

Land Transport (Driver Licensing) Rule 1999: Recovery Visa Special-type Vehicle Endorsements Class Exemption Notice 2023.

Pursuant to section 168D of the Land Transport Act 1998, the Director of Land Transport, after being satisfied of the matters set out in section 168D(3) of that Act, gives the following notice.

1 Title

This notice is the *Land Transport (Driver Licensing) Rule 1999: Recovery Visa Special-type Vehicle Endorsements Class Exemption Notice 2023*.

2 Commencement

This notice comes into force on 11 May 2023.

3 Expiry

This notice expires at the close of 11 May 2024.

4 Application

This notice applies to any person who is a Recovery Visa holder who is also:

- (1) the driver of a special-type vehicle on a public road, being used in work associated with that Recovery Visa and
- (2) the holder of a driver licence with a licence class covering driving of a vehicle of the weight of the special-type vehicle

5 Interpretation

In this notice –

Act means the Land Transport Act 1998

Endorsement means any of the F, R, T and W endorsements included in Schedule 4 of the Land Transport (Driver Licensing) Rule 1999

Recovery Visa holder means someone who has entered New Zealand under the conditions of the Recovery Visa - a special purpose visa issued by NZ Immigration Service for migrant workers coming to New Zealand for a short time (up to 6 months) to do a job that supports the North Island recovery from extreme weather events in January and February 2023

Rule means the Land Transport (Driver Licensing) Rule 1999

Any term or expression that is defined in the Act, the Land Transport Management Act 2003, or the Rule and used, but not defined, in this notice has the same meaning as in the respective Act or the Rule.

6 Class exemption

- (1) Any driver described in clause 4 of this notice is exempt from clause 28 of the Rule.
- (2) The exemption in subclause (1) is subject to the conditions specified in clause 7 of this notice. (3) Nothing in this notice applies to any other endorsements contained in schedule 4.

7 Conditions applying to drivers relying on this class exemption

(1) Drivers relying on this exemption can drive under their current overseas-issued driver licence but must only drive vehicles of the appropriate gross laden weight allowed under that licence. For example, a driver who holds the equivalent of a class 4 New Zealand driver licence is not entitled to drive vehicles of a type and weight covered by a class 5 licence.

(2) Drivers covered by this exemption must also ensure they are either familiar with the operation of the particular special-type vehicle they are driving or have been trained in the safe operation of that vehicle.



Kane Patena, **Director of Land Transport**

Signed at Wellington on 8 May 2023

Explanatory Note

This note is not part of the notice. This note indicates the notice's general effect and the reasons for it being given.

This notice comes into force on 11 May 2023. It expires at the close of 11 May 2024, and may be amended, replaced, or revoked in accordance with section 168E(2) of the Act.

Purpose of this exemption

Weather events in the North Island in January and February 2023 (especially Cyclone Gabrielle) caused widespread damage in Northern and Eastern regions of the North Island. The purpose of this 12-month class exemption is to support the recovery work by allowing Recovery Visa holders to drive special-type vehicles without requiring those drivers to hold the relevant endorsements or to convert their overseas licence to a New Zealand licence.

General effect of the class exemption

This exemption allows short-term workers on a Recovery Visa to operate special-type vehicles when an F, R, T or W endorsement is ordinarily required, without the need to obtain a New Zealand licence. This will allow Recovery Visa holders to begin immediate work on the rebuild following Cyclone Gabrielle and other recent extreme climatic events.

The exemption still requires the recovery Visa holder's driver licence to cover weight limits for the vehicles they intend driving in New Zealand (as provided for under cl.88 of the Rule). All other driving requirements and obligations remain unchanged. This is intended to be a temporary measure providing industry operators with the ability to address immediate and severe infrastructure damage.

In granting this exemption, it is important that drivers are familiar with, or are trained in the operation of that particular vehicle and that any health and safety obligations are complied with.

Reasons for giving the class exemption

In deciding to grant this exemption the Director of Land Transport has considered the matters set out in section 168D(3) of the Act. The Director is satisfied that the exemption is appropriate considering the Agency's objective, the need to maintain or improve land transport safety, supporting the response to the weather events and other relevant and appropriate matters. The Director is also satisfied that the exemption is no broader than is reasonably necessary to address the matters that gave rise to it.

Immigration New Zealand has created a new visa class (the Recovery Visa) to enable infrastructure companies to quickly bring overseas workers into New Zealand to ameliorate local workforce shortages. The Recovery Visa is processed within seven days and is valid for six months. Recovery Visa holders therefore need to be able to begin working immediately. The F, R, T and W special-type vehicle endorsements are usually obtained by successfully completing a course and converting their overseas licence to a New Zealand driver licence. This takes time and reduces the workers working time under the Recovery Visa. As well as adding time and cost, the relevant safety responsibilities are already the main preserve of employers under the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016. The Director is satisfied that exempting Recovery Visa holders from these endorsements will therefore support efficiency without compromising safety.