

Regulatory Impact Statement

Proposals for amendments to the Land Transport (Driver Licensing) Rule 1999

EXECUTIVE SUMMARY

The wide range of proposals for changes to the Land Transport (Driver Licensing) Rule 1999 contained in these papers aim to:

- improve the integrity of the driver licensing system
- enhance land transport safety
- make business processes clearer and easier.

They relate to the appearance of the driver licence card, the security features of licence cards, young and novice drivers, international issues and licence conversion, and the licensing of drivers of heavy vehicles.

ADEQUACY STATEMENT

This regulatory impact statement has been reviewed by the Ministry of Transport and is consistent with the adequacy criteria set out in the Ministry of Economic Development's Regulatory Impact Analysis Guidelines.

OBJECTIVES

The proposals aim to contribute to the New Zealand Transport Strategy objectives of assisting safety and personal security (for example, improving security of driver licences); improving access and mobility (for example, widening the people defined as dependants and able to be carried as passengers by learner and restricted licence holders); assisting economic development (for example, formalising the existing pilot programme to fast-track people in employment through classes 2 to 5 in the Rule).

STATUS QUO, PROBLEM, AND PREFERRED OPTIONS

Problem	Status quo	Preferred option	Costs and benefits of preferred option
<p>Limited space on licence card and no flexibility to change placement of required items. For example, the "LIMITED" denotation must be placed on the back, when it would be better placed on the front to help roadside enforcement.</p>	<p>The Rule prescribes where items (such as date of birth) must be placed on the licence card (either on the back or the front).</p>	<p>The Rule should provide that all items that must appear on the licence card may be placed at the Director's discretion. Essential information (name, photograph, date of birth, licence card number, expiry date) are to remain on the front.</p>	<p>Little to no cost. This will allow changes to be made to the card's appearance, which will help improve its readability.</p>
<p>No flexibility in the Rule to introduce additional security measures.</p>	<p>Section 28(1)(k) of the Land Transport Act 1998 provides that the photographic licence may have "such other features as may be specified in the rules for the purposes of verifying or protecting the integrity of the licence." The Rule specifies that one or more of the following may be used: micro-printing, special fonts, a ghosted image of a photographic image, a holographic image.</p>	<p>The Rule should provide some more flexibility to improve driver licence security by amending clause 62 to allow the Director. This could include modern anti-counterfeiting techniques, such as anti-copying inks and optically- variable ink.</p>	<p>The costs of measures vary. However, where there are cost implications for changes to driver licences, the Minister's approval is already required. This will continue to be the case.</p>
<p>Licensing agents may determine the acceptability of</p>	<p>The Rule provides that licensing agents may determine</p>	<p>The Rule should provide that the Director, not the licensing</p>	<p>The proposed change will ensure that the power to accept</p>

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evidence of identity document when a person changes their name on the Driver Licensing Register. This has led to fraud.	the acceptability of other comparable evidence of identity documents (besides those specified in the Rule) when a person changes their name on the Driver Licensing Register.	agent, has responsibility for determining the acceptability of other comparable evidence of identity documents, not already specified in the Rule.	other comparable evidence of identity documents is vested in the Director. Opportunities for licence fraud will be reduced and we will move closer to a "one licence, one card" state.
In 1995, the Births, Deaths and Marriages (BDM) of the Department of Internal Affairs replaced its deed poll process with a new Change of Name by Statutory Declaration.	For the purpose of effecting a name change, the Rule requires an applicant to produce one of a few official documents, including a deed poll of the name change. However, the Rule does not reflect BDM's change of using a Change of Name by Statutory Declaration.	It is proposed that the Rule reflect this procedural change by including, as an acceptable document, a certified copy of a name change by statutory declaration, or a birth certificate, issued by the Registrar-General verifying that the applicant's name change has been registered and showing the applicant's old and new names.	The proposed amendment updates the Rule by incorporating the new process used by BDM. It formalises its acceptability for the purposes of effecting licence applicants' official name changes on the driver licensing register. This gives applicants another option. This change is not expected to impose additional costs as an applicant would have incurred the cost of obtaining a deed poll before the change in 1995.
Temporary licences are handwritten, have no photos, and no security features, yet they may be used for sitting practical tests or for obtaining, renewing, or replacing photographic driver licences. This allows room for identity	The Rule allows temporary licences to be used when sitting practical tests, and when renewing or replacing photographic licences, for up to two years of expiry, despite being valid for 21 days.	The Rule should provide that a temporary licence may not be used to sit a practical test, or to renew or replace a licence, unless another approved form of photographic identity (eg, a passport) is also presented.	Opportunities for licence fraud will be reduced, and this will diminish possibilities for sitting a practical test on behalf of another person. This would enhance integrity of the driver licensing regime. There would be no costs to the public, other

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fraud.			than the need to present another form of photographic identification.
A person may insist on having a photograph (for a licence) taken where their face is not entirely visible.	Allow applicants for licences or licence renewal to obscure their faces when they have medical or religious reasons for doing so.	The Rule should specify that the photograph must be a good likeness of the person, because this photo is used to help Police in roadside enforcement.	This will clarify the minimum requirements for photos where items are worn for medical or religious reasons, while aligning with those adopted by the Department of Internal Affairs for the issue of a passport. Land Transport NZ considers there are no costs to implement this proposal, and no additional information technology improvements are needed.
All practical licence tests and score sheets are detailed in the Rule. This means they cannot be modified or updated without amending the Rule.	All practical licence tests and score sheets are contained in the Rule.	All test score sheets should be removed from the Rule. However, descriptions of each test outlining criteria, key driving behaviours and manoeuvres to be tested, and pass marks, will be specified in the Rule and be made available on Land Transport New Zealand's website and factsheets.	This will allow improvements to the tests to be made more readily. Any costs would be minimal, and absorbed through baseline funding.

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<p>At present parents in general may not be carried as passengers by their children who are restricted licence holders, unless they are classified as a “dependant”, which means they receive a social security benefit.</p>	<p>At present, a restricted licence holder may carry dependants, or are at times required to be supervised, but they may not carry their parents (unless they fall into one of these two categories).</p>	<p>It is proposed that the Rule specify that all parents may be carried by their children with a restricted licence as passengers, along with spouses and dependants.</p>	<p>This will provide improved mobility options for all parents, including unlicensed ones. However, this will not open the definition up wider to include all blood relatives, such as siblings. Research shows that carrying peer-aged passengers leads to higher crash risks.</p>
<p>At present, a supervisor must hold and have held for at least two years, a full licence of a class that authorises that person to drive that vehicle. The Rule does not specify that this is a full New Zealand licence. However, clarifying that it is would make it difficult for new migrants to supervise their children who are learning to drive. They must wait for two years after gaining a New Zealand full licence, or apply for an exemption to be able to act as a supervisor.</p>	<p>A supervisor must hold, and have held for at least two years, a full licence of a class that authorises that person to drive that class of vehicle.</p>	<p>It is proposed that a supervisor must be a person who either:</p> <ul style="list-style-type: none"> (i) holds, and has held for at least two years, a full New Zealand licence of a class that authorises that person to drive that vehicle; or (ii) holds a full New Zealand licence of a class that authorises that person to drive that vehicle, and has held the equivalent of a full licence from another licensing jurisdiction for at least two years. <p>This is a modification of the status quo, which extends the criteria for being a supervisor,</p>	<p>This will widen the group of people entitled to be a supervisor to include recent migrants that have converted to a New Zealand licence. This will help children of new migrants gain supervised driving experience with their parents. It will also clarify that the full licence required of supervisors refers to a New Zealand full licence. This option has no costs.</p>

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		without compromising safety.	
Licence conversion and P, V, I, and O endorsement applicants	The Rule states that a full licence must have been held for at least two years.	The Rule should be amended to state that licence holders must have held a New Zealand full licence for at least two years before applying for a P, V, I or O endorsement.	This will ensure that applicants for endorsements have had enough time to establish a driving history in New Zealand on which applicants for an endorsement can be better assessed for their fitness and propriety. Applicants who do not meet this requirement are able to apply for an exemption with supporting evidence of equivalent driving experience upon payment of the current prescribed fee of \$22.20.
Some licence conversions allow the converters to circumvent time-dependent elements of New Zealand's Graduated Driver Licensing System.	A 15-year old with an overseas full licence can convert that licence to a New Zealand full licence. At present, the earliest age a New Zealand full licence may be held is 16.5 years.	The Rule should clarify that no-one converting an overseas licence should gain an advantage over applicants in the New Zealand system by advancing to a phase higher than they would ordinarily be able to, at any given age.	There would be minimal costs to update publications. There would be no cost to the public, as they would simply be subject to the New Zealand driver licensing regime, instead of gaining an unfair advantage over other drivers in New Zealand. This would improve the regime's integrity.

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<p>All overseas drivers are permitted to drive in New Zealand with their overseas licence or an International Driving Permit. International Driving Permits can be fraudulently obtained with relative ease. Their exclusive use does not provide certainty that a person also holds a legitimate licence issued by an authorised licensing authority.</p>	<p>An overseas licence holder must carry either their overseas licence and a translation, or an International Driving Permit (which are not driver licences in their own right, but prove a licence holder from another jurisdiction may drive here).</p>	<p>The rule should specify that when an overseas licence holder uses their International Driving Permit, they must also carry the overseas licence issued by the licensing authority.</p>	<p>This proposed change will align New Zealand with the standard practice overseas. There would be no additional costs to visitors who wish to drive in New Zealand on an International Driving Permit that they would use as a translation to accompany their home licence.</p>
<p>The Rule does not empower the Director to require the surrender of an overseas driver licence on conversion to a New Zealand one, even if New Zealand has a bilateral agreement with an overseas jurisdiction that stipulates this must occur: German authorities have requested that New Zealand return converted licences.</p>	<p>The Rule does not require overseas licences to be surrendered on licence conversion, even if New Zealand and another licensing jurisdiction have an agreement that requires this.</p>	<p>It is proposed that the Rule be amended to require that applicants for an overseas licence conversion surrender their original licence when converting to a New Zealand licence, if an agreement between New Zealand and the licensing jurisdiction requires the licence be surrendered and returned to the issuing authority.</p>	<p>At present, New Zealand only has one formal, bilateral agreement (with Germany) that requires the surrender of German licences so that they may be returned to the issuing authority on conversion to a New Zealand licence. At this stage this affects few people, who on their return to Germany would still be able to drive with the New Zealand licence under the provisions of the UN Convention on Road Traffic for up to a year before they are required to obtain a new</p>

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			German licence.
When applying for a new licence class the Rule does not provide for the existing licence class to be automatically renewed for a period of 10 years, which is allowed for the new licence class. As such, an applicant is issued the new licence class, with an expiry date that corresponds with that of the existing licence class. The Rule treats licence renewals and new licence class additions as separate applications, with separate fees. Some licence holders are under the impression that by delaying the addition of a new licence class to an existing licence when renewing a licence will save them a transaction fee, and they need only pay one fee to be issued with a 10-year licence.	When a person applies to add a new licence class to their existing licence classes that are due for renewal, they pay a transaction fee for each of the two transactions, even though the transactions may have identical requirements at the Agent counter.	It is proposed that the Rule be amended to clarify that existing classes may be extended for 10 years when a new class of licence is obtained, provided the renewal requirements have also been met for all existing classes held on that licence.	This will reduce costs for licence holders who wish to renew and add licence classes to their existing ones, which should result in a reduction in complaints about "revenue raising" to the Office of the Ombudsman. There will be minor costs to Land Transport NZ and a minor loss in revenue. This will be addressed as part of the current driver licensing fee review.
The Director may only revoke an unsatisfactory course	The Director may either permanently revoke a course	Allow the Director to take the temporary measure of	This would allow all or a part of a course provider's operations

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provider's approval if they are considered to be incompetent. This is a permanent measure, which is only taken in extreme circumstances.	provider's approval, or let an unsatisfactory aspect of an otherwise satisfactory course provider's operations continue.	suspending all, or part of, a course provider's operations when there is good reason to do so.	to be temporarily suspended, to give them time to address a problem detected, rather than permanently revoke approval.
Under the Operator Licensing Rule, a volunteer driver of an exempt passenger service may not carry passengers in a vehicle that is designed or adapted to carry more than 12 passengers without a passenger endorsement. The Driver Licensing Rule does not provide for the same vehicle size limit. Neither Rule prevails, so it would be preferable if they both gave the same message.	Under the Operator Licensing Rule, volunteer drivers of an exempt passenger service may only drive a vehicle to carry 12 or fewer passenger without needing a passenger service licence or passenger endorsement. The Driver Licensing Rule does not provide for the same limit.	Align the Driver Licensing Rule with the Operator Licensing Rule and specify that volunteers driving to assist in the activities of an incorporated charitable organisation of hospitable may only drive vehicles designed or adapted to carry 12 or fewer passengers without needing a passenger endorsement.	There would be no information technology costs, but some costs related to revising publications, which would be met through baseline funding. This would have the benefit of providing clarity about the requirements of volunteer drivers of an exempt passenger service. It would also align the Rule requirement with the definition of passenger service in the Act.
Drivers who wish to drive vehicles with a Gross Laden Weight (GLW) or a Gross Combined Weight (GCW) of over 4,500 kg must obtain a class 2 licence to drive them, except if they are campervans or tradespersons' vehicles.	Vehicles up to 4,500 kg GLW or GCM may be driven on a class 1 licence. Tradespersons' vehicles and campervans may, however, be driven on a class 1 licence up to 6,000 kg GLW, provided their weight is limited to 4,500 kg. This means that a person must hold a class 2	It is proposed that the Rule be amended to allow class 1 licence with GLW or GCM of up to 6,000 kg, provided they hold a full class 1 licence.	There would be no costs related to information technology improvements. This will remove the inconsistency where campervans and tradespersons' vehicles may be driven on a class 1 licence, but

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	licence to drive other vehicles above 4,500 kg GLW.		<p>other vehicles may not. This will be restricted to full class 1 licence holders to ensure driving experience has been gained.</p> <p>This is likely to lower the number of class 2 applications, which may in turn affect the applicable fee. This will be reflected in the review of driver licensing fees that is underway.</p>
<p>The agricultural sector has raised concerns that its transport requirements are not always compatible with a one-size-fits-all driving hours system. At present drivers of tractors and certain types of agricultural machinery are captured by the requirements of the work time and logbook regime.</p>	<p>At present, drivers of tractors and certain types of agricultural machinery must comply with the requirements of the work time and logbook regime, which does not recognise the unique nature of agricultural work (weather volatility, perishable crop, and the need to ensure the welfare of animals in transit) This means that work is usually concentrated into short defined periods.</p>	<p>It is proposed that vehicle types that can be driven with a class 1 licence be extended to cover (1) any tractor with a GLW of up to 18 000 kg or a GCW of 25,000 kg (which would allow for the towing of most agricultural machinery), provided it is not exceeding 30km/h. Or (2) any self-drive agricultural machinery (a definition will be required) with a GLW of up to 18 000 kg, provided it is travelling at a speed not exceeding 30km/h.</p>	<p>This will remove these vehicles from the work time and logbook regime, in recognition of the agricultural sector's unique requirements.</p>

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There is a shortage of heavy vehicle drivers in New Zealand. A pilot programme to fast-track applicants for classes 2 to 5 licences has been running since August 2003.	At present, applicants for heavy vehicle licences may progress through the system, subject to any restrictions on time requirements in each phase, or they may apply for an exemption via the pilot programme, provided the certain agreed criteria are met (such as being employed).	Amend the Rule so that the existing pilot programme to fast-track applicants moving from class 2 through the classes up to class 5 is a permanent, more widely available option for drivers in an employment relationship.	This will remove the time and expense related to processing exemptions for participants of the pilot programme. It will widen the availability of the programme, and may help to reduce the heavy vehicle driver shortage.
Some members of the training industry have not rigorously assessed applicants for moving quickly from classes 2L-5L to the full licence version of that class. Consequently, some candidates for an assessment are trained, rather than assessed.	The Rule states that the Director may approve courses which assess the driving competency of a class 2L-5L licence holder for the purpose of waiving the requirements for that person to hold the learner licence for six months, and then pass the full licence test.	Amend clause 93(c) to allow the Director to approve courses that <i>teach</i> driving knowledge and skills to holders of classes 2L (learner), 3L, 4L, and 5L for the purpose of waiving the requirement for that person to hold a learner licence for six months and pass a full licence test of that class.	This change will allow the Director to specify the content of the training courses and the minimum standards required for consistency across all course providers.
Inconsistency of wording for the weights of vehicles that may be driven by classes 2 and 2L licence holders compared with classes 3 and 3L licence holders.	Schedule 3, which notes a motor vehicle to which a class of licence relates, states that holders of classes 2 and 2L may drive a combination vehicle (other than a combination vehicle that comes with paragraph (c)) of not more	Paragraph (b), schedule 3 of the Rule on classes 2 and 2L - should be amended to read – “a combination vehicle (other than a combination vehicle that comes within paragraph (c)) that has a gross combined weight of more than 4 500 kg	The proposed wording is in line with existing wording for Classes 3 and 3L in Schedule 3.

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	than 12,000 kg.	but less than 12 001 kg.” The lower limit may also need to be changed to 6,000 kg, provided the proposal on extending the GLW of vehicles that full class 1 licence holders may drive is adopted. The lower limit will differ if the proposal above is adopted.	
<p> Holders of old class ‘D’ licences (for driving a large passenger vehicle) can be automatically granted a Passenger endorsement without passing a fit and proper person check if the person has been overseas, in hospital, or in prison. This means they can drive buses, for example, without having been vetted for an extended period of time.</p>	<p> Transitional arrangements in the Rule allow holders of old class ‘D’ licence to be automatically granted a Passenger endorsement without passing a fit and proper person check, if they have been overseas, in prison, or in hospital.</p>	<p> Remove the transitional arrangements, which include allowing a person returning from overseas, prison, or hospital to obtain a P endorsement without undergoing a fit and proper person check.</p>	<p> This will ensure that a person has been properly vetted before being able to transport passengers when they may not have been vetted for an extended period of time.</p>
<p> Originally, interpreters needed to be approved. From 1999, this was no longer the case. Concerns have been raised about interpreters helping applicants to cheat during practical tests by explaining</p>	<p> There is no approval of interpreters. Applicants who need an interpreter for tests choose and are accompanied by the interpreter they wish.</p>	<p> No Rule amendment is proposed. However, this subject will be included in the overview material accompanying the public consultation draft of the Rule. Submitters will be able to make</p>	<p> Approval of interpreters does not guarantee that cheating would not occur when an interpreter is used. There may be more effective means of reducing possibilities for cheating during tests. Although</p>

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how to drive (for example, rather than saying "turn right", they might say "turn right, and remember to indicate".		their views known on this matter.	it would be simple to set up a system to approve interpreters, similar to that for translators, there are costs associated with auditing and monitoring the interpreters.
Concerns could be raised about heavy vehicle driver shortages considering that changes to minimum age of solo driving are possible.	At present, a person must have held a class 1 full licence for at least six months before being able to apply for a class 2 learner licence.	It is proposed that the overview material accompanying the draft Amendment Rule seek public comment on the possibility of removing the six-month waiting period between obtaining a full class 1 licence and being eligible to apply for a learner class 2 licence.	When seeking comment both the safety implications of progressing more quickly and the effects on employment opportunities will need to be considered.

ALTERNATIVE OPTIONS

During discussions between Land Transport NZ and the Ministry of Transport, the following matters were raised as possible amendments to the Driver Licensing Rule. The reasons these options are not being proposed are outlined below.

Mandatory notification of change of address

Around 50 percent of suspensions cannot be served because the person cannot be located. Mandatory notification of change of address was proposed as a way to reduce costs when attempting to serve demerit points notices. This proposal was rejected firstly because this would mean that ordinarily law-abiding citizens would be penalised if they forget to notify Land Transport NZ of their change of address. In addition, it is unlikely that those intended to be targeted by this proposal will comply and update their contact details on the Driver Licence Register. Secondly, the recently introduced Land Transport Amendment Bill proposes changes to the administration of the Motor Vehicle Register. This will see the register move, in time, to a regime whereby it communicates more closely with the Driver Licensing Register. Moreover, the new provision from 16 January 2006 allowing Police to serve undelivered licence suspensions at the roadside should also mitigate concerns.

Date of birth

At present, the Rule requires the full date of birth to be shown on the driver licence. An amendment to the Rule was suggested to display only the month and year of birth on the card, although a record of the full date of birth could be retained on the Driver Licence Register. This was suggested to provide greater security of driver licensing cards and reduce opportunities for identity fraud if a licence card is misplaced or stolen. This proposal was rejected because section 2A of the Sale of Liquor Act 1989 provides that a driver licence issued under the Land Transport Act 1998 is a form of evidence of age. Therefore, while it would be possible to make this change to driver licences, it would be inconsistent with this provision of the Sale of Liquor Act, which cannot be amended by this Rule.

Evidence of identity

Several proposals related to evidence of identity have been rejected; for example, that only recently-issued birth certificates used for driver licensing purposes be considered valid. They have been rejected because the pilot being conducted by Land Transport NZ has not yet been completed. Therefore, driver licensing security proposals, such as the three suggested above, will be the subject of further work under this framework. It is considered preferable that wide-reaching measures on driver licensing security be reviewed separately.

Validity of certificates

A wide range of certificates are used for driver licensing purposes. At present, only two types of certificates have specified periods of validity: endorsements to carry dangerous goods; and medical and eyesight certificates. They are

both valid for a period of 60 days. There are no limits on other certificates, which are sometimes presented after years have elapsed. It was proposed that a period of validity of 60 days be introduced for all other types of endorsements. The aim of this proposal was to improve safety by ensuring that certificates were presented soon after the skills demonstrated to obtain the certificate have been acquired. This proposal has been rejected because a one-size-fits-all solution to this problem is inappropriate given the wide variety of certificates. This area would need to be subject to a review to determine risks related to presenting certificates after a lengthy expiry period.

Heavy vehicle licence conversion

New Zealand is the only jurisdiction that allows heavy vehicle licence conversion from specified “exempt” countries, without requiring an appropriate practical driving test be passed. It was questioned whether this practice should be continued. Options were suggested, including ceasing conversion of heavy vehicle licences for all countries, ceasing conversion for applicants from the non-exempt countries, or increasing the testing requirements for those wishing to convert their overseas heavy vehicle licence. This proposal has been rejected because of lack of evidence that there is a safety problem, and because heavy vehicle licence holders are contained in the Immigration Services’ list of immediate skills shortages. The Department of Labour advises that if licence conversions were restricted, it could have a significant impact on number of heavy vehicle drivers obtaining work permits (around 300 per year mainly from Europe and the United Kingdom). The overview material accompanying the draft Rule for consultation will note this matter has been considered.

Testing Officers

Testing Officers for practical driving licence tests are required to adhere to the requirements of Land Transport NZ’s Testing Officers’ Manual. However, there is no requirement in the Rule to conduct tests in accordance with the manual. It is considered that contracts should require that tests be conducted in accordance with the manual, and testing officers monitored accordingly.

IMPLEMENTATION AND REVIEW

Changes proposed in this paper will take effect at the end of 2009, following the drafting of the amendments to the Rule and its subsequent release for public consultation. After any issues raised in the submissions are taken into account in redrafting the Rule, it will be sent to Cabinet and to the Regulations Review Committee.

Once the proposed changes take effect, they will be subject to the regular reviews on driver licensing matters that take place. Targeted industry communications and news media activity will accompany the introduction of the proposals. This will include training helpdesk staff, updating staff and agent manuals, fact sheets and information on the Land Transport New Zealand website, which will be met from Land Transport New Zealand baseline funding.

CONSULTATION

Land Transport NZ and the Ministry of Transport have developed the proposals to be contained in the draft Amendment Rule. Consultation has been undertaken with the Departments of Corrections, Labour, Internal Affairs, the Ministries of Health, Agriculture and Forestry, Foreign Affairs and Trade, Justice, Social Development, Youth Affairs, Pacific Island Affairs, Education, the Office of Ethnic Affairs, the New Zealand Police, The Treasury, Te Puni Kōkiri, Tourism New Zealand. The Department of Prime Minister and Cabinet has also been informed.

Public consultation on the proposed amendments to the Driver Licensing Rule is planned for May 2008. Land Transport NZ will publicise the consultation material on its website and its availability in the New Zealand Gazette and in the public notice columns of the major metropolitan and regional newspapers. Individuals and organisations registered as having an interest in the Rule and its amendments will be contacted directly by Land Transport NZ. Issues raised in submissions will then be analysed and taken into account in redrafting the amendment Rule. The final draft of the Rule will be submitted to the Regulations Review Committee and Cabinet for consideration before it is submitted for signature by the Minister.