

3 November 2020

Waka Kotahi NZ Transport Agency  
Private Bag 6995  
Wellington 6141

Via email to: [rules@nzta.govt.nz](mailto:rules@nzta.govt.nz)

Dear Sir/Madam

Please find attached a submission on the Land Transport (Driver Licensing) (Covid-19 Temporary Extension of Deemed Licences) Amendment Rule 2020.

Please do not hesitate to contact us if you require any further information on this submission.

Yours sincerely



**Sarah Cameron**  
Senior Policy Analyst

**TO:** Waka Kotahi NZ Transport Agency

**SUBMISSION ON:** Land Transport (Driver Licensing) (Covid-19 Temporary Extension of Deemed Licences) Amendment Rule 2020.

**NAME:** NZ Kiwifruit Growers Inc (NZKGI)

**ADDRESS:** PO Box 4246, Mount Maunganui South, 3149

### **1. The kiwifruit industry in New Zealand**

The kiwifruit industry is a major contributor to regional New Zealand returning \$1.8b directly to rural communities in 2018/19. There are ~3000 growers, 14,000ha of orchards, 10,000 permanent employees and up to 25,000 jobs during the peak season. Approximately 80% of New Zealand's kiwifruit crop is grown in the Bay of Plenty and the industry is expected to grow its global sales to \$4.5b by 2025 which is an increase from \$3.1b in 2018/19. The projected growth of the industry will contribute significantly to the Bay of Plenty GDP increasing it by 135% to \$2.04 billion by 2029/2030.

### **2. General comments**

Thank you for the opportunity to comment on the Land Transport (Driver Licensing) (Covid-19 Temporary Extension of Deemed Licences) Amendment Rule 2020. NZKGI makes the following comments for consideration.

### **3. Extension of eligibility period for overseas licence holders**

NZKGI supports the amended rule to allow eligible temporary driver licence holders to drive for up to 24 months in total (instead of 12). NZKGI understands this amendment is to help alleviate the system capacity issue which is impacting on counter-based applications and theory and practical tests however notes that these same issues will still have effect when the amended rule ends on 31 December 2021.

NZKGI supports the objectives set out in Schedule 1 of the Land Transport (Driver Licensing) Covid-19 Temporary Extension of Deemed Licences) Amendment Rule 2020 which states that:

*Due to the effective closure of international borders as a result of COVID-19, there are a number of short-term visitors (seasonal agricultural workers, people visiting family members) who came to New Zealand in 2019 and who would ordinarily have gone home, but are now reaching the point where they need to convert to a New Zealand driver licence in order to continue driving legally on New Zealand roads.*

*The objective of this amendment rule is to allow overseas visitors who are in New Zealand on a temporary visa to drive in New Zealand on their overseas licences for a temporary extended period, without needing to convert their overseas licence to a New Zealand licence. The temporary extended period is up to a maximum of 24 months after arrival and does not extend beyond 31 December 2021.*

Many of the overseas seasonal workers have reached or are reaching 12 months in New Zealand, and there are limited prospects for repatriation. Many of these workers need to drive when in New Zealand as they work in regions and/or workplaces without access to

public transport options. Having to sit the driver licence test at this time will add unnecessary costs for both the worker and/or business.

NZKGI does not believe there is a safety risk in allowing the extension as these workers have been driving on New Zealand roads for up to or near a 12-month period. Further to this, the industry has, in conjunction with NZ Police and KiwiRail, developed a best practice [road safety guide](#) for overseas workers. Further work in this area continues.

#### **4. Application to other visa types**

The amended rule applies to temporary visa holders including those on work visas. Section 6 (iii) of the Land Transport (Driver Licensing) Covid-19 Temporary Extension of Deemed Licences) Amendment Rule 2020 states that the rule applies to any person who holds a temporary entry class visa (as defined in section 4 of the Immigration Act 2009:

*Temporary entry class visa means a temporary visa, a limited visa, or an interim visa*

NZKGI supports this rule however notes that the consultation document states that the following temporary visa holders will be eligible for the temporary extension:

- Visitor visa
- Work visa
- Limited visa
- Student visa
- Special temporary visa
- Military visa

This does not appear to be an exhaustive list as Recognised Seasonal Employer Limited Visa or Supplementary Seasonal Employer Work visas are temporary visas types that are commonly used throughout the kiwifruit industry. It is recommended that these visas are included in the definition of temporary visa holder in the consultation document as this is what the law allows for under the definition of a temporary entry class visa.

Supplementary Seasonal Employer Work Visa

<https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/supplementary-seasonal-employment-sse-work-visa>

Recognised Seasonal Employer Limited Visa

<https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/recognised-seasonal-employer-limited-visa>

#### **5. Inclusion of class 2 to 5 licences**

NZKGI does not support the inclusion of class 2 to 5 (heavy) licences as there is a different level of skill and expertise required to drive these vehicles. Currently, overseas drivers are not permitted to drive class 2 to 5 vehicles without a NZ drivers licence and, in some cases, additional training. NZKGI recommends to not include class 2 to 5 licences into the amendment.

#### **6. Other comments**

NZKGI notes that if a driver is from an exempt country and has held a licence for two years, they may not be required to sit a theory or practical test. As most of the exempt countries are European which is right hand drive, NZKGI strongly suggests that these drivers undergo some type of driver awareness training when they enter the country.