

Application for the approval of an *alternative means of recording matters relevant to the monitoring of work time* – Electronic Logbook (eLog)

Date:	
Applicant and Company Name:	
Contact Person:	
Email:	
Phone:	
System Make:	
System Model:	
Operating Platform(s) iOS/Android/both:	

Version: 1.2
Issued: October 2021

1. Definitions

Act:	the Land Transport Act 1998.
Agency/Waka Kotahi:	Waka Kotahi NZ Transport Agency.
Applicant:	the person and/or organisation applying to have an alternative means of recording matters relevant to the monitoring of work time approved.
Application:	the completed application form and any supporting documentation and other supporting evidence submitted to Waka Kotahi by the applicant.
CVST	Commercial Vehicle Safety Team of the Police.
Enforcement Officer:	an employee of Waka Kotahi or a member of the Police involved in the enforcement of work time related legislation.
Logbook	<p>has the same meaning as in part 2 of the Land Transport Rule: Work time and Logbooks 2007</p> <p>As at 4 May 2022 that definition was: logbook means a logbook that is in a form approved by the Director in accordance with the rules, and includes any alternative means approved under section 30ZG of the Act</p>
Police:	the New Zealand Police.
Rule:	the Land Transport Rule: Work time and Logbooks 2007
System:	the <i>alternative means of recording matters relevant to the monitoring of work time</i> for which approval is being sought. For the avoidance of doubt a system includes all the related parts required to record matters relevant to the monitoring of work time. This includes, but is not limited to, driver devices, storage media and other components that are required to effectively record matters relevant to the monitoring of work time and retain any and all records required by law.
User:	the driver that is using the system to record their work time.
Work time:	<p>has the same meaning as it has in section 2(1) of the Act.</p> <p>As at 4 May 2022 that definition was: Work time includes (but is not limited to) all the time spent—</p> <ul style="list-style-type: none">(a) driving a vehicle to which section 30ZB(1) of the Act applies:(b) performing work-related duties, including (but not limited to)—<ul style="list-style-type: none">(i) loading and unloading:(ii) maintenance and cleaning of vehicles (other than unpaid cleaning outside working hours):(iii) administration or recording:(c) in any paid employment (other than paid leave or paid breaks of at least 30 minutes' duration), whether or not related to transport activities

2. General information

This application must be completed by a person, or a person on behalf of an organisation, seeking approval to supply an *alternative means of recording matters relevant to the monitoring of work time* (the system) for New Zealand. All such systems must be approved by Waka Kotahi, prior to their supply to the New Zealand market.

Waka Kotahi will acknowledge the receipt of your application and, in due course, the outcome of your application.

Waka Kotahi is not liable for, nor will it contribute to, any costs you incur in making this application. This applies irrespective of whether your application is successful or unsuccessful.

Waka Kotahi has no preference for the form of any alternative means of recording matters relevant to the monitoring of work time; however the policy underpinning Waka Kotahi's authority to approve alternative systems envisaged any system would be electronic.

There is no limit on the number of *alternative means of recording matters relevant to the monitoring of work time* Waka Kotahi may approve.

The applicant should be aware that there may be other suppliers of such systems and that those other suppliers may be providing an approved system at no cost to users.

Before expending resources (e.g. time and money) developing a system, the applicant should consider what impact having competing systems available free to users will have. For example, this may affect the financial viability of recovering the costs incurred developing, trialling and gaining approval of their system by selling their system to users.

3. Legal references

Section 30ZB of the *Land Transport Act 1998* (the Act) restricts the hours that drivers of some motor vehicles may work (work time). The Act also requires some of these drivers to maintain a record of the hours they work (maintain a logbook, S30ZF).

The *Land Transport Rule: Work time and Logbooks 2007* (the Rule) provides additional information and clarification of the requirement for work time and maintenance of logbooks.

Section 30ZG of the Act authorises the Agency to approve *alternative means of recording matters relevant to the monitoring of work time*. The Act also authorises the Agency to revoke any such approval.

Clause 3.4 of the Rule provides additional information and clarification for *alternative means of recording matters relevant to the monitoring of work time*.

Clause 3.4(3) of the Rule requires any application for an approval of system to include information about:

- (a) the data to be collected; and
- (b) how data is transferred and subsequently managed by the operator; and
- (c) how drivers using the system will be identified; and
- (d) what measures will be in place to prevent tampering with the devices or records; and
- (e) how enforcement officers may access records.

Applicants must note the relevant sections of the *Fair Trading Act 1986* and the *Consumer Guarantees Act 1993* that apply to the supply and installation of *alternative means of recording matters relevant to the monitoring of work time* in New Zealand.

The applicant is responsible for ensuring their system does not breach any copyright, trademark, patent or other protection.

4. Waka Kotahi NZ Transport Agency reference document

The reference document that supports this application is Waka Kotahi Electronic Logbook *Minimum Specifications*.

Whilst the reference document relates to minimum electronic driver logbook requirements only, Waka Kotahi will consider any form of alternative means of recording work time, electronic or otherwise.

5. Requirement for operational field trial prior to approval

Initially it was envisaged that all applications will be required to successfully complete a field trial before being approved, however, to ensure that the eLog supports roadside compliance and meets all of the Rule requirements, electronic Logbooks are now tested directly by Waka Kotahi.

Where an eLog meets the Waka Kotahi Electronic Logbook *Minimum Specifications* and has System aspects that could hinder roadside compliance or driver usability, a field trial may be requested.

The purpose of a logbook is to enable the driver, the transport operator (employer) and enforcement officers (from Police and Waka Kotahi) to monitor a driver's work time. Logbooks are used as evidence in court proceedings.

The purposes of a field trial include:

- Assisting in determining whether the system is compatible with Police and Waka Kotahi administrative processes.
- Assisting in determining whether the system is compatible with Police and Waka Kotahi IT systems.
- Assisting in determining whether the system is able to provide the enforcement officer with documentary evidence of the user's work time.
- Assisting in determining whether that documentary of a robust standard that will withstand judicial scrutiny and 'stand up' in court should a prosecution be brought against a user.

The field trial will be at a location and time determined by Waka Kotahi in consultation with Police. The location commencement and duration of that trial may be affected by such factors as the availability of appropriate Waka Kotahi/CVST staff. This means the field trial may not take place in the same location as the applicant is based. It also means the commencement of the field trial may be delayed until Waka Kotahi/CVST staff are available.

The field trial involves Waka Kotahi, the Police, at least one transport operator and at least two drivers.

The applicant will be required to nominate the transport operator and the drivers, should a field trial be sought.

A person cannot be both a driver and the transport operator.

The drivers and the transport operator must be independent of the applicant i.e. the applicant cannot be the transport operator or one of the drivers.

The drivers and the transport operator must be acceptable to both the Police and Waka Kotahi. Where a driver and/or the transport operator are not acceptable, the applicant must nominate another driver and/or transport operator.

There is a need for enforcement officers to be able obtain copies of records from the proposed alternative system from the drivers and operators upon demand.

During the operational field trial, information between all parties involved will be freely exchanged, except where prohibited by law.

6. Instructions for completing this application

This application must be completed in full.

The applicant is responsible for ensuring they are using/submitting the current (most recent) version of the application form.

Consideration of your application will be delayed if the information you supply is incomplete. In some instances this may require the application to be returned to you for completion.

If the applicant is not based in New Zealand he/she must also provide details of a suitable New Zealand based agent to represent the applicant.

Section 1 Applicant Details (This may be an individual or organisation)

1. Name:
2. New Zealand based contact person name (If an organisation):
3. Email address of applicant:
4. Web address of company/eLog:
5. Company number:
6. New Zealand contact numbers:
 Telephone: ()
 Mobile phone: ()
7. Physical address:
8. Postal address (if different):

Section 2 Proposed system

1. Make/Model:
2. Country of origin:
3. If the system is app based – Name of app which is downloadable from both Android and Apple platforms (include links if using Test Flight):
4. Describe the unique identifying marks or signage of your proposed system that will allow it to be identified easily at the roadside (including images of markings) **if it is not an app based product**:
5. Describe the provisions have you made for after sales support for your system:
6. Describe how will you provide instruction for users of your system (includes drivers, transport operators and enforcement officers):
Note: copies of user documents to be supplied with this application.

Additional requirements – System access for testing:

7. User Name: *Where possible, User Name(s) should be 'Waka Kotahi' or 'NZTA'. Where a driver licence number is used, this should be 'ZY987654' (to ensure it is not a valid driver licence number).*
8. User Password:
9. Transport Operator/employer access – User Name & Password: *- similar or exact User Name as above.*

Section 3 Alternative means of recording work time compliance requirements

Your application must include a report detailing how your proposed system meets the minimum legal requirements.

	Rule Requirements	Compliance may be met by
1	The data the system will collect must be specified	<p>The data to be collected must be sufficient to enable adequate monitoring of work time. Monitoring of work time can occur in a vehicle, a location away from a vehicle and at the roadside. The data collected must include but is not limited to:</p> <ul style="list-style-type: none"> I. the driver's name; and II. the date on which the logbook page starts; and III. the registration plate details, and for vehicles subject to road user charges start and finish distance recorder readings, of all vehicles subject to work time requirements that have been driven in each cumulative work day; and IV. the start time and finish time, with a location for each, for all work time hours; and V. the start time, finish time, and location of all rest breaks; VI. and extent of hours worked in a cumulative work day; VII. the extent of hours worked in a cumulative work period: and VIII. days on which no work occurred that are subject to work time
2	How the data collected will be transferred with stability and integrity is to be specified.	<p>The data collected must be able to be transferred between components of a system that protects its exclusivity and integrity.</p> <p>Once the data is locked into the system by the driver it must not be capable of alteration in any way.</p> <p>If your proposed system allows transfer of data to an external system its stability, exclusivity and integrity must be maintained.</p>
3	The system must be capable of identifying the drivers who are using it.	<p>A driver's logbook is for the sole use of the driver to whom it is registered. It is unique to the work time and rest periods and breaks undertaken by that driver.</p> <p>The system must be able to identify each driver who is using it.</p>
4	The exclusivity, uniqueness and integrity of the data collected and held in the system is paramount.	<p>The application must explain what measures the system will include to prevent any tampering with the system devices, including the driver device if one is used, and the data records held in the system.</p>
5	The system must be accessible to enforcement officers.	<p>Monitoring work time, including checking of records, is a task undertaken by enforcement officers.</p> <p>Often this is done at the roadside or in inclement weather.</p> <p>Logbook records must be able to be viewed by officers in these situations and they must be able to take and retain copies of the records for checking and possible investigation and prosecution.</p> <p>The proposed system must be able to facilitate this interchange in a timely and cost effective way.</p>

Section 4 Complete application

Your completed application is to be emailed to DriverandOperator@nzta.govt.nz. You will receive an automatic response which will confirm receipt of your application. An initial response will be made within 10 working days of receipt to provide an indication of when testing and review of the eLog system will commence.

Your application must include:

1. This application form, completed in full.
2. A completed Waka Kotahi Electronic Logbook *Minimum Specifications* – this will be sought for signing once the system has been tested and commentary finalised prior to approval.
3. User name & Password for the Waka Kotahi approver of eLogs to gain direct access to test and/or review the system at any time. This access must be provided at no cost to Waka Kotahi **and** access remain indefinitely.
4. Two cumulative work periods, as per email with application form.
5. A copy of the user documentation and any other supporting material relevant to this application.
6. Any other related information you believe Waka Kotahi should take into consideration when assessing your application.
7. The signed declaration (below).

Consideration of your application will be delayed if the information you supply is incomplete.

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Section 5 Declaration

I (print name) of (company or organisation)
certify the information provided in this application is to the best of my knowledge true and correct
and I am/have:

1. **Authorised to apply on behalf of the named company or organisation,**
2. Read and understood the contents of the Waka Kotahi's minimum specifications for suppliers of Electronic Logbook (eLog) systems in New Zealand,
3. Read and understood the relevant sections of the Fair Trading Act 1986 and the Consumer Guarantees Act 1993 that apply to the *supply and installation of devices* New Zealand,
4. Read and understood the relevant sections of the Land Transport Rule: Work Time & Logbooks 2007 and Land Transport Act 1998 that relate to Electronic Logbooks,
5. Confirm the system approval is being sought for does not breach any copyright, trademark or other such protection.

Signed: Date: