

# Legal Torque

## OPERATOR RATING SYSTEM

May 2011  
Issue 35

As you will no doubt be aware, the New Zealand Transport Agency ("NZTA") has recently introduced a system known as the Operator Rating System ("ORS").

### *How does the ORS work?*

The ORS is based on Certificate of Fitness ("COF") inspections, roadside inspections and relevant traffic offences. Operators are issued with a rating between one and five stars. A five star rating indicates an excellent level of compliance with safety requirements, while a one star rating indicates a poor level of compliance.

During COF and roadside inspections over a two year period, both the number of faults and the seriousness of the faults are assessed. Any faults that are found are given a score between 1 and 9. The more faults a vehicle has or the more serious the risk to road safety, the higher the score assigned to the fault. For example, non-working lights will be given a higher score than an incorrectly displayed certificate as lights are more important to road safety. The higher the overall score, the more influence it will have on the rating an operator is given under the ORS. The results of roadside inspections carry more weight than COFs as they are more reflective of the day-to-day condition of an operator's vehicles.

As well as COF and roadside inspections, offending by an operator is assessed. Not all offences will influence an operator's rating. For example, non-compliance with RUC requirements are not directly related to road safety so are not taken into account. However, offending such as dangerous driving, speeding, unsafe loading, fatigue and careless driving are all offences which will be assessed when determining an operator's rating.

Crashes will not be included in the calculation of an operator's safety rating unless fault has been established based on offending (for example speeding) that led to the crash.

### *Interim ORS*

If you hold a Transport Service Licence you should by now have received notification from NZTA of your interim rating under the ORS.

The Agency warns that an interim rating does not constitute an official rating under the ORS, which will be released in

late 2012 based on information collected over a two year period.

The interim ratings are an indication to operators as to how they have performed over the six months. The interim ratings give operators the opportunity to correct any errors in the information used to achieve the rating and give an opportunity to operators to work on areas that need to be addressed. Interim ratings will continue every six months until the official ratings are released in late 2012.



### *What you should be doing*

It is important that operators check the information given to them by NZTA carefully and correct any errors in the information. Operators should keep their own record of all stops that their vehicles go through and then cross check their data with that of the NZTA. Drivers need to be made aware that they need to notify their employer if they have been stopped regardless of the outcome of the stop.

Also, if you have an issue with the determination of a CVIU officer on the roadside, you need to challenge that. If your truck is stickered for faults and when it is inspected by your service provider you find that the CVIU was wrong, you need to collect this information and send it to NZTA. Failure to do this will have an adverse effect on your rating.

At this stage, information on the events that have been used to determine your rating will be sent out to you on a six monthly basis. You will then have to go through that information and if you find any errors or omissions, you will need to apply to have these corrected. You have 20 working days from the time you receive your interim rating to write to NZTA's ORS Errors and Omissions team.

The interim ratings are not made available to the public however the official ratings will be available on the NZTA website from late 2012.

If you would like further information on the ORS, please contact Shafraz Khan at Fortune Manning on (09) 915-2422.

---

## Transport Team Contact Details

### **Catherine Bormans**

Telephone **09 915 2412**

Email: [cathy.bormans@fortunemanning.co.nz](mailto:cathy.bormans@fortunemanning.co.nz)

### **Shafraz Khan**

Telephone **09 915 2422**

Email: [Shafraz.khan@fortunemanning.co.nz](mailto:Shafraz.khan@fortunemanning.co.nz)

Please note that this newsletter is intended as a guide only on certain aspects of the law. It should not be relied on as a substitute for professional advice. Specialist legal advice should always be sought in relation to any particular situation. Fortune Manning accepts no responsibility for any actions taken in reliance on any information in this newsletter, nor for any error in, or omission from, this publication.