



Ministry of **Transport**

TE MANATŪ WAKA

WELLINGTON, NEW ZEALAND

PURSUANT to sections 152 and 158(b)(vii) of the Land Transport Act 1998


I, **Steven Joyce**, Minister of Transport,

HEREBY make the following ordinary rule:

Land Transport Rule: Operator Safety Rating Amendment

SIGNED AT Wellington

This *22nd* day of *February* 2010



Steven Joyce
Minister of Transport

Land Transport Rule Operator Safety Rating Amendment 2010

Rule 81002/2

ISSN 1173-1559

Published by:

NZ Transport Agency
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Wellington 6141
New Zealand

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Printed and distributed by:

Wickliffe Limited

PO Box 932, Dunedin, New Zealand

Land Transport Rule
Operator Safety Rating
Amendment 2010

Rule 81002/2

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Objective of the Rule

Land Transport Rule: Operator Safety Rating Amendment 2010 amends *Land Transport Rule: Operator Safety Rating 2008* (the Rule), which sets out the key aspects of the operator rating system.

The objective of this amendment Rule is to make changes to the Rule that are required:

- to ensure that the Rule is updated in line with changes to other legislation;
- to allow inclusion of an operator's vehicle crash history as part of a safety rating at the discretion of the NZ Transport Agency, rather than this being specified;
- to allow a panel that is being set up to review a proposed operator rating to consist of only three persons if there is a limited set of disputed events and they do not involve issues of a complex nature.

Extent of consultation

For the purposes of consultation, amendments proposed to *Land Transport Rule: Operator Safety Rating 2008* and eight other Land Transport Rules were combined into a single draft Rule, *Land Transport Rule: Omnibus Amendment 2009* (the Omnibus Amendment Rule).

On 13 November 2009, the NZ Transport Agency sent details of the amendment proposals by letter or email to about 1800 groups and individuals who had registered an interest in the Rules to be amended. The draft Omnibus Amendment Rule was made available through the NZ Transport Agency's Contact Centre and, together with Questions and Answers, was also available on the NZ Transport Agency website. The availability of the draft for comment was publicised in the metropolitan daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin,

selected regional daily newspapers and in the *New Zealand Gazette*.

The NZ Transport Agency received 257 submissions on the draft Omnibus Amendment Rule, of which seven commented on the proposed requirements in this amendment Rule.

Following consultation, the provisions in the draft Omnibus Amendment Rule were split into nine separate amendment Rules, including this Rule. The submissions that were received were taken into account in drafting this amendment Rule before it was submitted to the Minister of Transport for signing.

Section 1 Application

1.1 Title

1.1(1) This Rule is *Land Transport Rule: Operator Safety Rating Amendment 2010*.

1.1(2) This Rule amends *Land Transport Rule: Operator Safety Rating 2008*.

1.2 Date when Rule comes into force

This Rule comes into force on a date to be notified in the *Gazette* by the Minister in accordance with *section 160(3)* of the Act.

Section 2 Amendments relating to operator safety rating

2.1 Application of Rule provisions

The Rule is amended by substituting “Agency” or “the Agency”, as appropriate, for “Director” or “Land Transport New Zealand” where they appear in the following:

- (a) the *Objective*;
- (b) *2.1(1), 2.2, 3.1, 3.2, 3.3, 4.1(1), 4.1(2), 4.1(3), 5.1(1), 5.1(2)(a), 5.2(1), 5.2(3)(a), (b) and (c), 5.3(1), 5.6(2), 5.6(3), 5.7(1), 5.7(2), 5.7(3), 7.1(1) and 7.1(2)*;
- (c) the headings to *clauses 5.7 and 7.1*.

2.2 Operator safety ratings

Subclause 2.1(1) is amended by omitting “(including the operator’s vehicle crash history).”

2.3 Composition of review panel

Clause 5.2 is amended by substituting the following subclauses for *subclause 5.2(2)*:

“5.2(2) Except if 5.2(2A) applies, a review panel conducting a review must consist of two industry representatives, two Agency employees, and one lawyer, drawn from the review panel pool.

“5.2(2A) If there is a limited set of disputed events and they do not involve issues of a complex nature, by agreement with the applicant, a review panel may comprise a minimum of three members, consisting of a lawyer, an Agency employee, and an industry representative.”

Section 3 Amendments to Definitions

3.1 Insertion of definition

Part 2 is amended by inserting the following definition in the appropriate place:

“**Agency** means the New Zealand Transport Agency established under *section 93* of the *Land Transport Management Act 2003*.”

3.2 Amendment of definition

Part 2 is amended by substituting “Agency” for “Director” where it appears in the definitions of **approved methodology** and **approved taxi organisation**.