

DISALLOWABLE INSTRUMENT



WELLINGTON, NEW ZEALAND

PURSUANT to sections *152*, *158*, and *160(4)* of the Land Transport Act 1998, and after having had regard to the criteria specified in section 164(2) of that Act

I, Simon Bridges, Minister of Transport, make the following ordinary Rule:

Land Transport Rule: Work Time and Logbooks Amendment 2017

SIGNED AT

This 21st day of August 2017

Hon Simon Bridges
Minister of Transport

Land Transport Rule
Work Time and Logbooks Amendment
2017
Rule 62001/7

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Land Transport Rule

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Objective of the Rule

Land Transport Rule: Work Time and Logbooks

Amendment 2017 (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 how the limits to work time hours are to be administered for a driver of a vehicle that requires a Class 2, 3, 4, or 5 licence, or is used in a transport service (other than a rental service), or that is a vehicle used to carry goods for hire or reward, as prescribed by the *Land Transport Act 1998* (the Act).

The objective of the amendment Rule is to align the Work Time and Logbooks Rule with the new *Land Transport Rule: Operator Licensing 2017* and amendments to the Act, which make changes to the way small passenger services are regulated. Specific changes include:

- updating all references to “taxi driver” to “driver of a vehicle used in a small passenger service”;
- requiring all drivers of a vehicle used in a small passenger service to take a rest after 7 hours of continuous work time provided that the driver only undertakes short fares around a city or a town (previously, this only applied to taxi drivers);
- providing that the driver of a vehicle used in a facilitated cost-sharing arrangement does not have to maintain a logbook;
- updating references to the “approved taxi logbook form” to “approved small passenger service logbook form”.

Extent of consultation

The Ministry of Transport initially consulted with stakeholders on the small passenger service regime in April 2015 and received 11 submissions. The Government then released a consultation document on small passenger services on 14 December 2015, and 76 submissions were received from 14 December 2015 until the closing date of 12 February 2016.

Consultation on the amendment Rule began with the release on 13 October 2016 of a draft of the amendment Rule alongside a draft *Land Transport Rule: Operator Licensing 2017*, a draft *Land Transport (Driver Licensing) Amendment Rule 2017* (the yellow drafts), and explanatory material. The NZ Transport Agency sent notice of the proposed Rules and the availability of the yellow drafts by letter or email to approximately 1530 groups and individuals who had registered an interest in the Operator Licensing Rule, the Work Time and Logbooks Rule, or the Driver Licensing Rule.

The yellow drafts of these Rules were made available through the NZ Transport Agency's Contact Centre and, together with Questions and Answers, were also available on the NZ Transport Agency's website. The availability of the yellow drafts for comment was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin and in the *New Zealand Gazette*.

Submissions closed on 18 November 2016 and the NZ Transport Agency received a total of 55 submissions. Those submissions were taken into account in finalising the draft Rule.

A number of changes were made to the final draft Rule as a result of submissions received, following which it was submitted to the Minister of Transport for signing.

Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Work Time and Logbooks Amendment 2017*.

1.2 Commencement

This Rule comes into force on 1 October 2017.

1.3 Principal Rule amended

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

Section 2 Amendments to Rule requirements

2.1 Rest breaks: driver categories

2.1(1) After *clause 2.1(1)*, replace the heading “*Taxis*” with “*Small passenger services*”.

2.1(2) After *clause 2.1(1)*, replace “[Note: “*Taxi*” is defined by reference to the Act.]” with “[Note: “*small passenger service*” is defined by reference to the Act.]”.

2.1(3) In *clause 2.1(2)*, replace “*taxi driver*” with “*driver of a vehicle used in a small passenger service*”.

2.1(4) Replace *clause 2.1(3)* with:

2.1(3)	Work time, for a driver of a vehicle used in a small passenger service, includes time spent—
	(a) on a small passenger service vehicle stand; and
	(b) cruising for hire; and
	(c) carrying out administrative work.

2.1(5) Delete *clause 2.1(4)*.

2.1(6) In *clause 2.1(10)*, replace “*taxi*” with “*vehicle used in a small passenger service*”.

2.2 Secondary or parallel employment

In the example after *clause 3.3*, replace “*taxi*” with “*vehicle used in a small passenger service*”.

2.3 Exemptions by vehicle service

After *clause 4.5(2)*, insert:

Facilitated cost-sharing arrangements

4.5(2A) A driver of a vehicle used in a facilitated cost-sharing arrangement does not have to maintain a logbook.

2.4 Form of the logbook

In *clause 5.1(5)*, replace “approved taxi logbook form” with “approved small passenger service logbook form”.

2.5 Managing the records

2.5(1) Replace *clause 5.5(2)* with:

5.5(2) An employed driver or, in the case of a small passenger service, a driver who is facilitated to drive by a small passenger service operator must remove each ‘record’ copy at the end of a cumulative work period and hand it to their employer or facilitator within 14 days of the date of the record being made.

2.5(2) Replace the Note after *clause 5.5(3)* with:

[Note: an employer or transport service operator must retain records provided by a driver under *5.5(2)* for a period of 12 months from the date the record was made, as required by section 30ZH(1)(b) of the Act.]

2.6 Transitional provision relating to small passenger service logbooks

2.6(1) After *clause 8.1*, insert:

8.2 Small passenger service logbooks

8.2(1) On and after 1 October 2017, a driver of a small passenger service may continue to use a taxi logbook approved prior to the commencement of this clause as though it were a small passenger service logbook approved after the commencement of this clause.

Section 3 Amendments to Definitions**3.1 Amendments to Definitions**

3.1(1) In *Part 2 Definitions*, insert the following definitions in the appropriate alphabetical order:

facilitator has the same meaning as in section 2(1) of the Act

small passenger service has the same meaning as in section 2(1) of the Act

- 3.1(2) In *Part 2 Definitions*, definition of ‘Short fare’, delete “taxi”.
- 3.1(3) In *Part 2 Definitions*, delete the definition of ‘taxi’.
- 3.1(4) In *Part 2 Definitions*, definition of ‘tow authority’, replace “10.9(2) of *Land Transport Rule: Operator Licensing 2007*” with “5.8(2) of *Land Transport Rule: Operator Licensing 2017*”.
- 3.1(5) In *Part 2 Definitions*, definition of ‘**Unique Identifier**’, replace “*Land Transport Rule: Operator Licensing 2007*” with “*Land Transport Rule: Operator Licensing 2017*”.

Section 4 Amendment to Schedule

4.1 Amendment to Schedule

In *Part 3 Schedule, Part 1 Prescribed forms, clause 1.2*, replace “Taxi logbook form” with “Small passenger service logbook form”.