

WELLINGTON, NEW ZEALAND

PURSUANT to sections 152 and 158(b)(vi)(A) and (F) of the
Land Transport Act 1998

I, Michael Woodhouse, Associate Minister of Transport,

HEREBY make the following ordinary Rule:

Land Transport Rule: Work Time and Logbooks Amendment

SIGNED AT Wellington

This *28th* day of *MARCH* 2013



Michael Woodhouse
Associate Minister of Transport

Land Transport Rule
Work Time and Logbooks Amendment 2013
Rule 62001/6

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Land Transport Rule

Work Time and Logbooks Amendment 2013

Rule 62001/6

Contents

Objective of the Rule		vii
Extent of consultation		vii
Section 1	Application	1
1.1	Title	1
1.2	Commencement	1
1.3	Scope of Rule	1
Section 2	Amendments to Rule requirements	2
2.1	New clause	2
2.2	Exemptions from requirement to maintain logbooks	3
2.3	Alternative fatigue management schemes	3
Section 3	Amendments to Definitions	5
3.1	Deletion of definition	5
3.2	Insertion of definitions	5

Objective of the Rule

Land Transport Rule: Work Time and Logbooks Amendment 2013 (the amendment Rule) amends *Land Transport Rule: Work Time and Logbooks 2007* (the Work Time and Logbooks Rule). The Work Time and Logbooks Rule sets out the requirements for administering the limits to the work time hours for drivers of certain vehicles, as prescribed by the *Land Transport Act 1998*.

The objective of the amendment Rule, and of amendments to seven other Land Transport Rules, is to ensure that legislation that affects the primary production sector is fit for purpose and does not impose unnecessary costs or restrictions, including on the ability of the sector to manage critical operations where time or the weather is a limiting factor.

This amendment Rule:

- incorporates into the Work Time and Logbooks Rule the principal features of the *Work Time Variation for Critical Agricultural Operation* to provide for an agricultural variation that applies to the sector as a whole;
- simplifies and improves the application process for alternative fatigue management schemes to make this a more practical option for complying with work time requirements.

Extent of consultation

For the purposes of consultation, proposed amendments to Land Transport Rules applying to vehicles used for agricultural purposes were combined into a single Rule, *Land Transport Rule: Agricultural Vehicles Omnibus 2012* (the Omnibus Rule). The Rule amendment proposals arose out of a review of agricultural transport legislation in 2012 involving government agencies, key transport and agriculture industry stakeholders and the public.

On 19 October 2012, the NZ Transport Agency sent details of the amendment proposals by letter or email to approximately 2300 groups and individuals who had registered an interest in the Rules to be amended. The Omnibus Rule was made available through the NZ Transport Agency's Contact Centre and, together with Questions and Answers, was also made available on the NZ Transport Agency's website. The availability of the amendment proposals for comment was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin and in the *New Zealand Gazette*.

The NZ Transport Agency received 29 submissions on the Omnibus Rule, of which 19 commented on the proposed amendments to the Work Time and Logbooks Rule.

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

Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Work Time and Logbooks Amendment 2013*.

1.2 Commencement

This Rule comes into force on 1 June 2013.

1.3 Scope of Rule

This Rule amends *Land Transport Rule: Work Time and Logbooks 2007*.

Section 2 Amendments to Rule requirements

2.1 New clause

After *clause 2.5(8)*, insert:

“2.6 Variation of hours for critical agricultural operation

“2.6(1) A person who is in business as a farmer or an agricultural contractor may apply for a variation of allowable work time or required rest breaks for the purpose of a critical agricultural operation.

“[Note: ‘Critical agricultural operation’ is a defined term.]

“2.6(2) A variation for a critical agricultural operation must:

“(a) specify the nature of the critical agricultural operation; and

“(b) apply for a maximum period of 12 months; and

“(c) be used solely for the purpose of critical agricultural operations; and

“(d) not apply retrospectively.

“2.6(3) The Agency may grant a written variation for a critical agricultural operation to a person.

“2.6(4) The Agency may attach conditions to a variation when approving it.

“2.6(5) The holder of a variation issued under this clause must:

“(a) maintain a list of the drivers to whom it applies; and

- “(b) maintain records of the circumstances in which the variation is applied.”

2.2 Exemptions from requirement to maintain logbooks

Replace *clause 4.4(2)*, with:

- “4.4(2) A driver of an agricultural motor vehicle does not have to maintain a logbook.”

2.3 Alternative fatigue management schemes

2.3(1) Replace *clause 6.2*, with:

“6.2 Application for alternative fatigue management scheme

- “6.2(1) A transport operator may apply for approval of an alternative fatigue management scheme on a form approved by the Agency.

“6.2(2) An application must include:

- “(a) the name of the applicant; and
- “(b) the names of the drivers who are to participate in the scheme; and
- “(c) evidence of consultation with the drivers, or the representatives of the drivers, who will participate in the scheme; and
- “(d) details of the alternative fatigue management scheme; and

- “(e) the period, up to a maximum of five years, for which the approval is sought; and
 - “(f) the appropriate fee, if any is specified in regulations made under the *Land Transport Act 1998*.”.
- 2.3(2) Delete *clauses 6.3 and 6.4*.
- 2.3(3) Replace *clause 6.5(1)*, with:
 - “6.5(1) The Agency may:
 - “(a) approve the alternative fatigue management scheme with conditions; or
 - “(b) request additional information from the applicant; or
 - “(c) decline the application if it is not satisfied that the proposed scheme would adequately manage the risk of fatigue.”.
- 2.3(4) Replace *clause 6.5(3)*, with:
 - “6.5(3) The number of approvals granted under this clause must be notified in the Gazette annually.”.
- 2.3(5) Replace *clause 6.6(2)*, with:
 - “6.6(2) The holder of an approved alternative fatigue management scheme may apply to the Agency to add participants to the scheme.”.
- 2.3(6) Delete *clauses 6.6(3) to 6.6(9)*.
- 2.3(7) After *clause 6.7(2)*, insert:
 - “6.7(3) The Agency may revoke any scheme approval or the approval of any participant in a scheme.” .

Section 3 Amendments to Definitions

3.1 Deletion of definition

In *Part 2 Definitions*, delete the definition of ‘self-propelled agricultural machinery’.

3.2 Insertion of definitions

In *Part 2 Definitions*, insert in the appropriate alphabetical places:

“Agricultural motor vehicle

- “(a) means a motor vehicle that is designed, constructed, or adapted for agricultural purposes; and
- “(b) includes:
 - “(i) an agricultural trailer; and
 - “(ii) an agricultural tractor; but
- “(c) does not include any vehicle that is:
 - “(i) of a class specified in *Table A* of *Part 2* of *Land Transport Rule: Vehicle Standards Compliance 2002*; and
 - “(ii) designed or constructed for general road use”.

“Agricultural purpose

- “(a) includes:
 - “(i) land cultivation;
 - “(ii) growing and harvesting crops (including horticulture and viticulture);
 - “(iii) rearing livestock;
 - “(iv) any land management operation undertaken in connection with:

“(A) the operation or management of a farm; or

“(B) a purpose described in *subparagraphs (i) to (iii)*; but

“(b) does not include forestry, or any land management operation not referred to in *paragraph (a)(iv)*”.

“**Agricultural tractor** means a vehicle that is designed and constructed principally for the purposes of:

“(a) towing an agricultural trailer; or

“(b) drawing, or powering, an implement ordinarily used for an agricultural purpose”.

“**Agricultural trailer**

“(a) means a trailer that is used principally for agricultural purposes; and

“(b) includes a wheeled agricultural implement, the wheels of which are in contact with the road when the implement is being towed; but

“(c) does not include:

“(i) a trailer that is:

“(A) designed principally for the carriage of goods; and

“(B) operated at a speed exceeding 40 km/h; or

“(ii) a logging trailer”.

“**Critical agricultural operation** means work that is required for an agricultural purpose that must be completed urgently to avoid the adverse impact of a biological event, including a natural process such as a crop becoming

ready for harvesting, or a change in weather conditions.”.