett@transport.govt.nz>; Emma Petersen <E.Petersen@transport.govt.nz>
Cc: Shannon Bainbridge <shannon.bainbridge@nzta.govt.nz>; Darrell Hart <Darrell.Hart@nzta.govt.nz>; Juliet Esposito <Juliet.Esposito@nzta.govt.nz>; Brendan Booth (B.Booth@transport.govt.nz) <B.Booth@transport.govt.nz>
Subject: RE: CCD - Urgent clarification of scope of Ministerial Direction

Hi Saul,

s 9(2)(h)

We are currently drafting this letter and hope to send a draft to you later today for you to check that it gives you sufficient certainty. Happy to have a call later on to discuss the draft if that is helpful, given the tight timeframe.

We will also have a think about who is best to sign the letter on behalf of the Ministry and who at WK it should be addressed to – as it is operational and reflects agreement between the Ministry and Agency probably not the Chair. If you have any thoughts on this please send them through ☺

Talk to you later in the day, but please feel free to get in touch any time if necessary.

Cheers,

Steph Gregor ([she/her](#))

Solicitor

Corporate Services | Te Kāhui Tangata

Ministry of Transport – Te Manatū Waka

M: s 9(2)(a) S.Gregor@transport.govt.nz www.transport.govt.nz

Enabling New Zealanders to flourish

This [SEEMAIL] is confidential to the Ministry of Transport and may be legally privileged. If this email is not intended for you, do not use, read, distribute or copy it. Please notify the sender of the email immediately and then delete the email and any attachments.

From: Saul Derber <Saul.Derber@nzta.govt.nz>
Sent: Sunday, 27 June 2021 8:13 PM
To: Chris Roblett <c.roblett@transport.govt.nz>; Steph Gregor <S.Gregor@transport.govt.nz>; Emma Petersen <E.Petersen@transport.govt.nz>
Cc: Shannon Bainbridge <shannon.bainbridge@nzta.govt.nz>; Darrell Hart <Darrell.Hart@nzta.govt.nz>; Juliet Esposito <Juliet.Esposito@nzta.govt.nz>
Subject: CCD - Urgent clarification of scope of Ministerial Direction

Hi All

s 9(2)(h)

Kind regards
Saul

From: Saul Derber

Sent: Friday, June 25, 2021 3:34:33 PM

To: Chris Roblett <c.roblett@transport.govt.nz>; Steph Gregor <S.Gregor@transport.govt.nz>; Emma Petersen <E.Petersen@transport.govt.nz>

Cc: Shannon Bainbridge <shannon.bainbridge@nzta.govt.nz>; Darrell Hart <Darrell.Hart@nzta.govt.nz>; Juliet Esposito <Juliet.Esposito@nzta.govt.nz>

Subject: CCD - Urgent clarification of scope of Ministerial Direction

Legally Privileged and in Confidence

s 9(2)(h)

RELEASED UNDER
THE OFFICIAL INFORMATION ACT 1982

Ngā mihi nui,
Saul

Saul Derber ([he/him](#)) / General Counsel, Regulatory

Legal Team / Corporate Support

DDI [s 9\(2\)\(a\)](#)

E saul.derber@nzta.govt.nz / w nzta.govt.nz

Waka Kotahi NZ Transport Agency

Auckland Office / Level 5, AON Centre, 29 Customs Street West,
Private Bag 106602, Auckland 1143, New Zealand



This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

Carol Rios Diaz

From: Saul Derber <Saul.Derber@nzta.govt.nz>
Sent: Wednesday, 30 June 2021 6:01 pm
To: Raven Mansell; Steph Gregor; Darrell Hart; Shannon Bainbridge
Subject: Fwd: FYI - letter in process of being finalised
Attachments: WK comments included - letter to WK clarifying Ministerial Direction and subfunction final MoT amendments.docx

Thanks Steph. Please send final signature copy to Raven cc Paul and Brett. Raven will add Brett's electronic signature.

Raven, please check that the final letter you receive shortly from Steph matches the attached marked-up version and is signed by MoT. Please can you then apply Brett's signature and send back to Steph, cc me.

I confirm the letter is in order to be signed by Brett if it matches the attached.

Shannon/Darrell the changes from the previous version you and Brett saw do not materially change the substance.

Cheers
Saul

From: Steph Gregor <S.Gregor@transport.govt.nz>
Sent: Wednesday, June 30, 2021 5:32:45 PM
To: Saul Derber <Saul.Derber@nzta.govt.nz>
Subject: RE: FYI - letter in process of being finalised

Thanks Saul. Please find attached marked up version. Final signed version to follow – I will send it directly to Brett and Paul and copy you in.

Cheers,Steph

From: Saul Derber <Saul.Derber@nzta.govt.nz>
Sent: Wednesday, 30 June 2021 5:18 pm
To: Steph Gregor <S.Gregor@transport.govt.nz>
Subject: Re: FYI - letter in process of being finalised

That seems fine thanks. Please send through both in markup from previous version and final signed so I can quickly see changes before recommending for signature my end.

From: Steph Gregor <S.Gregor@transport.govt.nz>
Sent: Wednesday, June 30, 2021 4:52:21 PM
To: Saul Derber <Saul.Derber@nzta.govt.nz>
Subject: RE: FYI - letter in process of being finalised

Yup, so we're retaining the specificity that is currently there – for example, in the case of situations where first registrant is a registered motor vehicle trader changing the current "we consider that these circumstances would make the registered motor vehicle trader the consumer" to "we consider that in these circumstances it is consistent with Government policy that the registered motor vehicle trader is the consumer".

From: Saul Derber <Saul.Derber@nzta.govt.nz>
Sent: Wednesday, 30 June 2021 4:49 pm
To: Steph Gregor <S.Gregor@transport.govt.nz>
Subject: RE: FYI - letter in process of being finalised

That change sounds acceptable as long as you're not asking us to decipher what is Government policy. The issue is that the specifics are light on detail and that is why we look to the Ministry to assist in clarifying.

From: Steph Gregor <S.Gregor@transport.govt.nz>
Sent: Wednesday, 30 June 2021 4:31 PM
To: Saul Derber <Saul.Derber@nzta.govt.nz>
Subject: Re: FYI - letter in process of being finalised

Hi Saul, we have been asked to make clear in annex two that we are advising on what actions are consistent with government policy rather than expressly directing the agency in a particular manner. Just making those last changes now – they don't change the substance. Still on track to come through today

From: Saul Derber <Saul.Derber@nzta.govt.nz>
Sent: Wednesday, June 30, 2021 4:20:02 PM
To: Steph Gregor <S.Gregor@transport.govt.nz>
Subject: RE: FYI - letter in process of being finalised

It's getting very late Steph – what's the hold up?

From: Saul Derber
Sent: Wednesday, 30 June 2021 3:09 PM
To: Steph Gregor <S.Gregor@transport.govt.nz>
Subject: RE: FYI - letter in process of being finalised

Thanks!

From: Steph Gregor <S.Gregor@transport.govt.nz>
Sent: Wednesday, 30 June 2021 2:21 PM
To: Saul Derber <Saul.Derber@nzta.govt.nz>
Subject: FYI - letter in process of being finalised

Hi Saul, letter is almost finalised now 😊 Has gone up for signature and once we have that will send it straight through

Steph Gregor ([she/her](#))
Solicitor
Corporate Services | Te Kāhui Tangata
Ministry of Transport – Te Manatū Waka
M: +64 9(2)(a) E: S.Gregor@transport.govt.nz www.transport.govt.nz
Enabling New Zealanders to flourish

This [SEEMAIL] is confidential to the Ministry of Transport and may be legally privileged. If this email is not intended for you, do not use, read, distribute or copy it. Please notify the sender of the email immediately and then delete the email and any attachments.

Wellington (Head Office) | Ground Floor, 3 Queens Wharf | PO Box 3175 | Wellington 6011 | NEW ZEALAND | Tel: +64 4 439 9000 |

Auckland | NZ Government Auckland Policy Office | 45 Queen Street | PO Box 106238 | Auckland City | Auckland 1143 | NEW ZEALAND | Tel: +64 4 439 9000 |

Disclaimer: This email is only intended to be read by the named recipient. It may contain information which is confidential, proprietary or the subject of legal privilege. If you are not the intended recipient you must delete this email and may not use any information contained in it. Legal privilege is not waived because you have read this email.

Please consider the environment before printing this email.

This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

This message, together with any attachments, may contain information that is classified and/or subject to legal privilege. Any classification markings must be adhered to. If you are not the intended recipient, you must not peruse, disclose, disseminate, copy or use the message in any way. If you have received this message in error, please notify us immediately by return email and then destroy the original message. This communication may be accessed or retained by Waka Kotahi NZ Transport Agency for information assurance purposes.

RELEASED UNDER OIA ACT 1982
THE OFFICIAL INFORMATION ACT

Carol Rios Diaz

From: Steph Gregor
Sent: Wednesday, 30 June 2021 5:49 pm
To: brett.aldridge@nzta.govt.nz
Cc: paul.fantham@nzta.govt.nz; Saul Derber; Chris Roblett; Brendan Booth (B.Booth@transport.govt.nz); Emma Petersen (E.Petersen@transport.govt.nz); Sigurd Magnusson; Karl Simpson
Subject: Attached: letter from Karl Simpson, MoT to Brett Aldridge, Waka Kotahi
Attachments: Signed letter from Karl Simpson to Brett Aldridge Waka Kotahi re Ministerial Direction Clean Car Discount 30062021.pdf; Direction to Waka Kotahi NZTA from Minister Wood, Clean Car Discount.pdf

Kia ora Brett,

Please find attached a letter from Karl Simpson, Acting Deputy Chief Executive – System and Regulatory Design relating to the New Zealand Transport Agency (Additional Functions) Direction 2021. This letter relates to the Clean Car Discount.

Please also find attached a copy of the original Ministerial Direction for your reference.

We ask that you please sign the signature box and return a copy of this letter to confirm our agreement on the matters enclosed.

Please do not hesitate to contact me if you have any questions.

Best wishes,

Steph Gregor ([she/her](#))

Solicitor

Corporate Services | Te Kāhui Tangata

Ministry of Transport – Te Manatū Waka

M: s 9(2)(a) E: S.Gregor@transport.govt.nz www.transport.govt.nz

Enabling New Zealanders to flourish

This [SEEMAIL] is confidential to the Ministry of Transport and may be legally privileged. If this email is not intended for you, do not use, read, distribute or copy it. Please notify the sender of the email immediately and then delete the email and any attachments.

New Zealand Transport Agency (Additional Functions) Direction 2021

Pursuant to section 95(1)(t) of the Land Transport Management Act 2003 and sections 112 and 115 of the Crown Entities Act 2004, the Minister of Transport gives the following Direction.

Direction

1. **Title** – This Direction is the New Zealand Transport Agency (Additional Functions) Direction 2021.
2. **Commencement** – This Direction comes into force on **1 July 2021**.
3. **Application** – This Direction applies to the New Zealand Transport Agency (which is a Crown Entity pursuant to section 93 of the Land Transport Management Act 2003) (the Agency).
4. **Background** – As part of the Government's commitment to decreasing carbon emissions in the transport sector, a clean vehicle discount scheme (Clean Car Discount) is being introduced. The Clean Car Discount will allow consumers to receive a discount on the first registration of zero- and low-carbon emission vehicles.

These discounts will be in the form of rebates available upon first registration of the vehicle in New Zealand. The discounts will be administered by the Agency.

The Agency has a number of functions outlined in the Land Transport Management Act 2003. This Direction adds the functions below to allow the Agency to administer the Clean Car Discount.

5. **Additional functions** – The Agency is directed to carry out the following additional functions:
 - a. to administer a clean vehicle discount scheme, including issuing rebates on zero and low carbon emission vehicles consistent with the parameters of the scheme as agreed by Cabinet or as notified by the Minister of Transport;
 - b. to undertake any additional functions that may be agreed by the New Zealand Transport Agency and the Ministry of Transport for the purposes of performing the above function, provided that the function is consistent with the parameters of the scheme as agreed by Cabinet or as notified by the Minister of Transport.
6. **Expiry** – This Direction expires with the close of 30 June 2022, but may be revoked at any time.

Dated at Wellington this 20th day of June 2021



Hon Michael Wood
Minister of Transport

**Note: This document was signed by Brett Aldridge on 1 July 2021.
No additional changes to the content were made.**

30 June 2021

Brett Aldridge
Chief Operating Officer
Waka Kotahi New Zealand Transport Agency
per email: Brett.Aldridge@nzta.govt.nz

cc: Paul Fantham, Senior Manager Waka Kotahi New Zealand Transport Agency
Paul.Fantham@nzta.govt.nz

Kia ora Brett,

This letter relates to the New Zealand Transport Agency (Additional Functions) Direction 2021 (the Direction), which was signed by Hon Michael Wood, Minister of Transport on 20 June 2021. A copy of the Direction is appended to this letter.

The Direction gave Waka Kotahi New Zealand Transport Agency (Waka Kotahi) the function of administering a clean vehicle discount scheme (Clean Car Discount).

Section 5b of the Direction allows Waka Kotahi and the Ministry of Transport (the Ministry) to agree additional functions for the purpose of performing the function in the Direction (hereinafter the "subfunction"). Annex one of this letter records that agreement.

As Waka Kotahi have requested, and following discussions with the Ministry, annex two of this letter provides clarification on policy matters relating to both the general function of administering the Clean Car Discount and the agreed subfunction of assessing whether an applicant is a consumer for the purposes of administering the scheme. For the avoidance of doubt, annex two is not a direction under section 95(1)(t) of the Land Transport Management Act 2003 or under Part 3 of the Crown Entities Act 2004. We enclose a copy of this letter and the annexes. We ask that you sign this where indicated to confirm our agreement.

Yours sincerely,



Karl Simpson
Acting Deputy Chief Executive – System
and Regulatory Design
Ministry of Transport – Te Manatū Waka

Confirmation of agreement

Brett Aldridge
Chief Operating Officer
Waka Kotahi New Zealand Transport
Agency

Dated this ____ day of ____ 2021

Annex one – Subfunction added, as agreed between Waka Kotahi and the Ministry of Transport.

Waka Kotahi has discretion to determine who is a “consumer”

There are situations where determining whether someone is a “consumer” is not straightforward. Subject to relevant guidelines below (which provide guidance but are not part of the subfunction itself), Waka Kotahi and the Ministry have agreed to the below subfunction:

Waka Kotahi New Zealand Transport Agency may exercise discretion in ascertaining whether an applicant is a consumer for the purposes of administering the clean vehicle discount scheme.

“Applicant” refers to any person who submits an application to Waka Kotahi for a rebate under the Clean Car Discount scheme.

This subfunction is solely for the purposes of “administering a clean vehicle discount scheme” and must be exercised in a manner that is consistent with the parameters of this scheme as agreed by Cabinet or as notified by the Minister of Transport.

RELEASED UNDER ACT 1982
THE OFFICIAL INFORMATION ACT 1982

Annex two – Clarification of additional policy matters

Below is guidance from the Ministry of Transport on the consistency of particular matters with Government policy relating to the Clean Car Discount. For the avoidance of doubt, the content of this annex is not a direction under section 95(1)(t) of the Land Transport Management Act 2003 or under Part 3 of the Crown Entities Act 2004.

Guidance for the exercise of the discretion given by the subfunction

Below is Government policy guidance on how Waka Kotahi may appropriately perform the subfunction in deciding who is a "consumer" for the purposes of the Clean Car Discount.

There may be circumstances which do not fit within these guidelines, or in which these guidelines may not cleanly apply. In these cases Waka Kotahi may use its discretion to determine if an applicant is a consumer, provided that Waka Kotahi considers the decision it makes to be consistent with the parameters of the Clean Car Discount scheme as agreed by Cabinet or as notified by the Minister of Transport. To that end, Waka Kotahi may seek further guidance about the intended parameters of the scheme.

Underlying principle that the first registrant of a vehicle in New Zealand is entitled to the rebate

It is consistent with Government policy that the underlying principle for determining whether someone is entitled to the rebate is that they are the first registrant of a vehicle in New Zealand. On 19 April 2021, Cabinet agreed that "the Clean Car Discount will provide for consumers to receive a discount on the first purchase of zero- and low-emission vehicles" [CAB-21-MIN-0128.01 refers, see paragraph 2].

There are situations where the purchaser of the new vehicle will not be the same as the first person to register the vehicle. We also note that the Motor Vehicle Register is not a register of ownership of a vehicle, and the person who registers may not be the owner or purchaser.

Where all other eligibility criteria are met, it is consistent with Government policy for Waka Kotahi to pay the rebate to the person first registered against the vehicle even where that person is different to the purchaser.

Situations where the first registrant is a registered motor vehicle trader

In some cases, a registered motor vehicle trader may wish to register a vehicle for use as (examples below, not an exhaustive list):

- a company car;
- a demonstration vehicle; or
- a courtesy vehicle for the benefit of its customers.

We consider that in these circumstances it is consistent with Government policy that the registered motor vehicle trader would be the "consumer" of the vehicle in question, and so they would be eligible to receive the appropriate Clean Car Discount.

This is differentiated from a registered motor vehicle trader purchasing a vehicle, registering it and claiming a discount, and then on-selling it in a short timeframe to a purchaser who would then not receive the benefit of the Clean Car Discount. It would not be consistent with Government policy to regard this situation as a "consumer" situation, and so it would not be consistent for the trader to receive the benefit of the Clean Car Discount.

It would be consistent with Government policy that the registered motor vehicle trader be required to confirm that they will be using the vehicle for consumer purposes if they apply for the Clean Car Discount. A guideline of a period of no less than three months from first registration until subsequent sale appears appropriate.

Waka Kotahi retains the ability to exercise discretion on a case-by-case basis if it considers this appropriate.

Situations relating to car leasing arrangements

In some cases, a leasing company (the lessor) may purchase a vehicle and lease it out to a third party (the lessee). In this situation the vehicle will often be registered in the name of the lessee. However, the lessor retains ownership of the vehicle.

Although the lessee is the first registrant, in this specific circumstance it is consistent with Government policy to consider the lessor to be the consumer. The lessor remains the consumer in the same way a rental company or taxi service company purchases a vehicle but offers it out to others on a time-bound basis.

Waka Kotahi retains the ability to exercise discretion on a case-by-case basis if it considers this appropriate, but is not expected to evaluate the terms of the commercial arrangement between the lessor and the lessee.

This Government policy guidance does not prevent the lessor and lessee coming to a private contractual arrangement around the payment of the Clean Car Discount once it has been paid to the lessor, but this is separate and unrelated to the assessment by Waka Kotahi of who is the consumer. We do, however, anticipate that this rebate will eventuate into lower overall costs to the lessee. If evidence to the contrary arises we may revisit this aspect of the policy.

Confirmation of purchase price

Cabinet agreed that “vehicles with a purchase price of \$80,000 (including GST and on-road costs) or more will not be eligible for a discount” [CAB-21-MIN-0128.01 refers, see paragraph 5].

We understand that there are complexities with accurately assessing a ‘purchase price’ of the vehicle. It is consistent with Government policy for Waka Kotahi to rely on the following information to satisfy itself that the purchase price falls below \$80,000 (as prescribed by Cabinet) and not enquire any further:

- A copy of the Vehicle Sale and Purchase Agreement (or, where the transaction does not require this agreement, for example in a direct import scenario or internal transfer, then another evidential document that Waka Kotahi, at their discretion, may ask for), and;
- The applicant's confirmation that the relevant vehicle was purchased for less than \$80,000:
 - including GST and on-road costs; and
 - the purchase price does not include the trade-in value of another vehicle associated in any way with the purchase, as this is a form of payment .

Asking applicant for reasonably requested information

It is consistent with Government policy for Waka Kotahi to make it a condition of applying for the rebate that applicants must on request provide all relevant records and supply any reasonably requested information to enable Waka Kotahi to assess the applicant's entitlement to the rebate, or subsequently to audit any rebate payments made and to take steps to recover any wrongful payments.

This is consistent with the scheme as agreed by Cabinet, as it is part of the administrative process to be able to accurately ascertain that an applicant is entitled to the Clean Car Discount.

Operating exemption process in limited circumstances

It is consistent with Government policy to operate a process to issue the rebate to a person who would otherwise be declined. This is limited to circumstances of clear mistake and error where there is no fault on the applicant's part and where the vehicle purchased would otherwise have met all eligibility criteria.

We consider that it is consistent with Government policy for Waka Kotahi to have the ability to correct administration errors as part of the function of administering the scheme.

RELEASED UNDER
THE OFFICIAL INFORMATION ACT 1982