

Land Transport (NZTA) Legislation Amendment Bill

Government Bill

As reported from the Transport and Infrastructure Committee

Commentary

Recommendation

The Transport and Infrastructure Committee has examined the Land Transport (NZTA) Legislation Amendment Bill and recommends that it be passed with the amendments shown.

Introduction

This omnibus bill would amend three Acts: the Land Transport Management Act 2003, the Land Transport Act 1998, and the Railways Act 2005 (with consequential changes to several other enactments).

The bill seeks to strengthen and clarify the regulatory function and leadership role of the New Zealand Transport Agency (NZTA). It responds to the findings of a review of the NZTA's regulatory functions, capability, and performance.

The bill would establish a Director of Land Transport within the NZTA. The Director would be responsible for providing leadership within the NZTA in relation to any land transport regulatory matters. The bill would also update and clarify the NZTA's functions and powers, and require the NZTA to create and publish a new regulatory strategy.

The bill would establish a register of land transport records and provide for regulation-making powers to support the operation and administration of the register. The NZTA would be the Registrar.

The bill includes provisions to support the NZTA's approach to tackling unsafe speeds, including the ability through rules to establish a speed management committee. Other measures in the bill include a regulation-making power to amend regional transport committee functions and to enable the NZTA to issue infringement notices for moving vehicle offences captured by safety cameras.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Commencement

As introduced, the bill would come into force on 1 July 2020. We believe more flexibility is needed in the commencement of provisions relating to the appointment of the Director. We wish to allow time for the NZTA to effectively implement the Director role, and for the work involved to be staged appropriately.

We recommend amending clause 2 to specify that the bill would come into force on 1 September 2020, except for provisions relating to the transfer of functions to and appointment of the Director. We recommend that those provisions come into force on either 1 April 2021 or a date appointed by the Governor-General by Order in Council, whichever is earlier.

Funding

Clause 5 of the bill would amend section 9 of the Land Transport Management Act. It would allow the Crown to incur expenses or capital expenditure to fund the NZTA's regulatory functions and the Ministry of Transport's associated monitoring functions. The amount incurred would be agreed between the Minister of Transport and the Minister of Finance, and would not require further appropriation. This is intended to provide for road users in the land transport system to contribute to the costs of the NZTA as the regulator, which provides a strong public benefit across the system. The amendment would avoid developing another general levy and associated administration costs for the public.

We noted concern from some submitters that this amendment could cause a larger increase to NZTA fees and charges, above the normal increases due to inflation. Some submitters also felt that the regulatory and funding changes needed are too uncertain to allow for this amendment.

We acknowledge the importance of having clarity and transparency around funding, and recommend the addition of clause 5(1B) to (1D) in the bill. These amendments would require the NZTA to consult publicly on its proposed funding recommendations before submitting them to Ministers for approval. Our changes would also require the NZTA to include the results of the consultation in its recommendation to the Ministers.

Functions of the NZTA

Clause 8 of the bill would insert new section 95(1)(m) in the Land Transport Management Act to provide that one of the functions of the NZTA is to assist, advise, and cooperate with approved organisations. We recommend amending the clause so this provision is shifted to new section 95(1)(ja) of that Act. This change recognises that this function is related specifically to the investment management function of the NZTA.

Director of Land Transport

Clause 11 of the bill would insert section 104A into the Land Transport Management Act. The new section would provide for the establishment of the Director of Land Transport within the NZTA, and for the Director's functions and powers.

One submitter highlighted that, although term limits are specified for similar Director roles (for example, in Maritime New Zealand and the Civil Aviation Authority), no term limit is specified for the Director of Land Transport. We agree with the suggestion that the Director of Land Transport be given a term limit of 5 years.

To do this, we recommend replacing section 104A with new sections 104A and 104AA. New section 104A would specify a term of no more than 5 years for the Director, with scope for reappointment, and that the terms and conditions of employment must be agreed between the NZTA Board and the Director.

We recommend creating a new section 104AA for the Director's functions and powers. We recommend including a standard provision that, when performing a statutorily independent function, the Director must act independently, and the Minister, Agency, or Secretary may not give directions in relation to the Director performing that function.

We also recommend that the definition of "land transport document" in section 104AA(5) be as provided in the Land Transport Act.

Confidentiality and sharing of information

Some submitters raised concerns about confidentiality and the sharing of information. They noted that the bill's definition of "land transport Act" in clause 14(1) specifies that it means five different Acts. One submitter suggested that this wide definition raises the appearance that the Director has a wide-ranging mandate to use evidence from one Act for the purpose of another. Another submitter suggested that the NZTA should only be able to use information for the purpose for which it was received.

We note that there is no current provision in the land transport Acts that stops the NZTA from sharing information between its different functions. On the contrary, we believe it is both important and expected that the NZTA can share information between its functions and (subject to limitations) between the NZTA, its Director, and other regulators and enforcement agencies.

We do recognise that the amount of information shared for the purposes of the NZTA's functions may be unknown. There are also uncertainties about how provisions in the Privacy Act 1993 apply to information shared between registers (for example, the Motor Vehicle Register and the Driver Licence Register) administered by the NZTA.

To address these issues, we recommend the addition of clause 12B, to insert new sections 109A and 109B in the Land Transport Management Act.

Section 109A would apply to information the NZTA obtained or gained access to when performing or exercising any function, duty, or power provided under a land transport Act. Section 109A(2) would require the NZTA not to publish or disclose

any information or document except in the circumstances specified in that subsection. We believe these exceptions are important to allow for information to be shared between the three main functions of the NZTA (regulatory, infrastructure and planning, and investment). This is one of the benefits of combining these functions in one agency. Requirements in section 109A(3) and (4) would also ensure that personal privacy is upheld in accordance with the Privacy Act.

Section 109B would enable the NZTA to share information or a copy of any document with a regulatory agency or overseas agency (together “agencies”) if satisfied that it may assist those agencies to perform or exercise their functions, duties, or powers. This section would be subject to any other Act. Section 109B(2) would also provide for the NZTA to use information or a copy of any document it receives from agencies under similar conditions. Section 109B(3) would enable the NZTA to impose conditions including storage, access, and disposing of copies when sharing information or documents with agencies under section 109B. “Regulatory agency” and “overseas agency” would be defined in this section. Section 109B(7)(n) would provide for the definition of regulatory agency to be amended by regulation. The provisions in this section would apply despite any other contract, deed, or document. Personal information shared or used under this section would also be subject to the Privacy Act.

We believe these changes would allow the NZTA to effectively perform or exercise its functions, duties, or powers under land transport Acts, while allowing for appropriate confidentiality.

Speed management committees

We propose removing new section 159A of the Land Transport Act (clause 104 of the bill) as it would no longer be needed with our recommended changes to clause 110 of the bill (discussed later). We propose renumbering new section 159B as 159A. This new section would enable rules to require the Agency to establish a committee. We received some submissions expressing concern that it was not clear what powers and functions could be delegated to a committee that could be created under this section. Some submitters said it was not clear whether a committee would have a national, regional, or local focus.

We also received a letter from the Regulations Review Committee (RRC) about this section. It expressed concern that there is nothing in the main provisions of the bill indicating the committee’s intentions or a description of its purpose. It saw a risk that such broad, open-ended powers could be used in ways not intended by Parliament, and could allow for making rules on matters of substantive policy. The RRC recommended amending the section to describe the purpose of a committee that could be required to be established under this section.

We agree with the RRC’s advice, and note that it reflects issues raised in submissions. We recommend amending new section 159A to make it clear that a rule may require the NZTA to establish a committee that has one or more purposes associated with speed management. We also recommend specifying other matters that the rule must

set out about the committee. We believe these amendments would provide clarity about the purpose of the committee.

Register of land transport records

Clause 110 of the bill would insert sections 200A to 200K into the Land Transport Act. These new sections provide for the establishment of a register of land transport records, among other register-related provisions. We recommend a number of amendments and additions to this section to clarify certain matters regarding the creation of land transport records, and to provide for regulation-making powers to support the operation and administration of the register. To support this, we also recommend amending section 22AC of the Land Transport Act to enable the Minister of Transport to amend, replace, or disallow bylaws that are inconsistent with any land transport record included in the register. The bill would make the NZTA the Registrar of the register.

We recommend amending new section 200B(1) to clarify that secondary legislation made under any land transport Act (not only the Land Transport Act 1998) may require the creation of a land transport record to give effect to a decision or other thing. However, we consider that section 200B(1) should only apply if the decision or other thing falls within a category of decision that is specified in regulations. We recommend that the bill provides for regulation-making powers under the Land Transport Act as set out in clauses 106 (section 167(1)(mf)) and 107A (new section 168AAA). New section 168AAA(2) would include a definition of “bylaw” for the purposes of that section.

We recommend amendments to clause 110 of the bill to provide for the effective operation and maintenance of the register of land transport records, including reference to regulation-making powers provided for in clauses 106 and 107A.

We also recommend amending new section 200D to make it clear that an additional purpose of the register of land transport records is to create legally enforceable obligations. To align with this, we recommend the addition of new section 200DA, which specifies the conditions under which a land transport record must be created by the Registrar, and new section 200DB, which details the effect of a land transport record. New section 200G would provide for when the Registrar is to make amendments to the register.

Transitional schedules

Under Part 4 of the bill, we recommend the addition of transitional and consequential amendments in Schedules 1 to 5. These changes would allow for the functions being transferred from the NZTA to the Director to transition more smoothly.

Appendix

Committee process

The Land Transport (NZTA) Legislation Amendment Bill was referred to the committee on 17 December 2019. The closing date for submissions was 7 February 2020. We received and considered 16 submissions from interested groups and individuals. We heard oral evidence from 4 submitters in Auckland and Wellington.

We received advice from the Ministry of Transport. The Regulations Review Committee reported to us on the powers contained in clause 104.

Committee membership

Darroch Ball (Chairperson)

Chris Bishop

Paul Eagle

Raymond Huo

Matt King

Jan Logie

Jami-Lee Ross

Jamie Strange

Tim van de Molen

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Phil Twyford

Land Transport (NZTA) Legislation Amendment Bill

Government Bill

Contents

	Page
1 Title	9
2 Commencement	9
2 <u>Commencement</u>	9
Part 1	
Amendments to Land Transport Management Act 2003	
3 Amendments to Land Transport Management Act 2003	9
4 Section 5 amended (Interpretation)	9
5 Section 9 amended (The Crown's authority to incur certain land transport expenses and capital expenditure)	10
6 Section 10 amended (National land transport fund)	10
<u>6A</u> <u>Section 65N amended (Functions of Agency under this subpart)</u>	<u>10</u>
<u>6B</u> <u>New section 65NA inserted (Functions of Director under this subpart)</u>	<u>10</u>
<u>65NA</u> <u>Functions of Director under this subpart</u>	<u>10</u>
<u>6C</u> <u>Section 65W amended (Assessment of tax)</u>	<u>11</u>
<u>6D</u> <u>Section 65X amended (Payment of regional fuel tax)</u>	<u>11</u>
<u>6E</u> <u>Section 65ZF amended (Agency and Auditor-General may require information)</u>	<u>11</u>
<u>6F</u> <u>Section 65ZG amended (Inspection of records or other information)</u>	<u>11</u>
<u>6G</u> <u>Section 65ZI amended (Offences and penalties)</u>	<u>11</u>
7 Section 92 amended (Overview)	11
8 Section 95 replaced (Functions of Agency)	11
95 Functions of Agency	11
9 New sections 96A and 96B inserted	13
96A Agency must adopt and publish regulatory strategy	13

Land Transport (NZTA) Legislation Amendment Bill

	96B	Delegation restrictions and other matters relating to committees that Agency is required to establish under rules	14
10		Section 100 amended (Statement of intent)	14
11		New sections 104A and <u>to</u> 104B and cross-heading inserted	14
<i>Director of Land Transport</i>			
	104A	Director of Land Transport	15
	<u>104A</u>	<u>Director of Land Transport</u>	<u>16</u>
	<u>104AA</u>	<u>Functions and powers of Director</u>	<u>16</u>
	104B	Delegation of Director's functions and powers	17
12		Section 106 amended (Functions of regional transport committees)	18
<u>12A</u>		<u>Section 109 amended (Regulations)</u>	<u>18</u>
<u>12B</u>		<u>New sections 109A and 109B inserted</u>	<u>18</u>
	<u>109A</u>	<u>Confidentiality of information and documents</u>	<u>19</u>
	<u>109B</u>	<u>Agency may share or use information or documents</u>	<u>19</u>
<u>12C</u>		<u>Schedule 1AA amended</u>	<u>21</u>

Part 2

Amendments to Land Transport Act 1998

13		Amendments to Land Transport Act 1998	21
14		Section 2 amended (Interpretation)	21
15		Section 4 amended (General requirements for participants in land transport system)	22
16		Section 18 amended (Health practitioners to give Agency medical reports of persons unfit to drive)	22
17		Section 19 amended (Licences of certain persons subject to Mental Health (compulsory Assessment and Treatment) Act 1992)	22
<u>17A</u>		<u>Section 22AC amended (Minister may amend, replace, or disallow bylaws)</u>	<u>23</u>
18		Section 23 amended (Issue of driver licences)	23
19		Section 24 amended (Agency may issue temporary driver licences)	23
20		Section 24A amended (Authorised persons may request driver licences for certain persons)	23
21		Section 25 amended (Minimum age for driver licensing)	23
22		Section 26 amended (Drivers may be tested and examined)	23
23		Section 27 amended (Suspension and revocation of licences)	23
24		Section 28 amended (Photographic driver licence)	23
25		Section 29A amended (Persons convicted of specified serious offences prohibited from holding passenger endorsement)	24
26		Section 29B amended (Passenger endorsement may be reinstated in certain cases)	24
27		Section 30 amended (Driver licences are property of Agency and are to be surrendered in certain circumstances)	24
28		Section 30A amended (Requirements for vehicles)	24

Land Transport (NZTA) Legislation Amendment Bill

29	Section 30C amended (General safety criteria)	24
30	Section 30D amended (Additional criteria for small passenger service and vehicle recovery service)	24
31	Section 30E amended (Additional criteria for large passenger service)	24
32	Section 30F amended (Additional criteria for goods service)	24
33	Section 30G amended (Agency may require information for fit and proper person assessment)	24
34	Section 30H amended (Agency's duties concerning prejudicial information)	25
35	Section 30I amended (Non-disclosure by Agency of information for safety reasons)	25
36	Section 30L amended (Grant of licence)	25
37	Section 30M amended (Conditions of goods service licence)	25
38	Section 30O amended (Term of transport service licence)	25
39	Section 30Q amended (Records to be kept by facilitator of facilitated cost-sharing arrangements)	25
40	Section 30S amended (When Agency may revoke transport service licence)	25
41	Section 30T amended (Procedure Agency must follow before revoking transport service licence)	25
42	Section 30U amended (Suspension of transport service licence)	26
43	Section 30V amended (Interpretation)	26
44	Section 30W amended (Agency to notify proposal to make adverse decision)	26
45	Section 30X amended (Procedure for consideration of information)	26
46	Section 30Y amended (Agency's determination)	26
47	Section 30ZA amended (Agency may grant exemptions or approve alternative fatigue management schemes)	27
48	Section 30ZG amended (Agency may approve or revoke alternative means of recording matters)	27
49	Section 32 amended (Contravention of section 5(1)(c))	27
50	Section 65 amended (Mandatory disqualification and assessment for repeat offences)	27
51	Section 65AK amended (Effect of other subsequent offences on alcohol interlock licence)	27
52	Section 65B amended (Mandatory zero alcohol requirements for repeat offences and certain first offences)	27
53	Section 79A amended (Offence to carry on transport service without licence)	27
54	Section 79B amended (Provision of incorrect information)	27
55	Section 79C amended (Failure to present vehicle for inspection)	27
56	Section 79O amended (Failure to comply with prescribed work time restrictions or rest time requirements)	28

Land Transport (NZTA) Legislation Amendment Bill

57	Section 82A amended (Application for reinstatement if suspended for any period (other than under section 95), or disqualified for period not exceeding 12 months)	28
58	Section 82C amended (Application for reinstatement following expiry of alcohol interlock licence or zero alcohol licence)	28
59	Section 83 amended (Holder to undergo approved tests or courses if disqualified for more than 1 year)	28
60	Section 84 amended (New licence to be issued if disqualified driver qualifies for specified vehicle classes)	28
61	Section 87 amended (Particulars of certain court orders to be sent to Agency and offender)	28
62	Section 87A amended (Disqualification of transport service driver)	28
63	Section 87B amended (Disqualification of holder of transport service licence from holding transport service licence)	28
64	Section 87D amended (Immediate suspension of transport service driver and other persons in interests of public safety)	28
65	Section 87E amended (Procedure for suspending persons under section 87D)	28
66	Section 87F amended (Term of suspension)	29
67	Section 87G amended (Effect of disqualification or suspension of transport service driver and other persons)	29
68	Section 88 amended (Demerit points to be recorded by Agency)	29
69	Section 89 amended (Notice of demerit points)	29
70	Section 90 amended (Suspension of licence or disqualification from driving under demerit points system)	29
71	Section 91 amended (Cancellation and reinstatement of demerit points)	29
72	Section 91E amended (Imposition of driver licence stop order)	29
73	Section 91F amended (Effect of driver licence stop order)	29
74	Section 91G amended (Cancellation of driver licence stop order)	29
75	Section 91H amended (Termination of driver licence stop order if traffic fine paid or resolved)	29
76	Section 92 amended (Compulsory attendance at driving improvement course or dangerous goods course)	30
77	Section 93 amended (Court may order compulsory driving test)	30
77A	<u>Section 95 amended (Mandatory 28-day suspension of driver licence in certain circumstances)</u>	<u>30</u>
78	Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances)	30
79	Section 96A amended (Impoundment of vehicle used in transport service)	30
80	Section 99A amended (Agency may approve programmes)	30
81	Section 100 amended (Agency to remove certain disqualifications)	30

Land Transport (NZTA) Legislation Amendment Bill

82	Section 100A amended (Agency may authorise removal of alcohol interlock device and certify that requirements of alcohol interlock sentence have been fulfilled)	31
83	Section 101 amended (Appeal to Agency against mandatory suspension of driver licence)	31
84	Section 105 amended (Court may make order authorising grant of limited licence)	31
85	Section 106 amended (General right of appeal to District Court)	31
86	Section 107 amended (Appeals against court orders relating to disqualification or grant of limited licence, and deferral of disqualification)	31
87	Section 108 amended (Appeal against Agency’s refusal to remove disqualification or replace alcohol interlock licence with zero alcohol licence)	31
88	Section 109 amended (Appeal against refusal of Agency to remove suspension of driver licence)	32
89	Section 112 amended (Effect of appeal on demerit points)	32
90	New sections 112A to 112G and cross-heading inserted	32
<i>Enforceable undertakings</i>		
	112A Director <u>Agency</u> may accept enforceable undertakings	32
	112B Notice of decision and reasons for decision	32
	112C When enforceable undertaking is enforceable	33
	112D Compliance with enforceable undertaking	33
	112E Contravention of enforceable undertaking	33
	112F Withdrawal or variation of enforceable undertaking	34
	112G Proceedings for <u>contravention</u> or alleged contravention	34
91	Section 115 amended (Enforcement officers may give directions prohibiting driving of vehicles)	34
92	Section 129 amended (Vehicles may be inspected and directed to remain stopped for contravening dangerous goods rules)	34
93	Section 130 amended (Power to inspect railway lines)	35
94	Section 131 amended (Power to inspect premises used for loading and unloading of dangerous goods)	35
95	Section 134 amended (Strict liability for offences involving insecure loads and loads falling from vehicles)	35
96	Section 135 amended (Commencing proceedings, and jurisdiction, for offences)	35
97	Section 141 amended (Provisions relating to infringement fees)	35
98	Section 149 amended (Admissibility of certain statements by drivers of certain vehicles)	35
99	Section 150 amended (Evidence of certain documents)	35
100	Section 152 amended (Power of Minister to make ordinary rules)	35
101	Section 157 amended (Rules concerning roads)	36

Land Transport (NZTA) Legislation Amendment Bill

102	Section 158 amended (Rules concerning licensing, standard-setting, etc)	36
103	Section 159 amended (Rules concerning land transport documents)	36
104	New sections 159A and 159B inserted	36
	159A Rules concerning register of land transport records	36
	159B Ordinary rule may require committee to be established	36
<u>104</u>	<u>New section 159A inserted (Ordinary rule may require committee to be established)</u>	<u>36</u>
	<u>159A Ordinary rule may require committee to be established</u>	<u>37</u>
105	Section 160 amended (Other provisions concerning ordinary rules)	37
106	Section 167 amended (Regulations)	38
107	Section 168 amended (Regulations relating to fees and charges for land transport)	38
<u>107A</u>	<u>New section 168AAA inserted (Regulations relating to register of land transport records)</u>	<u>38</u>
	<u>168AAA Regulations relating to register of land transport records</u>	<u>38</u>
108	Section 168C amended (Piloting fees)	39
109	Section 198 amended (Inspections and audits)	39
110	New sections 200A to 200K and cross-heading inserted	39
	<i>Register of land transport records</i>	
	200A Interpretation	39
	200B Land transport Act may require creation of land transport record to give effect to decision or other thing	40
	<u>200B Secondary legislation may require creation of land transport record</u>	<u>40</u>
	<u>200BA Land transport records must be created for certain bylaws</u>	<u>40</u>
	200C Register of land transport records	40
	200D Purpose of register	41
	<u>200DA When Registrar must create land transport record</u>	<u>41</u>
	<u>200DB Effect of land transport record</u>	<u>41</u>
	200E Contents of register	41
	200F Operation, access, and search of register	42
	200G Amendments to register	42
	<u>200G Amendments to register</u>	<u>42</u>
	200H Submitting of information to Registrar	43
	200I Registrar must notify person that record created	43
	200J Registrar may notify record or changes to register	43
	200K Certified copy of information on register	43
111	Section 207 amended (Delegation of Minister's functions or powers to Agency)	44
112	New section 208A inserted (Agency is enforcement officer for certain infringement offences)	44
	208A Agency is enforcement officer for certain infringement offences	44

Land Transport (NZTA) Legislation Amendment Bill

113	Section 233 amended (Interpretation matters applying to this Part)	44
114	Section 271 amended (Appointment of Registrar)	44
<u>114A</u>	<u>Schedule 1 amended</u>	<u>44</u>

Part 3

Amendments to Railways Act 2005

115	Amendments to Railways Act 2005	44
116	Section 4 amended (Interpretation)	45
<u>116A</u>	<u>New section 5A inserted (Transitional, savings, and related provisions)</u>	<u>45</u>
	5A Transitional, savings, and related provisions	45
117	Section 8 amended (Relationship of Act with Health and Safety at Work Act 2015)	45
118	Section 15 amended (Certain rail participants must be licensed)	45
119	Section 16 amended (Application for licence)	45
120	Section 17 amended (Grant of licences)	45
121	Section 18 amended (Transfer or assignment of licence prohibited)	45
122	Section 19 amended (Term of licence)	45
123	Section 20 amended (Register of licences)	46
124	Section 21 amended (Conditions of licences)	46
125	Section 22 amended (Agents and contractors)	46
126	Section 23 amended (Power of Agency to suspend licence or impose temporary conditions)	46
127	Section 24 amended (Power of Agency to revoke licence or impose permanent conditions)	46
128	Section 25 amended (Matters relating to action taken under section 23 or section 24)	46
129	Section 26 amended (Power of Agency to amend or revoke licences in other cases)	46
130	Section 27 amended (Rights of persons affected in relation to adverse decisions)	47
131	Cross-heading above section 28 amended	47
132	Section 28 amended (Power of Agency to prohibit operation, impose conditions, or detain or immobilise rail vehicles or railway infrastructure)	47
133	Section 30 amended (Contents of safety case)	47
134	Section 31 amended (Matters to be taken into account in considering proposed safety case)	47
135	Section 32 amended (Approval of safety case)	47
136	Section 33 amended (Application to replace or vary approved safety case)	48
137	Section 34 amended (Requirement by Agency to replace or vary approved safety case)	48
138	Section 35 amended (Procedure for replacement or variation of approved safety case)	48

Land Transport (NZTA) Legislation Amendment Bill

139	Section 36 amended (Safety improvement plans)	48
140	Section 37 amended (Ordinary and special safety assessments)	48
141	Section 39 amended (Safety assessment report)	49
142	Section 42 amended (Notification of requirement for improvements)	49
143	Section 43 amended (Report on remedial action)	49
144	Section 44 amended (Extension of time to complete remedial action)	49
145	Section 45 amended (Appointment of safety assessors)	49
146	Section 46 amended (Functions and duties of safety assessors)	49
147	Section 47 amended (Powers of safety assessors to obtain information, etc)	49
148	Section 48 amended (Powers of entry of safety assessors)	49
149	Section 53 amended (Rules concerning authorisation, standard-setting, etc)	49
150	Section 54 amended (Other provisions concerning ordinary rules)	50
151	Section 60 amended (Regulations relating to fees and charges for rail transport)	50
152	Section 67 amended (Power to prohibit or restrict persons from being involved in rail activities)	50
153	Section 68 amended (Appeal to District Court)	50
154	Section 69 amended (Procedure)	50
155	Section 70 amended (Decision of Agency to continue in force pending appeal, etc)	50
156	Section 95 amended (Who may file charging document for offence)	50
157	Section 96 amended (Evidence and proof)	50
158	Section 97 amended (Application of fees)	50
159	Section 102 amended (Appointment of enforcement officers)	50
159A	<u>New Schedule 1AA inserted</u>	<u>51</u>

Part 4

Consequential amendments

160	Consequential amendments	51
-----	--------------------------	----

Schedule 1

52

New Part 2 inserted in Schedule 1AA of Land Transport Management Act 2003

Schedule 2

54

New Part 2 inserted in Schedule 1 of Land Transport Act 1998

Schedule 3

56

New Schedule 1AA inserted into Railways Act 2005

Schedule 4

58

Consequential amendments to Acts

Schedule 5
Consequential amendments to secondary legislation

61

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Land Transport (NZTA) Legislation Amendment Act **2019**.

2 Commencement

~~This Act comes into force on **1 July 2020**.~~

5

2 Commencement

(1) The following provisions come into force on **1 September 2020**:

(a) **Part 1: sections 3, 4(1A), 5, 6, 7, 12, 12A, and 12B;** and

(b) **Part 2: sections 13, 14(1), (3), (4), (5), (5A), (6), (6A), and (8), 17A, 24, 42, 43, 90, 101, 104, 106(2) and (3), 107A, 110, and 112.**

10

(2) The rest of this Act comes into force on the earlier of—

(a) **1 April 2021;** and

(b) a date appointed by the Governor-General by Order in Council.

Part 1

15

Amendments to Land Transport Management Act 2003

3 Amendments to Land Transport Management Act 2003

This Part amends the Land Transport Management Act 2003.

4 Section 5 amended (Interpretation)

(1) In section 5(1), insert in ~~their~~its appropriate alphabetical order:

20

Director means the Director of Land Transport appointed under **section 104A**

~~land transport Act~~ has the meaning given in section 2(1) of the Land Transport Act 1998

(1A) In section 5(1), insert in its appropriate alphabetical order:

25

land transport Act has the meaning given in section 2(1) of the Land Transport Act 1998

(2) ~~In section 5(1), definition of **statutorily independent function**, after paragraph (a), insert:~~

(aa) ~~in the case of the Director, a function specified in **section 104A(5)**;~~

30

(2) In section 5(1), repeal the definition of **statutorily independent function**.

5 Section 9 amended (The Crown’s authority to incur certain land transport expenses and capital expenditure)

(1) After section 9(1), insert:

(1A) The Crown may, without further appropriation than this subsection, incur expenses or capital expenditure in a financial year up to an amount agreed between the Minister of Transport and the Minister of Finance to fund the Agency’s regulatory functions and the Ministry’s associated monitoring functions. 5

(1B) The Agency may, of its own volition, recommend that the Ministers agree to an amount under **subsection (1A)**. 10

(1C) Before making a recommendation, the Agency must—

(a) publish a notice of the Agency’s proposed recommendation on its Internet site; and

(b) give interested parties a reasonable time, specified in the notice, to make submissions on the proposed recommendation. 15

(1D) The Agency must include the results of the consultation under **subsection (1C)** in its recommendation to the Ministers.

(1A) In section 9(3), after “subsections (1)”, insert “, **(1A)**,”.

(1B) In section 9(5), formula, item b, after “(1),”, insert “**(1A)**,”.

(2) After section 9(5), insert: 20

(6) ~~For the purpose of **subsection (1A)**, the Agency’s regulatory functions include the following:~~

(a) ~~the functions specified in **section 95(1)(b) to (h)**; and~~

(b) ~~any function of the Agency under any land transport Act (or any other Act) that relates to the functions referred to in **paragraph (a)**; and~~ 25

(c) ~~the functions of the Director under any land transport Act or any other Act.~~

6 Section 10 amended (National land transport fund)

In section 10(2)(a), after “section 9(1)”, insert “or **(1A)**”.

6A Section 65N amended (Functions of Agency under this subpart) 30

Repeal section 65N(f).

6B New section 65NA inserted (Functions of Director under this subpart)

After section 65N, insert:

65NA Functions of Director under this subpart

The Director’s functions under this subpart include prosecuting offences under section 65ZL. 35

6C	<u>Section 65W amended (Assessment of tax)</u>	
	<u>In section 65W(2)(a) and (b), replace “Agency” with “Director”.</u>	
6D	<u>Section 65X amended (Payment of regional fuel tax)</u>	
	<u>In section 65X(5),—</u>	
	(a) <u>replace “Agency” with “Director”; and</u>	5
	(b) <u>replace “if it considers” with “if the Director considers”.</u>	
6E	<u>Section 65ZF amended (Agency and Auditor-General may require information)</u>	
(1)	<u>In the heading to section 65ZF, replace “Agency” with “Agency, Director,”.</u>	
(2)	<u>Replace section 65ZF(1) with:</u>	10
(1)	<u>The Agency or the Director may require any person or regional council to provide to the Agency or the Director (as the case may be) information that the Agency or Director reasonably believes is relevant to the administration or enforcement of an RFT scheme.</u>	
6F	<u>Section 65ZG amended (Inspection of records or other information)</u>	15
(1)	<u>In section 65ZG(1), after “the Agency”, insert “or the Director”.</u>	
(2)	<u>In section 65ZG(2), after “The Agency”, insert “or the Director”.</u>	
(3)	<u>In section 65ZG(2)(c), after “the Agency”, insert “or the Director”.</u>	
(4)	<u>In section 65ZG(3) and (3)(c), after “the Agency”, insert “or the Director” in each place.</u>	20
6G	<u>Section 65ZI amended (Offences and penalties)</u>	
	<u>In section 65ZI(1)(b) and (c), after “the Agency”, insert “or the Director”.</u>	
7	<u>Section 92 amended (Overview)</u>	
	<u>Repeal section 92(2).</u>	
8	<u>Section 95 replaced (Functions of Agency)</u>	25
	<u>Replace section 95 with:</u>	
95	<u>Functions of Agency</u>	
(1)	<u>The functions of the Agency are as follows:</u>	
(a)	<u>to contribute to an effective, efficient, and safe land transport system in the public interest:</u>	30
	<i>Regulatory functions</i>	
(b)	<u>to contribute to the establishment, implementation, monitoring, and enforcement of a land transport regulatory system:</u>	
(c)	<u>to publish its regulatory strategy in accordance with section 96A:</u>	

- (d) to appoint and oversee the performance of the Director, including by ensuring that the Director performs efficiently and effectively:
- (e) to issue warnings, reports, and guidance, and to comment about any regulatory matter relating to the land transport system and its participants or any other persons engaged with it: 5
- (f) to manage and oversee regulatory requirements for land transport, including maintaining and preserving records and documents concerning activities within the land transport system and providing and maintaining registers:
- (g) to oversee the operation and delivery of public transport, including matters relating to— 10
- (i) procurement:
- (ii) value for money:
- (iii) standards:
- (iv) planning: 15
- (v) issuing guidelines for and monitoring the development of regional public transport plans:
- (h) to investigate and review accidents and incidents involving transport on land in its capacity as the responsible safety authority (subject to any limitations set out in the Transport Accident Investigation Commission Act 1990): 20
- Infrastructure and planning function*
- (i) to manage the State highway system (including its planning, funding, design, supervision, construction, maintenance and operation) in accordance with this Act and the Government Rounding Powers Act 1989: 25
- Financial/Investment management functions*
- (j) to manage funding of the land transport system, including—
- (i) administering land transport revenue; and
- (ii) auditing the performance of approved organisations in relation to activities approved by the Agency; and 30
- (iii) auditing the operation of the land transport disbursement accounts of those organisations:
- (ja) to assist, advise, and co-operate with approved organisations:
- (jb) to assist, advise, and co-operate with KiwiRail in relation to KiwiRail's role in preparing each rail network investment programme: 35
- (jc) to monitor and report to the Minister on the matters set out in section 102A:

Common-General functions

- (k) to deliver or manage the delivery of activities relating to research, education, and training in relation to the land transport system:
- (l) to issue reports and guidance and to comment about any matter relating to the land transport system and its participants or any other persons engaged with it: 5
- ~~(m) to assist, advise, and co-operate with approved organisations:~~
- (n) to co-operate with, or to provide advice and assistance to, any government agency or local government agency when requested to do so by the Minister, but only if the Minister and the Agency are satisfied that the performance of the Agency's functions and duties will not be compromised: 10
- (o) to provide the Minister with any advice relating to the Agency's functions that the Minister requests:
- (p) to carry out any other functions relating to land transport that the Minister directs in accordance with section 112 of the Crown Entities 2004: 15
- (q) to carry out those functions conferred on the Agency under other provisions of this Act or any other Act.

Statutorily independent functions

- (2) The Agency's statutorily independent functions are to— 20
 - (a) determine whether particular activities should be included in a national land transport programme:
 - (b) approve activities or combinations of activities under section 20:
 - (c) approve procurement procedures.
- (3) When performing a statutorily independent function,— 25
 - (a) the Agency must act independently; and
 - (b) the Minister may not give directions to the Agency in relation to performing that function.

9 New sections 96A and 96B inserted

After section 96, insert: 30

96A Agency must adopt and publish regulatory strategy

- (1) The Agency must adopt a regulatory strategy that sets out how the Agency and the Director will perform their regulatory functions—
 - (a) under the land transport Acts; and
 - (b) under any other Acts that confer significant regulatory functions upon the Agency or the Director. 35
- (2) The strategy must include the following matters:

- (a) key areas of focus, including the key risks being targeted within those areas; and
 - (b) the regulatory approach to be adopted, including in relation to monitoring, enforcement, and compliance; and
 - (c) how performance will be assessed; and 5
 - (d) methods for managing any potential conflict between the Agency's regulatory functions and its other functions, powers, and duties; and
 - (e) a summary of how the strategy will be updated and reviewed.
- (3) The Agency must make a copy of the strategy publicly available in accordance with section 108. 10
- 96B Delegation restrictions and other matters relating to committees that Agency is required to establish under rules**
- The following matters apply to a committee that the Agency is required to establish by an ordinary rule to which ~~section 159B~~ **section 159A** of the Land Transport Act 1998 applies: 15
- (a) the Agency may delegate any of its functions or powers (except its general power of delegation), either generally or specifically, to the committee, but only if—
 - (i) the function or power relates to the purpose for which the committee was established; and 20
 - (ii) the delegation is within the scope specified in the rule of matters that can be delegated:
 - (b) the members of the committee may regulate their own procedure except as otherwise provided in the rule:
 - (c) the Crown Entities Act 2004 applies (or does not apply) to the committee as follows: 25
 - (i) sections 74 to 76 apply, with any necessary modifications, to delegations made in accordance with **paragraph (a)**; and
 - (ii) clause 14 of Schedule 5 does not apply; and
 - (iii) clause 15 of Schedule 5 applies to the members of the committee. 30

10 Section 100 amended (Statement of intent)

In section 100(1)(d), replace “95(1)(j)” with “**95(1)(p)**”.

11 New sections 104A and to 104B and cross-heading inserted

After section 104, insert:

*Director of Land Transport***104A Director of Land Transport**

- (1) The Agency must appoint a Director of Land Transport.
- (2) The Director must not also hold the position of chief executive of the Agency.
- Functions* 5
- (3) The Director has—
- (a) the functions and powers conferred directly on the Director under the land transport Acts or any other Act; and
- (b) the functions and powers delegated to the Director by the Agency under any land transport Act or any other Act. 10
- (4) Without limiting **subsection (3)**, the Director's functions and powers include—
- (a) providing leadership and exercising a co-ordinating role within the Agency in relation to those matters for which the Agency and the Director are responsible; and 15
- (b) exercising control over entry into and exit from the land transport system through licences or other instruments; and
- (c) monitoring, investigating, managing, and enforcing compliance in relation to matters under the land transport Acts; and
- (d) monitoring adherence of the land transport system to regulatory requirements in other legislation relating to— 20
- (i) safety and security, including personal security; and
- (ii) access and mobility; and
- (iii) public health; and
- (iv) environmental sustainability; and 25
- (e) monitoring and evaluating the performance of third parties who carry out functions within the land transport system in a regulatory capacity; and
- (f) ensuring regular reviews of the land transport regulatory system (including the funding system) to contribute to the achievement of the Agency's objective; and 30
- (g) providing guidance and reports and commenting on regulatory matters within the land transport system.
- Statutorily independent functions*
- (5) The Director's statutorily independent functions are to—
- (a) issue, endorse, alter, replace, renew, suspend, revoke, or impose conditions on any land transport document or other authorisation; and 35
- (b) grant exemptions; and

- (e) ~~enforce the land transport Acts; and~~
- (d) ~~carry out enforcement responsibilities conferred on the Director under any other legislation.~~
- (6) **In ~~subsection (5), land transport document~~ means—**
 - (a) ~~a land transport document within the meaning of section 2(1) of the Land Transport Act 1998; and~~ 5
 - (b) ~~a rail document with the meaning of section 4(1) of the Railways Act 2005.~~

104A Director of Land Transport

- (1) The Agency must appoint a Director of Land Transport. 10
- (2) The Director must not also hold the position of chief executive of the Agency.
- (3) The Agency must appoint the Director for a term of not more than 5 years, but may reappoint the Director.
- (4) The Agency's board and the Director must agree the Director's terms and conditions of employment. 15
- (5) To avoid doubt, when performing or exercising a function, duty, or power under this or any other Act, the Director—
 - (a) does so as an employee of the Agency; but
 - (b) must exercise independent judgement if that Act requires the Director to do so (for example, if there is any requirement to act independently of the Agency or any other person). 20

104AA Functions and powers of Director

- (1) The Director has—
 - (a) the functions and powers conferred directly on the Director under this Act or any other Act; and 25
 - (b) the functions and powers delegated to the Director by the Agency under any land transport Act or any other Act.
- (2) Without limiting **subsection (1)**, the Director's functions and powers include—
 - (a) providing leadership within the Agency in relation to any regulatory matters; 30
 - (b) exercising control over entry into and exit from the land transport system through licences or other land transport documents;
 - (c) monitoring, investigating, managing, and enforcing compliance in relation to matters under the land transport Acts; 35
 - (d) monitoring adherence of the land transport system to regulatory requirements in other legislation relating to—

<ul style="list-style-type: none"> (i) <u>safety and security, including personal security; or</u> (ii) <u>access and mobility; or</u> (iii) <u>public health; or</u> (iv) <u>environmental sustainability:</u> 	5
<ul style="list-style-type: none"> (e) <u>monitoring and evaluating the performance of any person who carries out functions within the land transport system in a regulatory capacity:</u> 	5
<ul style="list-style-type: none"> (f) <u>ensuring regular reviews of the land transport regulatory system (including the funding system) to contribute to the achievement of the Agency's objective:</u> 	10
<ul style="list-style-type: none"> (g) <u>issuing warnings, reports, or guidance, or commenting about,—</u> <ul style="list-style-type: none"> (i) <u>any matter relating to the regulation of land transport; or</u> (ii) <u>1 or more holders of a land transport document; or</u> (iii) <u>1 or more persons who engage in conduct in relation to land transport.</u> 	10
<p><i>Statutorily independent functions</i></p>	15
<p>(3) <u>The Director's statutorily independent functions are to—</u></p> <ul style="list-style-type: none"> (a) <u>issue, endorse, alter, replace, renew, suspend, revoke, or impose conditions on any land transport document or other authorisation for which the Director is responsible; and</u> (b) <u>grant exemptions for which the Director is responsible; and</u> (c) <u>carry out any enforcement responsibilities conferred on the Director under any land transport Act or any other Act.</u> 	20
<p>(4) <u>When performing a statutorily independent function,—</u></p> <ul style="list-style-type: none"> (a) <u>the Director must act independently; and</u> (b) <u>the Minister, the Agency, or the Secretary may not give directions to the Director in relation to performing that function.</u> 	25
<p>(5) <u>In this section, land transport document means—</u></p> <ul style="list-style-type: none"> (a) <u>a land transport document within the meaning of section 2(1) of the Land Transport Act 1998; and</u> (b) <u>a rail document within the meaning of section 4(1) of the Railways Act 2005.</u> 	30
<p>104B Delegation of Director's functions and powers</p>	
<p>(1) The Director may, either generally or particularly, delegate to any of the following persons any of the Director's functions or powers conferred on the Director under any legislation:</p> <ul style="list-style-type: none"> (a) a specified person: (b) persons of a specified class: 	35

- (c) the holder or holders for the time being of a specified office:
- (d) the holder or holders for the time being of a specified class of offices.
- (2) **Subsection (1)** does not apply to—
 - (a) the general power of delegation contained in this section; or
 - (b) any functions or powers specified in any legislation as not being capable of delegation; or
 - (c) any functions or powers specified in any legislation as only being capable of delegation to certain persons (for example, employees of the Agency) to the extent that the delegation exceeds the delegation’s capability.
- (3) A delegation must be in writing.
- (4) A delegation to any employee of the Agency, until revoked, continues in force according to its tenor even if the Director has ceased to hold office.
- (5) A delegation to any other person—
 - (a) must not be made without the written consent of the Agency; and
 - (b) must be given for a specified period; and
 - (c) may be revoked at any time by written notice.
- (6) Any person purporting to act under a delegation must, when reasonably requested to do so, produce evidence of the person’s authority to so act.
- (7) For the purposes of this section, sections 74 to 76 of the Crown Entities Act 2004 apply as if references to the board were references to the Director, with all necessary modifications.

12 Section 106 amended (Functions of regional transport committees)

After section 106(3), insert:

- (4) Each regional transport committee (including the regional transport committee for Auckland) must also carry out any functions conferred on a regional transport committee under any other provision in this Act ~~or any other land transport Act~~ (including functions conferred by regulations made under **section 109(c)**).

12A Section 109 amended (Regulations)

After section 109(b), insert:

- (c) specifying any functions of regional transport committees:
- (d) identifying 1 or more entities that are additional to those listed in the definition of regulatory agency in **section 109B(7)**.

12B New sections 109A and 109B inserted

After section 109, insert:

109A Confidentiality of information and documents

- (1) This section applies if the Agency obtains information or gains access to a document when performing or exercising any function, duty, or power under this Act or any other land transport Act.
- (2) The Agency must not publish or disclose, or direct any person to publish or disclose, any information or document to which this section applies unless— 5
- (a) publishing or disclosing the information or document is for the purposes of, or in connection with the Agency performing or exercising a function, duty, or power conferred or imposed on the Agency under this Act or any other Act (including any other land transport Act); or 10
- (b) the information or document is available to the public under any enactment or is otherwise publicly available; or
- (c) the information is in a statistical or summary form; or
- (d) the person to whom the information or document relates, or to whom the information or document is confidential, consents; or 15
- (e) the Agency is required or authorised by law to do so (including by a court order); or
- (f) publishing or disclosing the information or document is—
- (i) in accordance with **section 109B**; or
- (ii) to a person who the Agency is satisfied has a proper interest in receiving the information or document. 20
- (3) The Agency must not publish or disclose, or direct a person to publish or disclose, any information or document to a person under **subsection (2)(f)(ii)** unless the Agency is satisfied that appropriate protections are or will be in place for the purpose of maintaining the confidentiality of the information or document (in particular, information that is personal information within the meaning of the Privacy Act 1993). 25
- (4) In relation to personal information, this section applies subject to the Privacy Act 1993.
- (5) To avoid doubt, in this section and **section 109B**, Agency includes, for example,— 30
- (a) any statutory officer who carries out work for the Agency; and
- (b) the Agency acting in any capacity.

109B Agency may share or use information or documents

- (1) The Agency may share information or a copy of any document under **section 109A(2)(f)(i)** with— 35
- (a) a regulatory agency, if the Agency is satisfied it may assist the regulatory agency to perform or exercise its functions, duties, or powers under any Act; or

- (b) an overseas agency, if the Agency is satisfied it may assist the overseas agency to perform or exercise its functions, duties, or powers.
- (2) The Agency may use any information, or a copy of any document, provided to it by a regulatory agency or an overseas agency, in performing or exercising the Agency's functions, powers, or duties conferred under this Act or any other land transport Act. 5
- (3) When sharing information, or a copy of a document, under **subsection (1)**, the Agency may impose conditions, including conditions relating to—
- (a) storing, using, accessing, or copying the information or document; and
- (b) returning or disposing of copies of the information or document. 10
- (4) **Subsection (1)** is subject to any other Act.
- (5) In relation to personal information, this section applies subject to the Privacy Act 1993.
- (6) This section applies despite anything to the contrary in any contract, deed, or document. 15
- (7) In this section,—
- overseas agency** means an organisation in another country or territory that performs functions and duties that correspond with, or are similar to, any of those conferred on the Agency
- regulatory agency** means any of the following entities: 20
- (a) Auckland Transport;
- (b) the Civil Aviation Authority of New Zealand;
- (c) Fire and Emergency New Zealand;
- (d) a designated agency under section 191 of the Health and Safety at Work Act 2015; 25
- (e) a local authority;
- (f) Maritime New Zealand;
- (g) the Ministry of Business, Innovation, and Employment, including any statutory officer who carries out work for the Ministry;
- (h) the Ministry of Justice; 30
- (i) the Ministry of Transport;
- (j) the New Zealand Police;
- (k) a road controlling authority;
- (l) the Transport Accident Investigation Commission;
- (m) Worksafe New Zealand; 35
- (n) any other entity identified in regulations made under **section 109(d)** as a regulatory agency for the purposes of this section.

12C Schedule 1AA amended

In Schedule 1AA, after Part 1, insert the **Part 2** set out in **Schedule 1** of this Act.

Part 2**Amendments to Land Transport Act 1998**

5

13 Amendments to Land Transport Act 1998

This Part amends the Land Transport Act 1998.

14 Section 2 amended (Interpretation)

(1AA) In section 2(1), insert in its appropriate alphabetical order:

Director or Director of Land Transport means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003 10

(1) In section 2(1), insert in their appropriate alphabetical order:

~~**Director or Director of Land Transport** means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003~~ 15

land transport Act means—

- (a) the Government Roding Powers Act 1989; and
- (b) the Land Transport Act 1998 (this Act); and
- (c) the Land Transport Management Act 2003; and 20
- (d) the Railways Act 2005; and
- (e) the Road User Charges Act 2012

~~**land transport record** has the meaning given in **section 200A**~~

land transport record means a record of a decision or any other thing that is included in the register of land transport records established by **section 200C** 25

(2) In section 2(1), definition of **approved provider**, replace “Agency” with “Director”.

(3) In section 2(1), definition of **approved vehicle surveillance equipment**, after “approved by the”, insert “Minister or the”.

(4) In section 2(1), definition of **enforcement authority**, replace paragraph (b) with: 30

(b) the Agency or the Director, in the case of an infringement offence for which an infringement notice is issued by an employee of the Agency or on behalf of the Agency or the Director:

(4A) In section 2(1), definition of **gross vehicle mass**, replace “Agency” with “Director” in each place. 35

- (5) In section 2(1), definition of **enforcement officer**, after paragraph (c), insert:
 (d) the Agency, in the circumstances set out in **section 208A**
- (5A) In section 2(1), definition of **land transport documents**, replace “the Transport Act 1962, the Road User Charges Act 2012, the Transport (Vehicle and Driver Registration and Licensing) Act 1986, the Government Roding Powers Act 1989, or this Act” with “this Act, the Government Roding Powers Act 1989, the Railways Act 2005, or the Road User Charges Act 2012”. 5
- (5B) In section 2(1), definition of **logbook**, replace “Agency” with “Director”.
- (5C) In section 2(1), definition of **motorcycle**, paragraph (b), replace “Agency” with “Director”. 10
- (6) In section 2(1), repeal the definition of **outputs**.
- (6A) In section 2(1), replace the definition of **permanent speed limit** with:
permanent speed limit means a speed limit that is in force except when a seasonal, variable, minimum, emergency, or temporary speed limit is in force
- (6B) In section 2(1), replace the definition of **speed limit** with: 15
speed limit means a speed limit set under—
- (a) this Act, including—
- (i) by a land transport record being included in the land transport register established by **section 200C**; or
- (ii) under a rule or bylaw made under this Act; or 20
- (b) the Local Government Act 1974; or
- (c) the Government Roding Powers Act 1989
- (7) In section 2(1), definition of **vehicle recovery service**, paragraph (b)(vii), replace “Agency” with “Director”.
- 15 Section 4 amended (General requirements for participants in land transport system)** 25
 In section 4(4), replace “Agency” with “Director” in each place.
- 16 Section 18 amended (Health practitioners to give Agency medical reports of persons unfit to drive)**
- (1) In the heading to section 18, replace “Agency” with “Director”. 30
- (2) In section 18(2), replace “Agency” with “Director”.
- 17 Section 19 amended (Licences of certain persons subject to Mental Health (compulsory Assessment and Treatment) Act 1992)**
- (1) In section 19(1)(a), replace “Agency” with “Director of Land Transport”.
- (2) In section 19(3)(a), replace “Agency” with “Director of Land Transport”. 35

- (3) In section 19(4), replace “Agency” with “Director of Land Transport” in each place.
- (4) In section 19(5), replace “Agency” with “Director of Land Transport” in each place.
- (5) In section 19(7), replace “Agency” with “Director of Land Transport” in each place. 5
- 17A Section 22AC amended (Minister may amend, replace, or disallow bylaws)**
- After section 22AC(1)(a), insert:
- (aa) is inconsistent with any land transport record included in the register established by **section 200C**; or 10
- 18 Section 23 amended (Issue of driver licences)**
- In section 23(1) and (3), replace “Agency” with “Director”.
- 19 Section 24 amended (Agency may issue temporary driver licences)**
- (1) In the heading to section 24, replace “Agency” with “Director”.
- (2) In section 24(1), replace “Agency” with “Director” in each place. 15
- (3) In section 24(3), replace “Agency” with “Director” in each place.
- 20 Section 24A amended (Authorised persons may request driver licences for certain persons)**
- (1) In section 24A(1), replace “Agency” with “Director”.
- (2) In section 24A(2), replace “Agency” with “Director” in each place. 20
- (3) In section 24A(3), replace “Agency” with “Director”.
- (4) In section 24A(4), replace “Agency” with “Director”.
- 21 Section 25 amended (Minimum age for driver licensing)**
- In section 25(3), replace “Agency” with “Director”.
- 22 Section 26 amended (Drivers may be tested and examined)** 25
- (1) In section 26, replace “Agency” with “Director”.
- (2) In section 26(a) and (b), replace “Agency” with “Director”.
- 23 Section 27 amended (Suspension and revocation of licences)**
- In section 27, replace “Agency” with “Director”.
- 24 Section 28 amended (Photographic driver licence)** 30
- In section 28(5), replace “agency” with “Agency”.

- 25 Section 29A amended (Persons convicted of specified serious offences prohibited from holding passenger endorsement)**
In section 29A(3)(b), replace “Agency” with “Director”.
- 26 Section 29B amended (Passenger endorsement may be reinstated in certain cases)** 5
(1) In section 29B(1), (2), (3), and (4), replace “Agency” with “Director” in each place.
(2) In section 29B(3), replace “Agency’s” with “Director’s”.
- 27 Section 30 amended (Driver licences are property of Agency and are to be surrendered in certain circumstances)** 10
(1) In section 30(1), after “forwarded to the Agency”, insert “or the Director”.
(2) In section 30(2), after “Agency”, insert “or the Director”.
(3) In section 30(4A)(b), after “Agency”, insert “or the Director”.
(4) In section 30(5), replace “Agency” with “Director”.
- 28 Section 30A amended (Requirements for vehicles)** 15
In section 30A(2), (2A), and (4), replace “Agency” with “Director”.
- 29 Section 30C amended (General safety criteria)**
(1) In section 30C(1), replace “Agency” with “Director” in each place.
(2) In section 30C(2), replace “Agency” with “Director” in each place.
(3) In section 30C(2)(f), replace “Agency” with “Director”. 20
(4) In section 30C(3), replace “Agency” with “Director”.
(5) In section 30C(4), replace “Agency” with “Director” in each place.
- 30 Section 30D amended (Additional criteria for small passenger service and vehicle recovery service)**
In section 30D, replace “Agency” with “Director” in each place. 25
- 31 Section 30E amended (Additional criteria for large passenger service)**
In section 30E, replace “Agency” with “Director” in each place.
- 32 Section 30F amended (Additional criteria for goods service)**
In section 30F, replace “Agency” with “Director” in each place.
- 33 Section 30G amended (Agency may require information for fit and proper person assessment)** 30
(1) In the heading to section 30G, replace “Agency” with “Director”.
(2) In section 30G, replace “Agency” with “Director”.

- (3) In section 30G(a), replace “Agency” with “Director”.
- 34 Section 30H amended (Agency’s duties concerning prejudicial information)**
- (1) In the heading to section 30H, replace “Agency’s” with “Director’s”.
- (2) In section 30H, replace “Agency” with “Director” in each place. 5
- 35 Section 30I amended (Non-disclosure by Agency of information for safety reasons)**
- (1) In the heading to section 30I, replace “Agency” with “Director”.
- (2) In section 30I(1), replace “Agency” with “Director”.
- (3) In section 30I(2), replace “Agency” with “Director” in each place. 10
- 36 Section 30L amended (Grant of licence)**
- (1) In section 30L(1), replace “Agency” with “Director” in each place.
- (2) In section 30L(1A), replace “Agency” with “Director” in each place.
- (3) In section 30L(2), replace “Agency” with “Director”.
- 37 Section 30M amended (Conditions of goods service licence)** 15
- In section 30M, replace “Agency” with “Director” in each place.
- 38 Section 30O amended (Term of transport service licence)**
- (1) In section 30O(2), after “Agency”, insert “or the Director”.
- (2) In section 30O(4)(d), replace “Agency” with “Director”.
- 39 Section 30Q amended (Records to be kept by facilitator of facilitated cost-sharing arrangements)** 20
- (1) In section 30Q(2)(b), replace “Agency” with “Director”.
- (2) Replace section 30Q(3) with:
- (3) The Director may make copies of records made available under subsection (2)(b). 25
- 40 Section 30S amended (When Agency may revoke transport service licence)**
- (1) In the heading to section 30S, replace “Agency” with “Director”.
- (2) In section 30S(1), replace “Agency” with “Director” in each place.
- 41 Section 30T amended (Procedure Agency must follow before revoking transport service licence)** 30
- (1) In the heading to section 30T, replace “Agency” with “Director”.
- (2) In section 30T(a) and (b), replace “Agency” with “Director”.

- 42 Section 30U amended (Suspension of transport service licence)**
- (1) In the heading to section 30U, after “**licence**”, insert “**or imposition of conditions**”.
- (2) ~~In section 30U(1), replace “Agency may suspend” with “Director may suspend or impose conditions on”.~~ 5
- (2) In section 30U(1), after “suspend”, insert “or impose conditions on”.
- (3) In section 30U(1)(b), replace “small passenger” with “transport”.
- (4) ~~In section 30U(2), replace “Agency” with “Director”.~~
- (5) After section 30U(2), insert:
- (2A) Any conditions imposed are immediately removed when the ~~Director~~ Agency is satisfied that subsection (1)(a), (b), or (c) no longer applies. 10
- (6) After section 30U(3), insert:
- (4) Subpart 5 applies to a decision to impose conditions on a transport service licence as if the licence had been suspended and with any necessary modifications. 15
- 43 Section 30V amended (Interpretation)**
- (1) ~~In section 30V, definition of **adverse decision**, replace “Agency” with “Director”.~~
- In section 30V, definition of **adverse decision**, paragraph (e), after “to suspend”, insert “or impose conditions on”. 20
- (3) ~~In section 30V, definition of **person on the basis of whose character the adverse decision arises**, replace “Agency” with “Director”.~~
- 44 Section 30W amended (Agency to notify proposal to make adverse decision)**
- (1) In the heading to section 30W, replace “**Agency**” with “**Director**”. 25
- (2) In section 30W(1), replace “Agency” with “Director” in each place.
- (3) In section 30W(1)(c), (d), and (e), replace “Agency” with “Director”.
- (4) In section 30W(2), replace “Agency” with “Director” in each place.
- (5) In section 30W(2)(a)(ii), replace “Agency” with “Director”.
- 45 Section 30X amended (Procedure for consideration of information)** 30
- (1) In section 30X(a), replace “Agency” with “Director” in each place.
- (2) In section 30X(b), replace “Agency” with “Director” in each place.
- (3) In section 30X(c), replace “Agency” with “Director”.
- 46 Section 30Y amended (Agency’s determination)**
- (1) In the heading to section 30Y, replace “**Agency’s**” with “**Director’s**”. 35

- (2) In section 30Y, replace “Agency” with “Director”.
- (3) In section 30Y(b)(i), replace “Agency’s” with “Director’s”.
- 47 Section 30ZA amended (Agency may grant exemptions or approve alternative fatigue management schemes)**
- (1) In the heading to section 30ZA, replace “Agency” with “Director”. 5
- (2) In section 30ZA(1), replace “Agency” with “Director” in each place.
- (3) In section 30ZA(2), replace “Agency” with “Director”.
- (4) In section 30ZA(3), replace “Agency” with “Director” in each place.
- (5) In section 30ZA(4), replace “Agency” with “Director”.
- 48 Section 30ZG amended (Agency may approve or revoke alternative means of recording matters)** 10
- (1) In the heading to section 30ZG, replace “Agency” with “Director”.
- (2) In section 30ZG, replace “Agency” with “Director”.
- 49 Section 32 amended (Contravention of section 5(1)(c))**
- In section 32(2)(a), replace “Agency” with “Director” in each place. 15
- 50 Section 65 amended (Mandatory disqualification and assessment for repeat offences)**
- In section 65(2) and (4), replace “Agency” with “Director”.
- 51 Section 65AK amended (Effect of other subsequent offences on alcohol interlock licence)** 20
- In section 65AK(4), replace “Agency” with “Director”.
- 52 Section 65B amended (Mandatory zero alcohol requirements for repeat offences and certain first offences)**
- In section 65B(3)(b), replace “Agency” with “Director”.
- 53 Section 79A amended (Offence to carry on transport service without licence)** 25
- (1) In section 79A(3), replace “Agency” with “Director”.
- (2) In section 79A(8), replace “Agency” with “Director” in each place.
- 54 Section 79B amended (Provision of incorrect information)**
- In section 79B, replace “Agency” with “Director”. 30
- 55 Section 79C amended (Failure to present vehicle for inspection)**
- In section 79C(1) and (1A), replace “Agency” with “Director”.

- 56 Section 79O amended (Failure to comply with prescribed work time restrictions or rest time requirements)**
In section 79O(a)(ii), replace “Agency” with “Director”.
- 57 Section 82A amended (Application for reinstatement if suspended for any period (other than under section 95), or disqualified for period not exceeding 12 months)** 5
In section 82A(2)(a) and (b), replace “Agency” with “Director”.
- 58 Section 82C amended (Application for reinstatement following expiry of alcohol interlock licence or zero alcohol licence)**
In section 82C(2)(a) and (b), replace “Agency” with “Director”. 10
- 59 Section 83 amended (Holder to undergo approved tests or courses if disqualified for more than 1 year)**
- (1) In section 83(1)(a)(i) and (ii) and (b), replace “Agency” with “Director”.
(2) In section 83(1A), replace “Agency” with “Director”.
- 60 Section 84 amended (New licence to be issued if disqualified driver qualifies for specified vehicle classes)** 15
(1) In section 84(1)(b)(ii)(A) and (B), replace “Agency” with “Director”.
(2) In section 84(2), replace “Agency” with “Director”.
- 61 Section 87 amended (Particulars of certain court orders to be sent to Agency and offender)** 20
(1) In the heading to section 87, replace “Agency” with “Director”.
(2) In section 87(2), replace “Agency” with “Director”.
- 62 Section 87A amended (Disqualification of transport service driver)**
In section 87A, replace “Agency” with “Director” in each place.
- 63 Section 87B amended (Disqualification of holder of transport service licence from holding transport service licence)** 25
In section 87B, replace “Agency” with “Director” in each place.
- 64 Section 87D amended (Immediate suspension of transport service driver and other persons in interests of public safety)**
- (1) In section 87D(1), replace “Agency” with “Director”. 30
(2) In section 87D(2)(a), replace “Agency” with “Director”.
- 65 Section 87E amended (Procedure for suspending persons under section 87D)**
- (1) In section 87E(1), replace “Agency” with “Director”.

- (2) In section 87E(1)(b)(ii), replace “Agency and notify the person of the” with “Director and that the person has a”.
- (3) In section 87E(2), replace “Agency” with “Director”.
- 66 Section 87F amended (Term of suspension)**
In section 87F(1) and (2), replace “Agency” with “Director”. 5
- 67 Section 87G amended (Effect of disqualification or suspension of transport service driver and other persons)**
- (1) In section 87G(1), replace “Agency” with “Director” in each place.
- (2) In section 87G(2), replace “Agency” with “Director”.
- 68 Section 88 amended (Demerit points to be recorded by Agency)** 10
- (1) In the heading to section 88, replace “Agency” with “Director”.
- (2) In section 88(1) and (2), replace “Agency” with “Director”.
- 69 Section 89 amended (Notice of demerit points)**
In section 89(1), replace “Agency” with “Director”.
- 70 Section 90 amended (Suspension of licence or disqualification from driving under demerit points system)** 15
- (1) In section 90(1) and (1A), replace “Agency” with “Director”.
- (2) In section 90(2)(a) and (b), replace “Agency” with “Director”.
- (3) In section 90(3)(b), replace “Agency” with “Director” in each place.
- 71 Section 91 amended (Cancellation and reinstatement of demerit points)** 20
In section 91(2), (3), and (4), replace “Agency” with “Director”.
- 72 Section 91E amended (Imposition of driver licence stop order)**
In section 91E(3)(g)(ii), replace “Agency” with “Director”.
- 73 Section 91F amended (Effect of driver licence stop order)**
In section 91F(4), replace “Agency” with “Director”. 25
- 74 Section 91G amended (Cancellation of driver licence stop order)**
- (1) In section 91G(3), replace “Agency” with “Director”.
- (2) In section 91G(5), replace “Agency” with “Director” in each place.
- (3) In section 91G(6), replace “Agency” with “Director”.
- 75 Section 91H amended (Termination of driver licence stop order if traffic fine paid or resolved)** 30
- (1) In section 91H(2), replace “Agency” with “Director”.

- (2) In section 91H(4), replace “Agency” with “Director” in each place.
- (3) In section 91H(5), replace “Agency” with “Director”.
- 76 Section 92 amended (Compulsory attendance at driving improvement course or dangerous goods course)**
- In section 92(1), (2), (3), and (5), replace “Agency” with “Director”. 5
- 77 Section 93 amended (Court may order compulsory driving test)**
- (1) In section 93(1) and (2), replace “Agency” with “Director”.
- (2) In section 93(3)(a) and (b), replace “Agency” with “Director”.
- (3) In section 93(6), replace “Agency” with “Director”.
- 77A Section 95 amended (Mandatory 28-day suspension of driver licence in certain circumstances)** 10
- In section 95(1)(c)(i), replace “applicable permanent posted speed limit” with “permanent speed limit”.
- 78 Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances)** 15
- (1) In section 96(8)(a), replace “he or she” with “the person”.
- (2) In section 96(8)(b), replace “his or her” with “the person’s”.
- (3) In section 96(8)(b)(i), replace “Agency” with “Director”.
- 79 Section 96A amended (Impoundment of vehicle used in transport service)**
- In section 96A(6)(a), replace “Agency” with “Director”. 20
- 80 Section 99A amended (Agency may approve programmes)**
- (1) In the heading to section 99A, replace “Agency” with “Director”.
- (2) In section 99A(1), replace “Agency” with “Director”.
- (3) In section 99A(2), replace “Agency” with “Director” in each place.
- 81 Section 100 amended (Agency to remove certain disqualifications)** 25
- (1) In the heading to section 100, replace “Agency” with “Director”.
- (2) In section 100(1), replace “Agency” with “Director”.
- (3) In section 100(1)(a)(i) and (ii), replace “Agency” with “Director”.
- (4) In section 100(2), replace “Agency” with “Director”.
- (5) In section 100(4), replace “Agency” with “Director” in each place. 30

- 82 Section 100A amended (Agency may authorise removal of alcohol interlock device and certify that requirements of alcohol interlock sentence have been fulfilled)**
- (1) In the heading to section 100A, replace “Agency” with “Director”.
 - (2) In section 100A(1) and (2), replace “Agency” with “Director”. 5
 - (3) In section 100A(3), replace “Agency” with “Director” in each place.
- 83 Section 101 amended (Appeal to Agency against mandatory suspension of driver licence)**
- (1) In the heading to section 101, replace “Agency” with “Director”.
 - (2) In section 101(1) and (3), replace “Agency” with “Director”. 10
 - (3) In section 101(4), replace “and the Agency” with “and the Director”.
 - (4) In section 101(5), replace “Agency” with “Director”.
- 84 Section 105 amended (Court may make order authorising grant of limited licence)**
- (1) In section 105(6), replace “Agency” with “Director”. 15
 - (2) In section 105(6A), replace “Agency” with “Director” in each place.
 - (3) Replace section 105(8) with:
 - (8) A person who holds a limited licence that is revoked under subsection (7) must immediately surrender their photographic driver licence to the court by which the person was convicted, to an enforcement officer, or at an office of the Agency (whether or not demand is made on the person). 20
- 85 Section 106 amended (General right of appeal to District Court)**
- In section 106(1), (3), and (4), replace “Agency” with “Director”.
- 86 Section 107 amended (Appeals against court orders relating to disqualification or grant of limited licence, and deferral of disqualification)** 25
- In section 107(5), replace “Agency” with “Director”.
- 87 Section 108 amended (Appeal against Agency’s refusal to remove disqualification or replace alcohol interlock licence with zero alcohol licence)** 30
- (1) In the heading to section 108, replace “Agency’s” with “Director’s”.
 - (2) In section 108(1), replace “Agency” with “Director”.
 - (3) In section 108(2)(a), replace “Agency” with “Director”.

88 Section 109 amended (Appeal against refusal of Agency to remove suspension of driver licence)

- (1) In the heading to section 109, replace “Agency” with “Director”.
- (2) In section 109(1), replace “Agency” with “Director”.
- (3) In section 109(3)(a), replace “Agency” with “Director”. 5

89 Section 112 amended (Effect of appeal on demerit points)

In section 112(2) and (3), replace “Agency” with “Director”.

90 New sections 112A to 112G and cross-heading inserted

After section 112, insert:

Enforceable undertakings 10

112A ~~Director~~ Agency may accept enforceable undertakings

- (1) The ~~Director~~ Agency may accept an enforceable undertaking given by a person in writing in connection with a matter relating to a contravention or an alleged contravention by the person under any land transport Act (**the contravention or alleged contravention**). 15
- (2) However, the ~~Director~~ Agency may refuse to accept the undertaking if it does not provide for the reimbursement of any costs and expenses of the Agency and the ~~Director~~ incurred in relation to—
 - (a) the undertaking; and
 - (b) the contravention or alleged contravention. 20
- (3) The ~~Director~~ Agency must not accept an undertaking if the ~~Director~~ Agency believes that the contravention or alleged contravention would amount to an offence against any of sections 36AA, 38, 39, 61, or 62 of this Act.
- (4) The giving of an undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention or alleged contravention to which the undertaking relates. 25
- (5) To avoid doubt, the costs and expenses of the Agency ~~or the Director~~ include any costs or expenses incurred in relation to an employee, agent, or contractor of the Agency ~~or Director~~. 30

~~Compare: 2015 No 70 s 123~~

112B Notice of decision and reasons for decision

- (1) The ~~Director~~ Agency must give the person seeking to make an enforceable undertaking written notice of—
 - (a) the ~~Director's~~ Agency's decision to accept or reject the undertaking; and
 - (b) the reasons for the decision. 35

- (2) The ~~Director~~ Agency must publish, on the Agency's Internet site, notice of a decision to accept an enforceable undertaking and the reasons for that decision.

~~Compare: 2015 No 70 s 124~~

112C When enforceable undertaking is enforceable

An enforceable undertaking takes effect and becomes enforceable when the ~~Director's~~ Agency's decision to accept the undertaking is given to the person who made the undertaking, or at any later date specified by the ~~Director~~ Agency.

~~Compare: 2015 No 70 s 125~~

112D Compliance with enforceable undertaking

- (1) A person must not contravene an enforceable undertaking given by that person that is in force.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$20,000;
- (b) ~~for any other person a body corporate~~, to a fine not exceeding \$100,000.

~~Compare: 2015 No 70 s 126~~

112E Contravention of enforceable undertaking

- (1) The ~~Director~~ Agency may apply to the District Court for an order if a person contravenes an enforceable undertaking.
- (2) If the court is satisfied that the person who made the enforceable undertaking has contravened the undertaking, the court may make either or both of the following orders:
- (a) an order directing the person to comply with the undertaking;
- (b) an order discharging the undertaking.
- (3) In addition to the orders referred to in subsection (2), the court may make any other order that the court considers appropriate in the circumstances, including orders directing the person to pay to the ~~Director~~ Agency—
- (a) the costs of the proceedings; and
- (b) the reasonable costs of the ~~Director~~ Agency in monitoring compliance with the enforceable undertaking in the future.
- (4) This section does not prevent proceedings being brought for the contravention or alleged contravention of the ~~land transport Act~~ to which the enforceable undertaking relates.

~~Compare: 2015 No 70 s 127~~

112F Withdrawal or variation of enforceable undertaking

- (1) A person who has given an enforceable undertaking may at any time, with the written agreement of the ~~Director~~ Agency,—
- (a) withdraw the undertaking; or
 - (b) vary the undertaking.

5

- (2) However, the provisions of the undertaking cannot be varied to provide for a different contravention or alleged contravention ~~under the relevant land transport Act~~.

- (3) The ~~Director~~ Agency must publish on the Agency's Internet site notice of the withdrawal or variation of an enforceable undertaking.

10

Compare: 2015 No 70 s 128

112G Proceedings for contravention or alleged contravention

- (1) Subject to this section, no proceedings (whether civil or criminal) for a contravention or ~~an alleged contravention under any land transport Act~~ may be brought against a person if an enforceable undertaking is in effect in relation to that contravention or alleged contravention.

15

- (2) No proceedings may be brought for a contravention or ~~an alleged contravention under any land transport Act~~ against a person who—

- (a) has made an enforceable undertaking in relation to that contravention or alleged contravention; and
- (b) has completely discharged the enforceable undertaking.

20

- (3) The ~~Director~~ Agency may accept an enforceable undertaking in relation to a contravention or ~~an alleged contravention~~ before proceedings in relation to that contravention or alleged contravention have been completed.

- (4) If the ~~Director~~ Agency accepts an enforceable undertaking before the proceedings are completed, the ~~Director~~ Agency must take all reasonable steps to have the proceedings discontinued as soon as practicable.

25

Compare: 2015 No 70 s 129

91 Section 115 amended (Enforcement officers may give directions prohibiting driving of vehicles)

30

- (1) In section 115(2)(a) and (c), replace “Agency” with “Director”.
- (2) In section 115(3)(b), replace “Agency” with “Director”.
- (3) In section 115(3)(b)(i) and (iii), replace “Agency” with “Director”.

92 Section 129 amended (Vehicles may be inspected and directed to remain stopped for contravening dangerous goods rules)

35

In section 129(2C), replace “Agency” with “Director”.

- 93 Section 130 amended (Power to inspect railway lines)**
In section 130(5), replace “Agency” with “Director”.
- 94 Section 131 amended (Power to inspect premises used for loading and unloading of dangerous goods)**
In section 131(4), replace “Agency” with “Director”. 5
- 95 Section 134 amended (Strict liability for offences involving insecure loads and loads falling from vehicles)**
In section 134(4)(a), after “Agency”, insert “or the Director”.
- 96 Section 135 amended (Commencing proceedings, and jurisdiction, for offences)** 10
In section 135(1A), replace “Agency” with “Director”.
- 97 Section 141 amended (Provisions relating to infringement fees)**
In section 141(4), after “Agency”, insert “, the Director.”.
- 98 Section 149 amended (Admissibility of certain statements by drivers of certain vehicles)** 15
(1) In section 149(1), replace “to an employee of the Agency authorised for the purpose by the Agency, to the effect described in subsection (2) may be given in evidence by that officer or employee” with “to a person authorised for that purpose by the Agency or the Director, to the effect described in subsection (2) may be given in evidence by that officer or person”. 20
(2) In section 149(2)(b), replace “to an employee of the Agency authorised for the purpose by the Agency” with “to a person authorised for that purpose by the Agency or the Director”.
- 99 Section 150 amended (Evidence of certain documents)**
(1) In section 150(1)(a), replace “an employee of the Agency who is authorised by the Agency for the purpose” with “a person authorised for that purpose by the Agency or the Director”. 25
(2) In section 150(1)(b), replace “an employee of the Agency authorised by the Agency for the purpose” with “a person authorised for that purpose by the Agency or the Director”. 30
(3) In section 150(1)(b), replace “employee to notify” with “authorised person to notify”.
(4) In section 150(2), replace “An employee of the Agency” with “A person authorised by the Agency or the Director”.
- 100 Section 152 amended (Power of Minister to make ordinary rules)** 35
After section 152(g)(iv), insert:

- (v) the Director's functions under ~~section 104A~~ **104AA** of the Land Transport Management Act 2003:

101 Section 157 amended (Rules concerning roads)

In section 157(e), after “empower”, insert “or require”.

102 Section 158 amended (Rules concerning licensing, standard-setting, etc) 5

In section 158(b)(viii) and (ix), after “Agency”, insert “or the Director”.

103 Section 159 amended (Rules concerning land transport documents)

- (1) In section 159(3), replace “Agency” with “Director”.
- (2) In section 159(5), replace “Agency” with “Director” in each place.

104 ~~New sections 159A and 159B inserted~~ 10

~~After section 159, insert:~~

~~159A Rules concerning register of land transport records~~

~~Without limiting the general power to make rules under section 152, ordinary rules may provide for any matter necessary to establish, maintain, and operate the register of land transport records established under **section 200C**.~~ 15

~~159B Ordinary rule may require committee to be established~~

- (1) ~~An ordinary rule may require the Agency to establish a committee and, if it does, the rule must set out—~~
 - (a) ~~the purpose for which the committee is to be established; and~~
 - (b) ~~the functions, duties, and powers conferred on the committee; and~~ 20
 - (c) ~~which of the Minister, the Secretary, and the Agency is authorised to appoint the members of the committee (and the term for which they are appointed); and~~
 - (d) ~~the date on which the committee is to be dissolved or a process by which that date is determined.~~ 25
- (2) ~~The rule may set out any other matter relating to the establishment and operation of the committee.~~
- (3) ~~A person must not be appointed as a member of a committee unless, before appointment, they disclose to the relevant person referred to in **subsection (1)(c)** the details of any interest they may have if they were a member of the committee.~~ 30

104 New section 159A inserted (Ordinary rule may require committee to be established)

After section 159, insert:

159A Ordinary rule may require committee to be established

- (1) An ordinary rule may require the Agency to establish a committee that has 1 or more purposes associated with speed management, including—
- (a) reviewing a state highway speed management plan provided for in a rule: 5
 - (b) reviewing guidance or information on speed management prepared by the Agency.
- (2) The rule must set out—
- (a) the purpose for which the committee is to be established; and
 - (b) the functions, duties, and powers conferred on the committee; and 10
 - (c) which of the following persons is authorised to appoint members of the committee (and the term for which they are appointed):
 - (i) the Minister:
 - (ii) the Agency:
 - (iii) the Secretary: 15
 - (iv) any combination of the persons listed in **subparagraphs (i) to (iii)**.
- (3) The rule may set out—
- (a) the date on which the committee is to be dissolved or a process by which that date is determined: 20
 - (b) any other matter relating to establishing and operating the committee.
- (4) A person must not be appointed as a member of a committee unless, before appointment, they disclose to the relevant person referred to in **subsection (2)(c)** the details of any interest they may have if they were a member of the committee. 25
- (5) Whether a person has an interest must be determined under section 62 of the Crown Entities Act 2004, and that section applies—
- (a) as if the committee were a statutory entity; and
 - (b) with any necessary modifications.
- (6) **Section 96B** of the Land Transport Management Act 2003 applies to any committee established by a rule under this section. 30

105 Section 160 amended (Other provisions concerning ordinary rules)

Replace section 160(4)(a) with:

- (a) require or provide for a matter to be determined, undertaken, or approved by the Agency, the Director, or any other person: 35
- (aa) empower the Agency, the Director, or any other person to impose requirements or conditions as to the performance of activities:

106 Section 167 amended (Regulations)

- (1) In section 167(1)(ib), replace “Agency” with “Director”.
- (2) In section 167(1)(j), replace “enactment concerning land transport” with “land transport Act”.
- (3) After section 167(1)(me), insert: 5
- (mf) providing for any matter necessary to establish, maintain, and operate the register of land transport records established by **section 200C**:

107 Section 168 amended (Regulations relating to fees and charges for land transport)

- (1) In section 168(1)(a), replace “the Railways Act 2005, the Government Roothing Powers Act 1989, the Land Transport Management Act 2003, this Act, or any other enactment relating to land transport” with “this Act or any other land transport Act”. 10
- (2) Replace section 168(1)(b) with:
- (b) to meet, or assist in meeting, the costs and expenses incurred by the Agency, the Director, or the Crown in the exercise of functions or powers, the performance of duties, or the provision of services under any legislation specified in paragraph (a): 15

107A New section 168AAA inserted (Regulations relating to register of land transport records) 20

After section 168, insert:

168AAA Regulations relating to register of land transport records

- (1) Without limiting the generality of **section 167(1)(mf)**, regulations made under that provision may—
- (a) specify a category of decisions or other things for which land transport records may be created (for example, specifying a category of speed limits or cycle paths): 25
- (b) require that a land transport record be created for a bylaw:
- (c) provide for the consequences of a land transport record being created for a bylaw, which may include amending, replacing, or revoking the bylaw: 30
- (d) specify the circumstances in which the Registrar is required or authorised to create a land transport record, amend a land transport record, or remove a land transport record from the register (including, for example, any criteria that the land transport record must satisfy, or any criteria the Registrar must consider before doing so): 35
- (e) specify any information the Registrar must record in the register for each land transport record:

- (f) prescribe when, or the circumstances in which, the Registrar is not required to operate the register:
- (g) prescribe any limitations on, or requirements for, accessing or searching the register, or making copies of information in the register (including, for example, the requirement to pay a fee or charge): 5
- (h) provide for any notices, records, certificates, or other information that must be given, kept, or produced in relation to a land transport record or the register:
- (i) prescribe the persons or class of persons the Registrar must inform if the Registrar amends or revokes a land transport record: 10
- (j) provide for the consequences if a land transport record conflicts with—
 (i) secondary legislation made under a land transport Act; or
 (ii) a bylaw:
- (k) prescribe transitional or savings provisions relating to land transport records. 15
- (2) In this section, **bylaw**—
- (a) means a bylaw, or part of a bylaw, made by a road controlling authority—
 (i) under any enactment, including section 22AB of this Act; and
 (ii) whether made before or after regulations made for the purposes of **subsection (1)(a) or (b)**; and 20
- (b) includes any decision or resolution made under a bylaw referred to in **paragraph (a)** (for example, a resolution under section 22AB(3) or (3A) of this Act).

108 Section 168C amended (Piloting fees) 25

In section 168C(1), after “Agency”, insert “or the Director” in each place.

109 Section 198 amended (Inspections and audits)

In section 198(1), (2), and (3), replace “Agency” with “Director” in each place.

110 New sections 200A to 200K and cross-heading inserted

After section 200, insert: 30

Register of land transport records

200A Interpretation

In **sections 200B to 200K**, unless the context otherwise requires,—

land transport record means a record of a decision or any other thing—

- (a) that is required under **section 200B** to be included in the register; and 35

(b) that is included in the register

register means the register of land transport records established by **section 200C**

Registrar means the Agency

regulations means any regulations made for the purposes of **section 167(1)(mf)**, including for any purpose set out in **section 168AAA**.

rules means rules made for the purposes of **section 159A** (if any).

200B Land transport Act may require creation of land transport record to give effect to decision or other thing

- (1) A land transport Act may require that a land transport record be created for a decision or any other thing to be done under that Act (for example, the setting of a speed limit or the designation of a cycle path).
- (2) The decision or other thing has effect only on and from the day after the date on which its land transport record is created, unless any later date is specified in the record, in which case it has effect on and from that later date.

200B Secondary legislation may require creation of land transport record

- (1) Secondary legislation made under a land transport Act may require that a land transport record be created for a decision or other thing made or done in accordance with that legislation.
- (2) **Subsection (1)** applies only if the decision or other thing falls within a category of decisions or other things specified in regulations made for the purpose of **section 168AAA(1)(a)** of this Act.
- (3) Nothing in **subsection (1)** limits any other power in a land transport Act in relation to secondary legislation.

200BA Land transport records must be created for certain bylaws

- (1) A land transport record must be created for a bylaw in accordance with regulations made for the purpose of **section 168AAA(1)(b)**.
- (2) **Subsection (1)** applies only if the bylaw falls within a category of decisions or other things specified in regulations made for the purpose of **section 168AAA(1)(a)**.
- (3) Once the land transport record is created, the bylaw must be dealt with in accordance with the regulations.
- (4) In this section, **bylaw** has the meaning given in **section 168AAA(2)**.

200C Register of land transport records

- (1) A register called the register of land transport records is established.
- (2) The Registrar must keep and operate the register in accordance with—
 - (a) **sections 200D to 200K**; and

- ~~(b) the rules.~~
- (b) the regulations.

200D Purpose of register

The purpose of the register is—

- (aaa) to create legally enforceable obligations (as set out in **section 200DB(2)**); and 5
- (a) to provide a public record of land transport records; and
- (b) to enable any person to get copies of land transport records; and
- (c) to assist or enable any person—
 - (i) ~~in the to~~ exercise of the person's powers conferred under this Act 10
or any other land transport Act; or
 - (ii) ~~in the performance of to perform~~ the person's functions or duties conferred under this Act or any other land transport Act (for example, to commence proceedings against a person for exceeding a speed limit). 15

200DA When Registrar must create land transport record

The Registrar must create a land transport record for a decision or other thing if—

- (a) the decision or other thing is within a category of decisions or other things, specified by regulations made for the purpose of **section 168AAA(1)(a)**; and 20
- (b) **section 200B(1) or 200BA** requires a land transport record be created for the decision or other thing; and
- (c) the decision or other thing complies with any relevant criteria specified by the regulations; and 25
- (d) the Registrar has received the necessary information submitted under **section 200H**.

200DB Effect of land transport record

- (1) A land transport record has effect only on and from the day after it is created, unless any later date is specified in the record, in which case it has effect on and from that later date. 30
- (2) A land transport record is the source of any legally enforceable obligation (not the decision or other thing for which the land transport record has been created).

200E Contents of register 35

The Registrar must record in the register the following information for each land transport record:

(a)	the name or other description of the decision or other thing that is recorded:	
(b)	the land transport Act <u>title of the secondary legislation or bylaw under which the decision or other thing is made:</u>	
(e)	the information prescribed in the rules, to the extent that the information is relevant.	5
(c)	<u>any other information specified by the regulations.</u>	
200F Operation, access, and search of register		
(1)	The register may be kept in any manner that the Registrar thinks fit provided it permits the contents to be readily accessed or reproduced in usable form.	10
(2)	The register must be operated at all times unless—	
(a)	the Registrar suspends its operation (in whole or in part) —; or	
	(i) <u>for maintenance purposes; or</u>	
	(ii) <u>in response to technical difficulties; or</u>	
	(iii) <u>to ensure the security or integrity of the register; or</u>	15
(b)	the rules provide <u>the regulations prescribe otherwise.</u>	
(3)	The Registrar may suspend its operation—	
(a)	for maintenance purposes; or	
(b)	in response to technical difficulties; or	
(e)	to ensure the security or integrity of the register.	20
(4)	Any person may <u>access or search the register, except to the extent the regulations prescribe otherwise.</u>	
200G Amendments to register		
(1)	The Registrar may amend the register if the Registrar is satisfied at any time that the register contains a typographical error or a mistake or omits information that is required or permitted to be included in the register.	25
(2)	The Registrar must amend the register if the rules require the Registrar to do so in circumstances specified by them.	
200G Amendments to register		
(1)	<u>The Registrar may amend the register if the Registrar is satisfied at any time that the register—</u>	30
(a)	<u>contains a typographical error or a mistake; or</u>	
(b)	<u>omits information that is required or permitted to be included in the register.</u>	
(2)	<u>The Registrar must amend the register—</u>	35
(a)	<u>if the regulations require the Registrar to do so; or</u>	

- (b) to give effect to an order or a direction of a court.

200H Submitting of information to Registrar

- (1) Information required for creating a land transport record must be submitted to the Registrar ~~in the manner specified by the Registrar.~~

- (a) in accordance with the regulations; or 5
 (b) if no regulations have been made, in the manner specified by the Registrar.

- (2) For the purposes of **subsection (1)(b)**, the Registrar may—

- (a) ~~specify what information must be provided~~ submitted and how it must be ~~provided~~ submitted; and 10
 (b) ~~require the person submitting the information to indicate that any requirements of the land transport Act under which the decision or thing to be done for which the record is required have been satisfied (for example, that a resolution has been made or consultation has been completed).~~ 15
 (b) require the person submitting the information to confirm that any legal requirements in relation to the decision or other thing have been satisfied (for example, that consultation has been properly undertaken).

200I Registrar must notify person that record created

Once a land transport record is created, the Registrar must notify the person that submitted the information in relation to the record of that fact. 20

200J Registrar may notify record or changes to register

(1AAA) If the Registrar amends or revokes a land transport record, the Registrar must inform the persons or class of persons prescribed in the regulations.

- (1) The Registrar may also give notice of the following matters to any person or class of persons or to the public generally:— 25
 (a) that a land transport record has been created:
 (b) ~~of any changes in the information kept in the register.~~
 (b) that changes have been made to the register.
 (2) The Registrar may ~~do so~~ inform or give notice in any manner that the Registrar thinks fit. 30

200K Certified copy of information on register

- (1) The Registrar must provide a copy, or a certified copy, of any information on the register to any person who applies for it and pays the prescribed fee or charge (if any) ~~prescribed in regulations.~~ 35

- (2) A certified copy of information on the register purporting to be signed by the Registrar is conclusive evidence for all purposes that the information in the certified copy ~~has been~~ is entered in the register.

111 Section 207 amended (Delegation of Minister’s functions or powers to Agency) 5

- (1) In the heading to section 207, after “**Agency**”, insert “**or Director**”.
- (2) In section 207(1), after “Agency”, insert “or Director”.
- (3) In section 207(5) and (6), after “Agency”, insert “or Director” in each place.

112 New section 208A inserted (Agency is enforcement officer for certain infringement offences) 10

After section 208, insert:

208A Agency is enforcement officer for certain infringement offences

For the purposes of issuing an infringement notice under section 139, the Agency is an enforcement officer where—

- (a) the infringement offence to which the notice relates is a moving vehicle offence; and 15
- (b) the alleged offence was detected by approved vehicle surveillance equipment (whether the equipment is owned or operated by the Agency or some other person).

113 Section 233 amended (Interpretation matters applying to this Part) 20

In section 233(1), definition of **enforcement authority**, replace paragraph (b) with:

- (b) the Agency or the Director, if an infringement notice is issued by an employee of the Agency or by a person acting on behalf of the Agency or the Director: 25

114 Section 271 amended (Appointment of Registrar)

In section 271, after “Agency”, insert “or the Director”.

114A Schedule 1 amended

In Schedule 1, after Part 1, insert the **Part 2** set out in **Schedule 2** of this Act.

Part 3 30

Amendments to Railways Act 2005

115 Amendments to Railways Act 2005

This Part amends the Railways Act 2005.

116 Section 4 amended (Interpretation)

(1AAA) In section 4(1), insert in its appropriate alphabetical order:

Director or Director of Land Transport means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003

5

(1) In section 4(1), definition of **approved safety case**, replace “Agency” with “Director”.

(2) In section 4(1), definition of **ordinary safety assessment**, replace “Agency” with “Director”.

(3) In section 4(1), definition of **special safety assessment**, replace “Agency” with “Director”. 10

(4) In section 4(1), definition of **special safety assessment**, paragraph (b), replace “Agency” with “Director”.

116A New section 5A inserted (Transitional, savings, and related provisions)

After section 5, insert:

15

5A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

117 Section 8 amended (Relationship of Act with Health and Safety at Work Act 2015)

20

In section 8(2), after “Agency”, insert “or the Director”.

118 Section 15 amended (Certain rail participants must be licensed)

In section 15(3), replace “Agency” with “Director” in each place.

119 Section 16 amended (Application for licence)

(1) In section 16(1)(a), replace “Agency” with “Director” in each place. 25

(2) In section 16(1)(b), replace “Agency” with “Director”.

120 Section 17 amended (Grant of licences)

(1) In section 17(1), replace “Agency” with “Director” in each place.

(2) In section 17(2), replace “Agency” with “Director”.

121 Section 18 amended (Transfer or assignment of licence prohibited)

30

In section 18, replace “Agency” with “Director”.

122 Section 19 amended (Term of licence)

In section 19(2), replace “Agency” with “Director”.

- 123 Section 20 amended (Register of licences)**
 In section 20(2)(h), replace “Agency” with “Director”.
- 124 Section 21 amended (Conditions of licences)**
- (1) In section 21(1)(a), replace “Agency” with “Director”.
 - (2) In section 21(2)(a), replace “Agency” with “Director”. 5
 - (3) In section 21(2)(c), replace “Agency” with “Director” in each place.
 - (4) In section 21(3)(b) and (d), replace “Agency” with “Director”.
 - (5) In section 21(4)(b) and (d), replace “Agency” with “Director”.
 - (6) In section 21(5), replace “Agency” with “Director”.
- 125 Section 22 amended (Agents and contractors)** 10
- (1) In section 22(1), replace “Agency” with “Director”.
 - (2) In section 22(2)(b), replace “Agency” with “Director”.
- 126 Section 23 amended (Power of Agency to suspend licence or impose temporary conditions)**
- (1) In the heading to section 23, replace “Agency” with “Director”. 15
 - (2) In section 23(1), replace “Agency” with “Director” in each place.
 - (3) In section 23(3), replace “Agency” with “Director”.
- 127 Section 24 amended (Power of Agency to revoke licence or impose permanent conditions)**
- (1) In the heading to section 24, replace “Agency” with “Director”. 20
 - (2) In section 24(1), replace “Agency” with “Director” in each place.
- 128 Section 25 amended (Matters relating to action taken under section 23 or section 24)**
- (1) In section 25(1), replace “Agency” with “Director”.
 - (2) In section 25(2), replace “Agency” with “Director” in each place. 25
 - (3) In section 25(3), replace “Agency” with “Director” in each place.
- 129 Section 26 amended (Power of Agency to amend or revoke licences in other cases)**
- (1) In the heading to section 26, replace “Agency” with “Director”.
 - (2) In section 26(1), replace “Agency” with “Director”. 30
 - (3) In section 26(2), replace “Agency” with “Director”.

- 130 Section 27 amended (Rights of persons affected in relation to adverse decisions)**
- (1) In section 27(1), replace “Agency” with “Director” in each place.
 - (2) ~~In section 27(1)(c) and (e), replace “Agency” with “Director”.~~
 - (3) In section 27(2), replace “Agency” with “Director” in each place. 5
 - (4) ~~In section 27(2)(a), replace “Agency” with “Director”.~~
 - (5) In section 27(4)(a), (b), and (c), replace “Agency” with “Director” in each place.
 - (6) In section 27(5), replace “Agency” with “Director”.
 - (7) In section 27(6), definition of **adverse decision**, replace “Agency” with “Director”. 10
- 131 Cross-heading above section 28 amended**
- In the cross-heading above section 28, replace “Agency” with “Director”.
- 132 Section 28 amended (Power of Agency to prohibit operation, impose conditions, or detain or immobilise rail vehicles or railway infrastructure)** 15
- (1) In the heading to section 28, replace “Agency” with “Director”.
 - (2) In section 28(1), replace “Agency” with “Director” in each place.
 - (3) ~~In section 28(1)(b), replace “Agency” with “Director”.~~
 - (4) In section 28(2), replace “Agency” with “Director”.
 - (5) In section 28(3)(b), replace “Agency” with “Director” in each place. 20
- 133 Section 30 amended (Contents of safety case)**
- (1) In section 30(1)(h)(ii) and (iv), replace “Agency” with “Director”.
 - (2) In section 30(1)(i), replace “Agency” with “Director”.
 - (3) In section 30(1)(n), replace “Agency” with “Director”.
- 134 Section 31 amended (Matters to be taken into account in considering proposed safety case)** 25
- (1) In section 31(1), replace “Agency” with “Director” in each place.
 - (2) ~~In section 31(1)(f), replace “Agency” with “Director”.~~
 - (3) In section 31(2), replace “Agency” with “Director”.
 - (4) In section 31(2)(e), replace “Agency” with “Director” in each place. 30
- 135 Section 32 amended (Approval of safety case)**
- (1) In section 32(1), replace “Agency” with “Director”.
 - (2) In section 32(1)(b), replace “Agency” with “Director”.
 - (3) In section 32(2), replace “Agency” with “Director”.

- (4) In section 32(3), replace “Agency” with “Director”.
- (5) In section 32(3), replace “Agency’s” with “Director’s”.
- (6) In section 32(4), (5), (6), and (7), replace “Agency” with “Director”.
- 136 Section 33 amended (Application to replace or vary approved safety case)**
- In section 33(1) and (3), replace “Agency” with “Director”. 5
- 137 Section 34 amended (Requirement by Agency to replace or vary approved safety case)**
- (1) In the heading to section 34, replace “Agency” with “Director”.
- (2) In section 34(1), replace “Agency” with “Director” in each place.
- (3) In section 34(2), replace “Agency” with “Director”. 10
- (4) In section 34(2)(b), replace “Agency” with “Director”.
- (5) In section 34(3), replace “Agency” with “Director”.
- 138 Section 35 amended (Procedure for replacement or variation of approved safety case)**
- (1) In section 35(1), replace “Agency” with “Director” in each place. 15
- (2) In section 35(2), replace “Agency” with “Director”.
- (3) In section 35(2)(b), replace “Agency’s” with “Director’s”.
- (4) In section 35(3), replace “Agency” with “Director” in each place.
- (5) In section 35(4), replace “Agency” with “Director” in each place.
- 139 Section 36 amended (Safety improvement plans)** 20
- (1) In section 36(1), replace “Agency” with “Director” in each place.
- (2) In section 36(2), replace “Agency” with “Director”.
- (3) In section 36(2)(a), replace “Agency” with “Director”.
- (4) In section 36(2)(b), replace “Agency” with “Director” in each place.
- (5) In section 36(3), replace “Agency” with “Director”. 25
- (6) In section 36(3), replace “Agency’s” with “Director’s”.
- (7) In section 36(4), replace “Agency” with “Director”.
- (8) In section 36(4)(b), replace “Agency” with “Director”.
- (9) In section 36(4)(c), replace “Agency’s” with “Director’s”.
- 140 Section 37 amended (Ordinary and special safety assessments)** 30
- (1) In section 37(1), replace “Agency” with “Director”.
- (2) In section 37(2), replace “Agency” with “Director”.
- (3) In section 37(2)(b), (c), (h), (i), and (j), replace “Agency” with “Director”.

- 141 Section 39 amended (Safety assessment report)**
In section 39(a), replace “Agency” with “Director”.
- 142 Section 42 amended (Notification of requirement for improvements)**
- (1) In section 42(1), replace “Agency” with “Director” in each place.
 - (2) In section 42(2), replace “Agency” with “Director”. 5
 - (3) In section 42(3), replace “Agency” with “Director”.
 - (4) In section 42(4), replace “Agency” with “Director” in each place.
 - (5) In section 42(6), replace “Agency” with “Director” in each place.
- 143 Section 43 amended (Report on remedial action)**
- (1) In section 43(1), replace “Agency” with “Director” in each place. 10
 - (2) In section 43(2), replace “Agency’s” with “Director’s”.
 - (3) In section 43(2), replace “Agency” with “Director” in each place.
 - (4) In section 43(3), replace “Agency” with “Director”.
- 144 Section 44 amended (Extension of time to complete remedial action)**
- (1) In section 44(1), replace “Agency” with “Director” in each place. 15
 - (2) In section 44(2), replace “Agency” with “Director”.
- 145 Section 45 amended (Appointment of safety assessors)**
- (1) In section 45(1), replace “Agency” with “Director”.
 - (2) In section 45(4), replace “Agency” with “Director”.
- 146 Section 46 amended (Functions and duties of safety assessors)** 20
- (1) In section 46, replace “Agency” with “Director”.
 - (2) In section 46(a), replace “Agency” with “Director”.
- 147 Section 47 amended (Powers of safety assessors to obtain information, etc)**
In section 47(3), replace “Agency” with “Director”.
- 148 Section 48 amended (Powers of entry of safety assessors)** 25
- (1) In section 48(5), replace “Agency” with “Director”.
 - (2) In section 48(5)(b), replace “Agency” with “Director”.
- 149 Section 53 amended (Rules concerning authorisation, standard-setting, etc)**
- (1) In section 53(3)(b), replace “Agency” with “Director”. 30
 - (2) In section 53(4), replace “Agency” with “Director” in each place.

- 150 Section 54 amended (Other provisions concerning ordinary rules)**
 In section 54(4)(a), replace “Agency, Agency,” with “Agency, the Director,” in each place.
- 151 Section 60 amended (Regulations relating to fees and charges for rail transport)** 5
 (1) In section 60(1), after “by the Agency”, insert “, the Director,”.
 (2) In section 60(1)(a), after “Agency”, insert “or a person authorised by the Director”.
- 152 Section 67 amended (Power to prohibit or restrict persons from being involved in rail activities)** 10
 (1) In section 67(1), replace “Agency” with “Director”.
 (2) In section 67(2)(b), replace “Agency” with “Director”.
- 153 Section 68 amended (Appeal to District Court)**
 (1) In section 68(1), after “Agency”, insert “or the Director”.
 (2) In section 68(2), after “Agency”, insert “or the Director”. 15
- 154 Section 69 amended (Procedure)**
 (1) In section 69(2)(b)(i), after “Agency”, insert “or the Director (as the case may be)”.
 (2) In section 69(2)(b)(ii), after “Agency”, insert “or the Director (as the case may be)”. 20
- 155 Section 70 amended (Decision of Agency to continue in force pending appeal, etc)**
 (1) In the heading to section 70, after “Agency”, insert “or Director”.
 (2) In section 70, after “Agency”, insert “or the Director”.
- 156 Section 95 amended (Who may file charging document for offence)** 25
 In section 95, replace “Agency” with “Director”.
- 157 Section 96 amended (Evidence and proof)**
 In section 96(a), (b), (c), and (d), replace “an officer of the Agency authorised in that capacity by the Agency” with “a person authorised in that capacity by the Agency or the Director”. 30
- 158 Section 97 amended (Application of fees)**
 In section 97, replace “Authority” with “Agency”.
- 159 Section 102 amended (Appointment of enforcement officers)**
 In section 102, replace “the Agency may,” with “the Director may,”.

159A New Schedule 1AA inserted

Insert the **Schedule 1AA** set out in **Schedule 3** of this Act as the first schedule to appear after the last section of the Railways Act 2005.

Part 4

Consequential amendments

5

160 Consequential amendments

- (1) Amend the Acts specified in the **Schedule 4** as set out in that schedule.
- (2) Amend the secondary legislation specified in **Schedule 5** as set out in that schedule.

Schedule 1
New Part 2 inserted in Schedule 1AA of Land Transport
Management Act 2003

s 12C

	<u>Part 2</u>	5
	<u>Provisions relating to Land Transport (NZTA) Legislation</u> <u>Amendment Act 2020</u>	
5	<u>Interpretation</u>	
	In this Part,—	
	<u>amendment Act</u> means the Land Transport (NZTA) Legislation Amendment Act 2020	10
	<u>Director function</u> means any function, duty, or power of the Agency under this Act (or any secondary legislation made under this Act) that becomes a function, duty, or power of the Director—	
	(a) on and from the transfer date; and	15
	(b) by operation of the amendment Act	
	<u>transfer date</u> means the date determined under section 2(2) of the amendment Act.	
6	<u>Matters, documents, decisions, etc, not affected by transfer of Director functions</u>	20
(1)	<u>If the Agency commences a matter or process relating to a Director function, but does not complete it before the transfer date, the Director must complete the matter or process after the transfer date in place of the Agency.</u>	
(2)	<u>Any land transport document, notice, or similar document given by the Agency is deemed to be a document given by the Director if—</u>	25
	(a) it relates to a Director function; and	
	(b) it is in force immediately before the transfer date.	
(3)	<u>The transfer of a Director function to the Director does not, of itself, affect—</u>	
	(a) any decision made, or anything done or omitted to be done, by the Agency in relation to the Director function before the transfer date; or	30
	(b) any other matter or thing arising out of the Agency performing the Director function before the transfer date.	
7	<u>Personal information</u>	
	<u>If the Agency collected personal information when performing a Director function before the transfer date, the Director’s use of the information on and from</u>	35

the transfer date is not an interference with the privacy of an individual under section 66 of the Privacy Act 1993.

8 References to Agency in documents

On and from the transfer date, a reference to the Agency in a land transport document, notice, or similar document written or prepared by or on behalf of the Agency must be read as a reference to the Director if— 5

- (a) the reference relates to a Director function; and
- (b) the document was written or prepared before the transfer date; and
- (c) such a reading is consistent with this Act.

Schedule 2**New Part 2 inserted in Schedule 1 of Land Transport Act 1998****s 114A****Part 2****Provisions relating to Land Transport (NZTA) Legislation
Amendment Act 2020****11 Interpretation**

In this Part,—

amendment Act means the Land Transport (NZTA) Legislation Amendment Act 2020

Director function means any function, duty, or power of the Agency under this Act (or any secondary legislation made under this Act) that becomes a function, duty, or power of the Director—

- (a) on and from the transfer date; and
- (b) by operation of the amendment Act

transfer date means the date determined under **section 2(2)** of the amendment Act.

12 Matters, documents, decisions, etc, not affected by transfer of Director functions

(1) If the Agency commences a matter or process relating to a Director function, but does not complete it before the transfer date, the Director must complete the matter or process after the transfer date in place of the Agency.

(2) Any land transport document, notice, or similar document given by the Agency is deemed to be a document given by the Director if—

- (a) it relates to a Director function; and
- (b) it is in force immediately before the transfer date.

(3) The transfer of a Director function to the Director does not, of itself, affect—

- (a) any decision made, or anything done or omitted to be done, by the Agency in relation to the Director function before the transfer date; or
- (b) any other matter or thing arising out of the Agency performing the Director function before the transfer date.

13 Personal information

If the Agency collected personal information when performing a Director function before the transfer date, the Director's use of the information on and from the transfer date is not an interference with the privacy of an individual under section 66 of the Privacy Act 1993.

14 **References to Agency in documents**

On and from the transfer date, a reference to the Agency in a land transport document, notice, or similar document written or prepared by or on behalf of the Agency must be read as a reference to the Director if—

- (a) the reference relates to a Director function; and
- (b) the document was written or prepared before the transfer date; and
- (c) such a reading is consistent with this Act.

5

Schedule 3
New Schedule 1AA inserted into Railways Act 2005

s 159A

Schedule 1AA
Transitional, savings, and related provisions

5

s 5A

Part 1
Provisions relating to Land Transport (NZTA) Legislation
Amendment Act 2020

1 **Interpretation**

10

In this Part,—**amendment Act** means the Land Transport (NZTA) Legislation Amendment Act **2020****Director function** means any function, duty, or power of the Agency under this Act (or any secondary legislation made under this Act) that becomes a function, duty, or power of the Director—

15

(a) on and from the transfer date; and(b) by operation of the amendment Act**transfer date** means the date determined under **section 2(2)** of the amendment Act.

20

2 **Matters, documents, decisions, etc, not affected by transfer of Director functions**(1) If the Agency commences a matter or process relating to a Director function, but does not complete it before the transfer date, the Director must complete the matter or process after the transfer date in place of the Agency.

25

(2) Any land transport document, notice, or similar document given by the Agency is deemed to be a document given by the Director if—(a) it relates to a Director function; and(b) it is in force immediately before the transfer date.(3) The transfer of a Director function to the Director does not, of itself, affect—

30

(a) any decision made, or anything done or omitted to be done, by the Agency in relation to the Director function before the transfer date; or(b) any other matter or thing arising out of the Agency performing the Director function before the transfer date.

3 **Personal information**

If the Agency collected personal information when performing a Director function before the transfer date, the Director's use of the information on and from the transfer date is not an interference with the privacy of an individual under section 66 of the Privacy Act 1993.

5

4 **References to Agency in documents**

On and from the transfer date, a reference to the Agency in a licence, permit, approval, authorisation, exemption, certificate, or similar document written or prepared by or on behalf of the Agency must be read as a reference to the Director if—

10

- (a) the reference relates to a Director function; and
- (b) the document was written or prepared before the transfer date; and
- (c) such a reading is consistent with this Act.

Schedule 4

Consequential amendments to Acts

s 160(1)

Criminal Procedure Act 2011 (2011 No 81)

In section 358(1)(g), replace “New Zealand Transport Agency” with “Director of Land Transport”. 5

Hazardous Substances and New Organisms Act 1996 (1996 No 130)

In section 97(1)(c) and (d), after “New Zealand Transport Agency”, insert “or the Director of Land Transport”.

Land Transport Act 1998 (1998 No 110)

10

In section 2(1), definition of **enforcement authority**, paragraph (b), after “the Agency”, insert “or the Director” in each place.

In section 30U(1), replace “Agency” with “Director”.

In section 30U(2), replace “Agency” with “Director”.

In section 30U(2A), replace “Agency” with “Director”. 15

In section 30V, definition of **adverse decision**, replace “Agency” with “Director”.

In section 30V, definition of **person on the basis of whose character the adverse decision arises**, replace “Agency” with “Director”.

Heading to **section 112A**, replace “Agency” with “Director”.

In **section 112A(1)**, replace “Agency” with “Director”. 20

In **section 112A(2)**, replace “Agency may” with “Director may”.

In **section 112A(2)**, after “expenses of the Agency”, insert “and the Director”.

In **section 112A(3)**, replace “Agency” with “Director” in each place.

In **section 112A(5)**, after “expenses of the Agency”, insert “or the Director”.

In **section 112A(5)**, after “contractor of the Agency”, insert “or the Director”. 25

In **section 112B(1)**, replace “Agency” with “Director”.

In **section 112B(1)(a)**, replace “Agency’s” with “Director’s”.

In **section 112B(2)**, replace “Agency” with “Director”.

In **section 112C**, replace “Agency’s” with “Director’s”.

In **section 112C**, replace “Agency” with “Director”. 30

In **section 112E**, replace “Agency” with “Director” in each place.

In **section 112F**, replace “Agency” with “Director” in each place.

In **section 112G**, replace “Agency” with “Director” in each place.

After **section 159A(2)(c)(ii)**, insert:

Land Transport Act 1998 (1998 No 110)—continued

(iia) the Director:

Land Transport Management Act 2003 (2003 No 118)

After section 9(5), insert:

- (6) To avoid doubt, the Agency’s regulatory functions referred to in **subsection (1A)** include—
- (a) any function of the Director under this Act or any other Act; and
 - (b) any function of the Agency under this Act or any other Act (for example, functions specified in **section 95(1)(k) to (q)** of this Act) that relate to the functions referred to in **section 95(1)(b) to (h)** of this Act.

5

In **section 109A(5)(a)**, replace “any” with “the Director or any other”.

10

Local Government Act 1974 (1974 No 66)

In section 331(2), delete “: provided that the New Zealand Transport Agency may at any time exempt in whole or in part the forming or reforming of any road or part thereof from any requirements of this subsection, if, having regard to all the circumstances, the New Zealand Transport Agency considers that it is reasonable to grant the exemption”.

15

After section 331(2), insert:

- (3) However, the Director of Land Transport (appointed under **section 104A** of the Land Transport Management Act 2003) may exempt or partially exempt any road or part of a road from the requirement in subsection (2) if the Director considers it is reasonable to do so in the circumstances.

20

Local Government (Auckland Council) Act 2009 (2009 No 32)

In section 37(1), insert in its appropriate alphabetical order:

Director of Land Transport means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003

25

In section 45(f), after “New Zealand Transport Agency”, insert “or the Director of Land Transport”.

Motor Vehicle Sales Act 2003 (2003 No 12)

In section 6(1), definition of **motor cycle**, replace “New Zealand Transport Agency” with “Director of Land Transport”.

30

Oranga Tamariki Act 1989 (1989 No 24)

In section 294(b), replace “New Zealand Transport Agency” with “Director of Land Transport”.

Privacy Act 1993 (1993 No 28)

In Schedule 5, under the heading “Registrar of Motor Vehicles records”, item relating to motor vehicles register, third column, after the item relating to the New Zealand Transport Agency, insert:

Director of Land Transport (access is limited to obtaining information for the purposes of carrying out the functions conferred on the Director by **section 104AA** of the Land Transport Management Act 2003)

5

In Schedule 5, under the heading “Ministry of Transport records”, item relating to road user charges, third column, after the item relating to the New Zealand Transport Agency, insert:

10

Director of Land Transport (access is limited to obtaining information for the purposes of carrying out the functions conferred on the Director by **section 104AA** of the Land Transport Management Act 2003)

Sentencing Act 2002 (2002 No 9)

In section 126(f), replace “New Zealand Transport Agency” with “Director of Land Transport”.

15

Schedule 5

Consequential amendments to secondary legislation

s 160(2)

Goods-service Vehicle (Constructional) Regulations 1936 (SR 1936/80)

In regulation 1(4), insert in its appropriate alphabetical order: 5

Director means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003

In regulation 1(4), definition of **vehicle inspector**, replace “Agency” with “Director”.

In regulation 1(7)(a), replace “Agency” with “Director”.

In regulation 1(7)(a), replace “he thinks” with “the Director thinks”. 10

Land Transport (Alcohol Interlock) Regulations 2012 (SR 2012/202)

In the heading to regulation 5, replace “Agency” with “**Director of Land Transport**”.

In regulation 5(1), insert in its appropriate alphabetical order:

Director means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003 15

In regulation 5(2), replace “Agency” with “Director” in each place.

Land Transport (Certification and Other Fees) Regulations 2014 (LI 2014/291)

In regulation 3, insert in its appropriate alphabetical order:

Director means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003 20

In regulation 3, definition of **inspecting organisation**, replace “person or organisation appointed by the Agency” with “person authorised in that capacity by the Director”.

In regulation 3, definition of **vehicle inspector**, replace “an individual appointed by the Agency” with “a person authorised in that capacity by the Director”. 25

In regulation 3, definition of **vehicle inspector**, replace “imposed by the Agency” with “imposed by the Director”.

In regulation 5, after “the following services”, insert “provided by the Director”.

In regulation 6(1)(f), replace “approved by the Agency” with “authorised by the Director”. 30

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)

In clause 2(1), definition of **accurate English translation**, paragraph (c), replace “Agency” with “Director”.

In clause 2(1), definition of **approved motorcycle**, replace “Agency” with “Director” in each place. 35

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)—continued

In clause 2(1), insert in its appropriate alphabetical order:

Director means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003

In clause 2(1), definition of **licensing agent**, replace “Agency” with “Director” in each place. 5

In clause 2(1), definition of **motorcycle**, paragraph (b), replace “Agency” with “Director”.

In clause 2(1), definition of **vehicle recovery service**, paragraph (d), replace “Agency” with “Director”.

In clause 5(1)(b), replace “Agency” with “Director”. 10

In clause 9(2) and (3), replace “Agency” with “Director”.

In clause 11(4), (5), (7)(a), and (8), replace “Agency” with “Director” in each place.

In clause 12(3)(b) and (5), replace “Agency” with “Director” in each place.

In clause 19A, definition of **approved employer**, replace “Agency” with “Director”.

In clause 19B(1) and (2), replace “Agency” with “Director” in each place. 15

In clause 19C(1) and (3), replace “Agency” with “Director”.

In clause 19D, replace “Agency” with “Director” in each place.

In clause 19E, replace “Agency” with “Director” in each place.

In clause 19F(1) and (3), replace “Agency” with “Director”.

In clause 19G, replace “Agency” with “Director”. 20

In clause 19H(1), (3)(e), (4), and (6), replace “Agency” with “Director”.

In clause 19I(1), (2), and (3), replace “Agency” with “Director” in each place.

In clause 19K(1), (3)(e), (4), and (5), replace “Agency” with “Director”.

In clause 19L(1) and (2), replace “Agency” with “Director”.

In clause 23(1)(g), replace “Agency” with “Director”. 25

In clause 25(b), replace “Agency” with “Director”.

In clause 27(1)(g), replace “Agency” with “Director”.

In clause 31(f), replace “Agency” with “Director”.

In clause 32(b), replace “Agency” with “Director”.

In clause 34(1)(g), replace “Agency” with “Director”. 30

In clause 35(1), (2), (3), and (4), replace “Agency” with “Director” in each place.

In clause 40(1) and (2), replace “Agency” with “Director” in each place.

In clause 41(1), (2), and (3), replace “Agency” with “Director” in each place.

In the heading to clause 42, replace “Agency” with “Director”.

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)—continued

- In clause 42, replace “Agency” with “Director” in each place.
- In clause 43, replace “Agency” with “Director”.
- In clause 44(1)(a), replace “Agency” with “Director”.
- In clause 44A(2), replace “Agency” with “Director”.
- In clause 45(1) and (1A), replace “Agency” with “Director”. 5
- In clause 46, replace “Agency” with “Director” in each place.
- In clause 48(1), (2), (3), and (5), replace “Agency” with “Director”.
- In clause 51, replace “Agency” with “Director” in each place.
- In clause 52(2) and (3), replace “Agency” with “Director”.
- In clause 54, replace “Agency” with “Director” in each place. 10
- In clause 55(a), replace “Agency” with “Director”.
- In clause 56, replace “Agency” with “Director” in each place.
- In clause 57, replace “Agency” with “Director”.
- In clause 60(3), replace “Agency” with “Director”.
- In clause 62(b)(iv) and (v), replace “Agency” with “Director”. 15
- In clause 63(1) and (3), replace “Agency” with “Director” in each place.
- In clause 67(1), replace “Agency” with “Director”.
- In clause 67A(1), replace “Agency” with “Director”.
- In clause 67B(1), replace “Agency” with “Director”.
- In clause 67C(1), replace “Agency” with “Director”. 20
- In clause 69, replace “Agency” with “Director”.
- In clause 70(2)(d), replace “Agency” with “Director”.
- In clause 73(1), replace “Agency” with “Director”.
- In clause 74(1) and (2)(c), replace “Agency” with “Director”.
- In clause 75(1), replace “The Agency may” with “The Director may”. 25
- In clause 76(1) and (2), after “Agency”, insert “or the Director”.
- In clause 77(1), (2), (3), and (4), replace “Agency” with “Director” in each place.
- In clause 78(1)(c), replace “Agency” with “Director” in each place.
- In clause 79(2), after “notifying the Agency”, insert “or the Director”.
- In clause 80(1), (3), and (4), replace “Agency” with “Director”. 30
- In clause 82(1)(b) and (c), (2), and (5), replace “Agency” with “Director”.
- In clause 85(a), replace “Agency” with “Director”.
- In clause 85A, replace “Agency” with “Director” in each place.
- In clause 86(1)(a) and (b), (2)(c), and (3), replace “Agency” with “Director”.

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)—*continued*

In clause 91(2) and (3)(b), replace “Agency” with “Director”.

In clause 92, replace “Agency” with “Director”.

In the heading to clause 93, replace “Agency” with “Director”.

In clause 93, replace “Agency” with “Director”.

In clause 95(2)(a), replace “Agency” with “Director”.

5

In clause 96, replace “Agency” with “Director” in each place.

In the heading to clause 97, replace “Agency” with “Director”.

In clause 97, replace “Agency” with “Director” in each place.

In the heading to clause 98, replace “Agency” with “Director”.

In clause 98(1), replace “Agency” with “Director”.

10

In the heading to clause 99, replace “Agency” with “Director”.

In clause 99, replace “Agency” with “Director”.

In clause 101(a), replace “Agency” with “Director”.

In clause 102, replace “Agency” with “Director” in each place.

In the heading to clause 103, replace “Agency” with “Director”.

15

In clause 103(1) and (1)(b), replace “Agency” with “Director”.

In clause 114(1)(b), replace “Agency” with “Director”.

In clause 115(b), replace “Agency” with “Director”.

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

In regulation 6(1), replace “Agency” with “Director of Land Transport”.

20

In Schedule 1, item relating to Operator Licensing 2017 (81001), item relating to clause 2.4, replace “Agency” with “Director of Land Transport”.

In Schedule 3, Part 1, paragraph 2, after “New Zealand Transport Agency”, insert “or the Director of Land Transport”.

In Schedule 3, Part 2, paragraph 1, replace “New Zealand Transport Agency” with “Director of Land Transport”.

25

In Schedule 3, Part 2, paragraph 3, replace “contact the New Zealand Transport Agency” with “contact the Director of Land Transport”.

In Schedule 3, Part 2, paragraph 4, replace “an employee of the New Zealand Transport Agency” with “a person authorised by the New Zealand Transport Agency or the Director of Land Transport”.

30

In Schedule 3, Part 2, paragraph 5, replace “employee of the New Zealand Transport Agency who determines” with “person authorised by the New Zealand Transport Agency or the Director of Land Transport to determine”.

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—continued

In Schedule 3, Part 2, heading above paragraph 6, after “New Zealand Transport Agency”, insert “or Director of Land Transport”.

In Schedule 3, Part 2, paragraph 6, replace “employee of the New Zealand Transport Agency who determines” with “person authorised by the New Zealand Transport Agency or the Director of Land Transport to determine”.

5

In Schedule 3, Part 2, paragraph 9, replace “appointed by the Agency” with “authorised by the New Zealand Transport Agency or the Director of Land Transport”.

Land Transport (Ordering a Vehicle off the Road) Notice 1999 (SR 1999/33)

In clause 2, definition of **authorised vehicle inspection agent**, after “Agency”, insert “or the Director of Land Transport”.

10

In clause 2, definition of **vehicle inspector**, after “Agency”, insert “or the Director of Land Transport”.

Land Transport (Road User) Rule 2004 (SR 2004/427)

In clause 7.13(3)(a), replace “Agency” with “Director of Land Transport”.

In clause 7.14, replace “Agency” with “Director of Land Transport” in each place.

15

In clause 7.23(2), replace “Agency” with “Director of Land Transport”.

In clause 11.8(7), (8), and (9), replace “Agency” with “Director of Land Transport”.

Land Transport (Trade Plates) Notice 2011 (LI 2011/82)

In clause 4(1)(j), replace “any person appointed by the New Zealand Transport Agency” with “any person authorised by the Director of Land Transport”.

20

Maritime Security Regulations 2004 (SR 2004/153)

In regulation 79(1)(c), replace “New Zealand Transport Agency” with “Director of Land Transport”.

After regulation 79(3), insert:

(4) In regulation (1)(c), **Director of Land Transport** means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003.

25

Railways Regulations 2019 (LI 2019/286)

In regulation 5(2), after “by the Agency”, insert “or the Director”.

In regulation 5(5), formula, item k, replace “Agency” with “Director”.

30

In regulation 5(6), formula, item k, replace “Agency” with “Director”.

In regulation 6(3), replace “Agency” with “Director”.

In regulation 10(2), replace “by the Agency” with “by the Director”.

Railways Regulations 2019 (LI 2019/286)—continued

In regulation 10(2), formula, item h, replace “each employee or agent of the Agency” with “a person authorised in that capacity by the Agency or the Director”.

In the heading to regulation 11, replace “**other Agency activities**” with “**other activities of the Agency or the Director**”.

In regulation 11(1), after “Agency”, insert “or the Director”. 5

In regulation 11(2), after “for which the Agency”, insert “or the Director”.

In regulation 11(2), formula, item h, replace “each employee or agent of the Agency” with “a person authorised in that capacity by the Agency or the Director”.

In regulation 11(4), after “Agency”, insert “or the Director” in each place.

In regulation 12(1), after “for costs incurred”, insert “by the Agency or the Director”. 10

In regulation 12(2), formula, item h, replace “employee or agent of the Agency” with “person authorised in that capacity by the Agency or the Director”.

In the heading to regulation 13, replace “**Agency expenses**” with “**expenses of the Agency or the Director**”.

In regulation 13(1), after “Agency”, insert “or the Director”. 15

In regulation 13(2), replace “employee or agent of the Agency” with “person authorised in that capacity by the Agency or the Director”.

In regulation 13(3), after “by the Agency”, insert “or the Director”.

In regulation 15(a), after “Agency”, insert “or the Director”.

Traffic Regulations 1976 (SR 1976/227) 20

In regulation 2, insert in its appropriate alphabetical order:

Director means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003

In regulation 2, definition of **approved**, paragraphs (a) and (b), after “Agency”, insert “or the Director”. 25

In regulation 2, definition of **gross vehicle mass**, paragraph (b), replace “Agency”, with “Director”.

In regulation 2, definition of **rear axis**, paragraph (c), replace “Agency” with “Director”.

In regulation 2, definition of **vehicle compliance certifier**, replace “appointed by the Agency” with “authorised in that capacity by the Agency or the Director”. 30

Land Transport (NZTA) Legislation Amendment Bill

Legislative history

2 December 2019
17 December 2019

Introduction (Bill 192–1)
First reading and referral to Transport and Infrastructure
Committee