

Getting started

Becoming a truck operator or operating a trucking business in New Zealand



OUR PURPOSE

CREATING TRANSPORT SOLUTIONS FOR A THRIVING NEW ZEALAND



NZ Transport Agency

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This publication is also available on the NZ Transport Agency's website at www.nzta.govt.nz.

DISCLAIMER

This publication is intended to provide general information about safe and legally appropriate practices within the commercial transport industry. Every effort has been made to ensure the quality and accuracy of this information. However, readers are advised that the information provided does not replace or alter the laws of New Zealand and other official guidelines or requirements or replace any legal requirement. You should also be aware that any such legal requirement may be replaced or amended subsequent to this publication. Readers should, therefore, take specific advice from qualified professionals as recommended in this publication before undertaking any action based on information contained in this publication. The authors of this publication do not accept any responsibility or liability whatsoever, whether on contract, tort, equity or otherwise for any action taken, or reliance placed, as a result of reading any part of this publication or any error, inadequacy, deficiency, flaw or omission from the information provided in this publication.

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Introduction

This booklet is to help people wanting to start up a business as a truck operator or who intend running a business where trucks will be used.

It provides information on who you should contact for advice and services before committing yourself to starting a business.

It explains what the NZ Transport Agency, through its transport officer network, can do to help with initial and ongoing safety and compliance requirements.

WHY PRODUCE THIS BOOKLET?

Any decision to start a business must be based on quality advice from informed people. Without this, the likelihood of failure increases dramatically. This principle applies whether you plan to operate one truck or a number of trucks.

By producing this booklet, the Transport Agency hopes to assist first-time operators or those looking to start up a business where they will need to operate trucks, to run a safe, efficient and compliant business from day one.

WHAT'S IN THE BOOKLET ?

This booklet provides the details of agencies and organisations, both government and private, that are able to assist transport operators with initial and ongoing advice. The list of organisations provided is not exhaustive.

Some of the organisations listed provide their advice and services at no charge, while others may charge. At the outset, it is strongly recommended that you find out from the agency or organisation you intend to approach what they are likely to charge for their advice or services.



Biz info

Biz info is a free information and referral service that provides help to people starting or running a business. An expert Biz adviser can help you access information and resources to develop and grow your business and you should contact them as soon as you start thinking about setting up your business.

You can call Biz on 0800 424 946 or email them by clicking on 'contact us' from their website – www.business.govt.nz. There are practical resources and links on their site that can help business owners and managers start their business and deal with the day-to-day challenges they face.

Business.govt.nz is the New Zealand government business website. The information and tools on this site are designed specifically for small and medium-sized businesses and the people who advise and support them.

Business.govt.nz also covers a wide range of government rules and regulations affecting businesses in New Zealand and information on how businesses can meet their compliance requirements.

Legal advice

Lawyers deal with many business matters, including advice on liability insurance or other forms of business protection. It is a good idea to consult a lawyer about your business intentions early in planning. You should definitely seek legal advice before signing any legal document, such as a lease.

Some lawyers specialise in transport law and advertise in industry magazines, such as *NZ trucking*, *Truck & driver* and *Truck journal*. If one lawyer can't help you with a particular matter, they should be able to refer you to another who can. The *Yellow pages* lists contact details for lawyers in your area.

Accountants

Very few successful businesses function without expert financial advice, particularly when it comes to keeping the accounts of the business, filing tax returns, cash flow management and future-proofing the business.

An accountant should be able to save you money, time and stress by advising what you can claim and how to go about it, as well as giving you advice on how to set up a basic bookkeeping system.

Some accountants specialise in transport accountancy and advertise in industry magazines, such as *NZ trucking*, *Truck & driver* and *Truck journal*. Accountants can advise on the financial options available to support your business. The *Yellow pages* lists contact details for accountants in your area.

Insurance

It is important that any investment is adequately insured. This will include cover for the vehicles, buildings, director and officer public liability.

When starting a business, contact a local insurance broker who can then offer advice on all insurances that may be required.



Inland Revenue Department

Part of the Inland Revenue's job is to offer help and information, particularly for new businesses.

Their website (www.ird.govt.nz) offers advice and useful information for answering basic questions about setting up a business. The website lists various helpful publications you can download, order or pick up from your local Inland Revenue office.

You can ask for free advice even if you're just thinking about starting a business. You can arrange to speak to a business tax information officer by phoning 0800 377 774.

Seeking advice from the Inland Revenue early, when planning your business, should help ensure that you understand your tax obligations and the requirements and obligations for goods and services tax (GST).



Accident Compensation Corporation

Most businesses pay Accident Compensation Corporation (ACC) levies.

ACC provides practical advice on injury prevention in the workplace. They also offer discounts in levies for businesses that can demonstrate that they have good safety awareness and processes in place.

Workplace safety discounts provide a reduction in the ACC work levy for small businesses and self-employed people who can show sound health and safety practices.

For general information about ACC you can visit their website – www.acc.co.nz.

You should discuss your business intentions with ACC before you begin operating your business, as this will provide the opportunity to start out with good workplace health and safety practices.

You can call ACC on 0800 222 776 or contact any of their local offices. Details of these are on their website or in the local phone directory.



Ministry of Business,
Innovation & Employment



Ministry of Business, Innovation and Employment

The Ministry of Business, Innovation and Employment (MBIE) provides information and guidance to assist New Zealand businesses with health and safety in the workplace.

They also inspect workplaces to check on health and safety arrangements, investigate accidents at work, and make sure employers and employees comply with health and safety legislation.

The Health and Safety in Employment Act 1992 considers a vehicle to be a place of work if being used by a person who is to work or is working under the control of an employer. This means that the vehicle must provide a working environment that is safe, and has minimal risk to health.

MBIE are responsible for regulating the storage and use of hazardous substances, explosives and dangerous goods.

MBIE is also responsible for processing work permits for immigrants who want to work in New Zealand. They also provide advice and guidance on employment relationship issues.

Other matters to consider would be employee contracts and minimum wages.

You can email info@dol.govt.nz or phone the local office – details are in the phone book or on their website at www.dol.govt.nz.

Industry groups

There are a number of industry and professional associations who can provide specialist industry advice. They also provide networking opportunities with others working in the road transport industry and have a range of incentives for members that can include:

- cost model service and assistance
- contract advice
- local and central government advocacy
- employment relations assistance and advice
- health and safety advice
- environmental advice
- insurance schemes designed for transport businesses
- legal team with extensive transport experience
- discounts on vehicle expenses including fuel and tyres.

SOME USEFUL INDUSTRY GROUPS

National Road Carriers 0800 686 777 www.natroad.co.nz	Roading New Zealand 04 471 1184 www.roadingnz.org.nz
Road Transport Association NZ 0800 367 782 www.rtanz.co.nz	NZ Contractors Federation 04 496 3270 www.nzcontractors.co.nz
NZ Trucking Association 0800 338 338 www.nztruckingassn.co.nz	NZ Heavy Haulage Association 04 472 0366 www.hha.org.nz

Selecting the right type of vehicle

Selecting the right type of vehicle for a particular type of work is important. A vehicle that is not suitable for the task can result in increased vehicle operating costs, downtime and loss of productivity.

A guide to vehicle selection can be found at: www.nzta.govt.nz/resources/heavy-vehicle-selection-guide.

Will you need a transport service licence?

As a general rule, if you intend to operate a truck that has a gross laden weight of 6000 kilograms or more, you will need a transport service licence (TSL).

Information on applying for a TSL can be found on: www.nzta.govt.nz/resources/factsheets/47/index.html. Factsheet 47 explains when you need a TSL and also how to go about applying for one.

Everyone who applies to hold a TSL or will be in control of a TSL must meet the legal 'fit and proper person' criteria by passing the appropriate checks.

Fit and proper person checks

BACKGROUND

A person seeking to operate a transport service or be in control of a transport service must be licensed and is required to be, and remain, a fit and proper person.

This section describes the criteria the Transport Agency will consider when assessing applicants to become and remain a TSL holder.

THE LEGISLATION

Relationship to other legislation

The term 'fit and proper person' is frequently used in legislation. It means that people who provide services to the public of New Zealand are required to meet an appropriate standard.

The Transport Agency is obliged to consider the fit and proper criteria when assessing each application and to ensure consistency in decision making:

- Each application must be considered on its individual merits.
- Each application must be considered in the context of the intent of the legislation that relates to that particular application.

THE STANDARDS

As part of the fit and proper criteria the Transport Agency will consider any history an applicant may have, which would include:

- fraud
- dishonesty
- non-payment and/or evasion of road user charges (RUC)
- offending by the person, in respect of transport-related offences, including but not limited to drink-driving and infringement offences
- complaints made in relation to any transport service provided or operated by the person or in which the person is involved, particularly complaints made by users of the service
- a history of persistent failure to pay fines incurred by the person in respect of transport-related offences
- false or misleading statutory declarations.

Such offending or failure to comply with legislative requirements could indicate an applicant's behaviour might not meet the legislative fit and proper criteria as required for a holder of a TSL.

In addition, when assessing an applicant's suitability, the Transport Agency may take into account any other matters it considers to be appropriate in the public interest. These may include but are not limited to:

- a history of serious behavioural problems
- offences of violence, sexual offences, drugs offences, firearms offences or offences involving organised criminal activities
- involvement in managing a business that has been declared bankrupt or placed into liquidation
- instances where the applicant has been prohibited from being the director of a company.

DRIVER LICENSING OFFENCES OR CONVICTIONS

When assessing a TSL application, the Transport Agency will consider any history of vehicle-related convictions or infringements. The vehicle-related convictions or infringements include, but are not limited to, accumulated demerit points, driving with excess blood alcohol levels, dangerous or careless driving and speeding.

This includes identifying if:

- there is pattern of recidivist offending, or
- the applicant has been disqualified from holding a driver licence, or
- their driver licence was suspended due to the accumulation of demerit points, or
- the applicant has committed speeding offences (including speed camera).





TRANSPORT AGENCY RESOURCES

In addition to providing advice on fit and proper person requirements, the Transport Agency's transport officers can help you to understand the various regulatory requirements of transport operators and drivers. This includes:

- road user charges (RUC)
- the Operator Rating System (ORS)
- work-time and logbook requirements
- driver fatigue
- driver licensing and endorsements
- vehicle standards
- chain of responsibility
- safe driving policy
- transport organisation register online (TORO).

The Transport Agency website has a number of publications available to help you in your business, including factsheets. Factsheets provide information on transport safety, standards and processes. These and other resources relating to operating a trucking business are available from the Transport Agency's website at www.nzta.govt.nz/commercial/index.html.

This information can also be obtained by phoning the Transport Agency contact centre on 0800 699 000 or from any of the regional offices listed on the back cover.

OUR CONTACT DETAILS

NATIONAL OFFICE

Level 2, 50 Victoria Street
Private Bag 6995
Wellington 6141
New Zealand
Phone: +64 4 894 5400
Fax: +64 4 894 6100
info@nzta.govt.nz

FREE PHONE NUMBERS

0800 699 000 (general enquiries)
0800 108 809 (motor vehicle
licensing & registration)
0800 822 422 (driver licensing)
0800 402 020 (tolling)
0800 655 644 (road user
charges)
0800 683 774 (overdimension
permits)

REGIONAL OFFICES - Auckland

Level 11, HSBC House
1 Queen Street
Private Bag 106602
Auckland 1143
Phone: +64 9 969 9800
Fax: +64 9 969 9813

Hamilton

Level 1, Deloitte Building
24 Bridge Street
PO Box 973, Waikato Mail Centre
Hamilton 3240
Phone: +64 7 958 7220
Fax: +64 7 957 1436

Napier

Level 2, Dunvegan House
215 Hastings Street
PO Box 740
Napier 4140
Phone: +64 6 974 5520
Fax: +64 6 974 5529

Palmerston North

Level 3, 43 Ashley Street
PO Box 1947
Palmerston North 4440
Phone: +64 6 953 6396
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20 Ballance Street
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