

# Legal Torque

## WORK TIME AND LOGBOOK RULES

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**-Shafraz Khan-**

From 1 October 2007 a new work time and logbook and operator licensing legislative regime will be in force in New Zealand. Changes to the legislation have been in the pipeline for several years. Most of the new requirements taking effect from 1 October will involve new processes for calculating and recording hours worked and measures to improve operator identification and performance of drivers and operators.

**The most significant change with the new regime will be that all hours spent working will have to be recorded as work time.**

There is no longer a distinction between driving hours and on duty time separately. Both these elements have been combined to now be classed as “work time”. Logbooks have therefore been simplified and will now only consist of work time and rest time. There is no longer a requirement to record driving hours, on duty and rest time separately in the logbook.

### Driving Hours

Under the new legislation, all time spent working must be recorded as work time. The requirement to take a break of a least 30 minutes after 5 1/2 hours of work time still exists. This however is now different from the old regime as a break is required no matter what type of work takes place

during the work time period. After 13 hours of work time, drivers must then take a continuous break of at least 10 hours. The existing limit of 11 hours driving, 14 hours on duty with a minimum 9 hour break between working days will be replaced by a limit of 13 hours of work time in a working day and a break between working days of a minimum of 10 hours. This reduces the length of the working day by 1 hour, but provides more flexibility about what work can be done inside that time frame.



Unlike the current provisions, there are no “any 24 hour period” rules. This has been replaced by “cumulative work day” and “cumulative work period”. A cumulative work day begins at the conclusion of the 10 hour rest period. A cumulative work period begins after a continuous 24 hour rest period. There is now a limit of 13 hours of work time in any cumulative work day after the 10 hour rest period has been completed. Drivers do not have to look back at the hours done the previous day in determining their hours for the new day.

If a journey involves a ferry crossing and the trip lasts more than 1 hour, this is counted as a rest break. The ferry departure and arrival times is recorded as the start and end of the rest break in the logbook. If at the end of the

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crossing, the driver has exceeded their work time hours for the day, there is allowance in the legislation that allows them to work for up to one further hour to find a safe place to park their vehicle and take their 10 hour rest break before commencing work again.

### **Delays**

Special provisions have been included in the new legislation that allows for situations where drivers are unable to complete their journey within work time limits due to unforeseen situations or emergencies. The legislation specifies three emergency events namely, civil defence emergency, an accident attended by emergency services and urgent action to save life or permanent injury. Any unforeseen delay has to be recorded in the logbook and if these delays have been attended by a member of the Police, it may be prudent for drivers to have their logbooks initialled evidencing the incident by that officer.

### **Penalty**

Failing to produce a logbook to an enforcement officer now carries with it a maximum fine of \$2,000 and the Court has a discretion to disqualify the driver from driving for a period of 1 month or longer.

The disqualification is not mandatory.

In the case of exceeding work time restrictions or failing to comply with the rest time requirements by less than 60 minutes, there will be a maximum fine of \$2,000 and if the Court thinks fit it may disqualify the driver for a period of 1 month or the Court may require the driver to complete a work time and logbook course approved by Land Transport.

In the case of a driver exceeding the work time restrictions or failing to comply with the rest time restriction requirements by 60 minutes or more in a cumulative work day, there will be a maximum fine of \$2,000 and a mandatory disqualification for 1 month or if the Court thinks fit, for a time more than 1 month.

Charges of failing to fill out logbooks or having a false statement in a logbook or allowing an omission to occur in the logbook carries with it a maximum fine of \$2,000 and a discretion to disqualify the driver for 1 month or more.

If you have any work time or logbook queries please contact Cathy Bormans on 915-2412 or Shafraz Khan on 915-2422.

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