

**Submission to**

**Ministry of Transport  
Driver Licensing Review Discussion Paper**

**SUBMITTED BY**

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**INTRODUCTION**

This submission is provided by Civil Contractors New Zealand in response to Ministry of Transport, NZTA Driver Licensing Review Discussion Paper dated 19 April 2016

**ABOUT THE SUBMITTER**

Civil Contractors New Zealand Inc is the national industry body representing civil and general contractors who carry out the country's civil infrastructure construction and maintenance work. We estimate that the civil construction sector carries out more than \$12 billion of work annually and employs in excess of 60,000 workers.

Our members undertake a wide spectrum of work including construction and maintenance of;

<b>Transport networks</b>	including roading, bridges, tunnels, railways, airports and ports
<b>Water infrastructure</b>	including water storage and reticulation, irrigation, drainage, waste and storm water services
<b>Communications Networks</b>	including underground and above ground networks
<b>Disaster relief and protection</b>	Flood and coastal protection and emergency response
<b>Energy Infrastructure</b>	including both generation and distribution;
<b>Commercial and Residential Building</b>	including site access, site works, foundations, car parks and installation of services;
<b>Agriculture and Forestry work</b>	including dairy conversions, tracks, drainage, effluent ponds, feed pads, building site preparation and forestry tracks and skid sites
<b>Ground Stabilisation</b>	including slips, subsidence and rock falls
<b>Parks and sports fields</b>	Construction and maintenance including vegetation control

Civil Contractors New Zealand was formed in 2014 following the merger of New Zealand Contractors' Federation and Roding New Zealand.

Our primary roles are

1. Industry advocacy and representation
2. Supporting industry development, professionalism and safety
3. Providing information and advice

Civil Contractors New Zealand is committed to working with our members to raise the industry's health and safety performance. This review of driver licensing is of particular interest to us because;

- most of our members operate heavy vehicles including trucks as part of their operations,
- many of our staff are working on our roading network and are therefore exposed to the risks created by unsafe drivers and
- many staff members working for contractors require license endorsements to operate machinery on sites;

## **EXECUTIVE SUMMARY**

We support the majority of the proposed changes with some modifications.

We strongly support the view that the system needs to be simplified, that compliance costs can be reduced and that a robust theoretical and practical assessment regime is required.

Civil Contractors New Zealand believes that a simplified system coupled with a robust theoretical and practical competence assessment will have the combined benefits of improved safety and improved productivity.

Civil Contractors New Zealand supports

1. the move to digital licencing;
2. option 3 with modifications to simplify the pathway from Class 2 to Class 5 Licences;
3. removal of the Accelerated Licence Process;
4. removal of the requirement for drivers of special-type vehicles to hold relevant endorsements with a long transition or a voluntary scheme remaining available.
5. the proposals that will enable the NZ Transport Agency to manage risks associated with the conduct or behaviour of approved course providers with the addition of active moderation and management;
6. the need for robust and independent theoretical and practical competency assessment;
7. the separation of training from competency assessments

## **PART 1 - MOVING TO A DIGITAL LICENSING ENVIRONMENT**

Civil Contractors New Zealand supports Option 1 which will require;

- Only first-time driver licence applicants to have a vision test at a driver licensing agent or provide an eyesight certificate; and
- all driver licence applicants renewing their licences to make a declaration that they are not aware that their vision has deteriorated since their last renewal, or any deterioration is being managed by wearing corrective or contact lenses.

Why we support this option

This option continues to provide safety benefits while allowing the move to digital licensing.

Maintaining the need for an eye sight test or the provision of an eyesight certificate for first time applicants will ensure the safety of drivers, the public and roading workers. First time applicants that have not identified that they have impaired eyesight will be identified and will seek the appropriate assessment and eye wear/treatment.

Most people seeking to renew their licence would be aware of any significant deterioration in their eye sight since their licence was issued or last renewed and would be actively managing this for a range of reasons. We therefore believe that the declaration will be a sufficient requirement for relicensing.

The move to digital licensing renewals will have significant benefits for the public. Most staff members working for contractors require a licence either to get to/from work and/or to operate machinery on sites. Many staff live and work in areas not well serviced by licensing agents and can work long hours to meet contract deadlines or on urgent public works (e.g. roading closures after adverse events). The time, cost and inconvenience of having to physically visit the licensing agent is significant for these people.

## **PART TWO – SUPPORTING A MORE PRODUCTIVE COMMERCIAL DRIVING SECTOR**

### Simplifying the pathway from the Class 2 to the Class 5 License

Civil Contractors New Zealand supports Option 3 with a number of modifications.

Option 3 as proposed will remove some learner licence classes and class 3 (while retaining the Class 5 theory test) and allow drivers to begin learning to drive the next highest licence class under supervision.

#### Modifications proposed to Option 3

- Drivers should have held a Class 1 Licence for 12 months before applying for a Class 2 Learner licence
- Drivers must have a clean licence for the 24 months prior to application for any learner or full licence.
- Increase the weight limits allowed in Class 2 learners and Full
  - A rigid vehicle with GLW of more than 6,000 kg but not more than 18,000 kg
  - A rigid vehicle with GLW of more than 18,000 kg but with not more than 4 axles.
  - A combination vehicle with GCW of more than 6,000 kg but not more than 25,000 kg
- Remove Class 4 as well as Class 3
- Require a robust safety theory test administered by an independent agency (NZTA) before obtaining a learners Class 2 or a Learners Class 5 licence.
- Allow drivers on a learners licence to be able to drive as part of an approved course or under the supervision/mentoring of a fully licenced driver for the Class of vehicle being driven.
- Require a robust practical safety competency test administered by an independent agency (NZTA) before obtaining either a Full Class 2 or a Full Class 5 licence.
- Remove any distinction based on age.

#### Why we support this option with modifications

Many of our members operate commercial trucks as part of their business to transport machinery, construction inputs, aggregates, demolition material etc. and/or they engage commercial transport operators.

We fully support the view of the commercial transport sector recorded in the discussion paper that the current system is costly, overly complex and lengthy. The current system is a barrier to aspiring drivers. This is having a major impact on the availability of suitably qualified people. It imposes significant costs which are passed on to clients and the economy as a whole and the shortage of suitably qualified people also impacts on our productivity e.g. smaller trucks are used or time is lost as inputs are not delivered on time.

The civil construction industry is undergoing an unprecedented period of growth. Treasury's 30 Year National Infrastructure Plan, published in 2015, identifies the need for a \$110 billion investment in infrastructure over the next 10 years. This investment represents a considerable step up and will create an increased demand for suitably qualified drivers.

The changes proposed in this paper are required urgently both in terms of productivity and safety.

Civil Contractors New Zealand believes that a simplified system coupled with a robust theoretical and practical competence assessment will have the combined benefits of improved safety and improved productivity. While also reducing costs.

We support a graduated system but strongly believe that a driver should progress through that system based on competence and experience rather than age. We therefore support the need for drivers to gain experience by holding a lower level licence for a period of time before progressing to the next licence level. We do not support the continued imposition of age based requirements.

We support the concept of learner licences that allow people to drive a particular class of vehicle as part of an approved course or under the supervision/mentoring of a fully licenced driver for the class of vehicle being driven. A driver should be able to progress from a learner to a full licence level based on competency rather than time. If a driver does not gain the appropriate level of competence then they should remain at learner level until they have. On the other hand a driver that has good training and regular supervised driving may reach the competency level quite quickly and therefore progress to a full licence.

We strongly support the need for robust independent theoretical and practical competency assessments. Drivers applying for a learner licence should be able to demonstrate theoretical competence and drivers applying for a full licence should be able to demonstrate practical competence. These assessments need to be managed independently of any training either by NZTA or an independent NZTA appointed representative not aligned to any training organisation.

Civil Contractors New Zealand supports the removal of both Class 3 & 4 licences and the adjustment of the weight of vehicles that can be operated under Class 2. This will provide a more practical, commercially workable and simplified progression. It is noted that this still means that drivers must progress through 5 steps including 3 theory and 4 practical tests to obtain a Class 5 full licence and that the minimum time to do this is approximately 24 months from first gaining a full class 1 licence.

#### Reviewing the Accelerated Licensing Process

Civil Contractors New Zealand supports the proposed approach which will see the Accelerated Licensing Process (ALP) removed

#### Why we support this option

It is noted in the discussion paper that over the past 2 years only 10 applicants have applied under the scheme. Given the ongoing shortage of drivers this indicates that it is not meeting the needs of the road transport industry.

The streamlining of the pathway from the Class 2 to the Class 5 License as proposed above would eliminate the need for the ALP.

### **PART 3 STANDARDISING REGULATORY REQUIREMENTS AND REDUCING COMPLIANCE**

#### Review of the requirements for Licence endorsements for drivers of 'special-type' vehicles

Civil Contractors New Zealand supports the proposed approach but feels that a long transition or a voluntary scheme should remain available.

The proposed approach will see the removal the requirement for drivers of special-type vehicles to hold relevant endorsements

- Drivers of special-type vehicles are forklifts, rollers or that run on self-laying tracks or on wheels would no longer be required to hold the relevant type of endorsement.
- The Driver Licensing Rule would retain current provisions requiring drivers to hold a licence that authorises them to drive motor vehicles of an equivalent class.

#### Why we support this option with modifications

'Vehicles' covered by special endorsements are frequently used in the civil construction industry and therefore many people working in the industry have a Wheels/Tracks/Rollers endorsement.

Most of these 'vehicles' are moved between jobs on transporters. However, many of our job sites are roads or require the operation of equipment on roads for short distances (e.g. loading and unloading from transporters, to get from one part of the site to another)

We agree that specialised knowledge and training is required to drive and operate these 'vehicles' safely and that the major risks in operating such equipment is largely occupational rather than road safety related.

We support the view that the current requirements for training are a duplication of the requirements under the Health and Safety at Work Act 2015.

We agree that the removal of the required endorsement will reduce compliance costs by removing the need for drivers to apply for the endorsement. However, we do not believe the costs savings for courses will be significant because the training will still be required as it has in the past been filling the dual purpose of the licence endorsement and site H&S.

We expect that the removal of the endorsement could be unpopular with a number of current endorsement holders and would therefore suggest that either a long phase out period or a continuation of the system be offered (as a voluntary option on a cost recovered basis). There are also some benefits in having the endorsements recorded in the licence as it keeps all the information in one place.

The removal of the endorsement would not be perceived in our industry as reducing H&S controls as employers, clients and other PCBU's are very aware of their responsibilities under the new health and safety legislation.

While we support the retention of the requirement to hold a licence this can be a barrier for young people entering the industry as they are often required to operate machines in sites (many that are roads). We would suggest that the requirement be altered to require people to hold a restricted or full licence in the appropriate class. This will enable younger drivers that have been through both the Class 1 Learners theory test and the Restricted Licence practical test to operate machines on a site.

#### Improving oversight of approved course providers

Civil Contractors New Zealand supports the proposals and would like to see further changes to;

- introduce active moderation of approved course providers to support and enforce the new measures and
- introduce independent competency testing. Civil Contractors New Zealand are currently involved in establishing a competency test regime for plant and equipment operators in association with NZTA and civil construction industry providers.

We support the proposals that will enable the NZ Transport Agency to manage risks associated with the conduct or behaviour of approved course providers.

#### Why we support this option with modifications

Civil Contractors New Zealand supports the proposals to enable NZTA to manage public safety risks associated with the conduct and behaviour of approved course providers. Students that attend courses run by NZTA approved operators expect a high level of professional training and accordingly pay significant amounts for the training.

It is critical to students, the public and to the reputation of NZTA that the training is provided in a way that does not compromise public safety.

We fully support the additional management tools being available to NZTA.

In addition to the proposals NZTA must ensure that they have the capability to both moderate course providers and undertake follow up actions using the proposed management tools.

As stated earlier we do not believe approved courses should replace practical assessments as this enables trainers to effectively issue licences. This is a conflict of interest - as paid trainers will be reluctant to have too many students failing as it may bring into question the quality of their training.

It is critical to public safety that competency assessments are administered independently of any training either by NZTA or an independent NZTA appointed representative not aligned to any training organisation.