



Ministry of Transport
TE MANATŪ WAKA

WELLINGTON, NEW ZEALAND

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

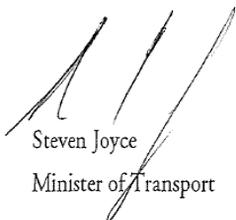
I, **Steven Joyce**, Minister of Transport,

HEREBY make the following ordinary rule:

Land Transport Rule: Work Time and Logbooks Amendment

SIGNED AT Wellington

This *22nd* day of *February* 2010



Steven Joyce
Minister of Transport

Land Transport Rule

Work Time and Logbooks Amendment 2010

Rule 62001/2

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Land Transport Rule

Work Time and Logbooks Amendment 2010

Rule 62001/2

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Objective of the Rule

Land Transport Rule: Work Time and Logbooks Amendment 2010 amends *Land Transport Rule: Work Time and Logbooks 2007* (the Rule), which sets out how the limits to work time hours prescribed in the *Land Transport Act 1998* are administered for drivers of vehicles that require a Class 2, 3, 4 or 5 licence, vehicles used in a transport service (other than a rental service) and vehicles used to transport goods for hire or reward.

The objective of the amendment Rule is to make a number of changes that address issues raised by industry groups, and by the New Zealand Police, about the way in which variations of work time requirements are dealt with for specific services or in particular situations.

The amendment Rule:

- clarifies the requirements for recording rest breaks when taken in conjunction with vehicle ferry sailings and the requirements for varying work time hours following a ferry sailing;
- amends the rest break requirements to allow emergency services drivers to deal with priority calls;
- extends the category of ‘essential service driver’, for the purposes of *subclauses 2.2(10) to 2.2(14B)* of the Rule, to include persons assisting with restoration of road access, or provision or restoration of rail access;
- extends the current variation to working hours for a person involved in emergency works or a situation involving a risk to property, to include situations in which risk exists to persons;
- extends the variation of working hours applying to essential service drivers to drivers who are urgently called upon by the Police to assist in an accident or incident;
- allows persons involved in territorial forces training in the New Zealand Defence Force to

vary their work time hours to fit in with their weekend training schedule;

- clarifies that persons who employ drivers subject to work-time restrictions, or who are organisers of a public event, are able to apply for a short-term variation of work time hours;
- clarifies that tow authorities are the only record of work time hours required by vehicle recovery service drivers;
- makes corrections to examples used in the Rule;
- clarifies that drivers of tractors and other self-propelled agricultural machinery do not have to complete a logbook;
- allows the continued use of logbooks that were approved before the amendment Rule comes into force;
- clarifies the use of logbooks on a day when no driving subject to work time requirements is undertaken, and makes a minor change to the prescribed form of a logbook;
- amends definitions in the Rule.

Extent of consultation

Formal consultation on the draft amendment Rule began in January 2009 with the release by the NZ Transport Agency of the public consultation (yellow) draft for comment on the proposed changes. The NZ Transport Agency notified about 700 groups and individuals who had registered an interest in the Rule, by letter or email, of the availability of the yellow draft, and copies were sent to key industry and other groups. The yellow draft was made available through the NZ Transport Agency's Contact Centre and, together with Questions and Answers, was available on the NZ Transport Agency's website.

The availability of the draft amendment Rule was publicised in the metropolitan daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin and selected regional daily newspapers, and in the *New Zealand Gazette*.

The NZ Transport Agency received 29 submissions on the draft amendment Rule. The submissions were taken into account in redrafting the amendment Rule before it was submitted to Cabinet, and then signed by the Minister of Transport.

Section 1 **Application**

1.1

Title

This Rule is *Land Transport Rule: Work Time and Logbooks Amendment 2010*.

1.2

Date when Rule comes into force

This Rule comes into force on 1 April 2010.

1.3

Scope of Rule

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

Section 2 **Amendment of Rule requirements**

2.1

Particular situations

Ferries

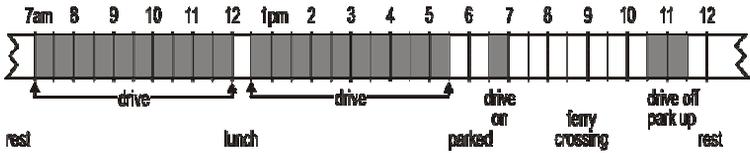
2.1(1)

Subclause 2.2(2) is amended by substituting “The actual departure and arrival times of the ferry” for “Ferry departure and arrival times”.

2.1(2) Subclause 2.2(3) is amended by inserting the following example at the end of the subclause:

“Example:

“A driver commences work at 7.00 am. He takes a lunch break of 30 minutes at midday, and arrives at the ferry terminal at 5.30 pm, to catch a ferry sailing scheduled for 6.30 pm. The ferry is delayed, and does not leave until 7.00 pm. The time between 5.30 and 6.30 (when the truck is parked) is counted as rest time. The time taken to drive the vehicle onto the ferry, and secure it (6.30 -7.00), is counted as work time. The sailing time (departing at 7.00 pm, docking at 10.30 pm) is counted as rest time. The driver then takes the truck to a secure yard, finishing work for the day before 11.30 pm. The driver must then take a 10-hour break and can legally recommence driving at 9.30 am the next day. Total work time hours in this example are 11½. The allowance for the ferry crossing enables the driver to cease work 16½ hours after commencing work. The normal limit is 14 hours.”



Emergency services

2.1(3) Subclause 2.2(5) is amended by inserting “, or a rest break may be deferred,” after “exceeded”.

2.1(4) Clause 2.2 is amended by inserting the following subclause:

“2.2(7A) Where a rest break has been deferred by a priority call, the driver must take the rest break as soon as is practicable.”

Essential service drivers

2.1(5) Subclause 2.2(9) is amended by:

- (a) substituting “2.2(14B)” for “2.2(14)” in the opening paragraph;
- (b) substituting “road repair, bridge repair or restoring road access” for “road or bridge repair” in paragraph (b);

- (c) substituting “persons or property” for “property” in *paragraph (e)*;
 - (d) inserting the following after *paragraph (e)*:
 “; or
 “(f) a rail access provider, for the purpose of providing or restoring rail access.
 “[Note: ‘Rail access provider’ is a defined term.]”
- 2.1(6) *Clause 2.2* is amended by inserting the following subclauses in the appropriate places:
- “2.2(9A) For the purposes of 2.2(14C), essential service drivers include any person requested by the New Zealand Police to provide urgent assistance in an accident or incident.
 - “2.2(14A) A driver in 2.2(9)(f) may extend their work time hours if the driver can provide evidence that they were required by the rail access provider to undertake urgent repairs to restore rail access.
 - “2.2(14B) A driver in 2.2(9)(a) to (f) may also extend their work time hours if the driver can provide evidence that they were required to manage traffic in connection with the purposes described in 2.2(10) to (14A).
 - “2.2(14C) A driver in 2.2(9A) may extend their work time hours if the driver can provide evidence that they were requested by the Police to provide urgent assistance, or to manage traffic, in an accident or incident.”
- 2.1(7) *Subclause 2.2(15)* is amended by substituting “14C” for “14”.
- 2.1(8) *Subclause 2.2(16)* is amended by substituting “14C” for “14”.

2.2 New Zealand Defence Force

2.2(1) *Subclause 2.4(2)* is amended by inserting “or a visiting force” after “New Zealand Defence Force”.

2.2(2) *Clause 2.4* is amended by substituting the following for 2.4(3):

“2.4(3) A person subject to work time requirements who is involved in territorial forces training may vary their hours as described in 2.4(4) if they meet the following criteria:

“(a) they have been engaged in scheduled territorial forces training or a course conducted on a weekend; and

“(b) at least 16 hours elapse between the conclusion of territorial forces training and the commencement of other work duties.

“[Note: ‘Territorial forces’ is a defined term.]

“2.4(4) A person meeting the criteria in 2.4(3) is deemed to be commencing a new cumulative work period on commencement of their other work duties.

“2.4(5) The variation in 2.4(3) cannot be used on two consecutive weekends.”

2.3 Short-term variation of hours

Subclause 2.5(1) is amended by inserting “, a person who employs drivers subject to work time requirements, or the organiser of a public display or event,” after “a transport service operator”.

2.4 Who must use logbooks

Clause 3.1 is amended by substituting the following for *paragraph (a)*:

“(a) is a person to whom a logbook exemption in *section 4* applies; or”.

2.5 **Period in which a logbook must be maintained**

2.5(1) *Clause 3.2, Example 1* is amended by substituting “Wednesday 5 June” for “Wednesday 3 June”.

2.5(2) *Clause 3.2* is amended by substituting the following for *Example 2*:

“Example 2:

“Another driver has Sunday 2 June off, starts work on Monday 3 June, and finishes the last page of the previous logbook on Thursday 6 June. A new logbook is used from Friday 7 June. His next 24-hour break is on Sunday 9 June. The ‘old’ logbook and ‘new’ logbook must be carried by the driver until Sunday 9 June – after that point, the ‘new’ logbook will show the most recent 24-hour break.”

2.6 **General requirement to maintain logbooks**

Subclause 4.1(1) is amended by inserting “the details prescribed in 5.2(2) or 5.2(2A) for” after “A driver must record”.

2.7 **Emergency services and New Zealand Defence Force**

Subclause 4.3(1) is amended by inserting “or a visiting force” after “New Zealand Defence Force”.

2.8 **Exemptions by vehicle type**

Subclause 4.4(2) is amended by inserting “, tractor, and other self-propelled agricultural machinery” after “agricultural harvester”.

2.9 **Exemptions by vehicle service**

Vehicle recovery service vehicles

Subclause 4.5(2) is amended by substituting “a record” for “an equivalent record”.

2.10 General exemptions by situation

Aircraft refuelling

Subclause 4.6(4) is amended by omitting “that does not travel on a road, or”.

2.11 Form of the logbook

Clause 5.1 is amended by inserting the following subclause:

- “5.1(7) Despite 5.1(1), a logbook may be in a form that was approved before 1 April 2010 if:
- “(a) the logbook would have complied with this clause and the *Schedule* at the time of the approval; and
 - “(b) that approval has not been withdrawn.”

2.12 Mandatory requirements

2.12(1)

Clause 5.2 is amended by inserting the following subclause:

- “5.2(2A) Despite 5.2(2) and 5.2(3), for any day on which a driver does not drive any vehicle that is subject to logbook requirements:
- “(a) the driver need only record for that day:
 - “(i) the driver’s name; and
 - “(ii) the date or dates to which entries on that page refer; and
 - “(iii) the total work time hours; and
 - “(iv) a brief description of the nature of the work that was undertaken; and
 - “(b) to avoid doubt, the driver may record consecutive entries of

information required by *paragraph (a)*, without repeating the driver's name, on the same page."

- 2.12(2) *Subclause 5.2(4)* is amended by inserting ", 5.2(2A)" after "5.2(2)".

Section 3 **Amendments to Definitions**

3.1 **Insertion of new definitions**

Part 2 is amended by inserting the following definitions in the appropriate places:

"**Rail access provider** has the same meaning as 'access provider' in the *Railways Act 2005*."

"**Self-propelled agricultural machinery** means a motor vehicle (other than a trailer or a tractor) that is designed or adapted principally or exclusively for agricultural purposes; but does not include goods service vehicles."

"**Territorial forces** has the same meaning as it has in the *Defence Act 1990*."

"**Tractor** means a motor vehicle (other than a traction engine) constructed principally for towing an agricultural trailer or powering agricultural implements."

3.2 **Amendment of definition**

Part 2 is amended by substituting "serious" for "imminent" in the definition of **priority call**.

Section 4 Amendments to the Schedule

4.1 Amendments to the Schedule

4.1(1) *Part 1* of the *Schedule* is amended by substituting “in any cumulative work day” for “in any 24 hours” in the general use and taxi logbook forms.

4.1(2) *Part 2* of the *Schedule* is amended in *clause 2.2* by substituting the following row for the row relating to book code:

“Book Code	Code reproduced on every page of, and unique to, this logbook. Must consist of a prefix and suffix (eg, ABC-12345) where: <ul style="list-style-type: none">• the prefix is allocated by the Agency to designate the printer or other company producing the logbook; and• the suffix consists of letters or numbers allocated by the printer to distinguish this logbook.”
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