

ROAD TRANSPORT NEWS



Over 250 delegates from around New Zealand gathered at the Ascot Park Hotel in Invercargill for The Road Ahead, Transporting New Zealand’s annual conference.

The Road Ahead

FACING FUTURE CHALLENGES

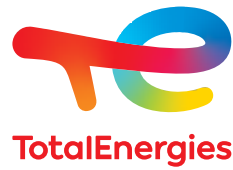
DIVERSITY CHAMPIONS

AWARD WINNERS

Transporting New Zealand’s annual conference—the first since before the pandemic—addressed major issues facing road transport operators.



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2021 CANSTAR BLUE SMALL BUSINESS FUEL CARDS

Mobil

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Lawyer Amanda Douglas, of Wynn Williams, looks at requests for private information, and what to do if an employee keeps turning up late.

Events

November 26:

Trucks, Utes & Associated Vehicles Show & Shine, Cromwell Race Course. Gates open at 6:00 am and public admission is from 10:00 am. Vehicle entries \$10, gold coin donation for specators.

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We welcome contributions and feedback for this magazine.

From the Chairman

A strong voice in a time of upheaval

By Warwick Wilshier, chairman of Transporting New Zealand



The last year has been a year of significant change for the Road Transport Forum New Zealand Incorporated (RTF), now Transporting New Zealand.

My first message to the industry is that, despite the upheaval, the organisation is in good heart and in my view is delivering value well above where the previous more splintered structure was, prior to change.

In September last year, OCANZ decided that it no longer wanted to continue as a member of the RTF due to the Road Transport Association (RTANZ) request that we form one management structure for the industry, leading eventually to one organisation.

While it was sad that this occurred, further muddling our industry voice to Government and the public, it has meant that the board has been on a single focus to modernise the membership experience over the last year.

We have successfully combined the operations of the Road Transport Association and Road Transport Forum, and rationalised resources. It is irrefutable that this is a case of *“the whole being greater than the sum of its parts.”*

There is now a much more direct connection of information and intelligence from members to the organisation and back again. We have lifted our profile significantly and have begun a change to widening our community across road transport and related industries.

“Change is not yet over for the road transport industry. The ultimate aim is for us to have one strong and powerful organisation.”

Highlights of this year include our strong advocacy on Omicron to Government, pushing opinions that saw the Government avoid making further silly decisions on freight movement. Transporting New Zealand’s Save our Supply Chain campaign promoted the work of our industry over a million times on radio and social media. It also netted over 600 Class 4 and 5 drivers across New Zealand willing to put their hand up and assist during the worst of the Omicron outbreak. Thankfully, it never got that bad, however the industry did pick up some new people keen to work as drivers.

Our work identifying the underlying health and road safety issues faced by livestock operators has led to Waka Kotahi leading the formation of the Livestock Supply Chain Rōpū. The slow progress in getting all the supply chain participants genuinely engaged in accepting their roles and influence on safety is indicative of the wider challenges in really bringing the HSWA and PCBU into effect. However, we have not sat on our laurels and we are leading and managing some of the direct risk.

- We have a world leading alternative fatigue management plan trial underway that uses technology and a performance-based approach to manage more flexible work hours;
- We are hosting and managing a centralised livestock sector incident database to capture site explicit opportunities for improvement;
- We are developing a generic set of contract terms and conditions which will ultimately lead to improved operating conditions and more appropriate sharing of responsibilities by respective parties.

Work has been ongoing to develop more sophisticated win/win commercial partnerships, build memberships, and improve our value propositions and the tools required to sell it, including our technology.

Another highlight is managing the two key strategic industry wide programs to attract talent, namely the *Te ara ki tua Road to success* programmes for the traineeship qualifications scheme and Driving Change Diversity. These are not silver bullets, however they are key to ensuring our culture and ways of working keep pace with modern changes so the industry's future is secure.

We have also developed our sustainability policy, the Green Compact. This will be formally launched in November.

Change is not yet over for the road transport industry. The ultimate aim is for us to have one strong and powerful organisation and that remains our goal in the medium term. More immediately, we must continue to get our own house in order under a new more democratic

constitution that really gives members the chance to have a voice and influence the industry organisation they support.

What we offer today is wider, higher quality and more comprehensive than what the two previous organisations provided individually—and what is even more incredible is that we have achieved that despite a significant reduction in funding. However, that is simply not sustainable. We must combine our resources to ensure they are at work to fulfill our strategy, which is to have a powerful and strong advocacy group on behalf of a vital industry.



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Awards

Award winners recognised for achievement

By Nick Leggett, chief executive, la Ara Aotearoa Transporting New Zealand

This year’s la Ara Aotearoa Transporting New Zealand Conference was the first since 2019, which also meant that it was the first time in three years that we held the Transporting New Zealand Industry Awards.

I believe these awards are an important way for the trucking community to annually recognise best practice and outstanding achievement in our industry. They are about helping an industry that very rarely blows its own trumpet, to enjoy and promote its success.

The awards honour individuals and organisations whose activities and achievements ultimately improve the daily lives of others and ensure the industry is a rewarding

“The awards are about helping an industry that very rarely blows its own trumpet, to enjoy and promote its success.”

and safe environment to work in.

The big award of the night, the VTNZ Supreme Contribution to NZ Road Transport, was something of a double hit for the winner, Neil Reid, as he also received the first ever life membership to la Ara Aotearoa Transporting New Zealand.



Winners of the inaugural Ara Aotearoa Transporting New Zealand Industry Awards.

From left: John Alexander, Hayley Alexander, Paul Hintz, the Alexander Group (EROAD Outstanding Contribution to Health and Safety Award); Neil Reid (VTNZ Supreme Contribution to NZ Road Transport and inaugural Life Member of la Ara Aotearoa Transporting New Zealand); Te ara ki tua Road to success graduate Nadine Rowan-Thomson, KAM Transport; Brianna Wilson, Philip Wareing Ltd (EROAD Young Driver of the Year – under 35); Josh Hart, Hart Haulage (Castrol Truck Driver Hero Award); and Road to success graduate Sheryl McGlashan, Brenics Transport. (Not present: Road to success graduates Hayden Cockburn, RTL, and Mark Closel, of NZ Express; and Jenny McIntyre, Waimea Contract Carriers (Teletrac Navman Outstanding Contribution by a Woman in the Road Transport Industry).

Neil Reid received the VTNZ Award for Supreme Contribution to NZ Road Transport, as well as the first ever life membership to Ia Ara Aotearoa Transporting New Zealand.



As many in the industry already know, Neil is a true gentleman of the transport business.

Having grown up in a trucking family on the West Coast, transport was very much in Neil's blood. Stints with the New Zealand Forest Service and the territorial army prepared him well for the discipline and dedication required to make a success in the transport sector.

Moving into a role with Mobil Oil brought him to Southland where he became the Invercargill Manager of Freightways in 1974 as well as the local branch chairman of the Road Transport Association. Upon a transfer to Christchurch, Neil managed the much larger Gutherys Freightways, with another shift taking him to Blenheim and the Newman's Group, later Transpac Holdings.

After a period of turmoil during the late 1980s and early 1990s, including receiverships, negotiations, shareholding issues, and a trip to civil court, Neil and business partner Garth Butler finally settled as 50/50 shareholders in the rebranded TNL Group Limited.

In the mid-1990s further difficulties befell the organisation and it was only Neil and Garth's dogged persistence, support from the bank, and a dedicated and loyal staff who took a significant pay cut that rescued the company. It says a lot about Neil that his staff agreed to reduced wage rates to help save the company and his gratitude to those people still remains.

As managing director until 2007, Neil built TNL into an extremely successful road transport,

“Neil leaves a supreme legacy in business, innovation, overcoming severe commercial challenges, and service to the road transport industry.”

contract warehousing and international freight and customs operation.

After selling his share of TNL, Neil served the industry through executive roles in RTA Region 4 and very ably chaired the Road Transport Forum for six years.

Inducted into the NZ Road Transport Hall of Fame in 2015, Neil leaves a supreme legacy in business, innovation, overcoming severe commercial challenges, and service to the road transport industry.

Neil was hugely instrumental in the transition and merger of RTANZ with RTF, to form Transporting New Zealand, which has provided a more unified advocacy voice for our members. On a personal note, Neil has been extremely supportive of me and my staff and I'm extremely grateful to him for his wise counsel.

It is fitting that Neil becomes the inaugural Transporting New Zealand Life Member along with winning the VTNZ Supreme Contribution to Industry Award.

The night's other award winners also deserve special mention. The Alexander Group took out the EROAD Outstanding Contribution to Health and Safety Award as recognition of the extraordinary length of time this company has been an industry leader in health and safety. The Alexanders were among the early adopters of speed limiting and the use of telematics and continue to be at the forefront of using leading edge safety technology.

Josh Hart, of Hart Haulage, was a deserving winner of the Castrol Truck Driver Hero Award. Famous for his pink-liveried truck that carries anti-bullying messages, Josh has become a well-known anti-bullying campaigner and advocate who always has time to have conversations with other truckies or members of the public about bullying and how to combat it. Over the years Josh must have helped hundreds of people deal with what is a destructive presence in our society and he fully deserves this award.

The EROAD Young Driver of the Year Award went to Brianna Wilson, who is a Class 5 driver at Philip Wareing Ltd and along with Josh is also one of our Diversity Champions. Brianna started as an apprentice driver and never shies away from challenging work, which she undertakes with a polite, cheerful, and positive attitude. She is also a strong advocate for providing more opportunities for women in the industry.

This year's Teletrac Navman Outstanding Contribution by a Woman in the Road Transport Industry went to Jenny McIntyre, of Waimea Contract Carriers, who, together with her brother, manages what is a major log transport operation employing 90 staff across the top of the South Island. Jenny has been in the industry since she was 14 and is known as a resourceful, tenacious, and empathetic leader with very sound management skills who has overcome many obstacles along the way.

Finally, the gala awards evening was also a great chance to celebrate our first tranche of



Josh Hart, of Hart Haulage, Trang Nguyen, receives the Castrol Truck Driver Hero Award from Trang Nguyen, marketing specialist at Castrol. Famous for his pink-liveried truck that carries anti-bullying messages, Josh has become a well-known anti-bullying campaigner and advocate.

“The gala awards evening was also a great chance to celebrate our first tranche of *Road to Success* graduates.”

Road to Success graduates. Working full time and studying for industry qualifications takes serious dedication and we are really proud of the following graduates who progressed to their class 5 licence over the past year while training on the job: Nadine Rowan-Thomson, KAM Transport; Sheryl McGlashan, Brenics Limited; Hayden Cockburn, Road Transport Logistics; and Mark Closel, NZ Express Transport.

Many congratulations!



Cover story

**The Road Ahead**2022 Transporting New Zealand Conference
28-29 September / Ascot Park Hotel / Invercargill

“The footprints we lay down today create the path for tomorrow.”

—Sir Ian Taylor, Māori whakataukī



The Road Ahead: change and opportunity

By David Killick

Change is coming to the road transport sector, like it or not—and there are opportunities for companies that embrace change and adapt. That was the clear message at The Road Ahead conference, organised by Transporting New Zealand.

Over 250 representatives of the road transport industry from around the country descended on the Ascot Park Hotel in Invercargill for the two-day event. It was the first time a conference was able to be held since the start of the pandemic in 2020 forced previous events to be cancelled, and was a good chance for transport operators meet up in person. It concluded with an awards dinner (see next pages) and was followed by the Hall of Fame, both held at Bill Richardson Transport World.

One big takeaway from the conference was that the road transport industry is a great place to work—and there was a reminder that the most successful businesses are those where people feel valued and enjoy what they are doing.

“The most successful businesses are those where people feel valued and enjoy what they are doing.”

Innovate but learn from the past

Keynote speaker, acclaimed digital technology pioneer Sir Ian Taylor, said societies cannot go backwards, but it is still important to learn from the past. Taylor quoted a Māori whakataukī, or proverb: “The footprints we lay down today create the path for tomorrow.”

He also quoted his own business’s mission statement: “Bugger the boxing, pour the concrete anyway,” describing the importance of innovation. Taylor said when the Covid pandemic hit in 2020, it massively affected his business, but his company turned it into an opportunity to pioneer visual technology for world sporting events, including motor racing, golf, and baseball, while based in Dunedin.

Taylor also affirmed the importance of respecting the environment. “We are all connected, plants, people, and animals.”

Taylor’s message about change was echoed by other speakers, including Dave Ffowcs Williams, head of supply chain for Datacom, who spoke on sharing information systems, data customer profiling, and security; and Chris Claridge, chief executive of Potatoes New Zealand, who spoke about technology as a disruptor of transport, which he said is already happening at pace in Europe and will also happen worldwide.

Transporting New Zealand membership manager, Fiona McDonagh, spoke about encouraging new and young people to join the road transport industry. She said the *Te ara ki tua Road to success* programme was not a silver bullet, but it had made an appreciable difference. The diversity programme was also successful. (See next pages.)

New technology

What will power transport into the future? Liz Yeaman, managing director of EV company Retyna, said renewable energy has fantastic potential. “There are now 40-tonne electric trucks with a range of 500km that can recharge in under 30 minutes. It’s really exciting—things are starting to happen, both with battery electric and hydrogen fuel cell trucks.”

Manufacturers around Europe have come together to develop new electric vehicles, and from 2040, they will no longer manufacture ICE (internal combustion engine) diesel trucks. Yeaman said companies can generate their own electricity using roof-mounted solar panels and recharge vehicles at their depots. She did not believe generation capacity would be a problem for New Zealand.

Ryan McDonald, of Taranaki-based Hiringa Energy, said the company was making good



“It’s really exciting—things are starting to happen, both with battery electric and hydrogen fuel cell trucks.”

—Liz Yeaman, managing director, Retyna

progress in building a hydrogen refuelling network, with companies such as HWR and TR Group committing to buying hydrogen fuel cell trucks. In the UK and Europe hydrogen is seen as the future. “The cost of all this technology is coming down,” McDonald said.

Nicholas Williams, of Z Energy, said the company was looking at all these technologies and it was still unknown how they would develop.

Anthony Jones, chief executive of the HWR Group, which is investing in dual fuel trucks, said it was better to be proactive. “We recognise that the industry is changing. There’s a lot of very smart people committing a lot of energy into liquid hydrogen. The cost will come down.”

Jones encouraged companies to start off exploring new technology. “The first truck is a good learning experience.”

Speakers agreed that fuel-efficient driving was a good first step towards reining in carbon emissions.

Policy and roading challenges

Transport Minister Michael Wood beamed in via Zoom to outline the Government's key priorities. Wood described the "ambitious vision" of Road to Zero to reduce deaths and serious injuries on the roads by 40 per cent by 2050. "Based on international evidence, we can do the right things and save many lives—safer vehicles, safer drivers, safer roads, and safer speeds."

Wood said the government remains committed to spending money on improving roads, as well as the need for new technologies and taking action on climate change.

National's transport spokesman Simeon Brown challenged the government and said it needed to keep costs under control. "We have to be realistic, 93 per cent of freight moves by trucks and that isn't going to change any time soon regardless of how much money the government spends on rail."

Nicole Rosie, chief executive of Waka Kotahi, outlined the challenges ahead for New Zealand's transport system. "We have to look 50 to 100 years ahead. This is complex and requires us to think hard about multiple outcomes, not just for this generation but for generations to come."

Neil Walker, Waka Kotahi's national manager for maintenance and operations, updated the conference on the critical challenges creating "safe, reliable, and accessible highway corridors for New Zealand".

"We have had limited funding over the last 10 years which is starting to show now. Everyone is feeling a bit knackered because of Covid and uncertainty and the weather events we have been having."

Walker said that state highways comprise 10 percent of the network but carry 70 per cent of the freight, and growth will continue. "Urban sprawl has quite an effect."

Big rain events have challenged road crews, with major damage this year to highways around Nelson and Marlborough, and also the

Mangamukas in Northland. "How do we do more work to make the network resilient?"

A big maintenance programme will take place over summer. "You are going to see a lot of cones on the road this year and we're going to keep seeing them over the next few years."

Walker said Waka Kotahi is committed to a broad remit, which includes Road to Zero, the NZUP programme, and more capital investment, as well as addressing climate change and emissions reductions.



"We have to look 50 to 100 years ahead. This is complex and requires us to think hard about multiple outcomes."

—Nicole Rosie, chief executive, Waka Kotahi

Lawyer Amanda Douglas, of Wynn Williams, discussed the challenges of Covid, health and safety, work visas, the Holidays Act, fair pay agreements, and the Unfair Contracts Regime. Douglas said the old ways of doing things had changed. Bully and harassment are no longer acceptable. "Times are changing."

(You can read Amanda's column on page 18.)



Clockwise from top left: Economist Cameron Bagrie said the world faces a harsh new economic reality; Dr Rebecca Lilley, from Otago University, presented some concerning findings from a survey on drivers’ health; Kelly McLuckie, from Success Formula, spoke on the importance of creating a successful business culture.



A new economic reality

Economist Cameron Bagrie delivered a hard-hitting message that the era of “sugar candy economics” was over. “The world has entered a new era in economics, and we all have to get used to a harsh new reality. Disruption is the new normal. One plus one equals 11. You have to take risks because doing things the same old, same old is not going to work. As well as dealing with disruption, the laws of economics are back in play.”

Containing inflation involves some pain, Bagrie warned. “We need substance to decision-making, not politicians spreading money or tax cuts about like confetti.”

Bagrie stressed the need to invest more in education, health, and in infrastructure.

Health and safety

Dr Rebecca Lilley, a senior research fellow at Otago University, said in a national study of 120 drivers, one in four reported that their health was “very poor”. The drivers suffered from conditions including back pain, high cholesterol, high blood pressure, asthma, depression, migraines, sleep apnoea, and diabetes. More drivers were more obese or overweight than average.

“There are some concerning trends that should be acted on by employees and employers, and government,” said Lilley.

On the positive side, she said there were ways companies could build successful teams. “Women look at things differently than men, so it’s important to have diversity. It’s not just gender or ethnic groups. Share information, share goals. It’s all about people building relationships and trust. Encourage people to be curious, ask questions. You need a creative environment. We need to be open to change.”

Kelly McLuckie, a consultant at Success Formula and a former army logistics officer, said her business aimed to help transport operators improve health and safety. “Culture is important for everyone who runs a business. There are great levels of engagement when people believe in your organisational culture.”

However, McLuckie said most New Zealand businesses were only operating in second gear. Attracting and retaining staff was vital and good communications make a difference.

McLuckie and Lilley suggested there were simple steps companies could take to encourage better health outcomes for drivers, such as offering food and diet advice, chilled water, gym membership, and exercise programmes.





“There’s a greater appreciation out there about what trucks do for the economy.”

— Nick Leggett, chief executive



From top left: Victor Manawatu, kaumatua, Waihopai Runaka, Kai Tahu, welcomed guests; Transporting New Zealand chief executive Nick Leggett said the industry was now well-regarded; Transporting New Zealand general manager Dom Kalasih hosted a panel discussion on what will power transport into the future; and MC Doug Kamo kept the show on the road.

Essential information for members

Ia Ara Aotearoa Transporting New Zealand is the central point of communication for the road freight transport industry. Visit the Transporting New Zealand website [here](#) to keep up to date on media releases, Nick's blog, submissions, and advisories.

Te ara ki tua—Road to success

To find out about the Road to success programme, how it can benefit your business, and how to enrol your developing drivers, see: <https://www.roadtosuccess.nz> or email: success@transporting.nz.

Log book prices

Transporting New Zealand has log books available to members for the following prices (GST and freight inclusive):

Individual log books

A5—\$8.63

A4—\$20.70

Carton Prices

A5 (50 books)—\$373.75

A4 (35 Books)—\$664.13

Covid

The Covid-19 website: <https://covid19.govt.nz/> has general information including Government support available to businesses.

Transporting New Zealand has a [dedicated page](#) covering all information on Covid-19 relevant to road transport, including the latest advice and links. WorkSafe has developed a template to help develop a Covid-19 safety plan, which you can find [here](#).

Communication channels

Our aim is to ensure Transporting New Zealand delivers the most comprehensive and up-to-date information to members. Please check your inboxes and also refer to the current website: www.transporting.nz for details.

Member login access

If you are a member and want login access to the member area on our website, please email: leighann@transporting.nz



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Road to success

Diversity champions inspire positive change

By Fiona McDonagh, manager, *Te ara ki tua Road to success*

Our *Te ara ki tua Road to success* Driving Change Diversity Programme aims to show that the industry is open to people from all walks of life. This year, our first cohort of Diversity Champions all come from different backgrounds and work in different roles within the industry.

Being involved in organising the diversity programme has been incredibly inspiring for me and I have particularly enjoyed getting to know our inaugural cohort of Diversity Champions.

The industry-wide programme is supported by Ia Ara Aotearoa Transporting New Zealand, NRC, NZ Trucking, ATA (Australian Trucking Association), and Teletrac Navman. It aims to

empower and upskill these champions to promote diversity stories to the transport industry and wider community. It is hoped that this will encourage a positive perception of the industry and help attract new people towards a career in transport.

I look forward to continuing to work with all our Diversity Champions and share their ideas and successes. The Driving Change Diversity Programme will be run annually and we will call for nominations for the next round of champions in the middle of next year.

To find out more about *Road to success*, including how to go about taking on a trainee, please visit www.roadtosuccess.nz.



Joshua Hart, Class 5 driver, Hart Haulage

It's no surprise if Joshua looks familiar—his story of overcoming bullying to spread a courageous message in the community has been screened on TVNZ. Now an anti-bullying ambassador, Josh drives a bright pink truck around Auckland to talk to students about embracing diversity to create a safe, bully-free environment. Josh believes neither race nor academic ability should be a barrier to entry. The trucking industry was the first industry to accept him and his authentic self when others wouldn't. Today he goes above and beyond to listen to and help others, as well as raise better awareness of mental health issues.

Lisa Gibson, Customer Operations and HSSE Lead, Z Energy

Over a decade ago Lisa worked in the Z Energy cafe with neither background nor seniority. As the saying goes, “we all have to start somewhere”. Lisa keeps shining with her passion and work ethic, which have helped her progress into her current role as Customer Operations and HSSE Lead on bulk fuel delivery activity at Z Energy. Today, Lisa is integral in managing operational service and delivery issues, as well as contracting assurance and annual HSSE audits. Lisa proves that diversity at work is all about respecting differences and recognising people based on their contributions alone.





Marthe Lutu, Health and Safety Advisor, Alexander Group

Marthe knows how to get key safety messages across to a wide range of people. A high-performing team member who works hard to continuously improve the company's H&S performance, Marthe is a role model to lots of people. Marthe moved to New Zealand from Samoa at 12, and is also a champion for her culture and gender. Marthe strongly believes in breaking down culture, age, and gender barriers to establish a supportive work culture welcoming people from all backgrounds.

Mickayla Kerr, CEO, Heagney Bros

Running a family-owned transport company in a male-dominated environment, Mickayla is always ready to stand up for what is right and what could be better. She works hard to bring out the best in every driver, whether it's supporting female applicants in obtaining Class 5 licences, giving people with physical limitations career opportunities, or providing school hours to working parents. In her 15 years in the military, she was one of the first females to lead within a combat role, and was actively involved in recruiting female soldiers into the artillery. Mickayla deeply appreciates diversity at work—for her, it's about bringing together a team that everyone can contribute to in their own ways and offer different perspectives.



Brianna Wilson, Class 5 driver, Philip Wareing

Knowing that she is in the minority in an environment that sometimes can seem like a big boys' club, Brianna is interested in talking to young people, especially young women, about how they can get a foot in the door. Starting as an apprentice driver, she never shies away from challenging work, like bobby calf lifting, and simply delivers with a polite, cheerful, and positive attitude. Brianna strongly believes in equal opportunities, as she knows that women can work well in the transport industry.

Chelly Balasbas, HR Manager, Allied and Holcim Concrete

For Chelly, diversity means accepting, valuing, and giving equitable treatment to people regardless of their social class, beliefs, cultures, age, and gender. She is mindful of her own unconscious biases, and has a flexible, collaborative approach to ensure that she responds well to different cultural norms. Chelly believes that diversity and inclusion shouldn't be just a superficial marketing tool, but an authentic priority for transport companies.



Jodi McNamara, Driver Trainer, HW Richardson Group

Jodi has a real passion for building the future of transport. For her, there are very few things more inspiring than meeting like-minded people with the ambition and drive to make a real change in their chosen field. Following the two-day *Road to success* Driving Change Diversity Programme held in Wellington, she walked away feeling inspired and excited about what they could contribute to the future of the industry as a group. She appreciates that the participants have the opportunities to do something tangible, and how the programme lays a solid groundwork for bringing real change to an already strong industry.



Jacqueline Smith, Managing Director/Co-owner, Renwick Transport

Running a diverse transport company is what Jacqueline Smith enjoys most about her work. At Renwick Transport, whether it be age, gender, or work variation, every day is a chance for everyone to learn new things and strive to do better together. Jacqueline sees diversity as moving with the times and being open to embracing change. She also believes in challenging the “just a truck driver” mindset, since they are qualified professional drivers with great responsibility, and should be treated with respect and dignity. Joining the programme, Jacqueline is looking forward to being a part of a larger network, which allows her to develop more ideas of how to promote diversity at work.

Hayley Alexander, CEO, Alexander Group

As CEO of Alexander Group, a family-owned business with a diverse workforce, Hayley focuses on putting thoughts into action and putting people first. She is also a member of Global Women, an organisation whose mission is promoting diversity. She is an influential leader who simply sees each person for what they bring to the table and who they could potentially become. Seeing past traditional biases like race, gender, and level of education, Hayley treats everyone with the same respect and attention. She thinks that breaking down barriers to diversity not only helps the transport industry meet capacity demand, but also provides fresh perspectives that can be key to addressing current challenges.



Ask a lawyer

Handling requests for personal information

By Amanda Douglas



One of my employees made a request for information under the Privacy Act 2020—what do I do?

The core purpose of the Privacy Act 2020 is to protect and promote individual privacy by providing a framework for protecting an individual's right to privacy of personal information, including the right of an individual to access their personal information.

The act primarily facilitates the promotion and protection of individual privacy, through a number of guiding principles called “information privacy principles” (IPPs), which apply to “agencies”. Broadly, an “agency” is defined by the act as being most public and private sector organisations or businesses. The act contains 22 IPPs, which relate to the collection, storage, security, use, and disclosure of personal information.

IPP 6 states that an individual is entitled to receive from an agency confirmation of whether that agency holds any personal information about them, as well as access to their personal information. Any individual can request that an agency provide them with any personal information about them that that agency may hold, and, in most cases that agency will be required to provide that information.

However, the act provides a number of grounds on which an agency can refuse to provide an individual access to their personal information; for example, to protect the health and safety of that individual or another person, if that information is “evaluative material”, or if that information would disclose a trade secret.

“An individual is entitled to receive from an agency confirmation of whether that agency holds any personal information about them.”

It is also important to remember that an individual is not entitled to access other persons' personal information. This means documents, correspondence, or other items which contain a requestor's personal information may need to be redacted if those same documents, correspondence, or other items also contain the personal information of other individuals. Failure to do so could be a breach of those other individuals' privacy.

If you receive an information request, you need to gather all of the information that has been requested and then review it to determine whether any of the grounds for refusing access to all or part of that information apply; this can be quite difficult. Check to make sure that you do not provide the requestor with any one else's personal information. Also, be mindful that the act puts in place certain procedural requirements around how an agency must respond to a request for information under IPP 6.

All in all, responding to a request for information under the act can take up a lot of time and effort, and be really tricky to navigate.

We are starting to see current and former employees make information requests under IPP 6 more and more, often in the context an employment relationship problem. Sometimes these information requests are reasonable and are borne out of a genuine desire or need for that information. However, information requests are also often used strategically; either as a fishing expedition, to attempt to find a piece of correspondence, for example, which supports an employee's claim of wrongdoing by their employer; or to put pressure on an employer, for example, by requesting a very large quantity of information.

Employers should be mind that, if they fail to comply with their obligations under the act, the requestor is entitled to make a complaint about that failure to the Office of the Privacy Commissioner (OPC). If the OPC decides to investigate that complaint, the OPC can award a

variety of remedies, including requiring the employer to release certain information to the requestor.

If, at the conclusion of the OPC’s investigation, the requestor is unsatisfied with the outcome, the requestor can pursue the matter in the Human Rights Review Tribunal (HRRT) or, if they are an employee, the Employment Relations Authority (ERA). In these circumstances, if the employer is found to have breached the act, the HRRT or ERA, as the case may be, can require the employer to pay compensation to the requestor.

I have an employee who regularly turns up to work late and fails to get all their work done. What can I do about this?

Lateness and an inability, or unwillingness, to complete the required work are performance issues, which can, and should, be raised with an employee.

Often employers will avoid raising performance issues with an employee, or do so in an informal way, because it can be a really awkward conversation to have. However, in many cases, turning a blind eye to performance issues can cause what was, at first, a minor issue, to become a much larger problem that is far more difficult to address and resolve than it would have been, had it been nipped in the bud.

For example, where an employee who is consistently late to work has not been told that their lateness is an issue, they may consider their employer’s silence on the matter to mean that they approve or at least accept that kind of behaviour. Therefore, when that employer finally

decides to raise the employee’s lateness as an issue, the employee is likely to claim that such behaviour has been tolerated in the past, and so it is unfair to now say that it is a problem.

Ultimately, then, even though it can be uncomfortable, employers should be proactively raising performance concerns with employees. While this can be done on an informal basis (especially for minor concerns or first time issues), if the employer wants to be able to take action in relation to the performance concern, particularly by way of a warning or even termination of the employment, then the employer will need to raise the concerns through a formal process.

A formal process of this nature involves writing to the employee about the concerns regarding their performance to them, and then giving them a chance to respond to, or comment on, those concerns. Following that, the employer can make a decision, which should be recorded in writing, setting out the outcome of the process. In most circumstances, an employer will need to give an employee an opportunity to improve as part of that decision, before deciding to terminate their employment.

Employers should also remember that, like with most employment processes, there are certain procedural requirements that they need to ensure they comply with when dealing with performance issues.

- Email: amanda.douglas@wynnwilliams.co.nz, Feel free to also make use of Wynn Williams’ Legal Helpline, (03) 379 7622.







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Health & Safety

How sleep apnoea affects your workplace

By Claire Arneson, HR Adviser, SBS



Obststructive sleep apnoea (OSA or mate hoto hau) is a serious sleep disorder. People who have sleep apnoea stop breathing for 10 to 30 seconds at a time while they are sleeping. These short stops in breathing can

happen up to 400 times every night. This common but rarely discussed condition can add additional levels of risk to the workplace, particularly in the form of fatigue and brain fog. Read on to learn more about OSA and steps you might take to manage this risk in your workplace.

Key points about obstructive sleep apnoea (OSA) from [Health Navigator NZ](#):

1. OSA affects about 10% of women and 25% of men
2. OSA is caused by the muscles in your airways relaxing and blocking your airways. You then stop breathing for a short time until your brain wakes you up
3. Obesity is the most common and most important risk factor for OSA
4. Symptoms include snoring, daytime sleepiness, waking up a lot at night, or

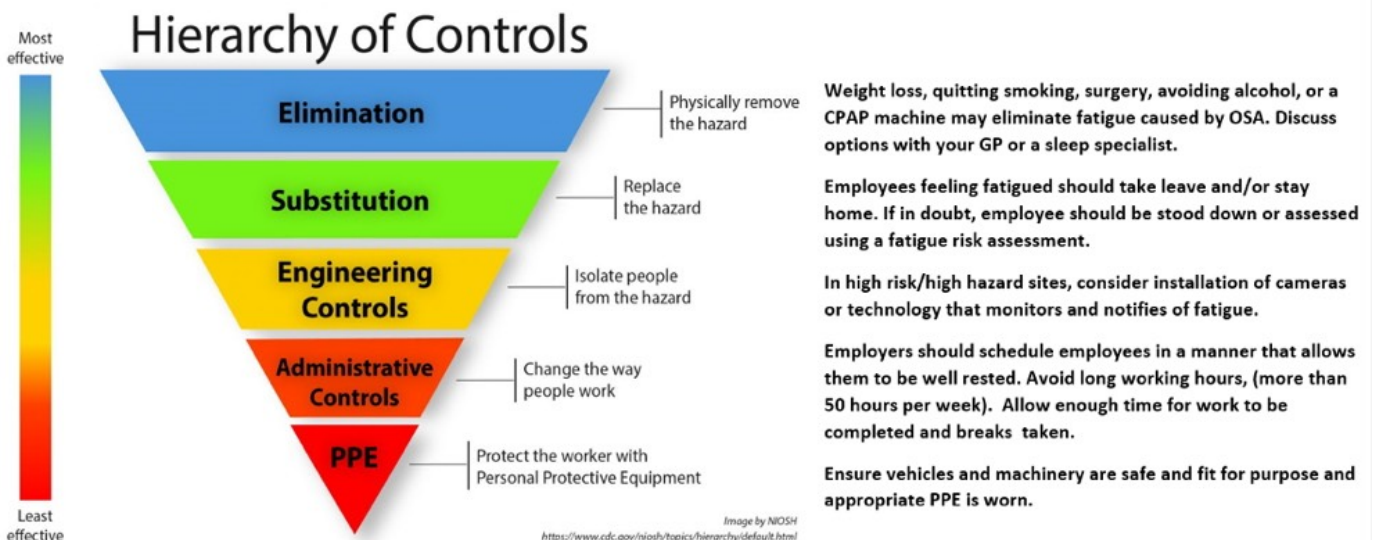
stopping breathing during sleep multiple times

5. OSA is diagnosed through a detailed history and tests, such as a sleep study
6. Treatment can include simple lifestyle measures, continuous positive airway pressure (commonly called a CPAP machine), dental or oral appliances and surgery

High potential for harm

Although it may seem relatively minor, OSA is a serious health issue that can have devastating effects on our roads. For example, in 2020 there were 26 fatal crashes, 89 serious injury crashes, and 438 minor injury crashes on New Zealand roads where fatigue was identified as a contributing factor, according to the [Ministry of Transport](#).

Fatigue-related incidents can have serious consequences for businesses as well. Transport company Freight Lines was fined approximately \$90,000 for a 2014 road accident that left the driver with a spinal fracture and a brain injury. It was accepted in court that the tasks assigned to the driver employee in the days leading up to the accident could not have realistically been achieved within the legal logbook/work time limits, yet these tasks had been assigned by the dispatcher.



Identifying the risk

While employees have an obligation to share any health conditions that might affect their ability to do their job, OSA often goes undiagnosed and unreported to employers. Perhaps this is because snoring (a key symptom of OSA) is often viewed as a comical personal attribute, rather than evidence of a medical condition. In addition, many sufferers of OSA are hesitant to attend a sleep clinic or wear a CPAP mask when sleeping, and they defer speaking with their GP due to these concerns. Other employees fear that disclosure of their condition could negatively impact their job or driver's license, particularly if they work as a driver.

Employers can encourage workers to take OSA seriously and seek treatment by providing information, resources, and a non-judgmental approach. Start by educating employees about the symptoms of OSA, which include:

- waking up in the morning feeling tired (daytime sleepiness) and groggy
- having early morning headaches
- difficulty concentrating and finishing tasks
- altered mood
- stopping breathing during sleep for 10 seconds or longer (your partner can report this)
- waking up frequently with choking

If left untreated, OSA can take a severe toll on one's health including:

- poor sleep quality, poor work performance, and work accidents if you have a high-risk occupation, eg, heavy machine operator motor vehicle accidents
- short-term memory problems
- [depression](#)
- [hypertension \(high blood pressure\), arrhythmia \(irregular heartbeat\)](#)
- [cardiovascular diseases such as heart disease and stroke](#)
- [impaired development in children.](#)

“Sleep apnoea-related fatigue is not just dangerous for those operating heavy equipment or driving.”

Remember that sleep apnoea-related fatigue is not just dangerous for those operating heavy equipment or driving. Because fatigue (no matter the source) can lead to a reduced ability to process information, memory lapses, absent-mindedness, and underestimation of risk, it can have disastrous consequences for your business in other areas. Here are some real-life examples:

- A payroll administrator accidentally sent a confidential payroll report to someone outside the organisation
- A medical resident accidentally prescribed the wrong medication to a patient
- A recruiter notified the wrong person they were being offered a job with the company
- The office manager forgot to lock the office overnight

These examples highlight the importance of managing fatigue across the business.

Reducing the risk

Employers should control the risks associated with a OSA in much the same way they would address

other hazards, through the hierarchy of controls:

For additional information check out the below resources or contact a member of the SBS Team.

Additional resources:

- Log Transport Safety Council Sleep Apnea Video: <https://logtruck.co.nz/resources/sleep-apnea/>
- Health Navigator New Zealand—Sleep Apnoea: <https://www.healthnavigator.org.nz/health-a-z/o/obstructive-sleep-apnoea/>
- *For more information on anything HR or Health and Safety, get in touch with a member of the SBS Team. Freephone 0508 424 723 or visit www.safebusiness.co.nz.*





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nzi.co.nz/fleetfit



Health & safety

What to know about employing young workers

By Claire Arneson, HR Adviser, SBS



In December 2020, a 14-year-old worker was seriously injured by falling through a skylight on a roof in Hawke's Bay. The teenager fell eight metres through the skylight and directly onto a concrete floor while working for Ironhide Roofing Limited, which was

sentenced in the Napier District Court on September 6, 2022. The incident left the victim hospitalised, suffering from multiple fractures. The employer in this case was ordered to pay \$65,000 in reparations and fines, having breached the Health and Safety at Work Regulations 2016, which forbid people under the age of 15 from working on a construction site.

This prosecution offers a timely reminder to employers about their obligations regarding the health and safety of young workers. The following regulations apply:

Restrictions on hours worked

- If you employ any school-aged students (under the age of 16), their work hours must be outside of school hours only and in addition must not be between 10:00pm and 6:00am, including in times that interfere with the student doing school work;

- It is unlawful for businesses to employ school-aged students during school hours under the Education and Training Act 2020, unless they have a certificate of exemption. Failure to do so can lead to fines up to \$1,000 for both the parents and the employers.

Using tractors or other vehicles

An employer, or someone hiring a contractor must make sure that any worker under 15 years does not:

- drive any tractor or any vehicle, other than a car, truck, motorcycle or machinery that weighs 700 kilograms or less;
- ride on any vehicle when it's towing or is attached to anything;
- ride on anything towed by or attached to any vehicle;
- An employee must have a current driver's licence before driving any motor vehicle on a road. A road includes any car park, yard, or other part of a workplace which has public vehicle access;
- There is a special exception for the agricultural sector which allows young people doing contract work who are over the age of 12 years to use tractors for agricultural work provided they are fully trained or being trained, or they live on the property.



The Health and Safety at Work Regulations 2016 specify what kind of work young people can do.

Age restrictions on where a young person can work

Employees under 14 years

An under 14-year-old cannot work as a babysitter, au pair or nanny without adult supervision because it's an offence to leave any child under 14 unsupervised.

Employees under 15 years

An employee or contractor who is under 15 years cannot work:

- on a logging site, e.g. a forest where trees are being cut down or processed;
- on a construction site;
- in any area where goods or hazardous substances are being manufactured;
- in any area where the work requires lifting heavy weight;
- in any area where the work being done is likely to harm the employee;
- with any machinery or assist a worker with any machinery.

These restrictions also apply to people under 15 years *visiting* the workplace. These restrictions don't apply if the employee works at all times in an office in that area, or in any part of that area used only for selling goods or services. They also don't apply to visitors who are under direct adult supervision, on a guided tour or are in areas open to the public.

Employees under 18 years

An employer cannot employ anybody aged less than 18 years to work in:

- any restricted area of a licensed premises while that area is open for the sale of liquor, unless they are employed preparing or serving any meal, cleaning, repairing, maintaining,

“An employee must have a current driver’s licence before driving any motor vehicle on a road.”

altering or restocking the area of any equipment, removing or replacing any equipment, stocktaking, or checking or removing cash;

- areas with direct access to gaming machines in gaming venues such as bars, taverns, and clubs where a gaming machine society has obtained a licence to operate gaming machines;
- sex work.

Employees under 20

- Under 20-year-olds can't work in parts of casinos where gambling takes place or undertake any gambling-related duties.

- *For more information on anything HR or Health and Safety related, get in touch with a member of the SBS Team. Freephone 0508 424 723 or visit: www.safebusiness.co.nz.*



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- This article appeared on Z <https://www.z.co.nz/for-businesses/tips-and-resources/how-to-get-the-most-out-of-your-z-business-account/> and has been edited and published here with permission.

Advice on member benefits

Transporting New Zealand membership manager Fiona McDonagh, left, and membership advisor Vicki Harris are ready to help advise members on benefits that can help their businesses.

- Email: members@transporting.nz



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- More information: www.autosense.co.nz/simulator

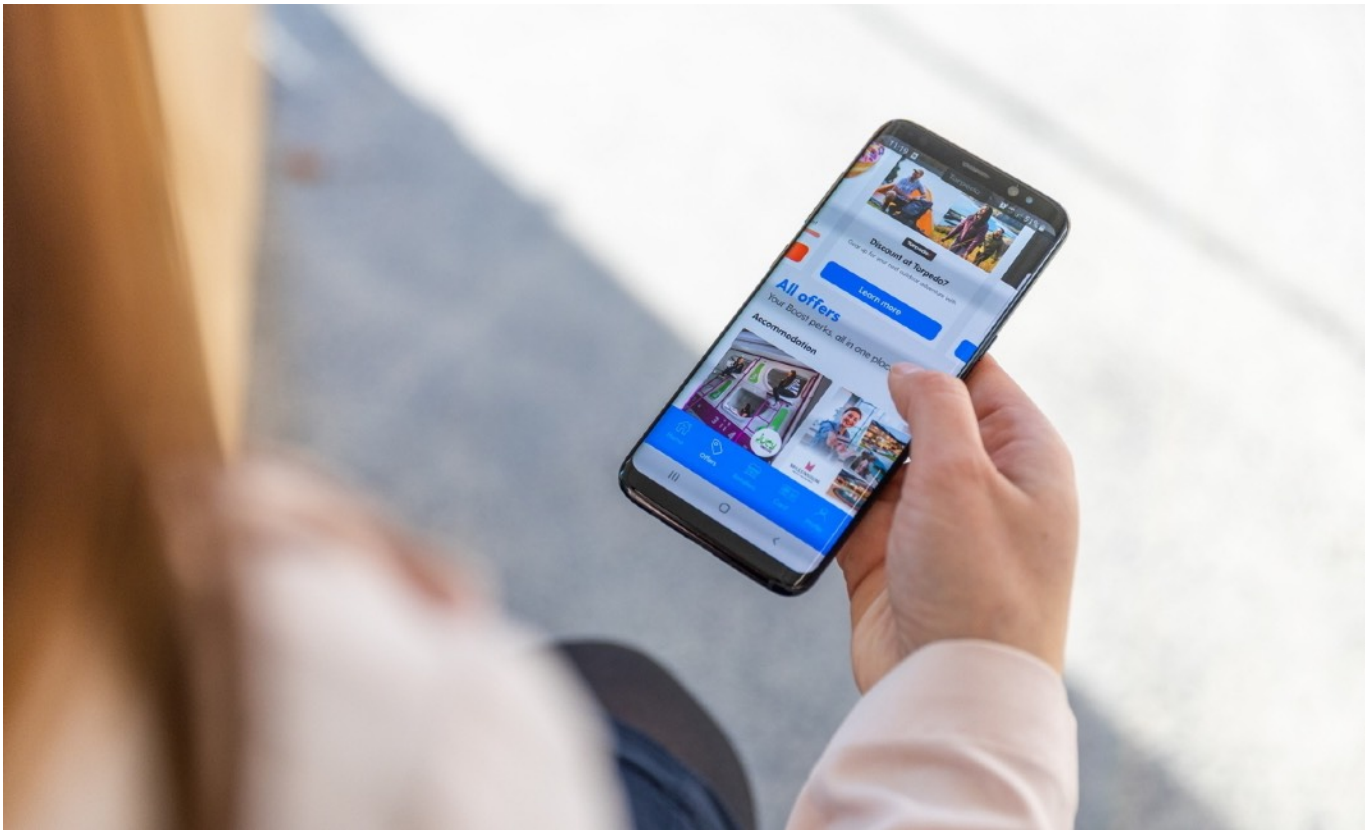
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- In the last year, Transporting New Zealand members saved over \$4.6 million utilising n3 suppliers. (The savings shown are based on member spend from July 2020 to June 2021.)

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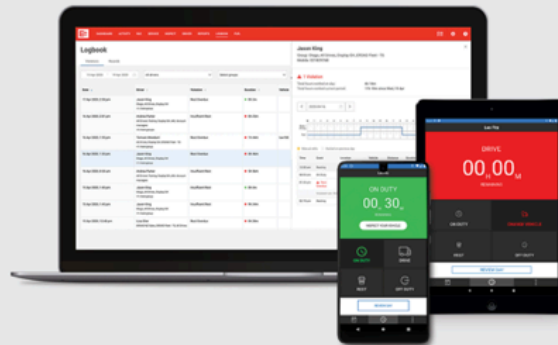
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