

Land Transport Rule: Omnibus Amendment 2008

Questions and Answers

Note: On 1 August 2008, the NZ Transport Agency, a new organisation authorised by an amendment to the *Land Transport Management Act 2003*, replaced Land Transport New Zealand and Transit NZ.

What is the *Land Transport Rule: Omnibus Amendment 2008*?

Land Transport Rule: Omnibus Amendment 2008 (the draft Rule) is a draft Land Transport Rule that contains proposals to change requirements in a number of existing Land Transport Rules.

What is the legal basis for the draft Rule?

The *Land Transport Act 1998* allows the Minister of Transport to make Land Transport Rules. Rules are drafted in plain English and go through an extensive consultation process with interested groups and the public. This is to ensure that they are easily understood and are widely complied with. Rules are generally prepared by the NZ Transport Agency under contract to the Ministry of Transport and, like regulations, have the force of law.

Why is the draft Rule being proposed?

This draft Rule provides a means of making relatively minor changes to Rules, which are necessary for a variety of reasons. These include:

- clarifying current requirements,
- better aligning of New Zealand requirements with overseas standards,
- amending procedural requirements to accord with industry needs or practices,
- making requirements more flexible (without diminishing safety standards),
- making consequential changes as a result of changes to other legislation, and
- correcting minor errors and omissions.

Which Rules are being amended?

Amendments are proposed to the following Land Transport Rules:

- *Land Transport (Driver Licensing) Rule 1999*;
- *Land Transport Rule: Heavy-vehicles Brakes 2006*;
- *Land Transport Rule: Operator Licensing 2007*;
- *Land Transport Rule: Operator Safety Rating 2008*
- *Land Transport Rule: Passenger Service Vehicles 1999*;
- *Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002*;
- *Land Transport Rule: Tyres and Wheels 2001*;
- *Land Transport Rule: Vehicle Dimensions and Mass 2002*;
- *Land Transport Rule: Vehicle Exhaust Emissions 2007*;

- *Land Transport Rule: Vehicle Lighting 2004*;
- *Land Transport Rule: Vehicle Standards Compliance 2002*; and
- *Land Transport Rule: Work Time and Logbooks 2007*.

Why are the proposed changes in one Rule rather than in separate amendment Rules?

The draft Rule brings together in one Rule amendments to be made to 12 Land Transport Rules. It will be more efficient to consult on the proposed amendments in this way, rather than by producing separate amendment Rules. Following consultation, the provisions in the draft Omnibus Amendment Rule will be split into 12 separate amendment Rules for signature and publication.

What is the main change proposed to the *Land Transport (Driver Licensing) Rule 1999*?*

It is proposed to extend the vehicle types that can be driven with a Class 1 licence to include tractors and self-drive agricultural machinery of higher weight limits.

What classes of licence are required to drive tractors at present?

At present, the following licences are required to drive tractors with the following weight limits:

- Class 1 - Gross laden weight (GLW) or gross combined weight (GCW) of up to 4500 kg.
- Class 2 - GLW of between 4501 and 18,000 kg, or a GCW of up to 12,000 kg
- Class 3 - GCW of between 12,001 kg and 25,000 kg
- Class 4 - GLW of more than 18,000 kg
- Class 5 - GLW of more than 25,000 kg

What classes of licence are required to drive self-drive agricultural machinery at present?

Self-drive agricultural machinery, such as combined harvesters, is considered as 'special-type vehicles' that run on wheels at present. In addition to a 'Wheels' (W) endorsement, the following licence classes are required to drive these vehicles by weight limits:

- Class 1 - GLW of (i) up to 4,500 kg; or (ii) more than 4,500 kg but less than 18,001 kg, if driven at a speed not exceeding 30 kph
- Class 2 - (i) GLW of between 4,501 kg and 18,000 kg, if driven at a speed exceeding 30 kph
(ii) GLW of more than 18,000 kg, if driven at a speed not exceeding 30 kph
- Class 4 - GLW of more than 18,000 kg, if driven at a speed exceeding 30 kph

What does the amendment Rule propose to change?

The amendment Rule would allow holders of a Class 1 (full) licence to drive any tractor with a GLW of up to 18,000 kg, or a combined tractor-trailer with a GCW of up to 25,000 kg, provided that the tractor or combined tractor-trailer is driven at a speed not exceeding 30 kph.

It would also allow holders of a Class 1 (full) licence who do not hold a W endorsement to drive any self-drive agricultural machinery with a GLW of up to 18,000 kg, provided that it is driven at a speed not exceeding 30 kph.

Why has this change been proposed?

The agricultural sector has raised concerns that its transport needs are not always compatible with a “one-size-fits-all” driving hours’ system since agricultural transportation can be affected by the volatility of the weather and the perishable nature of any harvest or crop. The sector also raised concerns about the lack of appropriately licensed farm workers who are also required to drive heavier tractors. The proposed changes would help address the sector’s concerns, by excluding the drivers of these vehicles from complying with the requirements of *Land Transport Rule: Work Time and Logbooks 2007*.

Will the proposed changes adversely affect road safety in New Zealand?

Tractors and self-drive agricultural machinery are generally driven for short distances, from one farm to another, and at slow speeds.

To minimise any risk from the proposed changes, it is proposed to limit the increased weight thresholds to holders of a full Class 1 licence (provided the vehicles concerned are not driven at more than 30 kph). In addition, as these vehicles would be regarded as work places, the requirements of appropriate training in the *Health and Safety in Employment Act 1992* would also apply.

No mandatory driver licensing training is being proposed at this stage. However, comments are welcome on the benefits of requiring specialised training for operating tractors with a GCW of up to 25,000 kg, in particular those with a GCW of between 18,001 kg and 25,000 kg. At present drivers of all special-type vehicles, including those that run on wheels such as agricultural harvesters, front-end loaders, graders, scrapers, dump trucks, and wheeled excavators, must successfully complete an approved course for the purpose of obtaining an endorsement (Wheel included).

What is ‘self-drive agricultural machinery’?

The amendment Rule proposes to define this term as “a motor vehicle (other than a trailer) that is designed or adapted principally or exclusively for agricultural purposes”. Comments are welcome as to whether this definition is adequate.

What constitutes a 'combined tractor-trailer'?

No definition has been proposed in the amendment Rule, but comments are welcome as to what this term should include.

Who is being consulted on the proposed amendments to the 12 Rules and how?

The NZ Transport Agency has sent a letter to, or has emailed, approximately 1500 groups and individuals who have registered an interest in Rules seeking comments on the proposed amendments. The NZ Transport Agency has also published notices in the metropolitan newspapers and in the *New Zealand Gazette* advising that the draft Rule is available for comment.

Where can I get printed versions of the proposals and the draft Rule?

A printed copy of the amendment proposals summary and the draft Rule may be obtained by calling the NZ Transport Agency Contact Centre on Freephone 0800 699 000.

Does the draft Rule give me all the information I need to fully understand what is proposed?

Because this is an omnibus amendment Rule, it contains only the proposed amendments and, unlike principal or separate amendment Rules, is not accompanied by an overview. However, the amendment proposals summary provides information about why the amendments are required.

How can I see how the proposed amendments will fit into the Rules to be amended?

The material on the website links the proposals in the draft Rule to the specific Land Transport Rules the draft Rule will amend. This is intended to help put the proposed changes into context.

Where can I get copies of the Land Transport Rules that the draft Rule is going to amend?

Final Land Transport Rules can be found on the website at www.landtransport.govt.nz/rules/. Printed (bound) copies of most Land Transport Rules can be purchased from selected bookshops throughout New Zealand that sell legislation, or from the Rule printers and distributors, Wickliffe Ltd, telephone (06) 358 8231. Rules may also be inspected at NZ Transport Agency regional offices.

Land Transport (Driver Licensing) Rule 1999 (which was developed by the former Land Transport NZ but was drafted by the Parliamentary Counsel Office) is available from bookshops that sell legislation or direct from Legislation Direct (telephone (04) 568 0005).

Will I have the opportunity to comment on proposals in the draft Rule?

Yes. All draft Rules go through an extensive consultation process, which allows interested groups and individuals to comment on what is being proposed. You may send in a submission on any of the proposals contained in this draft Rule. These will be taken into consideration before the amendments are finalised.

How do I make a submission on proposals in the draft Rule?

Information on making a submission has been included in the letter sent to interested groups and individuals and can be found with the draft Rule on the website at www.nzta.govt.nz/consultation/omnibus-amendment-2008. There is also a form on the website for making an on-line submission.

What is the closing date for submissions?

Submissions must be received by the NZ Transport Agency by 5pm on **16 September 2008**.

***Note. The Qs and As relating to the driver licensing proposals (shaded) were added on 26 August 2008.**