

Land Transport Amendment Act 2004

Public Act 2004 No 96
Date of assent 30 November 2004

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Land Transport Amendment Act 2004.
- (2) In this Act, the Land Transport Act 1998 is called “the principal Act”.

2 Commencement

- (1) Section 7 comes into force on 1 July 2005.
- (2) The rest of this Act comes into force on 1 December 2004.

3 Interpretation

- (1) Section 2(1) of the principal Act is amended by repealing the definitions of **Authority**, **Board**, **Minister**, and **Transfund**, **performance agreement**, and **service charter**.
- (2) Section 2(1) of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions:
“**Authority** means Land Transport New Zealand established by section 66 of the Land Transport Management Act 2003
“**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act or the relevant Part or provision of this Act”.
- (3) Section 2(1) of the principal Act is amended by omitting from the definition of **Director** the word “Safety”.

4 New section 152 substituted

The principal Act is amended by repealing section 152, and substituting the following section:

“152 Power of Minister to make ordinary rules

The Minister may make rules (**ordinary rules**) for all or any of the following purposes:

- “(a) safety and licensing for any form of transport within the land transport system, including (but not limited to) technical requirements and standards:
- “(b) assisting land transport safety and security, including (but not limited to) personal security:
- “(c) assisting economic development:

- “(d) improving access and mobility:
- “(e) protecting and promoting public health:
- “(f) ensuring environmental sustainability:
- “(g) any matter related, or reasonably incidental, to any of the following:
 - “(i) the Minister’s objectives under section 169:
 - “(ii) the Minister’s functions under section 169A:
 - “(iii) the Director’s functions and powers referred to in section 197:
 - “(iv) the Authority’s objectives under section 68 of the Land Transport Management Act 2003:
 - “(v) the Authority’s functions under section 69 of the Land Transport Management Act 2003:
- “(h) any other matter contemplated by a provision of this Act.”

5 Matters to be taken into account in making rules

Section 164(2) of the principal Act is amended by repealing paragraphs (d) and (e), and substituting the following paragraphs:

- “(d) the need to maintain and improve land transport safety and security, including (but not limited to) personal security:
- “(e) whether the proposed rule—
 - “(i) assists economic development:
 - “(ii) improves access and mobility:
 - “(iii) protects and promotes public health:
 - “(iv) ensures environmental sustainability:
- “(ea) the costs of implementing measures for which the rule is being proposed:”.

6 New sections 169 and 169A substituted

The principal Act is amended by repealing section 169, and substituting the following sections:

“169 Objectives of Minister

The objectives of the Minister under this Act are—

- “(a) to undertake the Minister’s functions in a way that contributes to an integrated, safe, responsive, and sustainable transport system; and

- “(b) to ensure that New Zealand’s obligations under international agreements relating to land transport are implemented.

“169A Functions of Minister

The functions of the Minister under this Act are—

- “(a) to promote safety in land transport:
- “(b) to administer New Zealand’s participation in any international convention, agreement, or understanding relating to land transport to which the Government of New Zealand is a party:
- “(c) to make ordinary rules under this Act.”

7 Regional land transport committees

Section 178 of the principal Act is amended by inserting, after subsection (2), the following subsections:

- “(2A) Each regional council must appoint a sufficient number of persons to represent a balance of the objectives specified in subsection (2)(a).
- “(2B) A person appointed with respect to subsection (2)(a) or (b)—
 - “(a) must be from the wider regional community; and
 - “(b) must not be a representative of that council, any other territorial authority in that region, or the Authority.”

8 New section 186 substituted

The principal Act is amended by repealing section 186, and substituting the following section:

“186 Director of Land Transport

- “(1) The Authority must from time to time appoint a Director of Land Transport.
- “(2) The Director may, but need not, be the chief executive of the Authority.
- “(3) The terms and conditions of employment of the Director are determined by the Authority.
- “(4) The Authority may not, in determining terms and conditions under subsection (3), agree to any conditions of employment for the Director without—
 - “(a) consulting the State Services Commissioner; and

“(b) having regard to all recommendations the State Services Commissioner makes to the Authority about them within a reasonable time of being consulted.

“(5) A failure to comply with this section does not invalidate the acts of the Director.”

9 Functions and powers of Director

Section 197(2) of the principal Act is amended by adding the following paragraph:

“(c) the Director must monitor adherence, within the land transport system, to any regulatory requirements relating to—

“(i) safety and security, including (but not limited to) personal security:

“(ii) access and mobility:

“(iii) public health:

“(iv) environmental sustainability:

“(v) any other matter.”

10 Technical amendments to principal Act

The principal Act is amended in the manner indicated in the Schedule.

11 Repeals

(1) The following provisions of the principal Act are repealed:

(a) section 171(2)(c)(ii):

(b) section 177(1)(b):

(c) section 179(1)(a):

(d) sections 184 and 185:

(e) section 188:

(f) section 189 and the heading above that section:

(g) sections 190 to 195:

(h) section 196 and the heading above that section:

(i) section 201 and the heading above that section:

(j) sections 202 and 203.

(2) Schedule 1 of the principal Act is repealed.

12 Transitional provisions relating to rules

(1) Nothing in this Act affects the validity of a rule that—

- (a) was in force immediately before the commencement of this Act; or
 - (b) has been made but is to come into force after the commencement of this Act.
- (2) If a notice of intention to make a rule has been published under section 161(2)(a) of the principal Act as in force immediately before the commencement of this Act, but has not been made before that commencement,—
- (a) the proposed rule may be made in accordance with the law in force immediately before that commencement; or
 - (b) if the Minister so directs, a new rule may be prepared, notified, and made in accordance with the law in force on the commencement of this Act.
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Schedule

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Technical amendments to principal Act

Section 19

Omit the word “Safety” wherever it occurs.

Section 174

Omit from subsection (1) the word “, Transfund,”.

Section 178

Repeal subsection (2)(e) and (f) and substitute:
“(e) the Authority.”

Section 181

Omit from subsection (1) the word “, Transfund,”.

Section 182

Repeal subsection (2)(b).

Omit from subsection (3) the words “the Board,”.

Part 14 heading

Repeal the Part 14 heading and substitute:

**“Part 14
“Director of Land Transport”**

Heading to section 187

Omit and substitute “Acting Director”.

Section 197

Omit from subsection (1) the words “under section 203”.

Heading to section 205

Omit the words “Authority and”.

Section 205

Repeal subsection (1).

Section 206

Omit from subsection (1) the words “section 203 or”.

Omit from subsection (4) the words “the original power holder (the Authority or the Director, as the case may be)” and substitute the words “the Director”.

Legislative history

16 November 2004

Divided from Transport Legislation Bill (Bill
172-2) as Bill 172-3B

30 November 2004

Third reading
