

Statement of approval conditions

Governing the delivery of NZ Transport Agency approved driver licensing courses

Version 3 - June 2009



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Purpose

This document is a statement of approval conditions imposed under clause 102 (2) of the Land Transport (Driver Licensing) Rule 1999 on any individual or organisation approved to conduct NZ Transport Agency (NZTA) approved driver licensing courses.

The purpose of this document is to clarify and supplement any existing requirements contained in associated documentation, legislation, policies and procedure. This statement shall therefore be read and applied in conjunction with any other relevant documents which may include, but are not limited to, the following list:

- Land Transport Act 1998 (the Act)
- Transport (Vehicle and Driver Registration and Licensing) Act 1986
- The Transport Act 1962
- The Road User Charges Act 1977
- Health and Safety in Employment Act 1992

- Land Transport (Offences and Penalties) Regulations 1999
- The Road User Charges Regulations 1978
- The Traffic Regulations 1976
- The Heavy Motor Vehicle Regulations 1974

- Land Transport (Driver Licensing) Rule 1999 (the Rule)
- Land Transport Rule: Dangerous Goods 2005
- Land Transport (Road User) Rule 2004
- Land Transport Rule Vehicle Lighting 2004
- Land Transport Rule Traffic Control Devices 2004
- Land Transport Rule Work Time and Logbooks 2007
- Land Transport Rule Operator Licensing 2007
- Land Transport Rule Vehicle Dimensions and Mass 2002
- Land Transport Rule (Vehicle Standards Compliance) 2002

- Tranzqual ITO trainer kits
- Industry Training Organisation (ITO) assessment schedules and marking guides
- ITO code of practice
- ITO assessor policy and procedure manual
- New Zealand Qualifications Authority (NZQA) unit standards

- *The official New Zealand truck loading code* (published by the NZTA)
- Learning system for driving instructors syllabus
- The official New Zealand road codes
- *Safety code for forklift truck operators: No 1 front loading forklift trucks* (published by the Department of Labour)
- *Approved code of practice for training operators and instructors of powered industrial lift trucks (forklifts)* (published by the Department of Labour)
- *Operator safety manual for earthmoving machinery* (published by InfraTrain NZ).

The relevance of these documents will vary depending on which type of course the provider is approved to conduct.

The list shall include any subsequent amendments to the listed documents.

1. Approval

- 1.1 Pursuant to clauses 99-102 of the Rule, the NZTA may approve organisations or individuals to conduct approved driver licensing courses and issue course completion certificates. Such approval is subject to any conditions or requirements specified in this document, the Rule, the Act, or any applicable NZQA or ITO assessor policy or procedure.
- 1.2 Where the provider approval is for an organisation (as opposed to an individual), refer to the special provisions in section 2 below.
- 1.3 An approved provider must notify any change of physical business address to the nearest NZTA regional office (see back cover for details) within seven days of relocation.
- 1.4 Any person approved as an individual course provider or any assessor approved to work for an approved course provider organisation must advise the nearest NZTA regional office immediately of any change to the status of their driver licence that would preclude them from being able to legally drive on a road (eg disqualification, suspension, expiry).

2. Organisational approvals

- 2.1 Any organisation approved as a provider may employ or contract the services of an approved assessor. The provider shall not allow any person to conduct courses under their approval unless the NZTA has issued that person with a certificate of authorisation to conduct driver licensing courses. The certificate of authorisation is specific to the person, the type of course they can conduct, and the organisation they may conduct it for.
- 2.2 Should an assessor cease to be employed or contracted as an assessor by the approved organisation, the organisation shall immediately notify the NZTA of the changed situation in writing so the certificate of authorisation can be withdrawn.
- 2.3 The provider shall be directly responsible and accountable for the actions or in-actions of any person they employ or contract to conduct courses under their organisational approval. To this end the provider shall ensure that all assessors have read, are fully aware of, and comply with the contents of this document at all times.
- 2.4 In applying to be an approved provider, the organisation must have provided a recorded organisational structure in which accountability within the organisation is clearly identified. Should this structure change, the provider shall immediately notify their local NZTA regional office of any changes in writing.
- 2.5 The provider shall also maintain a register of assessors as specified in clause 6.2 of this document.

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3. Approved course content for class 2,3,4,5, passenger (P) and vehicle recovery (V) endorsement courses

3.1 In the case of approved NZTA driver licensing courses for classes 2,3,4,5, passenger (P) and vehicle recovery (V) endorsement, approved course content requires trainees to complete both training and assessment requirements as detailed below:

- a. Training – as prescribed in the relevant Tranzqual ITO trainer kits (as shown in the table below). This represents the minimum course training requirement. In delivering this training providers must cover the modules and associated training activities prescribed in the trainer guide (which forms part of the Tranzqual ITO trainer kit). Providers may however, supplement (add to) the prescribed training and activities using their own resources if they wish to do so.
- b. Assessment – as prescribed in the relevant course unit standards (as shown in the table below).

Course type	Course content	
	Training (ref. Tranzqual ITO trainer kits)	Assessment of unit standards
Class 2	Class 2 driver licences (unit standard 17574)	Unit standard 17574: operate a heavy rigid vehicle to meet the requirements for a full class 2 driver licence
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements
Class 3	Class 3 driver licences (unit standard 17575)	Unit standard 17575: operate a combination vehicle to meet the requirements for a full class 3 driver licence
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements
Class 4	Class 4 driver licences (unit standard 17576)	Unit standard 17576: operate a rigid vehicle to meet the requirements for a full class 4 driver licence
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements
Class 5	Class 5 driver licences (unit standard 17577)	Unit standard 17577: operate a combination vehicle to meet the requirements for a full class 5 driver licence
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements
Passenger endorsement	P (passenger) endorsement (unit standard 17579)	Unit standard 17579: demonstrate knowledge of driver requirements for endorsement P (Passenger)
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements
Vehicle recovery endorsement	V (vehicle recovery) endorsement (unit standard 17580)	Unit standard: 17580: demonstrate knowledge of driver requirements for endorsement V (vehicle recovery)
	Fatigue management, work time, and driver logbook requirements (unit standard 24089)	Unit standard 24089: demonstrate knowledge of fatigue management, work time, and driver logbook requirements

Note: The Tranzqual ITO trainer kits and unit standards (including the corresponding assessment schedules) referred to above are to be the version current at the time the course training and assessment is commenced.

3.2 Exemptions from course requirements

Unit standard 24089 (demonstrate knowledge of fatigue management, work time, driver logbook requirements) – where a trainee provides evidence of having previously successfully completed course requirements for unit standard 24089 (as part of another approved driver licensing course) the following requirements apply:

- a. If course requirements relating to unit standard 24089 were successfully completed within 12-months of the current course – there is no requirement to complete training or assessment.
- b. If course requirements for 24089 were successfully completed more than 12-months prior to the current course – the provider shall confirm that the trainee has retained the knowledge and skills to be competent in this unit.

This shall be achieved by either:

- i. the provider reviewing seven consecutive days of logbook pages completed by the trainee within the preceding 12-months; or
- ii. the trainee completing any one of the approved course logbook scenarios.

In confirming competency in either (i) or (ii) above, the required standard is that all completed logbook pages satisfy legal requirements

This evidence must be documented and placed with the trainee’s course documentation (ie photocopy logbook pages or retain completed logbook scenario). If the trainee fails to meet the required standard the provider shall require the trainee to complete the full course requirements (including training) in relation to unit standard 24089.

3.3 Exemptions from training requirements

The only exemptions from course training requirements relate to the following situations:

- a. Class 4 courses – as the class 2 and 4 study guide and trainer kit are the same, where a trainee provides evidence of having completed the approved driver licensing course for class 2, they will not be required to undergo the theory training component of the class 4 course. They must however still satisfy the practical training and full assessment requirements.
- b. Class 5 courses – as the class 3 and 5 study guide and trainer kit are the same, where a trainee provides evidence of having completed the approved driver licensing course for class 3, they will not be required to undergo the theory training component of the class 5 course. They must however still satisfy the practical training and full assessment requirements.

- 3.4 Where an exemption contained in clause 3.2 or 3.3 is applied in relation to an approved driver licensing course, the provider must place a copy of the evidence provided by the trainee (in relation to previously completed courses) with the trainee’s course documentation.

4. Approved course content for forklift (F), dangerous goods (D), wheels (W), tracks (T), rollers (R), driving instructor (I) endorsement courses and class 2-5 learner licence course for persons 25 years of age or over:

- 4.1 In the case of approved driver licensing courses for forklift (F), dangerous goods (D), wheels (W), tracks (T), and rollers (R) endorsements, approved course content requires trainees to successfully complete the relevant unit standard based courses as detailed in the table below.

Course type	Course content assessment of unit standards
Dangerous goods endorsement	Unit standard 16718: demonstrate knowledge of law and practice for the transport of dangerous goods by road
Forklift endorsement	Unit standard 18496: demonstrate knowledge and skills for driving a forklift on a road for endorsement F (forklifts)
Wheels endorsement	Unit standard 16701: demonstrate knowledge and skills for driving on a road for endorsement W (wheels)
Tracks endorsement	Unit standard 16703: demonstrate knowledge and skills for driving on a road for endorsement T (tracks)
Rollers endorsement	Unit standard 16702: demonstrate knowledge and skills for driving on a road for endorsement R (rollers)

Note: The unit standards (including the corresponding assessment schedules) referred to above are to be the version current at the time the assessment is commenced.

- 4.2 In the case of approved driver licensing courses for class 2-5 learner licence course for persons 25 years of age or over, and driving instructor (I) endorsement, approved course content requires trainees to successfully complete the relevant course content as detailed in the table below.

Course type	Course content
Driving instructor endorsement	Individual provider training and assessment material as approved by the NZTA
Class 2-5 learner licence course for persons 25 years of age or over	Course content as specified in the NZTA document Class 2-5 learner licence course for persons 25 years of age or over - information for course providers

5. Conducting approved driver licensing courses

- 5.1 The provider shall maintain such standards of competency and integrity in respect of the provision of the course as the NZTA considers appropriate.
- 5.2 The provider shall conduct all approved driver licensing courses in accordance with the requirements of this document and any other relevant rule, act, regulation or any applicable NZQA or ITO assessor policy or procedure. For avoidance of doubt where any NZQA or ITO assessor/assessment policy or procedure conflicts with NZTA approved driver licensing course requirements, the NZTA requirements shall take precedence.
- 5.3 The provider shall comply with any conditions or requirements specified in relevant NZTA approved assessment schedules and any special notes or entry criteria contained in the course unit standards.
- 5.4 Trainees must be fully assessed against all the questions/tasks specified in the approved NZTA course assessment schedule(s).
- 5.5 All assessment evidence gathered by the assessor must be documented on the approved course assessment schedule(s).
- 5.6 The provider must satisfy the prescribed course content when conducting any NZTA approved driver licensing course (see sections 3 and 4). In the case of class 2,3,4,5, P and V endorsement courses this will include the mandated training (as prescribed in the relevant Tranzqual ITO trainer kits) and assessment of the relevant course unit standards.
- 5.7 Where exemptions to the specified course content may apply (as detailed in clause 3.2 and 3.3 of this document) the provider must place a copy of the evidence provided by the trainee (in relation to previously completed courses) with the trainee's course documentation.
- 5.8 The provider shall not alter the content of any courses or vary from the conditions of approval in any way without the prior written consent from the NZTA. The only exception to this requirement is when conducting the training component of courses in relation to class 2,3,4,5, P and V endorsement, the provider may supplement (add to) the training and activities prescribed in the Tranzqual ITO trainers guide without obtaining prior written consent from the NZTA.
- 5.9 All NZTA approved driver licensing courses shall be conducted using only assessment schedules (and training material where it is prescribed as part of the approved course content) that has been approved for use by the NZTA.
- 5.10 When considering assessment evidence the assessor must take cognisance of the appropriate approved NZTA marking guides. While the answers provided by the trainee are not required to mirror word for word those shown in the marking guides, trainees must nevertheless correctly and fully complete all questions/tasks. Where approved NZTA marking guides provide a judgement statement, they must be fully satisfied for the trainee to be deemed competent.

Any unanswered questions or answers provided that are incorrect or incomplete must result in a 'not yet competent' outcome. Candidates can be provided a re-assessment.

- 5.11 The course venue shall be appropriate for that purpose and be conducive to the trainee successfully completing the course. It shall be of sufficient size for the number of trainee's undertaking the course and also be sufficiently quiet and free from interruptions at all times. Furthermore it shall provide the trainee with adequate lighting, heating, ventilation, tables and chairs. Toilet facilities shall be available and maintained in a clean and tidy state at all times.
- 5.12 Where the approved course content includes mandatory training requirements, training may only be conducted by a person who holds the relevant course provider approval as an individual or in the case of a person conducting the course under an approved course provider organisation, holds the relevant certificate of authorisation.
- 5.13 The provider shall, prior to commencing the course, confirm the identity of the trainee by an appropriate means of identification. Preferably this should be achieved where possible by photographic means with documents such as a driver licence or passport. Where this is not possible identity may be verified by comparing the candidate's signature against another document.
- 5.14 Where appropriate the trainee's driver licence is checked prior to commencing the course to confirm that they hold a current New Zealand driver licence of the appropriate class that satisfies the course entry criteria as specified in either the relevant course unit standards or NZTA course criteria. In relation to class 2-5 courses this means that prior to conducting any prescribed mandatory training for unit standards 17574 (class 2), 17575 (class 3), 17576 (class 4), or 17577 (class 5) the provider shall ensure that the trainee holds a current learner licence for the appropriate class of vehicle.
- 5.15 Where a trainee undertakes a course for either class 2,3,4,5, P or V endorsement, the provider must issue each trainee (either prior to or at the commencement of the course) original copies of the Tranzqual ITO study guides appropriate to the course being undertaken. Each trainee must retain the study guides at the completion of the course for future reference and reinforcement of information. The only exception to this requirement is where the trainee wishes to complete either a class 4 or 5 course and they can produce their own copy of the relevant study guide that they have obtained from having previously completed either the class 2 or 3 course.
- 5.16 When assessment schedules are provided in the study guides, providers must ensure that they remove the assessment schedule from the study guide prior to supplying to the trainee.

- 5.17 Where the approved course includes mandatory training (as specified in section 3 of this document) the training must be conducted (including the required training activities) in a training room environment by the person who is approved to conduct the training. No training or training activities contained in the trainee activity booklet may be completed by distance learning.
- 5.18 Where the approved course includes mandatory training (as specified in section 3 of this document) each individual trainer must have the appropriate original and complete Tranzqual ITO trainer kit(s) in the training room when delivering the training.
- 5.19 Where the approved course content includes mandatory training requirements (as specified in section 3 of this document) the provider will ensure that an Acknowledgement of completion of theory training form and an Acknowledgement of completion of practical training form (if applicable) are completed at the conclusion of training requirements and are retained with the trainees course documentation.
- 5.20 The provider shall ensure that answers to written assessment questions are recorded in ink (not pencil) and that any changes/alterations to answers are clearly visible (ie changed answers are crossed out with a single line rather than concealed by the use of whiteout or masking products).
- 5.21 Where all or part of a course assessment (including any reassessments) are conducted orally the assessor must record the trainee's exact response when answering the question(s). Questions that are delivered orally must be exactly as they are written in the assessment activity and cannot be altered or restated in different words.
- 5.22 Where a trainee is not yet competent in any assessment item of the course assessment, the assessor shall record on the assessment schedule the trainees responses/actions that led the assessor to make this judgement.
- 5.23 All trainees must be fully assessed against all requirements contained in the approved NZTA course assessment schedule(s). Recognition of current competency (RCC) and recognition of prior learning (RPL) as defined by the NZQA may not be used for driver licence courses.
- 5.24 Where an approved course includes mandatory training (as specified in section 3 of this document) the assessment will be conducted at the conclusion of the mandated training. Any competencies displayed by the trainee during the training component of the course may not be used as evidence of competency for assessment purposes.
- 5.25 The provider shall only issue a course completion certificate where the trainee has satisfied all course requirements and the course documentation supports the outcome of the trainee having successfully completed the course.
- 5.26 The approved driver licensing course completion certificates shall be signed only by the person who has conducted the course assessment. In the case of courses that have been conducted by more than one assessor, the course completion certificate shall be signed by either all persons who have assessed the course unit standards, or by the person who has assessed the last unit standard that completes the course. The use of scanned signatures on course certificates is not permitted as these can be generated by persons other than the course assessor.
- 5.27 For NZTA audit purposes the provider shall retain the completed trainee course documentation (see definition on page 12). The completed trainee course documentation shall be retained by the provider for the period of 18-months from the date that the course was completed.
- 5.28 When conducting any course that includes practical driving requirements, the provider shall ensure that:
- the vehicle used meets the driver licensing class and endorsement specifications (if applicable) contained in schedules 3 and 4 of the Land Transport (Driver Licensing) Rule 1999; and
 - all legal requirements relating to the vehicle, and its use on the road are complied with; and
 - the trainee is carrying an appropriate and current driver licence with them during any practical training or assessment.
- 5.29 When completing the practical course requirements relating specifically to classes 2-5, the provider shall ensure that:
- practical urban driving assessments for class 2-5 courses are only undertaken in the approved locations as specified on www.landtransport.govt.nz/licensing/heavy/assessment-locations.html (Note: This address will change by late 2009. The new address will be advised.) This will ensure that the trainee will have their practical urban driving skills assessed in an environment providing sufficient traffic situations and interaction with other road users to allow the assessor to gather evidence of the trainee's driving skills and make an appropriate judgement. In special circumstances where the provider wishes to conduct a practical driving assessment in a location that is not listed on the website (see above), the provider may apply for an exemption from the NZTA regional office responsible for their area (see back cover for details). In such a case the practical assessment may not be conducted until a written exemption is obtained from the NZTA and retained with the trainee's course documentation. Any exemptions granted will be specific to a particular assessment only and will not be generic.
 - the assessor holds a current driving instructor endorsement for the class of vehicle in which the practical training or assessment is being conducted
 - agricultural tractors or any other special type vehicle (see definition on page 12) are not used for practical training or assessment for classes 2-5 courses.
 - any vehicle used for a practical course assessment must meet the vehicle and loading requirements specified in the relevant ITO assessment schedules.

- e. the assessor includes with the trainees course documentation a map clearly indicating the assessment route taken including confirmation of the location where the reversing manoeuvres were assessed (or alternatively reference to a standard route map that is available for viewing)
- f. the practical driving assessment takes a minimum of 40 minutes and covers a minimum distance of 20 km.

6. Certificates and registers

- 6.1 The provider must operate and maintain in a current state, a register that records, for at least the preceding 12-months, the following information for each trainee irrespective of whether they have been successful or not:
 - Name and address
 - Phone number
 - Driver licence number
 - Type of course
 - Course units
 - Result of each course unit assessment (competent/not yet competent)
 - Date of the assessment for each course unit (if the provider is an organisation include the name of the assessor conducting the assessment)
 - Date the course certificate was issued
 - Approved course certificate number issued.
- 6.2 If the provider is an organisation they must also operate and maintain a register of trainers/assessors conducting courses under their provider approval. This register will contain the following information:
 - Name and address of trainer/assessor
 - ITO registration number(s) and renewal date(s)
 - Driver licence number and expiry
 - Driving instructors endorsement (I) expiry date (applicable only if conducting courses for classes 2-5)
 - List of the courses that the assessor has been approved to conduct
 - Copy of the certificate of authorisation issued by the NZTA authorising the assessor to conduct courses under the organisation's approval.
- 6.3 Only NZTA course completion certificates may be issued to successful trainees. The certificates are individually numbered and must be accounted for. Any certificates spoiled and not issued must be retained for audit purposes and recorded in the register.
- 6.4 The provider shall only issue course completion certificates that have been allocated to them by the NZTA. Certificates must not be transferred from one provider to another.
- 6.5 Any course completion certificates issued must be completed in full by the provider
- 6.6 Where a course certificate has been lost the provider who issued the original certificate will, upon request, supply to any trainee a replacement certificate (containing the same details as the original certificate) at a reasonable cost. Any replacement certificates issued must be recorded in the trainee course register.

7. Conflict of interest

- 7.1 The provider shall ensure that neither they, nor any of their employees, contractors or agents, carry out any other work or undertake any activities that may conflict with or adversely affect the proper performance of their responsibilities under this document or compromise their role as provider.
- 7.2 In particular the provider shall ensure that neither they, nor any of their employees, contractors or agents either directly or indirectly seek or accept any gift, benefit, privilege or concession from any trainee or person in any way connected with a trainee.
- 7.3 Where any gift, benefit, privilege or concession is offered by a trainee at any time, the provider shall immediately inform the nearest NZTA regional office. If the offer is made during a course being conducted by the provider, the involvement of that individual in the course must cease immediately and the NZTA advised accordingly.
- 7.4 The provider shall also refrain from any financial interest or undertaking that may interfere with or compromise the performance of the provider's responsibilities. The provider shall advise the NZTA of any involvement by the provider, or in the case of an organisation, its directors and shareholders and/or its employees, contractors or agents where it is known or ought to be known that any financial undertaking has the potential to conflict with the performance of its responsibilities.
- 7.5 For the avoidance of doubt the parties agree that the provider may conduct courses for any trainee who is an employee, contractor, or agent of the provider providing such courses do not conflict with or adversely affect the proper performance of the provider's responsibilities.
- 7.6 Under no circumstances shall the provider conduct courses for immediate family members nor shall the provider allow any employee, contractor, or agent to conduct courses for their immediate family members (see definition on page 11).
- 7.7 When the provider becomes aware that any situation specified above may occur, or may have occurred, the provider shall advise the NZTA immediately in writing.

8. Security

- 8.1 The provider shall take all reasonable steps to ensure that the courses are conducted in a proper manner and are not compromised in any way by cheating, impersonation of trainees, or in any other manner. This shall be achieved by the provider verifying the trainee's identity prior to the course commencing and supervising written assessments at all times.
- 8.2 The provider shall ensure that no course assessment questions and/or answers are made available to trainees prior to the assessment being conducted. Furthermore, the provider shall also ensure that the course assessment questions are not copied or removed from the assessment venue by trainees.

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9. Audit and monitoring

- 9.1 The NZTA may in writing require any provider to undergo an audit where the NZTA reasonably considers it necessary in the interests of land transport safety. In such cases the provider shall permit the NZTA to enter the premises of the provider, including any training or assessment venue, and:
- a. audit or inspect any course related documents or other related material held by the provider in paper, electronic or any other form whatsoever; and
 - b. observe or monitor activities or work carried out by the provider in connection with the provision of approved driver licensing courses.
- 9.2 Where any duly authorised employee, agent or representative of the NZTA makes a written or verbal request for copies of any documents, records, information or other material held by the provider in relation to the provision of approved driver licensing courses, the provider shall provide such copies to the NZTA within the specified timeframe.
- 9.3 Notwithstanding clause 9.1 of this document, any duly authorised employee, agent, or representative of the NZTA may, with or without prior notice to the provider, but at reasonable times, carry out inspections at or visits to any course venue of the provider in order to determine or ensure compliance with the conditions of this document, appropriate legislation and any other relevant requirements.
- 9.4 The provider shall comply with any instructions made in writing by the NZTA to the provider arising out of any audit under section 198 of the Act.
- 9.5 The provider shall use its best endeavours, and shall provide all such assistance as may be necessary, to facilitate any duly authorised employee, agent or representative of the NZTA in respect of any audit requirements specified in this document.
- 9.6 The provider shall retain the completed trainee course documentation for a minimum of 18-months from the date the course was completed. The course documentation shall support any decision the assessor has reached regarding the candidate's eligibility to receive a course completion certificate.

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10. Notice of defects

- 10.1 Where the NZTA is satisfied that the provider is not maintaining acceptable standards in respect of conducting any approved driver licensing course in accordance with this document, appropriate legislation, Tranzqual ITO training kits or any other relevant requirement, the NZTA may give the provider notice in writing to rectify any defects.
- 10.2 Where any notice is given under clause 10.1 the provider shall rectify any defects specified in that notice within the time specified in that notice or, if no such time is specified, within a reasonable time.
- 10.3 Notwithstanding clause 10.1, where the defects identified are of a serious nature, the NZTA reserves the right to:

- a. direct the course provider to cease conducting approved driver licensing courses until such time as the NZTA is satisfied that the defects have been rectified; or
 - b. take immediate revocation action in relation to any course provider approval(s) in the interests of public safety (see section 13 *Revocation of approval*).
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11. Notification of changes to conditions of approval or course requirements

The NZTA may from time to time notify providers of changes in relation to this document and/or approved course requirements. Upon notification of such changes the course provider shall implement and comply in accordance with the notification. Notification of changes will be deemed to be served in terms of section 16 of this document.

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12. Health and safety

- 12.1 The provider is to ensure that the courses conducted in accordance with this agreement are done in a manner that:
- a. will avoid harm to themselves or to any other persons
 - b. complies at all times with the requirements of the Health and Safety in Employment Act 1992.
- 12.2 The provider shall ensure that all generally recognised safety procedures are adhered to, and appropriate safety checks on all equipment or vehicles used by the provider are carried out.
- 12.3 Where the provider fails to comply with the requirements of health and safety legislation, the NZTA reserves the right to revoke the provider's approval as specified in clause 13 below.
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13. Revocation of approval

The NZTA may revoke a provider's approval under clause 103 of the Land Transport (Driver Licensing) Rule 1999 by notice in writing should the following arise:

- a. The NZTA is satisfied that through the actions or non-actions of the provider (or any person acting as a contractor, employee, or agent to the provider in conducting the course), the provider has ceased to meet the requirements of clause 100 (a) in that they not possess the appropriate skills, training, or experience to conduct the approved driver licensing course(s) as per clause 103 (c) of the Land Transport (Driver Licensing) Rule 1999.
- Examples that may result in the NZTA making this determination include (but are not limited to) situations where:
- i. the provider fails to maintain a standard of competency that the NZTA considers appropriate; or
 - ii. the provider acts inappropriately or illegally; or
 - iii. the provider breaches any condition of the provider's approval; or
 - iv. the provider compromises the integrity of the driver licensing system; or

- v. the provider commits a breach of the health and safety requirements in terms of the Health and Safety in Employment Act 1992; or
 - vi. in the case of a provider approved as an individual to conduct courses; the provider ceases to be a registered ITO assessor, or ceases to hold the appropriate course unit standards on their ITO assessor registration scope; or
 - vii. in the case of a provider approved as an organisation to conduct courses; the sole assessor conducting courses within the organisation ceases to be a registered ITO assessor, or ceases to hold the appropriate course unit standards on their ITO assessor registration scope; or
 - viii. in the case of a class 2-5 practical course requirement the individual provider or assessor (in the case of an approved organisation) ceases to hold the appropriate class of driving licence and/or driving instructor endorsement; or
 - ix. the provider conducts less than 10 NZTA courses within a 12-month period (this provision will not apply in circumstances where the provider can provide an explanation acceptable to the NZTA for the low number of courses being conducted).
- b. The provider ceases to meet the requirements described in paragraph (b) of clause 100 of the Rule, in that where the provider is an organisation, there is no longer a recorded organisational structure in which accountability is clearly defined.
 - c. The provider fails to comply with any instruction arising out of any audit under section 198 of the Act or fails to comply with a notice of defects issued under clause 10.1 of this document.
 - d. The provider fails to implement or comply with any notification of changes to conditions of approval or course requirements notified under clause 11 of this document.
 - e. The provider fails to comply with a requirement made in writing by the NZTA to the provider arising out of an audit under section 198 of the Act.
 - f. The provider ceases to carry on business, or where the approved provider is an organisation and there has been a change in the ownership affecting control of the provider (unless such change is previously approved in writing by the NZTA), or the provider commits any act of bankruptcy or goes or is put into receivership or liquidation, or is wound up or is dis-established, or where a meeting is called for the purpose of considering appointment of a liquidator.

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14. Appeal provisions

Where the NZTA has revoked the provider's approval, the provider has the right to appeal this decision through the District Court in accordance with section 106 of the Land Transport Act 1998.

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15. Return of property on revocation

Where the NZTA has revoked the provider's approval, the provider shall within seven days of the date of notification of this decision, return any unused course completion certificates to the nearest NZTA regional office. The provider will receive a full refund for the cost of the returned certificates.

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16. Service of notices

Any notice required to be given under this document shall be sufficient if in writing and delivered personally or sent by post or sent by electronic means to the email address or facsimile number of the provider. Any such notice shall be deemed given upon personal delivery or sending of the electronic transmission or two days after mailing by standard post.

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17. Course fees

The provider shall set its own course fees.

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18. Assignment

The provider shall assume full responsibility for any act or omission made by any person acting on behalf of the provider.

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19. Relationship between parties

The relationship between the NZTA and an approved driver licensing course provider derives from an approval in accordance with statutory powers and shall not be deemed to be that of employer/employee, joint venture, partnership or otherwise.

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20. Exchange of information

The provider agrees to the exchange of information between the relevant ITO and the NZTA about the provider and their performance in conducting the approved driver licensing course.

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21. Exclusion of liability

The NZTA shall not be liable under or in connection with the provider's performance, whether in tort, contract or on some other basis, for any direct, indirect or consequential damage or loss suffered or incurred by the provider or any candidate or any third party, including any liability in connection with a course not performed competently or course certificate issued contrary to this document, the Act, Rules, Regulations, NZQA or ITO assessor policy and procedures.

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22. Indemnity

The provider shall indemnify the NZTA against all losses, liabilities, claims, costs, and expenses that may result directly or indirectly from the provision of or the failure to competently conduct the courses or from any other act or omission of the provider or any person acting on behalf of the provider.

Definitions

Acknowledgement of completion of training form in the context of this document means the form(s) that must be completed at the conclusion of training (where it is prescribed as part of the course content) by the trainer(s) who have delivered the mandated training component of the course. There are two forms to be completed, one for theory training and one for practical training (applicable to class 2,3,4,5, courses).

The Act means in the context of the text in this document the Land Transport Act 1998 and any subsequent amendments.

Approval means an approval by the NZTA pursuant to clause 102 of the Land Transport (Driver Licensing) Rule 1999 to conduct approved driver licensing courses.

Approved driver licensing course means any course approved by the NZTA pursuant to clause 96 of the Land Transport (Driver Licensing) Rule 1999.

Assessment questions mean the theory questions contained in the approved assessment schedules that are used to determine a trainee's competency.

Assessment schedule in the context of this document means the approved NZTA course assessment schedule which specifies the assessment questions and tasks that must be undertaken. In the case of non-unit standard courses it means the approved NZTA course test paper.

Assessment venue or course venue means any venue established by the provider for conducting an approved driver licensing course.

Assessments means those course assessments prescribed as being part of a driver licensing course approved under clause 96 of the Land Transport (Driver Licensing) Rule 1999.

Assessor means a person approved as an individual course provider, or a person employed or contracted by an approved course provider organisation who has been issued with a certificate of authorisation in accordance with clause 2.1 of this document.

Certificate of authorisation means the document issued by the NZTA to an assessor working for an approved course provider organisation authorising that assessor to train and assess driver licensing courses under a specific organisation approved to conduct driver licensing courses. This certificate is issued after the assessor has satisfied the NZTA that they possess the appropriate skills, training and experience to conduct the approved driver licensing course.

Class in relation to a driver licence, means a class of licence specified in schedule 3 of the Rule.

Combination vehicle means any motor vehicle (other than a special type vehicle) with a trailer attached or that has any pivot points to allow any part of chassis of the vehicle to move or rotate in relation to any other part of the chassis of the vehicle.

Course(s) see approved driver licensing course.

Course assessment means judgement made about a candidate's ability to perform to the predetermined criteria, based on skill and knowledge in completing the specified course tasks contained in the approved NZTA course assessment schedules.

Course completion certificate means the numbered NZTA driver licensing course completion certificate issued to a trainee when they have successfully completed an approved NZTA driver licensing course.

Course syllabus means the contents of the approved course, including any training and/or assessment to be conducted as part of the course.

Course unit standards means the NZQA unit standards that are included in the approved NZTA course content.

Course venue means the place or location where the course is to be conducted.

Evidence means the knowledge and skills displayed by the trainee in completing the tasks that are specified in the approved course.

Forklift means a motor vehicle (not being fitted with self-laying tracks) designed principally to lift, carry, or stack goods by means of one or more tines, platens, clamps, or other similar attachments.

Immediate family member in the context of this document means father, mother, son, daughter, brother, sister, husband or wife, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, stepchild, or others considered to be members of the household and living under the same roof.

ITO means industry training organisation. In the context of this document it means Tranzqual Industry Training Organisation for the courses relating to classes 2-5 and endorsements for forklift, passenger, vehicle recovery, dangerous goods or InfraTrain NZ for courses relating to wheels, tracks, rollers.

ITO assessor policy and procedure means the applicable ITO and NZQA current code of practice, assessor policy and procedure manual, assessment plans, assessment schedules, marking guides, and any other relevant material, guidelines, or instructions distributed by them to any of their registered assessors.

Marking guide in the context of this document means the NZTA approved marking guide that specifies the minimum knowledge and skills required to be displayed in order for the course assessment outcome to be competent. In the case of non-unit standard courses it means the approved NZTA course model answers.

NZQA means the New Zealand Qualifications Authority

NZTA means the NZ Transport Agency, and, in relation to any powers/functions under this document includes any authorised employee, servant, agent or representative; and in respect of any approval includes any person holding a duly delegated authority.

Organisation means in the context of this document an organisation approved by the NZTA pursuant to clause 102 of the Rule to be a provider.

OSH means Occupational Safety and Health division of the Department of Labour.

Pivot steer vehicle means a vehicle with a chassis that is split into two dependent parts connected by a permanent steering pivot.

Provider means the person or organisation approved by the NZTA pursuant to clause 102 of the Rule to conduct approved driver licensing courses and to issue course completion certificates.

Register means the registers required to be established and maintained under clauses 101 (d) and 102 (4) (b) of the Rule.

Regulations means any relevant regulations in law that will influence how the provider can legally conduct a course. They include, but are not limited to, the Traffic Regulations 1976, Road User Charges Regulations 1978 and the Heavy Motor Vehicle Regulations 1974.

Rigid vehicle means a vehicle that does not have any pivot points to allow any part of the chassis of the vehicle to move or rotate in relation to any other part of the chassis of the vehicle; and includes an articulated bus and a pivot steer vehicle.

The Rule means in the context of the text in this document the Land Transport (Driver Licensing) Rule 1999 and any subsequent amendments.

Skills means the ability to do something well, a particular ability, or type of ability.

Special type vehicle means any motor vehicle that:

- a. is a forklift, or
- b. runs on rollers, or
- c. runs on:
 - i. self-laying tracks; or
 - ii. wheels, but is not a passenger service vehicle, a trade vehicle, tractor, fire engine or a vehicle recovery service vehicle.

Tractor means a motor vehicle (other than a traction engine) constructed principally for towing an agricultural trailer or powering agricultural implements

Trainee means a person applying to complete or who is undertaking an approved driver licensing course.

Trainee activity booklet in the context of this document means an original copy of the trainee activity booklet that must be provided to the trainee for completion during the mandated training component of a course. The activity booklet forms part of the Tranzqual ITO trainer kit.

Trainee course documentation in the context of this document means:

- i. the trainees completed course assessment schedule(s) and where the assessment includes a class 2-5 practical driving assessment also includes a map of the assessment route used as required in clause 5.29(e); and
- ii. for courses that have a mandatory training component as described in clause 3.1 also includes:
 - completed trainee activity booklet
 - completed acknowledgement of completion of training form(s)
 - and in situations where the trainee has been exempted any requirements in relation to course content, copies of the evidence provided that supports the exemption.

Trainer guide means the document that contains the teaching and learning instructions for training modules and training activities that must be completed as the minimum course training requirements (where training is mandated as part of the course content). The Trainer guide forms part of the Tranzqual ITO trainer kits.

Training activities means the part of the course content that a trainee must participate in or complete to effect learning

Tranzqual ITO study guides means the appropriate Tranzqual ITO course study guide(s) that all trainees must be supplied with prior to or at the commencement of an approved driver licensing course for classes 2,3,4,5, P or V endorsement.

Tranzqual ITO trainer kits in the context of this document means the Tranzqual ITO trainer kits that are approved by the NZTA to form the mandated training that must be delivered by providers as part of an approved course (where training is specified as part of the course content). Each trainer kit relates to a particular course unit standard and consists of a trainer guide, activity slides (on CD-ROM), trainee activity booklet, and interactive learning activities.

Unit standards means the NZQA registered standard that describes what a learner needs to know or what they must be able to achieve and contains clearly defined performance measures for a trainee to show competency.

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Palmerston North 4442
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