



10 September 2019

Hon Phil Twyford  
Minister of Transport  
Parliament Buildings  
Wellington

[phil.twyford@parliament.govt.nz](mailto:phil.twyford@parliament.govt.nz)

Dear Minister Twyford,

**Re: Unnecessary detainment and detention of drivers at delivery sites**

Thank you for the very productive meeting with us on Monday 2 September. We appreciate your time and the suggestion that we write to you on the above matter. As mentioned, we have been told that the Minister is the only person who can effect change in this matter.

As a bit of background, the detention and detainment of drivers and vehicles occurs at poorly managed loading and unloading facilities. It has reached a point where the drivers are missing their prescribed rest breaks because they are required to remain with their vehicles that are often either stationary for periods of time, or moving slowly along in a line of truck traffic. This qualifies as worktime. It follows that access delays in picking up goods, or delivering them in a timely manner, corrupts the rest of the driver's daily duty cycle, often resulting in the driver not getting the required rest and causing them unnecessary stress.

This presents a serious safety issue which is what has raised our concern.

The Chain of Responsibility (COR) provisions of the Transport Act 1998 were introduced to mitigate the exploitation of heavy vehicle drivers by customers and clients. We believe the clients where the detention and detainment problems occur should be held directly liable under the COR responsibilities.

The detention and detainment problems occur at stock yards, wharves, and at commercial premises such as supermarkets.

Clause 79T under the COR provisions in the Act is about causing or requiring a driver to breach speed limits, maximum work time, or rest time requirements and it is the latter that relates to the issues of detention and detainment. However, the wording is such that it is difficult to hold the detainer to account.

We believe it is an appropriate time to consider a review of the COR to better address this safety issue of detention and detainment and we would be happy to work with the Ministry of Transport on this, should you be agreeable to this course of action.

Yours sincerely



Nick Leggett  
Chief Executive  
Road Transport Forum

# Hon Phil Twyford

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MP for Te Atatu

Minister for Economic Development

Minister of Transport

Minister for Urban Development

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Road Transport Forum  
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cc: [leighann@rtf.nz](mailto:leighann@rtf.nz)

Dear Nick

Thank you for your recent letters regarding the unnecessary detainment of drivers at delivery sites as well as the broader challenges facing the road freight transport sector and approach to enhance safety which will benefit all road users. Thank you also for your feedback about developing an accord between Government and the road transport industry aimed at improving practices, safety and productivity, and improving pay and conditions.

As discussed at our meeting in October 2019, I am very open to progress this idea, particularly given the priority this Government has placed on work-related road safety through *Road to Zero* – New Zealand's road safety strategy for 2020-2030.

Fatigue, distraction and vehicle safety have all been raised by stakeholders as priority issues, as well as chain of responsibility obligations to drive change. It is encouraging that we are seeing leadership on this issue from some major purchasers of freight services who are establishing clear minimum safety standards and effectively monitoring driver safety.

As you will be aware, the Government has a significant programme of work underway including progressing a number of pieces of transport legislation through the House. Given these existing commitments, and the scale of resource needed to develop an accord, I am keen to work with the RTF and other stakeholders to develop an industry accord in the Government's next term. However, there is no reason we can't start that conversation in 2020.

My officials will be in touch with you to arrange a meeting in the New Year. In the meantime, I encourage you to contact Brent Johnston, Manager Mobility & Safety. Brent can be contacted on 022 066 4401, or at [b.johnston@transport.govt.nz](mailto:b.johnston@transport.govt.nz).

Yours sincerely

Hon Phil Twyford  
Minister of Transport