



3 May 2019

Driver Licensing Review
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DRIVER LICENSING AMENDMENT 2019 (Rule 91001/13)

Introduction

The New Zealand Automobile Association (NZAA) welcomes the opportunity to provide comment on the Driver Licensing Amendment Rule 2019.

The NZAA is an incorporated society with 1.7 million Members. It represents the interests of road users who collectively pay over \$3 billion in taxes each year through fuel excise, road user charges, registration fees, ACC levies, and GST.

This submission has been jointly prepared by NZAA Motoring Affairs, which advocates on behalf of NZAA Members and motorists, and NZAA Government Services, which delivers driver licensing services to drivers on behalf of the NZ Transport Agency.

The NZAA's advocacy and policy work mainly focuses on protecting the freedom of choice and rights of motorists, keeping the cost of motoring fair and reasonable, and enhancing the safety of all road users, all of which are the focus of our comments in this submission.

The views presented in this submission echo those of our earlier submission in 2016 on the Ministry of Transport *Driver Licensing Review* which gave rise to this draft Rule. They reflect the combined views of the NZAA Motoring Affairs and Government Services, with the interests of our 1.7 million Members and motorists in general being paramount.

Comments on the relevant proposals for which we have feedback are provided below.

Proposal 1: Reduce requirements for eyesight testing

As detailed more fully in our earlier submission on the MoT discussion document, the NZAA is supportive of retaining the 10-yearly eyesight screening test. The results of two random NZAA surveys in 2015 showed that removing the eyesight screening at licence renewal would be unpopular with the public, with 73% of NZAA Members opposed to this. Further, the MoT's own cost:benefit analysis shows only a modest saving over a 20 year period by removing the periodic screening test.

However, the NZAA does support enabling online licence renewal, as do our Members. The NZAA's preferred position would be either eyesight screening test from a driver licensing agent, or enabling drivers to renew online with either a current valid optician or medical eyesight certificate (which could be uploaded electronically or be available online to driver licence agents). NZAA surveys showed 60-63% of Members aged up to 44 support this option, and 52-54% of Members aged 45-64.

As proposed, at each licence renewal or reinstatement not requiring an eyesight screening test, drivers will be required to make a declaration "that their eyesight is of a sufficient standard for safe driving." The *Report on Driver Vision Screening in Europe, June 2011* said that "Many drivers do not notice a gradual change in their visual status (whether visual acuity, visual field or other visual functions), and can therefore be unaware that they fall below the required standard. Studies have shown a widespread lack of awareness about the current visual standards and the legal implications of driving with poor vision."

A consensus of international experts in eyesight screening has concluded that drivers cannot be relied on to judge if their eyesight is deteriorating. Signing a declaration that states your eyesight is sufficient for safe driving relies far too heavily on honesty and the applicant understanding what they are actually signing and the consequences of making a false declaration. Further, it is unclear how or when a false declaration would be uncovered – would this be following an accident? Is it envisaged that Police will check accident victim's eyesight? How will they do that?

Hence applying WorkSafe principles, would suggest this is simply a way of deflecting blame onto an individual driver after the event, rather than an effective, safe system preventive measure. Further, it is possible that under the WorkSafe legislation, removing the (relatively low cost) eyesight screening at licence renewal will place responsibility for vision testing (at a greater cost burden) on employers and PCBUs, who will have to ensure that anyone employed to drive or driving in their place of business is adequately evaluated to sign the declaration.

Whilst the NZAA would prefer retaining the current 10-yearly eyesight screening, we recognise the proposal partially takes into account the concerns raised by the NZAA in our earlier submission by proposing an interim screening at the next licence renewal from age 45. In the absence of 10-yearly screenings, the NZAA favours the proposal of an initial screening when obtaining a Learner licence, then again from age 45, then from age 75 and bi-annually from age 80.

The NZAA agrees that eyesight screening should not be done at each stage of the GDLS provided a person progresses at the expected rate. However, eyesight can change more quickly during teen and early adult growth spurts, and opticians advise checking eyesight every two years through this growth stage. Therefore, we would suggest that a person who does not progress to the next stage of the GDLS within 2 years should be screened again.

Proposal 2: Simplify the progression from Class 2 to Class 5

The NZAA supports removing the Class 3 licence in its entirety.

However, we have concerns about reducing the 6-month wait time between Class 2L and 2F, and removing the Class 4L and 5L licences. The 6-month Learner period before drivers can sit the practical test to obtain a Full licence is meant to build up supervised practice hours in that type of vehicle, although this may not currently be being done because of the cost of essentially employing two drivers for one vehicle. Failure to undertake supervised driving is not sufficient grounds to remove the wait time or Class 4L and 5L and should be discouraged. In addition there is a risk of unsupervised driving in the next licence class by a driver with insufficient experience in that vehicle class which poses risks to other road users, and it is unclear how this would be monitored.

The discussion document says most heavy vehicle drivers undertake 'approved courses' anyway. We would not want to see the removal of the L licence encouraging fewer people to take up this option, whereas currently the six-month Learner phase may in fact be incentivising more drivers to undertake an approved course.

The NZAA does support proposals to strengthen the practical tests and approved courses. These should be brought in line with educational best practice and should be able to be offered by a tertiary provider (this would be possible with the new ITO proposals the government is working on). The training should be reviewed every 5 years at a minimum.

Proposal 3: Remove the Accelerated Licensing Process

The NZAA supports the proposal to remove the Accelerated Licensing Process due to the limited uptake, although this may have been in part due to few providers offering this option.

Proposal 4: Remove the requirements for special-type vehicle endorsements

While we acknowledge there may be some duplication between the endorsement qualifications and occupational safety training under the Health and Safety at Work Act 2015, the NZAA opposes this proposal at this time because it is unclear how proof of training or compliance with the aforementioned Act will be verified e.g. for self-employed contractors. Currently the endorsements provide that proof. This needs to be addressed under the qualifications framework and alternative proof may be provided in the form of a unit standards qualification, but until this is clarified the NZAA is unable to support this proposal.

Proposal 5: Standardise speed thresholds for tractor and special-type vehicles

The NZAA provisionally supports standardising the speed restrictions for all tractors to 40km/h to reduce confusion. However, we note that the NZAA did not support previous Rule amendments to raise the 'agricultural tractor' speed limit to 40km/h, and that remains our view. While we understand that the current differential speed limits for tractors may cause confusion, we observe that this is a problem of the regulators own making by differentiating agricultural tractor speed limits in the first place. The NZAA's preferred option would in fact be to revise the agricultural tractor speed limit back down to 30km/h which would realign it with the current limit for all other (non-agricultural) tractors.

The NZAA does not consider raising the speed limit for all tractors in order to reduce the speed differential will meaningfully reduce motorists' risk of crashing into an agricultural machine as 40km/h is still too slow for a motorist approaching at 100km/h from a blind corner. We believe

this risk would be better addressed by improving the advanced visibility of agricultural machines (e.g. through the greater use of flashing warning LED lights). Indeed, we consider the lower 30km/h limit could actually help mitigate incidents involving inexperienced agricultural drivers losing control, or simply failing to judge dimensions and tracking.

Proposal 6: Simplify the rules for tractors that can be driven on a Class 1 licence

The NZAA supports aligning the requirements for agricultural and non-agricultural tractors on the grounds of simplifying compliance, **on the proviso** that the driver has a **Full Class 1 licence OR has held a Restricted licence for at least two years** (rather than a Class 1R licence with no minimum time as currently permitted).

We note that in our previous submissions on agricultural transport rule changes, the NZAA did not support the changes that permitted inexperienced Class 1 licence holders to drive agricultural tractors weighing up to 18,000kg (or 25,000kg in combination). As with our comments above, this proposal has been bought about as a result of the creation of differential rules for agricultural tractors in the first place, which is further diluting what were fit-for-purpose regulations.

Proposal 9: Improve oversight of approved course providers

The NZAA supports enabling NZTA to improve the oversight of approved course providers. This is in the public interest as it will protect motorists as consumers of these services, protect motorists from the risks of sharing the road with inadequately trained road users, and raise the standards and professionalism of the industry.

However, we don't consider the 'fit and proper' person criteria under new clause 101A(2) is specific enough to enable employers to vet potential applicants. The NZAA suggests that the criteria outlined in s29A of the Land Transport Act 1998 in respect of the Passenger endorsement and which defines what is a 'specified serious offence', may be appropriate for inclusion.

Further, it is unclear whether these changes apply to all course providers, including 'I' endorsement, or just those that deliver training for classes 2-5. For example, in the overview it is noted that the NZTA could impose conditions on course providers in addition to the Statement of Approval Conditions, however these only apply to Class 2-5 course providers. The NZAA suggests that the proposed amendments may need to clarify that they apply to course providers of all licences classes from 1-6.

Yours sincerely



Mark Stockdale
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