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## Land Transport Management Amendment Act 2008

Public Act 2008 No 47  
Date of assent 14 July 2008  
Commencement see section 2

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Transport.**

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Land Transport Management Amendment Act 2008.

**2 Commencement**

This Act comes into force on 1 August 2008.

**3 Principal Act amended**

This Act amends the Land Transport Management Act 2003.

**Part 1**

**Amendments to Land Transport Management Act 2003**

**4 Purpose**

- (1) Section 3(1) is amended by inserting “affordable,” after “achieving an”.
- (2) Section 3(2) is amended by repealing paragraph (c) and substituting the following paragraph:  
(c) provides the Agency with a broad land transport focus; and
- (3) Section 3(2)(d) is amended by inserting “, including planning and investment in coastal shipping and rail” after “transport”.
- (4) Section 3(2) is amended by repealing paragraph (f) and substituting the following paragraph:  
(f) improves the flexibility of land transport funding by providing for alternative funding mechanisms.
- (5) Section 3(2)(g) is repealed.

**5 New section 4 substituted**

Section 4 is repealed and the following section substituted:

#### 4 Treaty of Waitangi

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to land transport decision-making processes, sections 18, 18A, 18G, 18H, 49, 59, 65H, 65I, 78, and 100(1)(f) and clause 6 of Schedule 7 provide principles and requirements that are intended to facilitate participation by Māori in land transport decision-making processes.

#### 6 Interpretation

- (1) Paragraph (a) of the definition of **approved organisation** in section 5 is repealed.
- (2) The definitions of **board**, **board member**, **collecting body**, **entity**, **land transport programme**, **national land transport account**, and **Transit** in section 5 are repealed.
- (3) Section 5 is amended by repealing the definitions of **activity class**, **Authority**, **financial year**, **national land transport fund**, **national land transport strategy**, **regional council**, **regional land transport committee**, **regional land transport strategy**, and **State highway**, and inserting the following definitions in their appropriate alphabetical order:

**activity class** means a grouping of similar activities

**Agency** means the New Zealand Transport Agency established under section 93

**financial year** means a period of 12 months beginning on 1 July and ending on 30 June

**national land transport fund** or **fund** means the fund established under section 10

**national land transport strategy** means a national land transport strategy prepared under Part 3

**regional council**—

- (a) means a regional council within the meaning of the Local Government Act 2002; and
- (b) when used in—
  - (i) Part 2 or 3, includes a unitary authority; and
  - (ii) Part 2, excludes—
    - (A) the Auckland Regional Council; and
    - (B) the Waikato Regional Council in relation to that part of its region within the district of the Franklin District Council

**regional land transport strategy** means a regional land transport strategy prepared under Part 3



**regional transport committee** means a regional transport committee established under section 105 or clause 11 of Schedule 7

**State highway** means a road, whether or not constructed or vested in the Crown, that is declared to be a State highway under section 11 of the National Roads Act 1953, section 60 of the Government Roding Powers Act 1989 (formerly known as the Transit New Zealand Act 1989), or under section 103; and includes—

- (a) all land along or contiguous with its route that is the road; and
- (b) any part of an intersection that is within the route of the State highway; and
- (c) for the purposes of regional land transport programmes, the national land transport programme, and any expenditures approved under section 20 by the Agency, a proposed State highway

- (4) Section 5 is amended by inserting the following definitions in their appropriate alphabetical order:

**combination of activities** means 2 or more activities from—

- (a) the same activity class;
- (b) 2 or more activity classes

**GPS** means a government policy statement issued under section 86

**impact** means the contribution made to an objective or outcome, including by a specified activity class or activity classes

**national energy efficiency and conservation strategy** means a strategy issued under the Energy Efficiency and Conservation Act 2000

**outcome** has the same meaning as in section 2 of the Public Finance Act 1989

**police** means the police of New Zealand within the meaning of the Police Act 1958

**regional land transport programme** means a regional land transport programme prepared under Part 2, as from time to time amended or varied

**road** includes a motorway

**unitary authority** has the same meaning as in section 5(1) of the Local Government Act 2002

- (5) The definition of **administration** in section 5 is amended by omitting “Authority” and substituting “Agency”.
- (6) Paragraph (a) of the definition of **minor and ancillary works** in section 5 is amended by omitting “Authority” and substituting “Agency”.
- (7) The definition of **public road controlling authority** in section 5 is amended by omitting “Transit” and substituting “the Agency”.

- (8) Paragraph (a) of the definition of **road** in section 5 is amended by omitting “Transit New Zealand Act 1989” and substituting “Government Rooding Powers Act 1989”.
- (9) Paragraph (a) of the definition of **statutorily independent function** in section 5 is amended by—
- (a) omitting “Authority” and substituting “Agency”; and
  - (b) omitting “section 69(2)” and substituting “section 95(2)”.
- (10) Section 5 is amended by adding the following subsections as subsections (2), (3), (4), and (5):
- (2) Every reference in this Act to a road or a State highway, unless the context otherwise requires, includes the land on which the road or State highway exists, and also includes all bridges, culverts, ferries, fords, signs, signals, barriers, or other structures forming or intended by the territorial authority or the Agency to form part of the road, State highway, or land.
- (3) For the purposes of performing any function or exercising any power or carrying out any duty in relation to construction, maintenance, financial assistance, or control under this Act, the Agency may from time to time determine, either generally or in relation to any specified road or to any portion or side of any specified road, what part of a road is a carriageway, footway, water table, drain, dividing strip, traffic island, safety zone, plantation, verge, shoulder, parking space, curb, channel, or other thing, and every such determination of the Agency is final but may at any time be amended or revoked by the Agency.
- (4) A determination by the Agency for the purposes of subsection (3) in relation to any road or portion of a road may be made by express resolution of the Agency or by way of approval by the Agency of a plan that delineates the several parts of the road or portion of the road.
- (5) All references to a main highway in any other Act, or in any regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, declaration, or other document are, unless inconsistent with the context or with the provisions of this Act or the Government Rooding Powers Act 1989, to be read as references to a State highway.

## 7 **New section 6 substituted**

Section 6 is repealed and the following section substituted:

### 6 **Meaning of land transport revenue**

In this Act, unless the context otherwise requires, **land transport revenue** means—

- (a) all road user charges (excluding applicable refunds, and goods and services tax payable under the Goods and Services Tax Act 1985) calculated in accordance with Schedule 3 of the Road User Charges Act 1977,

any additional charges under section 21A of that Act, and any assessments under section 18C or 18D of that Act:

- (b) all excise duty and excise-equivalent duty on motor spirits, compressed natural gas, or liquefied petroleum gas under the Customs and Excise Act 1996 (excluding applicable refunds or drawbacks of duties, and goods and services tax payable under the Goods and Services Tax Act 1985):
- (c) all fees and charges (excluding applicable refunds, and goods and services tax payable under the Goods and Services Tax Act 1985) identified, in regulations made for the purposes of Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986, as land transport revenue for the purposes of this Act:
- (d) the amount of interest, calculated according to a formula determined by the Minister and the Minister of Finance, earned from the investment of cash held by the Crown from the revenues referred to in paragraphs (a) to (c):
- (e) all other public money that is required by any enactment to be treated as land transport revenue for the purposes of this Act.

## **8 New section 7A inserted**

The following section is inserted after section 7:

### **7A Application of Act to Chatham Islands**

- (1) Except as expressly provided in this Act, this Act applies to the Chatham Islands as if the Chatham Islands Council were a unitary authority.
- (2) Sections 12 to 18H (which relate to regional land transport programmes) apply with the necessary modifications to the Chatham Islands Council as if that Council were a unitary authority to which paragraph (b) of the definition of regional council applies, except that—
  - (a) the Chatham Islands Council, rather than a regional transport committee, prepares and consults on a regional land transport programme for the Chatham Islands; and
  - (b) in preparing its regional land transport programme, the Chatham Islands Council does not have a regional land transport strategy to take into account.
- (3) Nothing in sections 73 to 83 (which relate to regional land transport strategies) applies to the Chatham Islands Council.
- (4) Nothing in sections 105 to 107 (which relate to regional transport committees) applies to the Chatham Islands Council.

**9 Heading to Part 2 amended**

The heading to Part 2 is amended by omitting “**Funding**” and substituting “**Planning and funding**”.

**10 Heading to subpart 1 of Part 2 amended**

The heading to subpart 1 of Part 2 is amended by omitting “Funding” and substituting “Planning and funding”.

**11 Section 8 repealed**

Section 8 is repealed.

**12 New section 9 substituted**

Section 9 is repealed and the following section substituted:

**9 The Crown’s authority to incur certain land transport expenses and capital expenditure**

- (1) In accordance with any regulations made under section 109(b)(i), the Crown may, without further appropriation than this subsection, incur expenses or capital expenditure in a financial year up to an amount agreed by the responsible Minister and the Minister of Finance that is not more than the excise duty and excise-equivalent duty estimated to have been paid by users of pleasure craft (within the meaning of section 2(1) of the Maritime Transport Act 1994) in that financial year, for the following activities and services:
- (a) search and rescue activities, whether in relation to pleasure craft or otherwise; and
  - (b) recreational boating safety and safety awareness; and
  - (c) maritime safety services that benefit the users of pleasure craft; and
  - (d) administration by the Secretary in relation to the activities and services described in paragraphs (a) to (c).
- (2) The Crown may utilise land transport revenue to fund police activities or combinations of police activities up to the amount approved by the responsible Minister under section 18L.
- (3) The Crown may, without further appropriation than this subsection, incur expenses or capital expenditure up to an amount equal to the land transport revenue for that financial year less the amounts for the year that are referred to in subsections (1) and (2) for—
- (a) activities and combinations of activities approved under section 20; and
  - (b) expenses resulting from, and repayment of, any borrowing in accordance with section 10(1)(b).
- (4) The Crown may, without further appropriation than this subsection, incur expenses or capital expenditure in any financial year up to any positive amount calculated under subsection (5) for—

- (a) activities and combinations of activities approved under section 20; and
  - (b) expenses resulting from, and repayment of, any borrowing in accordance with section 10(1)(b).
- (5) The amount referred to in subsection (4) is to be calculated in accordance with the following formula:

$$a - b = c$$

where—

- a is land transport revenue from any previous financial years; and
- b is the expenses and capital expenditure incurred under subsections (1), (2), (3), and (4) for those previous financial years; and
- c is the calculated amount.”

### **13 Heading above section 10 repealed**

The heading above section 10 is repealed.

### **14 New section 10 substituted**

Section 10 is repealed and the following section substituted:

#### **10 National land transport fund**

- (1) The national land transport fund is the cumulative balance of—
- (a) the inflows specified in subsection (2), less any expenses and capital expenditure and repayment items of the type outlined in subsection (3) that have been accrued at any point in time; and
  - (b) the proceeds of any borrowing undertaken for the purpose of managing cashflow for the national land transport programme by—
    - (i) the Agency, in accordance with section 162 of the Crown Entities Act 2004; or
    - (ii) the Crown, in accordance with subpart 1 of Part 6 of the Public Finance Act 1989.
- (2) The inflows of the national land transport fund are—
- (a) land transport revenue, less any expenses or capital expenditure incurred under section 9(1);
  - (b) any revenue received by the Agency for the management of Crown land, including leases and licences;
  - (c) any proceeds from the sale of land held or acquired for the purposes of a State highway or any proposed State highway;
  - (d) any interest earned by the Agency from the investment of cash from the moneys referred to in paragraphs (a) to (c);
  - (e) any other public money provided to meet expenses or capital expenditure, incurred or to be incurred in accordance with an appropriation or

- other authority by or under an Act in respect of approved activities or combinations of activities of a type described in subsection (3).
- (3) The national land transport fund must be used to pay for—
- (a) police activities or combinations of police activities approved under section 18L:
  - (b) activities or combinations of activities (including those relating to State highways) approved under section 20 for which the Agency is responsible for delivery or managing delivery:
  - (c) regional councils' activities or combinations of activities approved under section 20:
  - (d) territorial authorities' activities or combinations of activities approved under section 20 (other than public transport services activities):
  - (e) regional and territorial authorities' activities or combinations of activities approved under section 20 that have been authorised by a transfer of responsibility under section 17 of the Local Government Act 2002:
  - (f) approved public organisations' activities or combinations of activities approved under section 20:
  - (g) expenses resulting from, and repayment of, any borrowing in accordance with subsection (1)(b).
- (4) A local authority whose activities or combinations of activities are included in a regional land transport programme approved by ARTA is not entitled to receive funds directly from the Agency.
- (5) ARTA must, as soon as practicable and at no cost to the local authority, pay to an Auckland local authority the funds received by ARTA from the Agency for approved activities or combinations of activities to be carried out by the local authority.
- (6) Despite subsection (4), the Auckland Regional Council may receive funds directly from the Agency in respect of activities or combinations of activities approved under section 20 in respect of the preparation (including consultation) and approval of a regional land transport strategy for the Auckland region.

## **15 New section 11 substituted**

Section 11 is repealed and the following section substituted:

### **11 Annual report on national land transport fund**

- (1) After the end of each financial year, the Agency must prepare an annual report on the national land transport fund.
- (2) The annual report required under subsection (1) must be prepared in accordance with generally accepted accounting practice, and must include—

- (a) a statement of inflows and expenses and capital expenditure of the national land transport fund for the financial year to which the report relates and the previous 2 financial years:
  - (b) a statement of cash flows in respect of the national land transport fund for the financial year to which the report relates:
  - (c) a statement of the financial position of the national land transport fund (including its closing balance):
  - (d) a statement of commitments:
  - (e) a statement of performance for each activity class funded by the national land transport fund for the financial year to which the report relates, unless the Minister has approved the inclusion of the information in the Agency's annual report under section 150 of the Crown Entities Act 2004:
  - (f) an explanation of how the funding of activities or combinations of activities under the national land transport programme has contributed to the achievement of any outcomes, objectives or impacts set out in any national land transport strategy or the relevant GPS:
  - (g) an explanation of how the national land transport fund has been managed with respect to the closing balance.
- (3) The provisions of the Crown Entities Act 2004 in respect of the preparation, audit, presentation, and publication of a Crown entity's annual report (including its financial statements) apply, with all necessary modifications, to the annual report required under subsection (1).
  - (4) The Agency must make a copy of the annual report publicly available in accordance with section 108.

## **16 New headings and sections 12 to 18M substituted**

The heading above section 12 and sections 12 to 18 are repealed and the following headings and sections substituted:

### *Regional land transport programmes*

#### **12 Overview of regional land transport programmes**

- (1) A regional land transport programme allows approved organisations and the Agency to recommend funding for land transport activities or combinations of activities from the national land transport fund that will contribute to—
  - (a) a region's outcomes that are identified in the relevant regional land transport strategy; and
  - (b) any outcomes, objectives and impacts identified by the Crown in any national land transport strategy or the relevant GPS.

- (2) Regional land transport programmes, which are prepared by regional transport committees (or, in the case of the Auckland region, ARTA), include—
- (a) proposed activities and combinations of activities for 3 financial years; and
  - (b) an indication of significant activities for the following 3 financial years; and
  - (c) a 10-year financial forecast.
- (3) This section is intended by way of explanation only, and if this section is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

### **13 Responsibility for preparing and approving regional land transport programmes**

- (1) Every 3 financial years, each regional council, in the case of every region except the Auckland region, must—
- (a) ensure that the relevant regional transport committee prepares, on the regional council's behalf, a regional land transport programme; and
  - (b) approve the regional land transport programme by a date appointed by the Agency.
- (2) Every 3 financial years, ARTA (in the case of the Auckland region) must—
- (a) prepare an Auckland regional land transport programme; and
  - (b) approve the Auckland regional land transport programme by a date appointed by the Agency.
- (3) Before ARTA prepares an Auckland regional land transport programme, ARTA must consult with the Auckland regional transport committee about—
- (a) ARTA's proposed areas of focus for the programme; and
  - (b) the process ARTA intends to use in preparing the programme.
- (4) A regional council or regional transport committee may—
- (a) prepare and approve a regional land transport programme at the same time as it prepares and approves a regional land transport strategy; and
  - (b) use a single consultation process that complies with sections 18, 18A, and 78 when preparing its programme and strategy.
- (5) A regional council may publish a regional land transport programme and a regional land transport strategy as a single document.

### **14 Core requirements of regional land transport programmes prepared by regional transport committees**

When a regional transport committee prepares a regional land transport programme on behalf of the relevant regional council, the regional transport committee must—



- (a) be satisfied that the regional land transport programme—
  - (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
  - (ii) contributes to each of the following:
    - (A) assisting economic development:
    - (B) assisting safety and personal security:
    - (C) improving access and mobility:
    - (D) protecting and promoting public health:
    - (E) ensuring environmental sustainability; and
  - (iii) is consistent with—
    - (A) the relevant GPS; and
    - (B) any relevant regional land transport strategy; and
- (b) take into account any—
  - (i) national land transport strategy; and
  - (ii) national energy efficiency and conservation strategy; and
  - (iii) relevant national policy statement and any relevant regional policy statements or plans that are for the time being in force under the Resource Management Act 1991; and
  - (iv) likely funding from any source.

**15 Core requirements of regional land transport programmes prepared by ARTA**

ARTA must, in preparing an Auckland regional land transport programme,—

- (a) be satisfied that the Auckland regional land transport programme—
  - (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
  - (ii) contributes to each of the following:
    - (A) assisting economic development:
    - (B) assisting safety and personal security:
    - (C) improving access and mobility:
    - (D) protecting and promoting public health:
    - (E) ensuring environmental sustainability; and
  - (iii) is consistent with the relevant GPS; and
- (b) give effect to the matters in the Auckland regional land transport strategy, unless it is required to do otherwise by operational considerations that affect the sequencing and timing of activities, the funding available to it, or its statutory functions, duties, or powers; and

- (c) take into account any—
  - (i) national land transport strategy; and
  - (ii) national energy efficiency and conservation strategy; and
  - (iii) relevant national policy statement and any relevant regional policy statements or plans that are for the time being in force under the Resource Management Act 1991; and
  - (iv) likely funding from any source.

**16 Form and content of regional land transport programmes (for regions other than Auckland region)**

- (1) For the purpose of seeking payment from the national land transport fund, a regional land transport programme (for regions other than the Auckland region) must contain, for the 3 financial years to which the programme relates,—
  - (a) activities or combinations of activities, identified by approved organisations in the region, relating to local road maintenance, local road renewals and local road minor capital works, and existing public transport services; and
  - (b) the following activities or combinations of activities that the regional transport committee decides to include in the regional land transport programme:
    - (i) activities or combinations of activities proposed by approved organisations in the region, other than those identified under paragraph (a); and
    - (ii) activities or combinations of activities relating to State highways in the region that are proposed by the Agency; and
    - (iii) activities or combinations of activities, other than those relating to State highways, that the Agency may propose for the region and that the Agency wishes to see included in the regional land transport programme; and
  - (c) the order of priority, as determined by the regional transport committee, of the activities or combinations of activities that the committee decides to include in the committee's regional land transport programme under paragraph (b); and
  - (d) an assessment of each activity or combination of activities, prepared in accordance with subsection (5) by the organisation that identified or proposed the activity or combination of activities under paragraph (a) or (b), to include—
    - (i) the objective or objectives to be achieved; and
    - (ii) an estimate of the total cost and the cost for each year; and
    - (iii) the expected duration; and

- (iv) any proposed sources of funding other than the national land transport fund (including, but not limited to, tolls, regional fuel taxes, funding from approved organisations, and contributions from other parties); and
  - (v) any other relevant information.
- (2) A regional land transport programme must contain assessments by the regional transport committee of—
- (a) how the programme complies with section 14; and
  - (b) the relationship of police activities or combinations of police activities to the regional land transport programme.
- (3) A regional land transport programme must also include—
- (a) a statement of transport priorities for the region for the 6 financial years from the start of the programme, for which funding will be sought from the national land transport fund; and
  - (b) all significant expenditure on land transport activities to be funded from sources other than the national land transport fund; and
  - (c) a list of each activity or combination of activities that have been approved under section 20 but are not yet completed; and
  - (d) an identification of those activities or combinations of activities (if any) that have inter-regional significance; and
  - (e) an explanation of the proposed action if it is proposed that an activity or combination of activities be varied, suspended, or abandoned; and
  - (f) an indication of any nationally or regionally significant activities that are likely to be recommended for inclusion in the national land transport programme over the 3 financial years following the regional land transport programme; and
  - (g) a financial forecast of anticipated revenue and expenditure on activities for the 10 financial years from the start of the regional land transport programme; and
  - (h) a description of how monitoring will be undertaken to assess implementation of the regional land transport programme; and
  - (i) a summary of the consultation carried out in the preparation of the regional land transport programme; and
  - (j) a summary of the policy relating to significance adopted by the regional transport committee under section 106; and
  - (k) any other relevant matters.
- (4) For the purpose of the inclusion of activities or combinations of activities in a national land transport programme, a regional land transport programme must be in the form and contain the detail that the Agency may prescribe in writing to regional transport committees.

- (5) The assessment under subsection (1)(d) must be in a form and contain the detail required by the regional transport committee, taking account of any prescription made by the Agency under subsection (4).
- (6) For the purposes of this section, **existing public transport services** means the level of public transport services in place in the financial year before the commencement of the regional land transport programme, and any minor changes to those services.

### 17 Form and content of ARTA's regional land transport programmes

- (1) For the purpose of seeking payment from the national land transport fund, ARTA's regional land transport programme must contain, for the 3 financial years to which the programme relates,—
  - (a) the following activities and combinations of activities that ARTA decides to include in ARTA's regional land transport programme:
    - (i) activities or combinations of activities proposed by approved organisations in the region; and
    - (ii) activities or combinations of activities relating to State highways in the region that are proposed by the Agency; and
    - (iii) activities or combinations of activities, other than those relating to State highways, that the Agency may propose for the region and the Agency wishes to see included in ARTA's regional land transport programme; and
  - (b) the order of priority, as determined by ARTA, of the activities or combinations of activities that ARTA decides to include in ARTA's regional land transport programme under paragraph (a); and
  - (c) an assessment of each activity or combination of activities, prepared in accordance with subsection (5) by the organisation that proposed the activity or combination of activities under paragraph (a), to include—
    - (i) the objective or objectives to be achieved; and
    - (ii) an estimate of the total cost and the cost for each year; and
    - (iii) the expected duration; and
    - (iv) any proposed sources of funding other than the national land transport fund (including, but not limited to, tolls, regional fuel taxes, funding from approved organisations, and contributions from other parties); and
    - (v) any other relevant information.
- (2) ARTA's regional land transport programme must contain assessments by ARTA of—
  - (a) how the programme complies with section 15; and

- (b) the relationship of police activities or combinations of police activities to ARTA's regional land transport programme.
- (3) ARTA's regional land transport programme must also include—
  - (a) a statement of transport priorities for the region for the 6 financial years from the start of the programme, for which funding will be sought from the national land transport fund; and
  - (b) all significant expenditure on land transport activities to be funded from sources other than the national land transport fund; and
  - (c) a list of each activity or combination of activities that have been approved under section 20 but are not yet completed; and
  - (d) an identification of those activities or combinations of activities (if any) that have inter-regional significance; and
  - (e) an explanation of the proposed action if it is proposed that an activity or combination of activities be varied, suspended, or abandoned; and
  - (f) an indication of any nationally or regionally significant activities that are likely to be recommended for inclusion in the national land transport programme over the 3 financial years following ARTA's regional land transport programme; and
  - (g) a financial forecast of anticipated revenue and expenditure on activities for the 10 financial years from the start of ARTA's regional land transport programme; and
  - (h) a description of how monitoring will be undertaken to assess implementation of ARTA's regional land transport programme; and
  - (i) a summary of the consultation carried out in the preparation of ARTA's regional land transport programme; and
  - (j) a summary of the policy relating to significance adopted by ARTA under section 106; and
  - (k) any other relevant matters.
- (4) For the purpose of the inclusion of activities or combinations of activities in a national land transport programme, ARTA's regional land transport programme must be in the form and contain the detail that the Agency may prescribe in writing to ARTA.
- (5) The assessment under subsection (1)(c) must be in a form and contain the detail required by ARTA, taking account of any prescription made by the Agency under subsection (4).

## **18 Consultation requirements**

When preparing a regional land transport programme, a regional transport committee or ARTA (as the case may require) must consult—

- (a) every affected regional council; and

- (b) every affected territorial authority; and
- (c) every affected approved public organisation; and
- (d) the Agency; and
- (e) the Commissioner; and
- (f) affected district health boards; and
- (g) the Accident Compensation Corporation; and
- (h) the New Zealand Historic Places Trust; and
- (i) the New Zealand Railways Corporation; and
- (j) representative groups of land transport users and providers (including representative groups of coastal shipping users and providers); and
- (k) affected communities; and
- (l) Māori of the region; and
- (m) the public in the region.

#### **18A Consultation principles**

- (1) In carrying out the consultation required under section 18, a regional transport committee or ARTA (as the case may require) must—
  - (a) act in accordance with the consultation principles set out in section 82 of the Local Government Act 2002; and
  - (b) use the special consultative procedure under sections 83, 87(2)(a), and 89 of the Local Government Act 2002.
- (2) A regional transport committee or ARTA complies with subsection (1) if the required consultation on the regional land transport programme is carried out in conjunction with the relevant regional council's consultation on its long-term council community plan or its annual plan under the Local Government Act 2002.
- (3) When consulting under section 18 and this section with respect to its regional land transport programme, ARTA need not consult any organisation or person referred to in section 18 about any activity or combination of activities in its regional land transport programme if an Auckland local authority has already consulted that organisation or person about the activity or combination of activities in the course of preparing that local authority's current long-term council community plan or annual plan in accordance with the Local Government Act 2002.

#### **18B Process for approving regional land transport programmes prepared by regional transport committees**

- (1) A regional transport committee that has prepared a regional land transport programme on behalf of a regional council must, after it has consulted under sec-

- tions 18 and 18A, lodge the regional land transport programme with the regional council.
- (2) If a regional transport committee decides not to include in its regional land transport programme an activity or combination of activities proposed by an approved organisation or the Agency, the regional transport committee must, at the same time as it lodges the programme with the regional council under subsection (1), give the approved organisation or the Agency (as the case may require) written advice of the decision and the reasons for the decision.
  - (3) The relevant regional council may, after considering a regional land transport programme that has been lodged with it under subsection (1), decide—
    - (a) to approve the regional land transport programme, without modification; or
    - (b) to refer the regional land transport programme back to the regional transport committee with a request that the regional transport committee reconsider 1 or more aspects of the regional land transport programme.
  - (4) If a regional council refers a regional land transport programme back to its regional transport committee, the regional transport committee may, after reconsidering the aspects referred back to it by the regional council in its request, forward to the regional council either or both of the following:
    - (a) an amended regional land transport programme that has been consulted on in accordance with sections 18 and 18A;
    - (b) any additional information that has been requested by the regional council or that the regional transport committee considers will help the regional council with its decision.
  - (5) Despite subsection (4)(a), a regional transport committee may forward an amended regional land transport programme to the regional council without consulting in accordance with sections 18 and 18A if the amendment or amendments to the regional land transport programme are not significant.
  - (6) If a regional council receives an amended regional land transport programme, or a regional land transport programme with additional information, under subsection (4), it must—
    - (a) approve the programme or amended programme and forward it to the Agency; or
    - (b) forward the programme or amended programme to the Agency stating that it is not approved along with a statement of its reasons.
  - (7) If the Agency receives an amended regional land transport programme, or a regional land transport programme with additional information, under subsection (6)(b), the Agency must, when developing the national land transport programme,—
    - (a) treat the regional land transport programme or amended regional land transport programme as approved; and

(b) consider the regional council's statement of reasons.

- (8) Section 18F applies, with the necessary modifications, to any programme or amended programme and statement of reasons forwarded under subsection (6).

**18C ARTA must give Agency reasons for not including in its regional land transport programme activities or combinations of activities proposed by Agency**

When forwarding its regional land transport programme to the Agency, ARTA must give the Agency written reasons for any decision not to include in its regional land transport programme an activity or combination of activities proposed by the Agency for inclusion in the programme.

**18D Variation of regional land transport programmes**

- (1) If good reason exists to do so, a regional transport committee or ARTA may prepare a variation to its regional land transport programme during the 3 years to which it applies.
- (2) A variation may be prepared by a regional transport committee—
- (a) at the request of an approved organisation or the Agency; or
  - (b) on the regional transport committee's own motion.
- (3) A variation may be prepared by ARTA—
- (a) at the request of the Agency; or
  - (b) on ARTA's own motion.
- (4) The regional transport committee or ARTA must consider any variation request promptly.
- (5) The provisions of this Act that apply to the preparation of a regional land transport programme apply with the necessary modifications to a variation of a regional land transport programme; however, consultation is not required for any variation that—
- (a) is not significant; or
  - (b) arises from the declaration or revocation of a State highway.
- (6) Section 18B applies, with the necessary modifications, to the approval by a regional council or ARTA of a variation of a regional land transport programme.
- (7) The Agency must consider promptly whether to vary the national land transport programme after receiving a varied regional land transport programme forwarded to it by a regional council or ARTA.
- (8) A variation of a regional land transport programme does not create an obligation on the Agency to vary the national land transport programme, but the Agency must give written reasons for any decision not to do so.
- (9) This section does not apply if section 18E applies.



**18E Changes to certain activities or combinations of activities**

- (1) This section applies to any activities or combinations of activities that have been identified by an approved organisation under section 16(1)(a) and included in a regional land transport programme.
- (2) If an approved organisation has good reason to change any activities or combinations of activities to which this section applies, it may request the Agency to vary the national land transport programme to take account of that change, and must inform the regional transport committee that it has made that request.
- (3) A request must be made in a form and with the detail prescribed by the Agency in writing to approved organisations.
- (4) The Agency must consider promptly any request made under this section to vary the national land transport programme.
- (5) A request made under this section does not create an obligation to vary the national land transport programme but the Agency must give written reasons for any decision not to do so.
- (6) If the Agency approves a variation under subsection (4), the relevant regional land transport programme is to be read as if the approved variation had been included in the approved programme.
- (7) This section does not apply to approved organisations in the Auckland region.

**18F Availability of regional land transport programmes**

A regional council or ARTA (as the case may require) must, by a date or dates appointed by the Agency,—

- (a) forward copies of its approved regional land transport programme to—
  - (i) the Secretary; and
  - (ii) the Agency; and
  - (iii) the Commissioner; and
  - (iv) approved organisations in the region; and
- (b) make the approved regional land transport programme publicly available in accordance with section 108.

**18G Separate consultation with Māori on particular activities**

- (1) An approved organisation or the Agency (as the case may require) must do everything reasonably practicable to separately consult Māori affected by any activity proposed by the approved organisation or the Agency that affects or is likely to affect—
  - (a) Māori land; or
  - (b) land subject to any Māori claims settlement Act; or
  - (c) Māori historical, cultural, or spiritual interests.

- (2) The relevant approved organisation or the Agency (as the case may be) must consult the land holding trustee (as defined in section 7 of the Waikato Raupatu Claims Settlement Act 1995) about any proposed activity that affects or is likely to affect land registered in the name of Pootatau Te Wherowhero under section 19 of that Act.

#### **18H Māori contribution to decision making**

- (1) The Agency and approved public organisations must, with respect to funding from the national land transport fund,—
- (a) establish and maintain processes to provide opportunities for Māori to contribute to the organisation’s land transport decision-making processes; and
  - (b) consider ways in which the organisation may foster the development of Māori capacity to contribute to the organisation’s land transport decision-making processes; and
  - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- (2) Subsection (1) does not limit the ability of the Agency or an approved public organisation to take similar action in respect of any other population group.

#### *Police activities or combinations of police activities*

#### **18I Recommendations for police activities or combinations of police activities**

Every 3 financial years the Agency must, by a date appointed by the Minister, prepare its recommendations for any police activities or combinations of police activities that are to be funded under section 10(3)(a) for the following 3 financial years.

#### **18J Requirements before recommending police activities or combinations of police activities**

- (1) Before recommending any police activities or combinations of police activities that are to be funded under section 10(3)(a), the Agency must consult the Commissioner and the Secretary.
- (2) The Agency must, in recommending any police activities or combinations of police activities for funding under section 10(3)(a),—
- (a) be satisfied that those police activities or combinations of police activities—
    - (i) contribute to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
    - (ii) contribute to each of the following:
      - (A) assisting economic development:
      - (B) assisting safety and personal security:

- (C) improving access and mobility;
  - (D) protecting and promoting public health;
  - (E) ensuring environmental sustainability; and
- (b) give effect to the relevant GPS; and
  - (c) take into account any—
    - (i) national land transport strategy; and
    - (ii) regional land transport strategies; and
    - (iii) national energy efficiency and conservation strategy; and
    - (iv) relevant national policy statement and any relevant regional policy statements or plans that are for the time being in force under the Resource Management Act 1991.

#### **18K Content of recommendations under section 18I**

The Agency must ensure that its recommendations under section 18I include—

- (a) the recommended funding contribution under section 10(3)(a) for the proposed police activities or combinations of police activities; and
- (b) a list of the police activities or combinations of police activities that are proposed to be funded under section 10(3)(a); and
- (c) the performance measures associated with the delivery of those proposed police activities or combinations of police activities; and
- (d) the revenue to be received by the Commissioner from sources (other than the national land transport fund) applicable to the police activities or combinations of police activities for which funding is sought from the national land transport fund; and
- (e) a long-term financial forecast that contains a forecast of anticipated revenue and expenditure on any police activities or combinations of police activities for the following 10 financial years.

#### **18L Approval of recommendations**

- (1) After considering the Agency's recommendations under section 18I, the responsible Minister, in consultation with the Minister of Police, must approve or decline those recommendations for payment under section 10(3)(a).
- (2) The responsible Minister must notify the Agency and the Commissioner of the responsible Minister's decision to approve or decline the Agency's recommendations.

#### **18M Variation of approval**

- (1) The Agency may recommend a variation of an approval under section 18L(1).

- (2) After considering the Agency's recommendation, the responsible Minister, in consultation with the Minister of Police, must approve or decline the variation, and, if approved, the variation forms part of the approval it varies.
- (3) The responsible Minister must notify the Agency and the Commissioner of the responsible Minister's decision to approve or decline the Agency's recommendation for variation.

## **17 New sections 19 to 19F substituted**

Section 19 is repealed and the following sections are substituted:

### **19 Overview of national land transport programme**

- (1) The Agency may include activities and combinations of activities from regional land transport programmes, and research, education, training, and other activities that the Agency is responsible for delivering, in the national land transport programme, so that the national land transport programme contributes to—
  - (a) the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
  - (b) the outcomes, objectives and impacts identified by the Crown in any national land transport strategy or the relevant GPS.
- (2) The national land transport programme also lists police activities and combinations of police activities that have been approved for funding by the Minister.
- (3) The national land transport programme includes approved activities or combinations of activities and those proposed for funding over the following 3 financial years, an assessment of regionally and nationally significant activities for the following 3 financial years, and a financial forecast.
- (4) This section is intended by way of explanation only, and if this section is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

### **19A Responsibility for preparing and adopting national land transport programme**

- (1) Every 3 financial years, the Agency must prepare and adopt a national land transport programme for the following 3 financial years.
- (2) The Agency must adopt a national land transport programme before the start of the first financial year to which it applies.
- (3) Despite subsection (2), the Agency may, with the written agreement of the Minister, adopt a national land transport programme before 1 September of the first financial year to which it applies.
- (4) A national land transport programme adopted under subsection (3) is to be treated as if it were adopted before the start of the financial year to which it applies.

- (5) Following the adoption of a national land transport programme under this section, the Agency must consider whether to amend its statement of intent, under section 148 of the Crown Entities Act 2004, to take into account any relevant particulars of the national land transport programme.

**19B Core requirements for national land transport programme**

The Agency must, in preparing a national land transport programme,—

- (a) ensure that the national land transport programme—
- (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
  - (ii) contributes to each of the following:
    - (A) assisting economic development;
    - (B) assisting safety and personal security;
    - (C) improving access and mobility;
    - (D) protecting and promoting public health;
    - (E) ensuring environmental sustainability; and
  - (iii) gives effect to the relevant GPS; and
- (b) take into account any—
- (i) national land transport strategy; and
  - (ii) regional land transport strategies; and
  - (iii) regional land transport programmes; and
  - (iv) national energy efficiency and conservation strategy; and
  - (v) relevant national policy statement and any relevant regional policy statements or plans that are for the time being in force under the Resource Management Act 1991.

**19C Content of national land transport programme**

A national land transport programme must include the following matters:

- (a) an indication of any significant forthcoming national land transport issues known to the Agency; and
- (b) an assessment as to how the programme complies with section 19B; and
- (c) a list of the activity classes identified in the relevant GPS to be funded from the national land transport fund, and their proposed level of funding; and
- (d) approved activities and combinations of activities; and
- (e) any police activities or combinations of police activities approved under section 18L to be delivered by the Commissioner; and

- (f) activities and combinations of activities that the Agency anticipates being funded from the national land transport fund if they are—
  - (i) included in a regional land transport programme; or
  - (ii) activities or combinations of activities (other than those relating to State highways) for which the Agency is responsible for delivery or managing delivery; and
- (g) an indication of any nationally or regionally significant activities that are likely to be considered for funding in the 3 financial years that follow the 3 financial years covered by the national land transport programme; and
- (h) a statement of the Agency's anticipated revenue and expenditure in respect of the national land transport programme for 10 financial years from the start of the programme; and
- (i) relevant directions under Part 3 of the Crown Entities Act 2004 or any other Act.

**19D Notification about decision not to include activities in national land transport programme**

- (1) This section applies to the following decisions by the Agency in relation to an activity or combination of activities:
  - (a) a decision not to include an activity or a combination of activities in the national land transport programme;
  - (b) a decision to include an activity or a combination of activities in the national land transport programme, but at a different level of priority to that accorded to the activity or combination of activities in the relevant regional land transport programme.
- (2) If this section applies, the Agency must give the relevant regional transport committee or ARTA (as the case may require) written advice of the Agency's decision and its reasons for making that decision.

**19E Variation of national land transport programme**

- (1) The Agency may vary the national land transport programme during the 3 financial years to which it applies.
- (2) The provisions of this Act that apply to the preparation of the national land transport programme apply with the necessary modifications to a variation of the national land transport programme.
- (3) If a current GPS is amended under section 90(1), the Agency must vary the national land transport programme as soon as practicable to give effect to that amendment.

- (4) Despite subsection (2), the Agency need not make a varied national land transport programme publicly available under section 108 if it is satisfied that the variation is not significant.

**19F Availability of national land transport programme**

The Agency must make a copy of the national land transport programme publicly available in accordance with section 108.

**18 New heading and sections 20 to 20D substituted**

Sections 20 and 20A are repealed and the following heading and sections substituted:

*Approval of activities and combinations of activities*

**20 Approval of activities and combinations of activities**

- (1) The Agency may approve an activity or combination of activities as qualifying for payments from the national land transport fund.
- (2) In approving a proposed activity or combination of activities, the Agency must be satisfied that—
- (a) the activity or combination of activities is included in the national land transport programme or qualifies under subsection (4); and
  - (b) the national land transport programme continues to meet the requirements of section 19B; and
  - (c) the following objectives have been taken into account in respect of the activity or combination of activities:
    - (i) assisting economic development; and
    - (ii) assisting safety and personal security; and
    - (iii) improving access and mobility; and
    - (iv) protecting and promoting public health; and
    - (v) ensuring environmental sustainability; and
  - (d) the activity or combination of activities contributes to the Agency's objective, including its social and environmental responsibility, in an efficient and effective manner; and
  - (e) the activity or combination of activities has, to the extent practicable, been assessed against other land transport options and alternatives; and
  - (f) the relevant consultation requirements of this Act have been complied with.
- (3) In approving a proposed activity or combination of activities, the Agency must take into account—
- (a) the relevant GPS; and

- (b) any national land transport strategy; and
  - (c) any relevant regional land transport strategy; and
  - (d) any national energy efficiency and conservation strategy; and
  - (e) any relevant national policy statement and any relevant regional policy statements that are for the time being in force under the Resource Management Act 1991.
- (4) Despite subsections (2) and (3), the Agency may approve for payment under subsection (1) any activity or combination of activities that, in the opinion of the Agency,—
- (a) are in the urgent interests of public safety; or
  - (b) are necessary to effect immediate or temporary repair of damage caused by a sudden and unexpected event.
- (5) When approving an activity or combination of activities as qualifying for payments from the national land transport fund, the Agency must be satisfied that the expenditure on the national land transport programme and any expenses associated with any borrowing undertaken in accordance with section 10(1)(b) in the relevant financial year will not exceed the lesser of—
- (a) the maximum level of expenditure for the national land transport programme outlined in the relevant GPS for that financial year and the actual or anticipated amount of the closing balance of the national land transport fund at the end of the previous financial year; or
  - (b) the sum of—
    - (i) the anticipated inflows to the national land transport fund in that financial year; and
    - (ii) the actual or anticipated amount of the closing balance of the national land transport fund at the end of the previous financial year; and
    - (iii) the allowable variation for that financial year specified in the relevant GPS.

#### **20A Methods of assessment**

The Agency may apply different methods of assessment for the purpose of approving different activities or combinations of activities.

#### **20B Agency may impose terms and conditions**

The Agency may approve activities or combinations of activities subject to any terms and conditions, which must be relevant and reasonable, that the Agency thinks fit.



**20C Agency must set rate of funding assistance**

The Agency must set the rate of funding assistance from the national land transport fund for activities or combinations of activities in accordance with any criteria set by the Minister.

**20D Funding decisions to be made available**

- (1) If the Agency decides to approve or decline funding for an activity or a combination of activities under section 20, the Agency must—
  - (a) ensure that every decision that it makes under that section and its reasons for making that decision are made available to any affected approved organisation; and
  - (b) give any organisation or any person responsible for that activity or combination of activities written advice of its decision and reasons for its decision.
- (2) After approving or declining funding for activities or combinations of activities, the Agency must place a copy of the decision, and the reasons for the decision, on its Internet site.
- (3) In complying with subsection (2), the Agency may decide to withhold information if the disclosure of that information would be contrary to the interests specified in section 6 or 9(2)(a), (b), (ba), (h), (i), or (j) of the Official Information Act 1982.
- (4) If the Agency decides to withhold information under subsection (3), it must provide its reasons for doing so on its Internet site.
- (5) Information withheld under subsection (3) may be requested under the Official Information Act 1982.

**19 Section 21 repealed**

Section 21 is repealed.

**20 Funding for Māori roadways**

- (1) Section 22(1) is amended by omitting “Authority” and substituting “Agency”.
- (2) Section 22(1) is amended by omitting “Transit from the national land transport account” and substituting “the Agency from the national land transport fund”.
- (3) Section 22(2) is amended by omitting “Authority” and substituting “Agency”.
- (4) Section 22(2) is amended by omitting “national land transport account” and substituting “national land transport fund”.
- (5) Section 22 is amended by repealing subsection (3) and substituting the following subsection:
  - (3) The Agency and territorial authorities may receive funding for a Māori roadway if the activity is included in a regional land transport programme.

**21 Approval of public organisations**

Section 23(1)(a) is amended by omitting “section 10(2)(e)” and substituting “section 10(3)(f)”.

**22 New section 24 substituted**

Section 24 is repealed and the following section substituted:

**24 Land transport disbursement accounts**

- (1) Every approved organisation must operate a land transport disbursement account into which must be paid all money received from the Agency pursuant to an approval under section 20.
- (2) The Agency need not have a land transport disbursement account, but must—
  - (a) comply with section 96; and
  - (b) ensure that all payments are made in accordance with a procurement procedure unless exempt by or under section 26.
- (3) All expenditure from a land transport disbursement account must be accounted for in a manner prescribed by the Agency after consultation with the Auditor-General.
- (4) Payments may be made out of a land transport disbursement account only for approved activities or combinations of activities, and only—
  - (a) within the limits and terms and conditions of the approval granted under sections 20 and 20B; and
  - (b) in accordance with a procurement procedure unless exempt by or under section 26.
- (5) An approved organisation may—
  - (a) carry forward to any later financial year any amount of the credit balance in its land transport disbursement account at the close of any financial year; and
  - (b) use that money at any time for payments in accordance with this section.

**23 Procurement procedures**

- (1) Section 25(1) is amended by omitting “Authority” and substituting “Agency”.
- (2) Section 25(1) is amended by omitting “approved organisations and persons” and inserting “the Agency and approved organisations”.
- (3) Section 25(2) is amended by omitting “Authority” and substituting “Agency”.
- (4) Section 25(3) is amended by omitting “A procedure approved by the Authority under subsection (1)” and substituting “Every approved procurement procedure”.
- (5) Section 25 is amended by repealing subsection (4) and substituting the following subsection:

(4) It is a condition of every procurement procedure that the Agency or an approved organisation must procure outputs from a provider other than the Agency or that organisation (as the case may require), or its employees.

(6) Section 25(5) is amended by omitting “Authority” and substituting “Agency”.

#### **24 Payments exempt from procurement procedure**

(1) Section 26(a) is amended by omitting “Authority” and substituting “Agency”.

(2) Section 26(a) is amended by omitting “activity class” and substituting “combination of activities”.

(3) Section 26(b) is amended by omitting “Authority” and substituting “Agency”.

(4) Section 26(c)(i) is amended by omitting “Authority” and substituting “Agency”.

(5) Section 26(c) is amended by repealing subparagraph (ii) and substituting the following subparagraph:

(ii) undertaken by the Agency or an approved organisation using the Agency’s or approved organisation’s own staff and assets; or

#### **25 New section 26A inserted**

The following section is inserted after section 26:

##### **26A Notice of exemption or approval of certain procurement procedures**

If the Agency grants itself an exemption under section 26(a) or approves a procurement procedure under section 25(1) to meet its own procurement requirements, it must publish the details of its exemption or approval (as the case may be) and its reasons on its Internet site.

#### **26 Manner in which certain local authority interests in public transport service must be held**

Section 27(2) is amended by omitting “national land transport account” and substituting “national land transport fund”.

#### **27 Section 34 repealed**

Section 34 is repealed.

#### **28 Needs of transport disadvantaged must be considered**

(1) Section 35 is amended by omitting “Transit, the Authority,” and substituting “the Agency,”.

(2) Section 35 is amended by inserting “ARTA,” after “local authority,”.

#### **29 Authority may reduce, refuse, or withhold payments in certain cases**

(1) The heading to section 36 is amended by omitting “Authority” and substituting “Agency”.

- (2) Section 36(1) is amended by omitting “Authority” and substituting “Agency”.
- (3) Section 36(2) is amended by omitting “Authority” and substituting “Agency”.
- (4) Section 36(3) is amended by omitting “Authority” and substituting “Agency”.
- (5) Section 36(4) is amended by omitting “Authority” in each place where it appears and substituting in each case “Agency”.

### **30 Disputes**

- (1) Section 37(1) is amended by omitting “Authority” in each place where it appears and substituting in each case “Agency”.
- (2) Section 37(3) is amended by omitting “Authority” and substituting “Agency”.
- (3) Section 37(4) is amended by omitting “Authority” and substituting “Agency”.

### **31 Provision of information**

- (1) Section 38(1) is amended by omitting “Authority” in each place where it appears and substituting in each case “Agency”.
- (2) Section 38 is amended by adding the following subsection:
- (4) It is the duty of the Secretary, the Agency, and approved organisations to give reasonable assistance to each other to enable them to perform their respective functions and duties, and exercise their respective powers under this Act.

### **32 New section 38A inserted**

The following section is inserted after section 38:

#### **38A Good reasons for refusing to supply requested information**

- (1) The Agency may refuse a request for information under section 78(4) or 83(2) or clause 10(2) of Schedule 7 only if the information may, in the Agency’s opinion, be withheld under section 6 or section 9(2)(a), (b), (ba), (h), (i), or (j) of the Official Information Act 1982.
- (2) Subsection (1) applies only if the Agency is satisfied that the reason for the refusal is not outweighed by the regional transport committee’s or ARTA’s need to have the information in order to discharge its functions.

### **33 Section 39 repealed**

Section 39 is repealed.

### **34 Refund of excise duty, excise-equivalent duty, and GST**

Section 41(3) is repealed.

### **35 Regulations relating to sections 40 to 42**

- (1) The heading to section 45 is amended by omitting “40 to” and substituting “41 and”.
- (2) Section 45 is amended by omitting “40 to” and substituting “41 and”.

**36 Procedure for recommending making of order under section 46**

- (1) Section 48(1)(c)(i) is amended by inserting “any relevant GPS,” after “strategies,”.
- (2) Section 48(3) is amended by omitting “Authority” and substituting “Agency”.

**37 Consultation requirements**

Section 49(1) is amended by omitting “Authority” and substituting “Agency”.

**38 Approval process and relationship to national land transport programme**

- (1) Section 58(1)(c) is amended by inserting “any relevant GPS,” after “regional land transport strategy,”.
- (2) Section 58(4) is amended by omitting “Authority” and substituting “Agency”.

**39 Consultation requirements**

Section 59(1) is amended by omitting “Authority” and substituting “Agency”.

**40 Terms of concession agreements**

Section 60(2) is amended by omitting “Transit New Zealand” and substituting “Government Roding Powers”.

**41 Delegation of roading functions and powers to concessionaires**

- (1) Section 61(1)(b) is amended by omitting “Transit New Zealand” and substituting “Government Roding Powers”.
- (2) Section 61(4) is repealed.

**42 New subpart 3 of Part 2 inserted**

The following subpart is inserted after section 65:

**Subpart 3—Regional fuel tax**

*Preliminary provisions*

**65A Overview of subpart**

- (1) This subpart enables a region to obtain, by the imposition of a fuel tax for the region (known as a regional fuel tax), the funding that it needs to contribute to capital projects that—
  - (a) will result in a net benefit to the region; and
  - (b) are a priority for the region; and
  - (c) will not reasonably be fully funded from sources other than a regional fuel tax within the time frame desired by the region.
- (2) This subpart—

- (a) provides a process for a region to develop and establish a regional fuel tax scheme (sections 65E to 65P), that—
    - (i) forms the basis for imposing a regional fuel tax in a particular region; and
    - (ii) is approved by Order in Council made under section 65O(1):
  - (b) provides for the review of a regional fuel tax scheme (section 65Q):
  - (c) provides for—
    - (i) the collection of regional fuel tax from any person who supplies fuel to a retail destination in a region that is subject to a regional fuel tax scheme (sections 65T to 65Y); and
    - (ii) refunds of regional fuel tax (sections 65ZB and 65ZC):
  - (d) provides for the distribution of regional fuel tax to project agencies, which are responsible for the capital projects included in the relevant regional fuel tax scheme (sections 65Z and 65ZA).
- (3) This section is intended only as a guide to the general scheme and effect of this subpart.

#### **65B Purposes of subpart**

The purposes of this subpart are—

- (a) to contribute to an affordable, integrated, safe, responsive, and sustainable land transport system; and
- (b) to provide funding from regional fuel tax for capital projects in a region that—
  - (i) will result in a net benefit to the region; and
  - (ii) are a priority for the region; and
  - (iii) will not reasonably be fully funded from sources other than a regional fuel tax within the time frame desired by the region.

#### **65C Interpretation**

In this subpart, unless the context otherwise requires,—

**capital project** includes a group of capital projects

**diesel** means a refined distillate from petroleum or biological material having a viscosity and distillation range that is intermediate between that of kerosene and that of light lubricating oil, whether or not it contains additives, and that is intended for use as fuel in internal combustion engines ignited by compression

**fuel**—

- (a) means petrol or diesel; and
- (b) includes any other class of fuel specified by regulations made under section 65ZE as fuel for the purposes of this subpart; but

- (c) does not include—
- (i) any class of fuel excluded by regulations made under section 65ZE from being fuel for the purposes of this subpart; or
  - (ii) jet A1 fuel; or
  - (iii) avgas fuel

**petrol** means a refined distillate from petroleum or biological material, normally boiling within the range of 15°C to 220°C, whether or not it contains additives, that is intended for use as a fuel in spark-ignition internal combustion engines

**petroleum** means—

- (a) any naturally occurring hydrocarbon (other than coal) whether in a gaseous, liquid, or solid state; or
- (b) any naturally occurring mixture of hydrocarbons (other than coal) whether in a gaseous, liquid, or solid state; or
- (c) any naturally occurring mixture of 1 or more hydrocarbons (other than coal) whether in a gaseous, liquid, or solid state, and 1 or more of the following, namely, hydrogen sulphide, nitrogen, helium, or carbon dioxide

**project agency**, in relation to a capital project under a scheme or a proposed scheme, means any of the following that is responsible for the capital project:

- (a) an approved organisation;
- (b) in the case of a capital project for railway infrastructure (within the meaning of section 4(1) of the Railways Act 2005), the New Zealand Railways Corporation;
- (c) in the case of a capital project for a State highway, the Agency;
- (d) in the case of Auckland, and despite sections 9(1)(d) and 32(1)(a) of the Local Government (Auckland) Amendment Act 2004, includes the Auckland Regional Council

**regional fuel tax** means the regional fuel tax that is payable under this subpart exclusive of goods and services tax payable under the Goods and Services Tax Act 1985

**regional fuel tax scheme** or **scheme** means a regional fuel tax scheme established by Order in Council made under section 65O(1)

**responsible Ministers** means the Minister of Finance and the Minister responsible for this Act

**retail destination** means any location where fuel is supplied for end use.

**65D Application of subpart**

- (1) This subpart does not apply in the Chatham Islands, or to fuel sold, or agreed to be sold, or disposed of, for delivery within the Chatham Islands or used there by any fuel distributor.
- (2) Despite anything in section 105(11), (12), and (13), a regional fuel tax scheme prepared under this subpart must be prepared in relation to a region.
- (3) For the purposes of subsection (2), **region**—
  - (a) has the same meaning as in the Local Government Act 2002; but
  - (b) means, in relation to Auckland, the Auckland region as defined in the Local Government (Auckland) Amendment Act 2004.
- (4) To avoid doubt, all of the district of the Franklin District Council is—
  - (a) included in the Auckland region; and
  - (b) excluded from the Waikato region.

*Regional fuel tax schemes***65E Preparation of proposed regional fuel tax scheme**

- (1) Subject to subsection (3), this section applies if a regional transport committee on behalf of a regional council considers that—
  - (a) its region needs funding for 1 or more capital projects that it considers are a priority for the region, which may include capital projects located in another region; and
  - (b) full funding for those capital projects from any other source is not reasonably available within the time frame desired by the regional transport committee.
- (2) If this section applies, a proposed regional fuel tax scheme may be prepared by the relevant regional transport committee on behalf of the relevant regional council.
- (3) The Auckland Regional Council may, having regard to the views of the Auckland regional transport committee, prepare a proposed regional fuel tax scheme for the Auckland region if the Auckland Regional Council considers that—
  - (a) its region needs funding for 1 or more capital projects that it considers are a priority for the region, which may include capital projects located in another region; and
  - (b) full funding for those capital projects from any other source is not reasonably available within the time frame desired by the regional council.
- (4) The Auckland regional transport committee is responsible for reviewing, varying, or replacing a regional fuel tax scheme prepared under subsection (3), and for preparing any subsequent scheme.



- (5) If subsection (3) applies,—
- (a) all references to a regional transport committee in sections 65E to 65P are to be treated as references to the Auckland Regional Council, with all necessary modifications; and
  - (b) sections 65K(1)(b) and (3) and 65N(2) do not apply.

**65F Capital projects**

A proposed regional fuel tax scheme must—

- (a) identify and describe each capital project that is included in the proposed scheme, which may include capital projects located in another region; and
- (b) state the anticipated timing and costs of each of those capital projects; and
- (c) state how each of those capital projects is to be funded, including—
  - (i) the expenditure to be funded from regional fuel tax; and
  - (ii) the expenditure to be funded from sources other than regional fuel tax; and
- (d) provide the details of every project agency that has accepted responsibility for each of those capital projects.

**65G General information about proposed regional fuel tax scheme**

- (1) A proposed regional fuel tax scheme must—
- (a) include a statement of the expected contribution to the region's outcomes that are identified in any relevant regional land transport strategy; and
  - (b) provide for the proposed scheme's intended start date, which—
    - (i) must not be earlier than 9 months after the commencement of this subpart; and
    - (ii) must fall on the first day of January, April, July, or October; and
    - (iii) must allow for a reasonable period in which retailers may prepare for the introduction of a regional fuel tax scheme; and
  - (c) provide the date that the proposed scheme ends; and
  - (d) state the rate or rates of regional fuel tax that are required under the proposed scheme, which,—
    - (i) in the case of the Auckland region, may not exceed 5 cents per litre of fuel for all of the capital projects that have been identified by the Auckland region as priorities for that region, subject to section 65M; and
    - (ii) in every other case, may not exceed 10 cents per litre of fuel for all of the capital projects that have been identified by any other region as priorities for that region; and

- (e) provide the date that the rate applies (if there is only 1 rate) or the dates that each of the rates applies (if there is more than 1 rate), provided that the rate or rates may only apply from the first day of January, April, July, or October; and
  - (f) state the duration of the regional fuel tax contribution to each capital project that is included in the proposed scheme; and
  - (g) state the allocation of revenue between each of the capital projects covered by the proposed scheme; and
  - (h) include any other information or other matter that may be prescribed by regulations made under this subpart.
- (2) The maximum duration of a regional fuel tax contribution referred to in subsection (1)(f) is 30 years.
- (3) However, the maximum duration referred to in subsection (2) may be extended by 5 years, but only if the additional 5 years arises out of a material change in circumstances that results in a replacement of the scheme under section 65S.
- (4) Despite subsection (1)(d),—
- (a) in all cases no more than a maximum of 5 cents per litre of fuel may be used for carriageways for general traffic; and
  - (b) the total rate of any regional fuel tax scheme may not exceed—
    - (i) 2 cents per litre of fuel in 2009; and
    - (ii) 5 cents per litre of fuel in 2010.

#### **65H Persons that must be consulted**

When preparing a proposed regional fuel tax scheme, a regional transport committee must consult—

- (a) every affected approved organisation (which, for the avoidance of doubt, in the Auckland region includes ARTA); and
- (b) the Agency; and
- (c) the Commissioner; and
- (d) the Ministry of Health; and
- (e) affected district health boards; and
- (f) the Accident Compensation Corporation; and
- (g) the New Zealand Historic Places Trust; and
- (h) the New Zealand Railways Corporation; and
- (i) representative groups of land transport users and providers (including representative groups of coastal shipping users and providers); and
- (j) affected communities; and
- (k) Māori of the region; and

- (l) the public in the region.

**65I Consultation principles and procedures**

- (1) In carrying out the consultation required by section 65H, a regional transport committee must—
- (a) act in accordance with the consultation principles set out in section 82 of the Local Government Act 2002; and
  - (b) use the special consultative procedure under sections 83, 87(2)(a), and 89 of the Local Government Act 2002.
- (2) A regional transport committee complies with subsection (1) if the required consultation on its proposed regional fuel tax scheme is carried out in conjunction with—
- (a) the relevant regional council’s consultation on its long-term council community plan or its annual plan under the Local Government Act 2002; or
  - (b) any other consultation under this Act.

**65J Proposed regional fuel tax scheme to be lodged with relevant regional council**

The relevant regional transport committee may lodge its proposed regional fuel tax scheme with the relevant regional council if the regional transport committee is satisfied that—

- (a) the proposed regional fuel tax scheme would contribute to an affordable, integrated, safe, responsive, and sustainable land transport system and will result in a net benefit to the region; and
- (b) the following matters have been taken into account:
  - (i) any relevant GPS;
  - (ii) any relevant national land transport strategy and any relevant national energy efficiency and conservation strategy;
  - (iii) any relevant regional land transport strategies;
  - (iv) the consultation undertaken under section 65H; and
- (c) the capital projects included in the proposed scheme are consistent with the region’s priorities for land transport expenditure; and
- (d) full funding for those capital projects from any other source will not reasonably be available within the time frame desired by the regional transport committee; and
- (e) forecast regional fuel tax revenue and regional fuel tax expenditure have been aligned; and

- (f) adequate consideration has been given to phasing the proposed regional fuel tax to mitigate the financial impact of the proposed regional fuel tax scheme on people resident in the region; and
- (g) retailers will have a reasonable period in which to prepare for the introduction of a regional fuel tax scheme.

**65K Relevant regional council's decision concerning proposed regional fuel tax scheme**

- (1) The relevant regional council may, after considering a proposed regional fuel tax scheme that has been lodged with it under section 65J, decide—
  - (a) to lodge the proposed scheme with the responsible Ministers; or
  - (b) to refer the proposed scheme back to the regional transport committee with a request that the regional transport committee reconsider 1 or more aspects of the proposed scheme.
- (2) A proposed scheme that is lodged with the responsible Ministers must include a statement of how the matters set out in section 65J have been addressed.
- (3) If a regional council refers the proposed regional fuel tax scheme back to its regional transport committee, the regional transport committee may, after reconsidering the aspects referred to it by the regional council in its request, forward to the regional council either or both of the following:
  - (a) an amended proposed scheme;
  - (b) any additional information that has been requested by the regional council or that the regional transport committee considers will help the regional council with its decision.

**65L Functions of Agency under this subpart**

The Agency's functions under this subpart include—

- (a) providing the responsible Ministers with any advice, as requested by the responsible Ministers, relating to the effect that a proposed regional fuel tax scheme may have on the national land transport programme; and
- (b) the following functions in respect of regional fuel tax:
  - (i) collection; and
  - (ii) distribution; and
  - (iii) providing refunds; and
  - (iv) prosecution of offences specified in section 65ZD.

**65M Additional capital projects may be included in proposed regional fuel tax scheme for Auckland region**

- (1) If the proposed regional fuel tax scheme that is lodged with the responsible Ministers under section 65K is for the Auckland region, the responsible Ministers may amend the proposed scheme by including 1 or more capital projects

that the responsible Ministers have identified as priorities for the Auckland region, provided that the responsible Ministers are satisfied that the projects are consistent with the Auckland regional land transport strategy.

- (2) However, the rate of regional fuel tax at any one time under a regional fuel tax scheme for the Auckland region may not exceed 10 cents per litre of fuel, which is made up as follows:
  - (a) a maximum of 5 cents per litre of fuel for capital projects specified by the relevant region; and
  - (b) a maximum of 5 cents per litre of fuel for any capital projects specified by the responsible Ministers.
- (3) Despite subsection (2), no more than a combined maximum of 5 cents per litre of fuel may be used for carriageways for general traffic in the Auckland region.

#### **65N Decisions of Ministers concerning proposed regional fuel tax scheme**

- (1) The responsible Ministers may, after considering a proposed regional fuel tax scheme, or a proposed scheme that they have amended under section 65M, decide—
  - (a) to recommend to the Governor-General the making of an Order in Council to approve the proposed regional fuel tax scheme and prescribe the rate or rates of regional fuel tax under that proposed scheme; or
  - (b) to refer the proposed regional fuel tax scheme back to the regional council with a request that the relevant regional transport committee reconsider 1 or more of the aspects of the proposed scheme; or
  - (c) to decline to recommend the making of an Order in Council under section 65O(1).
- (2) If the responsible Ministers refer the proposed regional fuel tax scheme back to the regional council, the regional council must refer the proposed scheme back to the relevant regional transport committee under section 65K(1)(b).

#### **65O Order in Council establishing regional fuel tax scheme**

- (1) The Governor-General may, by Order in Council made on the recommendation of the responsible Ministers,—
  - (a) approve a regional fuel tax scheme; and
  - (b) prescribe the rate or rates of regional fuel tax that apply under that scheme; and
  - (c) provide the date that the rate applies (if there is only 1 rate) or the dates that each of the rates applies (if there is more than 1 rate), provided that—
    - (i) the rate or rates may only apply from the first day of January, April, July, or October; and

- (ii) must not apply earlier than 9 months after the commencement of this subpart.
- (2) There may be only 1 regional fuel tax scheme for each region.
- (3) An Order in Council under subsection (1) must include a copy of the regional fuel tax scheme that it approves.
- (4) If an Order in Council under subsection (1) prescribes 1 or more rates of regional fuel tax that are to apply over the period covered by the scheme,—
  - (a) only 1 rate of regional fuel tax may apply at any one time; and
  - (b) the applicable rate must not exceed 10 cents per litre of fuel.
- (5) An Order in Council made under subsection (1) is a regulation for the purposes of—
  - (a) the Regulations (Disallowance) Act 1989; and
  - (b) the Acts and Regulations Publication Act 1989.

**65P Procedure for recommending making of Order in Council under section 65O(1)**

- (1) The responsible Ministers must not recommend the making of an Order in Council under section 65O(1) unless the responsible Ministers are satisfied that the following have been correctly considered:
  - (a) the matters set out in section 65J; and
  - (b) the impact of the proposed regional fuel tax scheme on the national land transport programme; and
  - (c) in respect of a proposed scheme amended under section 65M(1), whether the proposed scheme will—
    - (i) contribute to an affordable, integrated, safe, responsive, and sustainable land transport system; and
    - (ii) result in a net benefit to the Auckland region.
- (2) The responsible Ministers may, at their discretion,—
  - (a) recommend or decline to recommend the making of an Order in Council under section 65O(1):
  - (b) after consulting the relevant region about its proposal, recommend the making of an Order in Council under section 65O(1) that contains provisions different from those contained in the proposed regional fuel tax scheme prepared by the region.

*Review of regional fuel tax scheme*

**65Q Review of regional fuel tax scheme**

- (1) At any time after its regional fuel tax scheme has started, the relevant regional transport committee, on behalf of the relevant regional council, may review the scheme.
- (2) As a result of the review, the regional transport committee may decide to—
  - (a) leave the scheme unchanged; or
  - (b) vary the scheme under section 65R, to change the allocation of regional fuel tax revenue between the capital projects already included in the scheme; or
  - (c) replace the scheme under section 65S, provided that a scheme may not be replaced more than once every 3 years.
- (3) If the regional transport committee decides to vary or replace a scheme in accordance with subsection (2), the allocation of regional fuel tax revenue to a capital project included in the scheme must not be reduced without the prior agreement of the relevant project agency.

**65R Variation of allocation of regional fuel tax revenue between capital projects**

- (1) If the regional transport committee decides to vary the allocation of regional fuel tax revenue between the capital projects included in a regional fuel tax scheme under section 65Q, the regional transport committee must act in accordance with sections 65J to 65P.
- (2) The requirements set out in sections 65J to 65P that apply to a proposed regional fuel tax scheme apply, with all necessary modifications, to varying a regional fuel tax scheme.
- (3) To avoid doubt, the consultation requirements as set out in sections 65H and 65I do not apply to a variation of a regional fuel tax scheme.

**65S Replacement of regional fuel tax scheme**

- (1) Subject to subsection (3), if the regional transport committee decides to replace a regional fuel tax scheme with a new scheme under section 65Q(2)(c), the regional transport committee must act in accordance with sections 65E to 65P.
- (2) The requirements of sections 65E to 65P that apply to a proposed regional fuel tax scheme apply, with all necessary modifications, to replacing a regional fuel tax scheme.
- (3) A regional fuel tax scheme may be replaced not more than once every 3 years.

*Collection of regional fuel tax***65T When power to collect regional fuel tax is exercisable**

- (1) The Agency may start collecting regional fuel tax in relation to a regional fuel tax scheme that is approved by Order in Council made under section 65O(1) from the date specified in the Order in Council, which must be the first day of January, April, July, or October.
- (2) The power of the Agency to collect regional fuel tax in relation to the relevant regional fuel tax scheme is exercisable—
  - (a) during the period specified for the purpose in the relevant Order in Council made under section 65O(1); or
  - (b) if no period is specified in that Order in Council, while the relevant scheme remains in force.

**65U Persons who must pay regional fuel tax**

- (1) Any fuel sold from a retail destination in a region that is subject to a regional fuel tax scheme is liable to regional fuel tax.
- (2) Any person who supplies fuel to a retail destination in a region that is subject to a regional fuel tax scheme must pay to the Agency the appropriate amount of regional fuel tax on the fuel.

**65V Returns**

- (1) Every person who must pay a regional fuel tax under section 65U must send to the Agency a monthly return as prescribed in regulations made under this Act.
- (2) A monthly return must be sent to the Agency within 28 days after the end of the month in which fuel was supplied to a retail destination in a region subject to a regional fuel tax scheme.
- (3) The regional fuel tax payable (as outlined in a monthly return) must be paid within 20 days after the end of the month in which a monthly return was sent to the Agency.
- (4) If a regional fuel tax that has become payable remains unpaid after the date on which it became payable under subsection (3), 10% of the amount of the tax unpaid must be added to it by way of additional tax, and must be paid accordingly.
- (5) The amount of any unpaid regional fuel tax (including any associated enforcement costs) is recoverable in any court of competent jurisdiction as a debt due to the Agency.
- (6) The Agency may reasonably request any person to provide information relevant to compliance with the payment of regional fuel tax.



**65W Confirmation of tax**

- (1) The Agency may, in confirming the regional fuel tax paid by a person under section 65U, rely on the information set out in the monthly return submitted under section 65V or may make an assessment of the correct amount payable.
- (2) In making an assessment of the correct amount payable, the Agency may reasonably request any person to provide information relevant to the assessment of regional fuel tax payable.
- (3) For the purposes of this subpart, the Auditor-General has, in respect of the records relating to the supply of fuel by any person who is liable to pay regional fuel tax, the same powers as the Auditor-General has under Part 4 of the Public Audit Act 2001.
- (4) The Agency must comply with any requirement by the Auditor-General to make an assessment or amended assessment for the purpose of this subpart.

**65X Assessment presumed to be correct**

Every assessment made by the Agency under this subpart is taken to be correct, and the tax is payable accordingly, unless, on an appeal under section 65Y, a different amount is proved to be the tax payable on the fuel, or it is proved that no tax is payable, as the case may be.

**65Y Appeal against assessment**

- (1) Within 14 days after a demand for the tax is made by the Agency in accordance with the Agency's assessment, any person may appeal to a District Court against the assessment.
- (2) On the hearing of the appeal, the District Court, whose decision is final, may confirm or amend the assessment made by the Agency.

*Distribution of proceeds of regional fuel tax*

**65Z Accounting for regional fuel tax**

- (1) In respect of a regional fuel tax, the Agency must account for—
  - (a) revenue received; and
  - (b) refunds; and
  - (c) revenue held for future refunds; and
  - (d) administration and enforcement costs; and
  - (e) interest received.
- (2) Each financial year, there is payable out of the regional fuel tax received by the Agency—
  - (a) payments to project agencies for capital projects that are included in a regional fuel tax scheme; and
  - (b) any costs and expenses of the Agency that—

- (i) arise out of the performance of its functions and duties and the exercise of its powers under this subpart; and
- (ii) have been approved by the responsible Ministers; and
- (c) all refunds of regional fuel tax under regulations made under section 65ZE to the extent specified in the regulations without further appropriation than this paragraph.

#### **65ZA Regional fuel tax disbursement account**

- (1) Every project agency must—
  - (a) operate a regional fuel tax disbursement account into which must be paid all funds received by the project agency under section 65Z; and
  - (b) ensure that all payments are made in accordance with a procurement procedure unless exempt under section 26.
- (2) The Agency need not have a regional fuel tax disbursement account, but must—
  - (a) comply with section 96; and
  - (b) ensure that all payments by the Agency, in its capacity as a project agency, are made in accordance with a procurement procedure unless exempt under section 26.
- (3) All expenditure from a regional fuel tax disbursement account must be accounted for in a manner prescribed by the Agency after consultation with the Controller and Auditor-General.
- (4) Payments may be made from a regional fuel tax disbursement account only in respect of capital projects that are included in a regional fuel tax scheme.
- (5) A project agency may—
  - (a) carry forward to any later financial year any amount of the credit balance in its regional fuel tax disbursement account at the close of any financial year; and
  - (b) use that money at any time for payments in accordance with this section.

#### *Refunds*

#### **65ZB Refund of regional fuel tax**

- (1) Persons using any fuel are, if they have applied for a refund in accordance with section 65ZC, entitled to a refund of regional fuel tax to the extent—
  - (a) that the refund is for regional fuel tax actually paid; and
  - (b) that the fuel has been used or will be used for—
    - (i) commercial non-road purposes; or
    - (ii) non-road purposes by a charitable entity registered under the Charities Act 2005; or

- (iii) non-road purposes by a public sector organisation as defined in the Protected Disclosures Act 2000; and
  - (c) specified in regulations made under section 65ZE.
- (2) Nothing in this section applies to any fuel used for any purpose declared by regulations made under section 65ZE to be exempt from this section.
- (3) Every refund of regional fuel tax will be calculated in accordance with the rate of regional fuel tax in effect on the date the fuel was purchased.

#### **65ZC Procedure for obtaining refund**

- (1) Every application for a refund under section 65ZB must be—
- (a) made to the Agency; and
  - (b) supported by any documentary evidence and any other information that the Agency may require or as may be prescribed in regulations made under this Act.
- (2) Applications for refunds must be made in respect of periods ending with the date or dates approved by the Agency.
- (3) No refund may be allowed unless application for the refund is made within 12 months following the close of the period in respect of which the application is made.
- (4) If the application for a refund is made after the expiration of 3 months from the close of the relevant period but within 12 months after the close of that period, the amount of the refund otherwise payable must be reduced by 10% unless a full refund is allowed under subsection (5).
- (5) If application for a refund is made after the expiration of 3 months from the close of the relevant period, whether or not it is made within 12 months after the close of that period, the Agency may, at its discretion, allow a full refund.
- (6) The Agency may, at its discretion, allow a refund in any special case before the close of any period in respect of fuel supplied within that period.
- (7) The Agency may reclaim an overpayment of a refund.
- (8) The Agency may reasonably request any person to provide information relating to an application for a refund of regional fuel tax.

#### *Miscellaneous*

#### **65ZD Offences and penalties**

- (1) A person commits an offence if the person knowingly—
- (a) refuses or fails to file a monthly return under section 65V; or
  - (b) refuses or fails to provide information, as reasonably requested by the Agency, relevant to—

- (i) the compliance with or enforcement of regional fuel tax under section 65V; or
  - (ii) the assessment of regional fuel tax payable under section 65W; or
  - (iii) the application for a refund of regional fuel tax under section 65ZC; or
  - (c) refuses or fails to pay any regional fuel tax payable by that person under this subpart; or
  - (d) provides altered, false, incomplete, or misleading information under section 65V; or
  - (e) evades the payment of any regional fuel tax that the person is liable to pay under this Act.
- (2) A person commits an offence who, for the purposes of sections 65V, 65W, 65ZB, or 65ZC, makes any application or provides any information that the person knows is false in any material particular.
- (3) A person who commits an offence against subsection (1) or (2) is liable on summary conviction,—
- (a) in the case of an individual, to a fine not exceeding \$10,000; or
  - (b) in the case of a body corporate, to a fine not exceeding \$100,000.
- (4) Despite anything in the Summary Proceedings Act 1957, any information for an offence against subsection (1) or (2) may be laid at any time within 3 years after the date of the offence.

### **65ZE Regulations**

The Governor-General may from time to time, by Order in Council, make regulations for 1 or more of the following purposes:

- (a) providing for the assessment and collection of regional fuel tax:
- (b) specifying any information that the Agency is required to provide to the responsible Ministers or any other specified person or organisation:
- (c) specifying any information that a project agency is required to provide to the Agency or any other specified person or organisation:
- (d) providing for exemptions from, or waivers or refunds of, any regional fuel tax under this subpart, in whole or in part, in any class of case:
- (e) prescribing forms to be used for the purposes of this subpart:
- (f) prescribing the matters that must be included in forms (other than prescribed forms) used in connection with regional fuel tax schemes:
- (g) prescribing matters to be included in any returns to be made or accounts or records to be kept by any person for any purpose under this subpart:
- (h) providing for any other matter contemplated by this subpart, necessary for its administration, or necessary for giving it full effect.

**43 New Parts 3 and 4 substituted**

Part 3 is repealed and the following Parts are substituted:

**Part 3**  
**Land transport strategic documents**

*National land transport strategy*

**66 Overview of national land transport strategy**

- (1) A national land transport strategy, which is completed by the Minister every 6 financial years and covers a period of at least 30 financial years, enables the Minister to provide guidance to the land transport sector on the Crown's outcomes and objectives in relation to land transport in New Zealand.
- (2) This section is intended by way of explanation only, and if this section is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

**67 Responsibility for completing national land transport strategy**

- (1) The Minister may, on behalf of the Crown, complete a national land transport strategy that—
  - (a) takes effect on—
    - (i) the 28th day after the date of its notification in the *Gazette*; or
    - (ii) any later date specified in the national land transport strategy; and
  - (b) covers a period of at least 30 financial years.
- (2) At least once in every 6 financial years after the first national land transport strategy takes effect, the Minister—
  - (a) must review the national land transport strategy; and
  - (b) may amend or replace the national land transport strategy.
- (3) The Minister may amend or replace a national land transport strategy by following, with any necessary modifications, the procedure provided in sections 70 and 71.
- (4) An amendment forms part of the national land transport strategy it amends.

Compare: 1998 No 110 ss 170(1), 172(1), 173

**68 Core requirements of national land transport strategy**

The Minister must, in preparing a national land transport strategy,—

- (a) ensure that the national land transport strategy—
  - (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
  - (ii) contributes to each of the following:

- (A) assisting economic development:
  - (B) assisting safety and personal security:
  - (C) improving access and mobility:
  - (D) protecting and promoting public health:
  - (E) ensuring environmental sustainability; and
- (b) take into account any—
- (i) national energy efficiency and conservation strategy; and
  - (ii) relevant national policy statement that is for the time being in force under the Resource Management Act 1991.

Compare: 1998 No 110 s 170(3)

### **69 Form and content of national land transport strategy**

- (1) A national land transport strategy may be produced in the form that the Minister considers appropriate.
- (2) A national land transport strategy—
- (a) must include the following matters:
    - (i) the Crown's outcomes and objectives in relation to land transport in New Zealand over a period of at least 30 financial years; and
    - (ii) the measurable targets to achieve those outcomes and objectives; and
  - (b) may contain any other details that the Minister considers relevant.

### **70 Procedure for completing national land transport strategy**

Before completing the national land transport strategy, the Minister must—

- (a) publish in the relevant daily newspapers a notice of the Minister's proposal to complete the strategy, and also publish the notice in the *Gazette*; and
- (b) give interested persons a reasonable time, which must be specified in the notice published under paragraph (a), to make submissions on the proposal; and
- (c) consult such persons, representative groups within the land transport system or elsewhere, government departments, local authorities, and Crown entities as the Minister in each case considers appropriate.

Compare: 1998 No 110 s 171(1)

### **71 Availability of national land transport strategy**

As soon as practicable after completing a national land transport strategy, the Minister must—

- (a) make a copy of the national land transport strategy publicly available in accordance with section 108; and

- (b) present a copy of the national land transport strategy to the House of Representatives; and
- (c) arrange for a copy of the national land transport strategy to be given to each of the following:
  - (i) the Secretary:
  - (ii) the Agency:
  - (iii) the Commissioner:
  - (iv) every regional transport committee:
  - (v) every approved organisation.

Compare: 1998 No 110 s 171(2)

## **72 Effect of national land transport strategy**

- (1) The Secretary must ensure that the actions of the Ministry take into account any national land transport strategy.
- (2) In exercising its powers or performing its functions and duties, the Agency must take into account any national land transport strategy.
- (3) The Commissioner must, except to the extent that his or her statutory functions or duties or common law obligations in any particular case otherwise require, ensure that in exercising his or her powers or performing his or her functions and duties he or she takes into account any national land transport strategy.

Compare: 1998 No 110 s 174

### *Regional land transport strategies*

## **73 Overview of regional land transport strategy**

- (1) A regional land transport strategy, which (for regions other than Auckland) is prepared by the relevant regional transport committee for each region on behalf of the relevant regional council every 6 financial years and covers a period of at least 30 financial years, enables each regional council to provide guidance on the land transport outcomes sought by the region.
- (2) This section is intended by way of explanation only, and if this section is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

## **74 Responsibility for preparing and approving regional land transport strategies**

- (1) At least once in every 6 financial years, each regional council must—
  - (a) ensure that the relevant regional transport committee prepares, on the regional council's behalf, a regional land transport strategy that covers a period of at least 30 financial years; and
  - (b) approve the regional land transport strategy.

- (2) For the purposes of this section and of sections 75 to 83, that part of the district of the Franklin District Council that is within the region of the Waikato Regional Council is to be treated—
- (a) as not being part of the region of the Waikato Regional Council; but
  - (b) as being part of the region of the Auckland Regional Council.
- (3) Nothing in this section or in sections 75 to 83 applies to the Auckland Regional Council or to Auckland's regional land transport strategy.
- (4) Despite subsection (3), Schedule 7 applies to the Auckland Regional Council and to Auckland's regional land transport strategy.

Compare: 1998 No 110 s 175(5)

### **75 Core requirements for regional land transport strategies**

A regional transport committee must, when preparing a regional land transport strategy on behalf of a regional council,—

- (a) ensure that the regional land transport strategy—
  - (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
  - (ii) contributes to each of the following:
    - (A) assisting economic development:
    - (B) assisting safety and personal security:
    - (C) improving access and mobility:
    - (D) protecting and promoting public health:
    - (E) ensuring environmental sustainability; and
  - (iii) is consistent with any—
    - (A) national land transport strategy; and
    - (B) relevant national policy statement or any relevant regional policy statement or regional plan that is for the time being in force under the Resource Management Act 1991; and
  - (iv) avoids, to the extent reasonable in the circumstances, adverse effects on the environment; and
- (b) take into account—
  - (i) the relevant GPS; and
  - (ii) any national energy efficiency and conservation strategy; and
  - (iii) any relevant district plans.

Compare: 1998 No 110 s 175(2)(e), (3), (4)

### **76 Other matters that must be taken into account**

When preparing a regional land transport strategy on behalf of a regional council, a regional transport committee must also take into account—



- (a) any guidelines issued by the Minister for regional land transport strategies; and
- (b) the land transport funding likely to be available within the region for implementing the strategy during the period covered by the strategy; and
- (c) the views of affected communities; and
- (d) the views of land transport network providers in the region; and
- (e) the need to give early and full consideration to land transport options and alternatives in a way that contributes to the matters referred to in section 75(a)(iv), and paragraph (c); and
- (f) the need to provide early and full opportunities for persons and organisations listed in section 78(1) to contribute to the development of those regional land transport strategies; and
- (g) the need to take account of the relevant regional council's function under section 30(1)(gb) of the Resource Management Act 1991 to consider the strategic integration of transport infrastructure with land use through objectives, policies, and methods.

Compare: 1998 No 110 s 175(2)(b)–(d), (f)–(i), (q)

## **77 Contents of regional land transport strategies**

A regional land transport strategy must contain the following matters:

- (a) inter-regional and intra-regional transport outcomes relevant to the region; and
- (b) the strategic options for achieving those outcomes; and
- (c) an assessment as to how the regional land transport strategy complies with sections 75 and 76; and
- (d) a statement of any relevant regional economic or land-use considerations, and the likely funding of any land transport infrastructure associated with those considerations; and
- (e) a demand management strategy; and
- (f) an assessment of the appropriate role for each land transport mode in the region; and
- (g) an assessment of the role of education and enforcement in contributing to the land transport outcomes; and
- (h) any regional passenger transport plan (within the meaning of section 47 of the Transport Services Licensing Act 1989); and
- (i) a statement that identifies any strategic option for which co-operation is required with other regions; and
- (j) a statement that identifies persons or organisations who should be involved in the further development of strategic options; and

- (k) measurable targets to be achieved to meet the outcomes of the regional land transport strategy; and
- (l) a statement provided by an independent auditor of how the process followed by the regional transport committee complied with the requirements of this Act; and
- (m) a summary of the policy relating to significance adopted by the regional transport committee under section 106.

Compare: 1998 No 110 s 175(2)(j)–(p); 2004 No 57 s 36

## **78 Consultation requirements**

- (1) When preparing a proposed regional land transport strategy on behalf of a regional council, a regional transport committee must consult—
  - (a) the adjoining regional councils and territorial authorities; and
  - (b) the approved organisations in the region; and
  - (c) the Secretary; and
  - (d) the Agency; and
  - (e) the Commissioner; and
  - (f) the New Zealand Historic Places Trust; and
  - (g) the New Zealand Railways Corporation; and
  - (h) representative groups of land transport users and providers (including representative groups of coastal shipping users and providers); and
  - (i) the Ministry of Health; and
  - (j) the Accident Compensation Corporation; and
  - (k) the district health boards in the region; and
  - (l) affected communities; and
  - (m) Māori of the region; and
  - (n) the public in the region.
- (2) In carrying out the consultation required by subsection (1), a regional transport committee must—
  - (a) act in accordance with the consultation principles set out in section 82 of the Local Government Act 2002; and
  - (b) use the special consultative procedure under sections 83, 87(2)(a), and 89 of the Local Government Act 2002.
- (3) A regional transport committee complies with subsection (2) if the required consultation on the regional land transport strategy is carried out in conjunction with the relevant regional council's consultation on its long-term council community plan or its annual plan under the Local Government Act 2002.

- (4) An approved organisation and the Agency must assist a regional transport committee that is preparing a regional land transport strategy by giving the regional transport committee any reasonably requested information that the regional transport committee needs in order to prepare the regional land transport strategy.

Compare: 1998 No 110 s 179

#### **79 Process for approving regional land transport strategies**

- (1) A regional transport committee that has prepared a regional land transport strategy on behalf of a regional council must, after it has consulted under section 78, lodge the regional land transport strategy with the regional council.
- (2) The relevant regional council may, after considering a regional land transport strategy that has been lodged with it under subsection (1) or (3), decide—
- (a) to approve the regional land transport strategy without modification; or
  - (b) to refer the regional land transport strategy back to the regional transport committee with a request that the regional transport committee reconsider 1 or more of the aspects of the regional land transport strategy.
- (3) If a regional council refers a regional land transport strategy back to its regional transport committee, the regional transport committee may, after reconsidering the aspects referred back to it by the regional council in its request, forward to the regional council either or both of the following:
- (a) an amended regional land transport strategy that has been consulted on in accordance with section 78;
  - (b) any additional information that has been requested by the regional council or that the regional transport committee considers will help the regional council with its decision.

#### **80 Availability of regional land transport strategy**

As soon as practicable after it has approved a regional land transport strategy, a regional council must—

- (a) forward copies of it to—
  - (i) the Secretary; and
  - (ii) the Agency; and
  - (iii) the Commissioner; and
  - (iv) the approved organisations in the region; and
- (b) make a copy of the approved regional land transport strategy publicly available in accordance with section 108.

Compare: 1998 No 110 s 177

**81 Variation of regional land transport strategy**

- (1) Subject to subsection (2), a regional council may vary its regional land transport strategy at any time.
- (2) The provisions of this Act that apply to the preparation and approval of a regional land transport strategy apply, with the necessary modifications, to a variation of a regional land transport strategy.
- (3) A variation forms part of the regional land transport strategy it varies.
- (4) Subsection (2) does not apply to any variations that are not significant.
- (5) A regional council must—
  - (a) monitor its regional land transport strategy; and
  - (b) promptly vary its regional land transport strategy if necessary to ensure that it is consistent with the national land transport strategy.

Compare: 1998 No 110 s 176

**82 Effect of regional land transport strategies**

- (1) The Secretary must ensure that the actions of the Ministry take into account any relevant regional land transport strategies.
- (2) In exercising its powers or performing its functions and duties, the Agency must ensure that it takes into account any relevant regional land transport strategies.
- (3) The Commissioner must, except to the extent that his or her statutory functions or duties or common law obligations in any particular case otherwise require, ensure that in exercising or performing his or her functions, duties, and powers he or she takes into account any relevant regional land transport strategies.

Compare: 1998 No 110 s 181

**83 Progress reports on regional land transport strategy**

- (1) Every 3 financial years a regional transport committee must prepare a progress report on the implementation of any regional land transport strategy in place during the previous 3 financial years.
- (2) The Secretary, the Agency, the Commissioner, and the approved organisations in the relevant region must supply to the regional transport committee such information within its or his or her possession or control as may be reasonably requested by the regional transport committee for the purposes of preparing its progress report.
- (3) Within 3 months after the close of the third financial year to which its progress report relates, the regional transport committee, on behalf of the relevant regional council, must—
  - (a) forward copies of the report to—
    - (i) the Secretary; and

- (ii) the Agency; and
  - (iii) the Commissioner; and
  - (iv) the territorial authorities in the region; and
- (b) make a copy of the progress report publicly available in accordance with section 108.

Compare: 1998 No 110 s 182

### *GPS*

#### **84 Overview of GPS**

- (1) A GPS, which is issued by the Minister every 3 financial years, enables the Minister to—
- (a) guide the Agency and land transport sector on the outcomes and objectives, and the short- to medium-term impacts, that the Crown wishes to achieve—
    - (i) through the national land transport programme; and
    - (ii) from the allocation of the national land transport fund; and
  - (b) link the amount of revenue raised from road users with the planned levels of expenditure from the national land transport fund.
- (2) This section is intended by way of explanation only, and if this section is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

#### **85 Status of GPS**

To avoid doubt, a GPS is not—

- (a) a direction for the purposes of Part 3 of the Crown Entities Act 2004; and
- (b) a regulation for the purposes of the Acts and Regulations Publication Act 1989; and
- (c) a regulation for the purposes of the Regulations (Disallowance) Act 1989.

#### **86 Minister must issue GPS before national land transport programme**

- (1) The Minister must issue a new GPS in advance of the expiry of the current national land transport programme.
- (2) A GPS must be in effect at all times over the same period as the current national land transport programme.

#### **87 Preparation of GPS**

- (1) The Minister must, in preparing the GPS,—
- (a) be satisfied that the GPS—

- (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
  - (ii) contributes to each of the following:
    - (A) assisting economic development:
    - (B) assisting safety and personal security:
    - (C) improving access and mobility:
    - (D) protecting and promoting public health:
    - (E) ensuring environmental sustainability; and
  - (iii) is consistent with any—
    - (A) national land transport strategy:
    - (B) national energy efficiency and conservation strategy; and
  - (b) take into account any relevant national policy statement that is in force under the Resource Management Act 1991; and
  - (c) have regard to the views of Local Government New Zealand and representative groups of land transport users and providers (including representative groups of coastal shipping users and providers).
- (2) Before issuing a GPS, the Minister must consult with the Agency about the proposed GPS.

### **88 Content of GPS**

- (1) The GPS sets out how land transport funding is intended to improve the land transport sector in the context of land transport policy.
- (2) The GPS must include the following:
  - (a) the short- to medium-term impacts that the Crown wishes to achieve through the allocation of funding from the national land transport fund:
  - (b) the activity classes to be funded from the national land transport fund:
  - (c) likely changes to the duties, fees, and charges paid into the national land transport fund for the first 3 years of the period covered by the GPS:
  - (d) an expenditure target for the national land transport programme for each of the first 3 years and any subsequent years that the Minister considers relevant:
  - (e) a maximum and minimum level of expenditure for the national land transport programme for each of the first 3 years and any subsequent years that the Minister considers relevant (subject to the ability to carry forward funds from the closing balance of the national land transport fund for a financial year to a future financial year):
  - (f) an allowable variation between expenses and capital expenditure incurred under the national land transport programme and the inflows received in the national land transport fund:

- (g) funding ranges for each activity class for a period of 6 financial years:
  - (h) forecast funding ranges for each activity class for the period of 4 financial years following the first 6 financial years:
  - (i) overall investment likely to be made in the land transport sector over a period of 10 financial years and the likely or proposed funding sources:
  - (j) allowable reasons for varying the expenditure target identified in paragraph (d) when making funding allocation decisions:
  - (k) a statement of the Minister's expectations of how the Agency gives effect to the GPS.
- (3) The GPS may include the following:
- (a) background, including any relevant transport outcomes and objectives and any relevant land transport policies:
  - (b) any relevant funding policy:
  - (c) subject to the Public Finance Act 1989, any additional expected funding for land transport activities, including (but not limited to) any money that Parliament may appropriate for the purpose:
  - (d) any other relevant matters.

#### **89 Agency to give effect to GPS in respect of funding of land transport system**

- (1) The Agency must give effect to the GPS when performing its functions under subpart 1 of Part 2 in respect of land transport planning and funding.
- (2) To avoid doubt, the GPS may not impose an obligation on the Agency to approve or decline funding for a particular activity or any combinations of activities under section 20.

#### **90 Amending current GPS**

- (1) The Minister may amend the current GPS at any time.
- (2) The provisions of this Act regarding the preparation and availability of a GPS—
  - (a) apply with the necessary modifications to an amendment to the current GPS; but
  - (b) do not apply if the amendment to the current GPS is not significant.
- (3) An amendment forms part of the GPS it amends.
- (4) For the purposes of this section, **current GPS** means the GPS that is in effect over the same period as the current national land transport programme.

#### **91 Availability of GPS**

As soon as practicable after issuing a GPS, the Minister must—

- (a) present a copy of the GPS to the House of Representatives; and
- (b) arrange for a copy of the GPS to be given to each of the following:

- (i) the Secretary;
  - (ii) the Agency;
  - (iii) the Commissioner;
  - (iv) every approved organisation; and
- (c) make a copy of the GPS publicly available in accordance with section 108.

## Part 4

### New Zealand Transport Agency, regional transport committees, and miscellaneous provisions

#### Subpart 1—New Zealand Transport Agency

#### 92 Overview

- (1) This subpart establishes the New Zealand Transport Agency and sets out the objective and functions of the Agency, its operating principles, and related provisions.
- (2) This Act contains a range of accountability provisions relevant to the Agency's functions, duties, and powers under this Act, including the following:
- (a) section 11, which concerns the annual report on the national land transport fund; and
  - (b) sections 16 and 17, which concern the form and content of regional land transport programmes, and include procedures for the Agency to propose activities or combinations of activities for inclusion in a programme; and
  - (c) section 19D, which concerns notification by the Agency about decisions not to include activities or combinations of activities in a national land transport programme; and
  - (d) section 20D, which concerns the giving of reasons by the Agency for any decision to approve or decline funding for an activity or combination of activities under section 20; and
  - (e) section 89, which concerns the requirement for the Agency to give effect to the GPS when exercising its functions under subpart 1 of Part 2; and
  - (f) section 96, which concerns the Agency's operating principles, systems, and procedures; and
  - (g) section 100, which concerns the Agency's statement of intent; and
  - (h) section 101, which concerns monitoring and review of specified activities and procedures of the Agency by the Secretary; and
  - (i) section 109, which concerns the making of regulations requiring the Agency to disclose specified information or report in specified ways.



- (3) This section is by way of explanation only, and if a provision of this or any other Act is inconsistent with this section, the other provision prevails.

### **93 Establishment of New Zealand Transport Agency**

- (1) This section establishes the New Zealand Transport Agency.
- (2) The Agency is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (3) The Crown Entities Act 2004 applies to the Agency except to the extent that this Act expressly provides otherwise.

### **94 Objective of Agency**

The objective of the Agency is to undertake its functions in a way that contributes to an affordable, integrated, safe, responsive, and sustainable land transport system.

### **95 Functions of Agency**

- (1) The Agency has the following functions:
- (a) to promote an affordable, integrated, safe, responsive, and sustainable land transport system:
  - (b) 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:
  - (c) to manage the State highway system, including planning, funding, design, supervision, construction, and maintenance and operations, in accordance with this Act and the Government Rounding Powers Act 1989:
  - (d) to deliver or manage the delivery of its other activities and combinations of activities, including (but not limited to) those relating to research, education, training, and coastal shipping:
  - (e) to manage funding of the land transport system, including (but not limited to)—
    - (i) administration of land transport revenue and regional fuel taxes; and
    - (ii) auditing the performance of approved organisations in relation to activities approved by the Agency and the operation of the land transport disbursement accounts of approved organisations:
  - (f) to manage regulatory requirements for transport on land, including (but not limited to) maintaining and preserving records and documents concerning activities within the land transport system, and maintaining registers:

- (g) to assist, advise, and co-operate with approved organisations:
  - (h) 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:
  - (i) to provide the Minister with any advice relating to the Agency's functions that the Minister may request:
  - (j) to carry out any other functions relating to land transport that the Minister directs in accordance with section 112 of the Crown Entities Act 2004:
  - (k) to carry out those functions conferred on the Agency by other provisions in this Act or under any other Act.
- (2) The Agency's statutorily independent functions are to—
- (a) issue, endorse, alter, replace, renew, suspend, or revoke any land transport document or other authorisation under any enactment; and
  - (b) grant exemptions under any enactment; and
  - (c) enforce the provisions of any enactment conferring functions or duties on the Agency; and
  - (d) determine whether particular activities should be included in a national land transport programme; and
  - (e) approve activities or combinations of activities under section 20; and
  - (f) approve procurement procedures.
- (3) In this section, **land transport document** includes—
- (a) a land transport document as defined in section 2(1) of the Land Transport Act 1998; and
  - (b) a rail document as defined in section 4(1) of the Railways Act 2005.

## 96 Operating principles

- (1) In meeting its objective and undertaking its functions, the Agency must—
- (a) exhibit a sense of social and environmental responsibility, which includes—
    - (i) avoiding, to the extent reasonable in the circumstances, adverse effects on the environment; and
    - (ii) ensuring, in relation to its functions under section 95, and to the extent practicable, that persons or organisations preparing regional land transport programmes—
      - (A) take into account the views of affected communities; and

- (B) give land transport options and alternatives an early and full consideration in a manner that contributes to the matters in subparagraph (i) and subsubparagraph (A); and
      - (C) provide early and full opportunities to the persons and organisations who are required to be consulted in order to contribute to the development of regional land transport programmes; and
    - (iii) meeting the requirements of section 18H (Māori contribution to decision making); and
  - (b) use its revenue in a manner that seeks value for money, and,—
    - (i) if the revenue is part of the national land transport fund, in accordance with section 10(3); and
    - (ii) in all other cases, for the purpose for which it is collected; and
  - (c) ensure that its revenue and expenditure are accounted for in a transparent manner; and
  - (d) ensure that—
    - (i) it acts in a transparent manner in its decision making under this Act; and
    - (ii) it gives, when making decisions in respect of land transport planning and funding under subpart 1 of Part 2, the same level of scrutiny to its own proposed activities and combinations of activities as it would give to those proposed by approved organisations.
- (2) The Agency must have systems and procedures to enable it to give effect to the principle set out in subsection (1)(d)(ii), and must—
- (a) make information about those systems and procedures available on its Internet site; and
  - (b) include in its annual report under section 150 of the Crown Entities Act 2004 a report on its implementation of those systems and procedures.
- (3) The Auditor-General must, when carrying out the annual audit of the Agency under section 15 of the Public Audit Act 2001, report on the Agency's implementation of the systems and procedures referred to in subsection (2).

**97 Agency must consider delegating or contracting out functions and powers**

In the course of performing its functions and exercising its powers, the Agency must consider whether it could most efficiently and effectively perform those functions and exercise those powers by means of its own operations, or by delegating or contracting out those operations to appropriate persons.

**98 Agency's board**

- (1) The Agency's board must have at least 6, but no more than 8, board members appointed in accordance with section 28(1)(a) of the Crown Entities Act 2004.

- (2) The responsible Minister must not appoint a board member unless he or she has consulted with the persons, representative groups within the land transport sector or elsewhere, government departments, and Crown entities that he or she considers appropriate.
- (3) The Agency's board must not delegate any functions or powers delegated to the board by the Minister without the written consent of the Minister.

#### **99 Use of certain words**

- (1) No person other than the Agency may, either alone or with another person, be incorporated or registered under another enactment, trade or carry on business, or perform the functions for which it was formed—
  - (a) under a name that contains the words New Zealand Transport Agency; or
  - (b) under a name that so resembles the words New Zealand Transport Agency as to be likely to mislead.
- (2) On or from the commencement of this Act until 31 December 2011, no person other than the Agency may, either alone or with another person, be incorporated or registered under another enactment, trade or carry on business, or perform the functions for which it was formed—
  - (a) under a name that contains the words Land Transport New Zealand or the words Transit New Zealand; or
  - (b) under a name that so resembles the words Land Transport New Zealand or the words Transit New Zealand as to be likely to mislead.
- (3) Nothing in subsection (1) or (2) applies to the Agency or to any person who is appropriately authorised by the Agency.

#### **100 Statement of intent**

- (1) The Agency must, if so required by the Minister, include 1 or more of the following matters in its statement of intent under section 139 of the Crown Entities Act 2004:
  - (a) the basis on which the Agency will prepare the national land transport programme and how that programme will give effect to the GPS;
  - (b) any requirement to review or revise the national land transport programme and the basis on which that review or revision is to be carried out;
  - (c) the basis on which the Agency will approve procurement procedures under section 25;
  - (d) any directions under section 95(1)(j) or under Part 3 of the Crown Entities Act 2004;
  - (e) a statement as to how the Agency will implement the principles, systems, and procedures in section 96:

- (f) any steps that the Agency intends to take, having considered ways in which it might foster the development of Māori capacity to contribute to the Agency's land transport decision-making processes, over the period covered by the statement of intent:
  - (g) any other matters that the Agency and the Minister agree or the Minister requires.
- (2) The Minister may direct the Agency to amend any provision that is included in its statement of intent under this section, and section 147 of the Crown Entities Act 2004 applies accordingly.

**101 Secretary must monitor and review specified activities and procedures**

- (1) The Secretary, for the purpose of evaluating the performance of the land transport funding and planning system, must monitor and review—
- (a) samples of activities or combinations of activities approved under section 20; and
  - (b) the Agency's evaluation procedures under sections 18J, 19A, 19B, and 20; and
  - (c) the Agency's process for determining and applying design standards to roads; and
  - (d) the Agency's application of procurement procedures under sections 25 and 26.
- (2) The Secretary may, in writing, request the Agency to provide any information that is reasonably required and relevant to enable the Secretary to carry out the monitoring specified in subsection (1).
- (3) The Agency must provide the Secretary with the information that the Secretary requests under subsection (2).
- (4) Despite subsection (3), the Agency may refuse a request for information from the Secretary if—
- (a) the withholding of the information is not contrary to the Official Information Act 1982; and
  - (b) the withholding of the information is necessary to protect the privacy of a person (whether or not a natural person or a deceased person).
- (5) To avoid doubt, this section does not—
- (a) limit sections 132 to 134 of the Crown Entities Act 2004; or
  - (b) affect the responsible Minister's functions, duties, or powers under the Crown Entities Act 2004.

**102 Monitoring and reporting on delivery of approved police activities or combinations of police activities**

- (1) The Secretary, or the Agency if designated for the purpose by the Secretary, must monitor the delivery of police activities or combinations of police activities that the responsible Minister has approved under section 18L.
- (2) With respect to the matters approved under section 18L, the Commissioner must, as agreed in writing by the responsible Minister and the Minister of Police, provide information relevant to those matters to any or all of the following:
  - (a) the responsible Minister:
  - (b) the Minister of Police:
  - (c) the Secretary:
  - (d) the Agency.
- (3) The Secretary must provide the Minister and the Agency with a report on the performance of the police in relation to the matters that the responsible Minister has approved under section 18L.
- (4) If the Agency carries out the monitoring required under subsection (1), the Agency must assist the Secretary with the production of the report required under subsection (3).
- (5) The Secretary must provide the Agency with a copy of the report referred to in subsection (3) before the Agency prepares its annual report on the national land transport fund under section 11.
- (6) An agreement entered into by the responsible Minister and the Minister of Police under subsection (2) must be published or made available to the public in the manner that those Ministers jointly consider appropriate.

**103 Secretary may declare State highways**

- (1) After considering the recommendations of the Agency, the Secretary—
  - (a) may, by notice in the *Gazette*, declare a road to be a State highway; and
  - (b) must, by the same or a subsequent notice, define the route of the State highway by town, road name, or route position.
- (2) A road declared to be a State highway may include land that was not previously constituted as part of the road.
- (3) In determining the route of a State highway, the Secretary—
  - (a) is not constrained to accept the route of an existing road; and
  - (b) may, if the Secretary thinks fit, declare, either permanently or temporarily, more than 1 State highway between any 2 places.
- (4) The Secretary may vary or revoke a declaration made under subsection (1) in the manner that a declaration is made under subsection (1).

- (5) A revocation of a State highway constitutes the road as a local road for the purposes of this or any other Act.
- (6) A declaration, variation, or revocation that affects or is likely to affect Māori land, land registered in the name of Pootatau Te Wherowhero under section 19 of the Waikato Raupatu Claims Settlement Act 1995, land subject to any other Māori claims settlement Act, or Māori historical, cultural, or spiritual interests, may not be made or revoked unless the Agency—
- (a) has consulted,—
    - (i) in the case of land registered in the name of Pootatau Te Wherowhero or interests relating to that land, the land holding trustee (as defined in section 7 of the Waikato Raupatu Claims Settlement Act 1995):
    - (ii) if any other Māori claims settlement Act requires consultation about the declaration, variation, or revocation, in accordance with that Act:
    - (iii) in any other case, every iwi or hapū that in the opinion of the Agency will or may be affected by the declaration, variation, or revocation; and
  - (b) is satisfied that the declaration, variation, or revocation should be made.
- (7) Subsection (6) does not limit the ability of the Agency to take similar action in respect of any other population group.
- (8) Before making a recommendation under subsection (1), the Agency must consult with any regional council or territorial authority that may be affected by the proposed declaration or revocation.
- (9) A declaration, variation, or revocation made under this section comes into force on a date to be specified in the relevant *Gazette* notice.
- (10) A road declared to be a State highway under section 11 of the National Roads Act 1953 or section 60 of the Government Roading Powers Act 1989 (formerly known as the Transit New Zealand Act 1989), and having that status under either Act immediately before the commencement of this section, is to be treated as having been declared to be a State highway under this section.

#### **104 Government Superannuation Fund**

- (1) Despite anything in this Act, a person who, immediately before becoming an employee of the Agency, was a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 is, for the purposes of that Act, to be treated as if he or she were employed in the government service so long as the person continues to be an employee of the Agency.

- (2) The Government Superannuation Fund Act 1956 applies to the person in all respects as if the person's service as an employee of the Agency were government service.
- (3) A person employed by the Agency who ceases to be a contributor to the Government Superannuation Fund is not subsequently entitled to become a contributor.
- (4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (2), **controlling authority**, in relation to that employee, means the Agency.

### Subpart 2—Regional transport committees

#### 105 Regional transport committees

- (1) As soon as practicable after each triennial election, every regional council must establish a regional transport committee under this section for its region.
- (2) Each regional council must appoint to its regional transport committee—
  - (a) 2 persons to represent the regional council; and
  - (b) 1 person from each territorial authority in the region to represent that territorial authority; and
  - (c) 1 person to represent the Agency; and
  - (d) 1 person to represent the objective of economic development; and
  - (e) 1 person to represent the objective of safety and personal security; and
  - (f) 1 person to represent the objective of public health; and
  - (g) 1 person to represent the objective of access and mobility; and
  - (h) 1 person to represent the objective of environmental sustainability; and
  - (i) 1 person to represent cultural interests.
- (3) Each regional council that is a unitary authority, or a combination of unitary authorities (as the case may be), must appoint to its regional transport committee—
  - (a) 5 persons to represent the unitary authority; and
  - (b) 1 person to represent the Agency; and
  - (c) 1 person to represent the objective of economic development; and
  - (d) 1 person to represent the objective of safety and personal security; and
  - (e) 1 person to represent the objective of public health; and
  - (f) 1 person to represent the objective of access and mobility; and
  - (g) 1 person to represent the objective of environmental sustainability; and
  - (h) 1 person to represent cultural interests.



- (4) A person specified in subsection (2)(a) to (c) and (3)(a) and (b) may only be appointed on the nomination of the relevant entity.
- (5) A person appointed under subsection (2)(d) to (i) or (3)(c) to (h)—
  - (a) must be from the wider regional community; and
  - (b) must not be a member or employee of that regional council, any other territorial authority in that region, or the Agency.
- (6) Each regional council must appoint from its representatives the chair and deputy chair of the committee.
- (7) At any meeting of a regional transport committee, the chair, or any other person presiding at the meeting,—
  - (a) has a deliberative vote; and
  - (b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).
- (8) The Minister may issue guidelines to regional councils concerning the requisite knowledge and skills of those persons to be appointed under subsections (2)(d) to (i) and (3)(c) to (h).
- (9) Despite subsection (1), 2 or more adjoining regional councils may establish a single regional transport committee under this section, in which case, subsections (2) to (8) apply with all necessary modifications.
- (10) If a regional transport committee is established under subsection (9), any reference in Part 2 of this Act to a regional council is to be read as a reference to each of the regional councils that have established the committee.
- (11) If the area of a territorial authority (other than a territorial authority in the Auckland region) falls into the regions of more than 1 regional council, the territorial authority must decide (after consulting the relevant regional councils) which regional transport committee to join.
- (12) If subsection (11) applies, and a territorial authority fails to decide to join a regional transport committee, the Minister must direct the territorial authority to be represented by a particular regional transport committee.
- (13) If subsection (11) applies, the regional land transport programme and regional land transport strategy prepared by the regional transport committee that it joins applies to the entire area of the territorial authority.
- (14) For the purposes of subsection (11), **region**—
  - (a) has the same meaning as in the Local Government Act 2002; but
  - (b) means, in relation to Auckland, the Auckland region as defined in the Local Government (Auckland) Amendment Act 2004.
- (15) Nothing in this section or in sections 106 and 107 applies to the Auckland Regional Council or to Auckland's regional transport committee.

**106 Functions of regional transport committee**

- (1) The functions of each regional transport committee are to prepare for approval by the relevant regional council—
  - (a) a regional land transport strategy for its region, or any variations to the strategy, or any reports on the strategy prepared under subpart 1 of this Part; and
  - (b) a regional land transport programme for its region, or any variations to the programme prepared under subpart 1 of Part 2; and
  - (c) a regional fuel tax scheme for its region if the regional transport committee decides to recommend a scheme; and
  - (d) to provide the regional council with any advice and assistance the regional council may request in relation to its transport responsibilities.
- (2) Each regional transport committee and ARTA must adopt a policy that determines significance in respect of variations made to regional land transport programmes and regional land transport strategies under sections 18D and 81 (as the case may require).

**107 Procedure of committee**

- (1) The persons appointed under section 105(2)(d) to (i) and (3)(c) to (h) have full speaking rights but are not entitled to vote on matters related to regional land transport programmes.
- (2) The provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 concerning the meetings of committees of regional councils, so far as they are applicable and with the necessary modifications, apply in respect of meetings of the regional transport committees.
- (3) The Agency is not, as a result of being represented on a regional transport committee, bound to—
  - (a) include any matter in a national land transport programme under section 19C; or
  - (b) approve an activity or a combination of activities under section 20.

**Subpart 3—Miscellaneous****108 Public availability of documents**

- (1) Subsection (2) applies if the Minister or the Agency is required under this Act to make a document publicly available.
- (2) If this subsection applies, the Minister or the Agency must give notice in—
  - (a) the *Gazette*; and

- (b) 1 or more daily newspapers published in Whangarei, Auckland, Hamilton, Rotorua, Tauranga, Hawke's Bay, New Plymouth, Palmerston North, Wellington, Nelson, Christchurch, Dunedin, and Invercargill.
- (3) Subsection (4) applies if a regional council, ARTA, or the Auckland regional transport committee is required under this Act to make a document publicly available.
- (4) If this subsection applies, the relevant regional council, ARTA, or the Auckland regional transport committee (as the case may be) must give notice in the relevant local and regional newspapers.
- (5) A notice given under subsection (2) or (4) must state—
  - (a) where the document may be inspected; and
  - (b) where the document may be purchased.
- (6) A person who gives notice of a document under subsection (2) or (4) must make the document available—
  - (a) for inspection, free of charge; and
  - (b) for purchase at a reasonable price; and
  - (c) on the relevant person's Internet site in a format that is—
    - (i) readily accessible; and
    - (ii) if practicable, capable of being utilised by the visually impaired.

Compare: 1989 No 75 s 105

#### **109 Regulations**

The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—

- (a) requiring the Agency to—
  - (i) disclose specified information to the Minister or the public;
  - (ii) report in specified ways;
- (b) specifying—
  - (i) how funding under section 9(1) is to be apportioned; and
  - (ii) the process by which that funding can be allocated.

#### **44 Schedules 1 and 2 repealed**

Schedules 1 and 2 are repealed.

#### **45 Schedules 4 to 6 repealed**

Schedules 4 to 6 are repealed.

#### **46 New Schedule 7 added**

The Schedule 7 set out in Schedule 1 of this Act is added.

## Part 2

### Miscellaneous provisions

#### 47 Consequences of establishment of New Zealand Transport Agency

- (1) On 1 August 2008,—
  - (a) Land Transport New Zealand and Transit New Zealand are dissolved; and
  - (b) the office of the Director of Land Transport ceases to exist; and
  - (c) the Transit New Zealand Act 1989 is called the Government Rooding Powers Act 1989.
- (2) Schedule 2 applies to this section.

Section 47(1): amended, on 26 March 2015, by section 4 of the Land Transport Management Amendment Act 2008 Amendment Act 2015 (2015 No 18).

#### 48 Transitional and savings provisions

Other transitional and savings provisions relating to the coming into force of this Act are set out in Schedule 2.

#### 49 Amendments to Customs and Excise Act 1996

- (1) This section amends the Customs and Excise Act 1996.
- (2) Section 79A is repealed and the following section substituted:

#### 79A Power to alter rates of excise duty and excise-equivalent duty on motor spirits by Order in Council

- (1) At any time during the second financial year, or the third financial year, that follows the financial year in which the current rates of excise duty and excise-equivalent duty on motor spirits came into force, the Governor-General may, by Order in Council, reduce or increase any or all of those rates of excise duty and excise-equivalent duty by amending Schedule 3.

- (2) In this section,—

**financial year** means the 12 months ending on the close of 30 June or any other date determined for the entity by the Minister of Finance

**motor spirits** means motor spirit and fuels containing motor spirit specified in Excise item numbers 99.75.05F, 99.75.23D, 99.75.29C, 99.75.37D, 99.75.51K, 99.75.59E, 99.75.73L, 99.75.81A, and 99.75.93E and Tariff items 2710.19.13, 2710.19.25, 2710.19.21, 2710.19.39, 2710.19.15, 2710.19.27, 2710.19.21, 2710.19.39, 2710.19.64, 2710.19.70, 2207.20.23, 2207.20.35, 3824.90.87, 3824.90.93, and 38.90.97 set out in Schedule 3.

- (3) Section 80 is amended by repealing subsection (1) and substituting the following subsections:

- (1) This section applies to the following Orders in Council:

- (a) an Order in Council made under section 77(1); and
  - (b) an Order in Council made under section 79(1); and
  - (c) an Order in Council made under section 79A(1) that has the effect of increasing the rates of excise duty or excise-equivalent duty on motor spirits (as defined in section 79A(2)).
- (1A) An Order in Council to which this section applies must,—
- (a) if made on or before 30 June in any year, expire on the close of 31 December of that year except so far as it is expressly confirmed by Act of Parliament passed during that year; and
  - (b) if made on or after 1 July in any year, expire on the close of 31 December in the following year except so far as it is expressly confirmed by Act of Parliament passed before the end of that following year.
- (4) Section 80(2) is amended by omitting “by virtue of subsection (1)” and substituting “by virtue of subsection (1A)”.
- (5) Section 80(3) is amended by omitting “made under section 77(1) or section 79(1) or section 79A(1)” and substituting “to which this section applies”.

#### **50 Amendments to other enactments**

- (1) The Acts specified in Part 1 of Schedule 3 are amended in the manner indicated in that Part.
- (2) The regulations specified in Part 2 of Schedule 3 are amended in the manner indicated in that Part.

#### **51 Revocations**

The following enactments are revoked:

- (a) the Land Transport Management (Compliance with Auckland Regional Land Transport Strategy) Order 2006 (SR 2006/275);
- (b) Regulation 4 of the Land Transport Management (Apportionment and Refund of Excise Duty and Excise-Equivalent Duty) Regulations 2004 (SR 2004/238).

#### **52 Existing rights under Government Superannuation Fund Act 1956 unaffected**

- (1) Despite any thing in any other Act or any change in the majority shareholding of the company, any person who, immediately before 30 June 2008, is employed by the company and is a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 is, for the purposes of that Act, deemed to be an employee in the Government service so long as that person continues to be an employee of the company.

- (2) The Government Superannuation Fund Act 1956 applies to that person in all respects as if that person's service as an employee of the company is Government service.
- (3) Nothing in subsections (1) and (2) entitles any person to become a contributor to the Government Superannuation Fund after that person has ceased to be a contributor.
- (4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with this section, to all employees of the company who are contributors to the Government Superannuation Fund, **controlling authority**, in relation to the those employees, means the company's board.
- (5) For the purposes of this section, **company** means Toll NZ Consolidated Limited; and includes any successor company into which all or some of its assets, liabilities, and employees are transferred or merged, provided the Crown wholly owns (either directly or indirectly) the successor company or companies.

## Schedule 1 New Schedule 7 added

s 46

### Schedule 7 Auckland regional land transport strategy and regional transport committee

s 74(4)

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#### **1 Overview of Auckland's regional land transport strategy**

- (1) Auckland's regional land transport strategy, which is prepared by the Auckland regional transport committee on behalf of the Auckland Regional Council every 6 financial years and covers a period of at least 30 financial years, enables the Auckland Regional Council to provide guidance on the land transport outcomes sought by the Auckland region.
- (2) This clause is intended by way of explanation only, and if this clause is inconsistent with another provision of this Act or any other Act, then the other provision prevails.

#### **2 Responsibility for preparing and approving Auckland's regional land transport strategy**

- (1) At least once in every 6 financial years, the Auckland Regional Council must—
  - (a) ensure that the Auckland regional transport committee, which is established under clause 11, prepares, on the regional council's behalf, a

regional land transport strategy for the Auckland region that covers a period of at least 30 financial years; and

- (b) after considering the strategy prepared by the regional transport committee, approve Auckland's regional land transport strategy.

(2) For the purposes of this schedule, that part of the district of the Franklin District Council that is within the region of the Waikato Regional Council is to be treated—

- (a) as not being part of the region of the Waikato Regional Council; but
- (b) as being part of the region of the Auckland Regional Council.

Compare: 1998 No 110 s 175(5)

### 3 Core requirements for Auckland's regional land transport strategy

The Auckland regional transport committee must, in preparing Auckland's regional land transport strategy on behalf of the Auckland Regional Council,—

- (a) be satisfied that Auckland's regional land transport strategy—
  - (i) contributes to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system; and
  - (ii) contributes to each of the following:
    - (A) assisting economic development:
    - (B) assisting safety and personal security:
    - (C) improving access and mobility:
    - (D) protecting and promoting public health:
    - (E) ensuring environmental sustainability; and
  - (iii) is consistent with any—
    - (A) national land transport strategy; and
    - (B) relevant national policy statement or relevant regional policy statement or regional plan that is for the time being in force under the Resource Management Act 1991; and
  - (iv) avoids, to the extent reasonable in the circumstances, adverse effects on the environment; and
- (b) take into account—
  - (i) the relevant GPS; and
  - (ii) any national energy efficiency and conservation strategy; and
  - (iii) any relevant district plans.

Compare: 1998 No 110 s 175(2)(e), (3), (4)



**4 Other matters that must be taken into account**

When preparing Auckland's regional land transport strategy on behalf of the Auckland Regional Council, the Auckland regional transport committee must also take into account—

- (a) any guidelines issued by the Minister for regional land transport strategies; and
- (b) the land transport funding likely to be available within the region during the period covered by the strategy; and
- (c) the views of affected communities; and
- (d) the views of land transport network providers; and
- (e) the need to give early and full consideration to land transport options and alternatives in a way that contributes to the matters referred to in clause 3(a)(iv) and paragraph (c); and
- (f) the need to provide early and full opportunities for persons and organisations listed in clause 6(1) to contribute to the development of its regional land transport strategy.

Compare: 1998 No 110 s 175(2)(b)–(d), (f)–(i), (q)

**5 Contents of Auckland's regional land transport strategy**

- (1) Subject to subclause (2), Auckland's land transport strategy must contain the following matters:
- (a) inter-regional and intra-regional transport outcomes relevant to the region; and
  - (b) the strategic options for achieving those outcomes; and
  - (c) an assessment as to how the regional land transport strategy complies with clauses 3 and 4; and
  - (d) a statement of any relevant regional economic or land-use considerations, and the likely funding of any land transport infrastructure associated with those considerations; and
  - (e) a demand management strategy; and
  - (f) an assessment of the appropriate role for each land transport mode in the region; and
  - (g) an assessment of the role of education and enforcement in contributing to land transport outcomes; and
  - (h) a statement that identifies any strategic option for which co-operation is required with other regions; and
  - (i) a statement that identifies persons or organisations who should be involved in the further development of strategic options; and

- (j) measurable targets to be achieved to meet the outcomes of the regional land transport strategy; and
  - (k) a statement provided by an independent auditor of how the process followed by the regional transport committee complied with the requirements of this Act; and
  - (l) a summary of the policy relating to significance adopted by the regional transport committee in the Auckland region under clause 11(6).
- (2) Despite subclause (1), Auckland's regional land transport strategy must not—
- (a) include reference to activities or their prioritisation unless those activities have high regional significance; or
  - (b) include any matters other than those specified in subclause (1); and
  - (c) include any regional passenger transport plan.

Compare: 1998 No 110 s 175(2)(j)–(p); 2004 No 57 s 36

## **6 Consultation requirements for preparation of Auckland's regional land transport strategy**

- (1) When preparing a proposed regional land transport strategy on behalf of the Auckland Regional Council, the Auckland regional transport committee must consult—
- (a) the approved organisations in the region (which, for the avoidance of doubt, includes ARTA); and
  - (b) the adjoining regional councils and territorial authorities; and
  - (c) the Secretary; and
  - (d) the Agency; and
  - (e) the Commissioner; and
  - (f) the New Zealand Historic Places Trust; and
  - (g) the New Zealand Railways Corporation; and
  - (h) representative groups of land transport users and providers (including representative groups of coastal shipping users and providers); and
  - (i) the Ministry of Health; and
  - (j) the Accident Compensation Corporation; and
  - (k) the district health boards in the region; and
  - (l) affected communities; and
  - (m) Māori of the region; and
  - (n) the public in the region; and
  - (o) every affected approved public organisation in the region.
- (2) In carrying out the consultation required by subclause (1), the Auckland regional transport committee must—

- (a) act in accordance with the consultation principles set out in section 82 of the Local Government Act 2002; and
  - (b) use the special consultative procedure under sections 83, 87(2)(a), and 89 of the Local Government Act 2002.
- (3) The Auckland regional transport committee complies with subclause (2) if the required consultation on the regional land transport strategy is carried out in conjunction with the Auckland Regional Council's consultation on its long-term council community plan or its annual plan under the Local Government Act 2002.
- (4) When preparing a regional land transport strategy, the Auckland regional transport committee may require from any territorial authority within its region such information as the committee considers it requires in order to properly perform its functions under this Act in relation to that strategy, and the territorial authority must promptly comply with that requirement.

Compare: 1998 No 110 s 179

#### **7 Availability of Auckland's regional land transport strategy**

As soon as practicable after it has approved Auckland's regional land transport strategy, the Auckland Regional Council must—

- (a) forward copies of it to—
  - (i) the Secretary; and
  - (ii) the Agency; and
  - (iii) the Commissioner; and
  - (iv) the approved organisations in the region; and
- (b) make it publicly available in accordance with section 108.

Compare: 1998 No 110 s 177

#### **8 Variation of regional land transport strategy**

- (1) The Auckland Regional Council may vary Auckland's regional land transport strategy at any time.
- (2) The provisions of this schedule that apply to the preparation and approval of Auckland's regional land transport strategy apply, with the necessary modifications, to a variation of Auckland's regional land transport strategy.
- (3) A variation forms part of the Auckland regional land transport strategy that it varies.
- (4) Subclause (2) does not apply to any variations that are not significant.
- (5) The Auckland Regional Council must—
  - (a) monitor its regional land transport strategy; and

- (b) promptly vary its regional land transport strategy if necessary to ensure that it is consistent with the national land transport strategy.

Compare: 1998 No 110 s 176

## **9 Effect of Auckland's regional land transport strategy**

- (1) The Secretary must ensure that the actions of the Ministry take into account Auckland's regional land transport strategy.
- (2) In exercising its powers or performing its functions and duties, the Agency must ensure that it takes into account Auckland's regional land transport strategy.
- (3) The Commissioner must, except to the extent that his or her statutory functions or duties or common law obligations in any particular case otherwise require, ensure that in exercising or performing his or her functions, duties, and powers he or she takes into account Auckland's regional land transport strategies.

Compare: 1998 No 110 s 181

## **10 Three-year reports on regional land transport strategy**

- (1) Every 3 financial years, the Auckland regional transport committee must prepare a progress report on the implementation of the Auckland regional land transport strategy in place during the previous 3 financial years.
- (2) The Secretary, the Agency, the Commissioner, and approved organisations in the region must supply to the regional transport committee such information within its or his or her possession or control as may be reasonably requested by the Auckland regional transport committee for the purposes of preparing its progress report.
- (3) Within 3 months after the close of the third financial year to which its 3-year report relates, the Auckland regional transport committee on behalf of the Auckland Regional Council must—
- (a) forward copies of the report to—
- (i) the Secretary; and
  - (ii) the Agency; and
  - (iii) the Commissioner; and
  - (iv) approved organisations in the region; and
- (b) make a copy of the report publicly available in accordance with section 108.

Compare: 1998 No 110 s 182

## **11 Regional transport committee**

- (1) The Auckland Regional Council must establish a regional transport committee under this clause for the Auckland region.

- (2) The Auckland regional transport committee consists of suitable persons appointed by the Auckland Regional Council to represent—
  - (a) the objectives of economic development, safety and personal security, public health, access and mobility, and environmental sustainability; and
  - (b) cultural interests; and
  - (c) the Auckland Regional Council; and
  - (d) other territorial authorities in the region; and
  - (e) the Agency.
- (3) The Auckland Regional Council must appoint a sufficient number of persons to enable all of the objectives specified in subclause (2)(a) to be adequately represented.
- (4) A person appointed with respect to subclause (2)(a) or (b)—
  - (a) must be from the wider regional community; and
  - (b) must not be a representative of the Auckland Regional Council, any other territorial authority in the Auckland region, or the Agency.
- (5) The functions of the regional transport committee in the Auckland region are to—
  - (a) prepare a regional land transport strategy for the Auckland region for approval by the Auckland Regional Council, and to prepare any variations to, and reports on, the strategy;
  - (b) carry out the responsibilities of the committee set out in section 65E(3) and (4) in respect of the regional fuel tax scheme for the Auckland region.
- (6) The regional transport committee in the Auckland region must adopt a policy that determines significance in respect of variations made to regional land transport strategies under clause 8.
- (7) The provisions of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 concerning the meetings of committees of regional councils, so far as they are applicable and with the necessary modifications, apply in respect of meetings of the Auckland regional transport committee.

Compare: 1998 No 110 s 178

## Schedule 2

### Transitional and savings provisions

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### *Interpretation*

#### **1 Interpretation**

(1) In this schedule, unless the context otherwise requires,—

**Authority** has the same meaning as in section 5 of the Land Transport Management Act 2003 as in force immediately before 1 August 2008

**board**, in relation to the new Agency, means the board specified in section 98 of the Land Transport Management Act 2003

**Director** means the Director of Land Transport

**former agency** means (as the case may require)—

- (a) Land Transport New Zealand;
- (b) Transit New Zealand

**land transport programme** has the same meaning as in section 5 of the Land Transport Management Act 2003 as in force immediately before 1 August 2008

**new Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

**property**—

- (a) means every type of property; and
- (b) includes—
  - (i) every type of estate and interest in property; and
  - (ii) money



**suitable alternative position**, in relation to an employee, means a position—

- (a) for which the employee has the appropriate skills and experience; and
- (b) the pay and conditions of which are, in their overall effect, no less favourable to the employee than those applying to the employee immediately before the date of the employee's transfer to that position

**transferred employee** means a person who,—

- (a) immediately before 1 August 2008, is employed by a former agency; and
  - (b) is transferred to the new Agency under clause 26(1)(h).
- (2) Any term or expression that is defined in the Land Transport Management Act 2003 and used, but not defined, in this schedule has, unless the context otherwise requires, the same meaning as in that Act.

Compare: 2004 No 97 Schedule 2 cl 1

*National land transport fund*

*[Repealed]*

Heading: repealed, on 13 June 2013, pursuant to section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**2 Treatment of certain land transport revenue**

*[Repealed]*

Schedule 2 clause 2: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**3 Crown may pay new Agency for certain liabilities incurred before 1 August 2008**

*[Repealed]*

Schedule 2 clause 3: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**4 Crown's authority to pay for certain expenditure using land transport revenue**

*[Repealed]*

Schedule 2 clause 4: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

*Land transport programmes**[Repealed]*

Heading: repealed, on 13 June 2013, pursuant to section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**5 Completed land transport programmes for 2008/09 financial year to have effect until 1 July 2009***[Repealed]*

Schedule 2 clause 5: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**6 Treatment of police activities and combinations of police activities in Authority's completed land transport programme for 2008/09 financial year***[Repealed]*

Schedule 2 clause 6: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**7 Completion of draft land transport programmes for 2008/09 financial year***[Repealed]*

Schedule 2 clause 7: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

*First regional land transport programmes**[Repealed]*

Heading: repealed, on 13 June 2013, pursuant to section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**8 First regional land transport programmes***[Repealed]*

Schedule 2 clause 8: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

*Police activities or combinations of police activities**[Repealed]*

Heading: repealed, on 13 June 2013, pursuant to section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**9 First approval of recommendations***[Repealed]*

Schedule 2 clause 9: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

*National land transport programme*

*[Repealed]*

Heading: repealed, on 13 June 2013, pursuant to section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**10 National land transport programme for 2008/09 financial year to have effect until 1 July 2009**

*[Repealed]*

Schedule 2 clause 10: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**11 First national land transport programme of new Agency**

*[Repealed]*

Schedule 2 clause 11: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

*Approval of activities or combinations of activities*

**12 Approvals in effect immediately before 1 August 2008**

Subject to clause 42, approvals in effect under sections 20 and 21 of the Land Transport Management Act 2003 immediately before 1 August 2008 continue to have effect.

Compare: 2004 No 97 Schedule 2 cl 16

**13 Approval of activities and combinations of activities for 2008/09 financial year**

*[Repealed]*

Schedule 2 clause 13: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**14 Approval of certain activities or combinations of activities**

- (1) The new Agency must approve activities and combinations of activities as qualifying for payment from the national land transport fund up to the amount, which is subject to subclause (2), and by the financial year specified in the second column of the following table in order to fulfil the Crown's commitment described in the first column of that table opposite that amount and financial year:

<b>The Crown's commitment</b>	<b>Amount (which is subject to subclause (2)) and financial year by which amount is to be approved(\$)</b>
Auckland Land Transport—contribution to implementing Auckland's regional land transport strategy: the Crown's commitment was originally \$898,000,000 over 2004/05–2014/15, including rail funding	130,000,000 by 2012/13
Bay of Plenty—to address congestion and improve access and safety through investment	135,000,000 by 2015/16

	<b>Amount (which is subject to subclause (2)) and financial year by which amount is to be approved(\$)</b>
<b>The Crown's commitment</b> in strategic roading, passenger transport, transport demand management, and walking and cycling: the Crown's commitment was originally \$150,000,000 over 2006/07–2014/15	
Waikato Land Transport—contribution to implementing Waikato's regional land transport strategy: the Crown's commitment was originally \$215,000,000 over 2007/08–2016/17, including rail funding	188,000,000 by 2017/18
Wellington Land Transport—contribution to implementing Wellington's regional land transport strategy: the Crown's commitment was originally \$225,000,000 over 2005/06–2014/15	91,951,000 by 2015/16
Wellington Land Transport (Western Corridor)—contribution to improve safety and access reliability of the Wellington Western Corridor: the Crown's commitment was originally \$660,000,000 over 2006/07–2015/16	625,152,000 by 2016/17 made up as follows: (a) up to 405,000,000 to be applied to advance a long-term solution to address access reliability for State Highway 1 between Kapiti and Wellington (b) up to 220,152,000 to be applied to passenger transport and roading to address congestion and to improve safety and access reliability of the Wellington Western Corridor.
(2) The Governor-General may, by Order in Council, increase any or all of the amounts or periods specified in the second column of the table in subclause (1).	
(3) The new Agency must include in its annual report on the national land transport fund under section 11 of the Land Transport Management Act 2003 a statement of the total expenses or capital expenditure incurred from the 2008/09 financial year to date in fulfilling each of the Crown's commitments listed in subclause (1).	
(4) The reporting requirement in subclause (3) applies until all of the Crown's commitments listed in subclause (1) have been fulfilled.	
(5) To avoid doubt, compliance by the new Agency with this clause does not constitute a breach of section 95(2) of the Land Transport Management Act 2003.	
(6) An order under subclause (2) is secondary legislation ( <i>see</i> Part 3 of the Legislation Act 2019 for publication requirements).	

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**Legislation Act 2019 requirements for secondary legislation made under this clause**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Schedule 2 clause 14(1): amended, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

Schedule 2 clause 14(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

**15 Approval of new Agency's activities and combinations of activities (excluding those relating to State highways) for 2008/09 financial year**

*[Repealed]*

Schedule 2 clause 15: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**16 Treatment of certain costs and expenses of new Agency for 2008/09 financial year**

*[Repealed]*

Schedule 2 clause 16: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**17 No Ministerial approval required for costs and expenses of new Agency for 2008/09 financial year**

*[Repealed]*

Schedule 2 clause 17: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**18 Approved procurement procedures**

Subject to clause 42, approved procurement procedures in effect under section 25 or 95(1) of the Land Transport Management Act 2003 immediately before 1 August 2008 continue to have effect as approved procurement procedures under that Act.

Compare: 2004 No 97 Schedule 2 cl 21

**19 Reporting requirements for new Agency in 2008/09 and 2009/10 financial years**

*[Repealed]*

Schedule 2 clause 19: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

*Regional land transport committees and first regional transport committees*

*[Repealed]*

Heading: repealed, on 13 June 2013, pursuant to section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**20 Temporary continuation of regional land transport committees (other than Auckland regional transport committee)**

*[Repealed]*

Schedule 2 clause 20: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**21 Establishment of first regional transport committees for each region (excluding Auckland region)**

*[Repealed]*

Schedule 2 clause 21: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**22 Continuation of Auckland regional land transport committee**

*[Repealed]*

Schedule 2 clause 22: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

*Regional land transport strategies*

*[Repealed]*

Heading: repealed, on 13 June 2013, pursuant to section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**23 Existing regional land transport strategies**

*[Repealed]*

Schedule 2 clause 23: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**24 First progress reports on regional land transport strategy**

*[Repealed]*

Schedule 2 clause 24: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

*First GPS*

*[Repealed]*

Heading: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**25 First GPS**

*[Repealed]*

Schedule 2 clause 25: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

*Dissolution of Land Transport New Zealand and Transit New Zealand*

**26 Consequences of dissolution**

- (1) On 1 August 2008,—
- (a) the functions, duties, and powers of the former agencies under any enactment vest in the new Agency; and
  - (b) all property belonging to the former agencies vests in the new Agency; and

- (c) all information held by the former agencies is held by the new Agency; and
  - (d) all money payable to or by the former agencies becomes payable to or by the new Agency; and
  - (e) all rights, liabilities, contracts, entitlements, and engagements of the former agencies become the rights, liabilities, contracts, entitlements, and engagements of the new Agency; and
  - (f) all directions to the former agencies in effect immediately before 1 August 2008 become directions to the new Agency; and
  - (g) any delegation by Transit under section 62 of the Transit New Zealand Act 1989 has effect as if it were a delegation by the new Agency; and
  - (h) subject to clause 31, every employee of the former agencies becomes an employee of the new Agency on the same terms and conditions as applied immediately before becoming an employee of the new Agency; and
  - (i) anything done, or omitted to be done, or that is to be done, by, or in relation to, the former agencies is to be treated as having been done, or having been omitted to be done, or to be done, by, or in relation to, the new Agency; and
  - (j) the commencement, continuation, or enforcement of proceedings by or against the former agencies may instead be commenced, continued, or enforced by or against the new Agency without amendment to the proceedings; and
  - (k) the completion of a matter or thing that would, but for this clause, have been completed by the former agencies, may be completed by the new Agency.
- (2) Despite anything in subclause (1), the board of the new Agency may appoint a new chief executive after 1 August 2008.
- (3) The transfer of information from the former agencies to the new Agency under subclause (1)(c) does not constitute an action that is an interference with the privacy of an individual under section 66 of the Privacy Act 1993.
- (4) The dissolution of the former agencies does not, by itself, affect any of the following matters:
- (a) any decision made, or anything done or omitted to be done, by a former agency in relation to the performance or the exercise of the former agency's functions, duties, or powers under any enactment:
  - (b) any proceedings commenced by or against a former agency:

- (c) any other matter or thing arising out of a former agency's performance or exercise, or purported performance or exercise, of the former agency's functions, duties, or powers under any enactment.

Compare: 2004 No 97 Schedule 2 cl 2

## **27 Operating principles**

*[Repealed]*

Schedule 2 clause 27: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

## **28 References to former agency**

- (1) This clause applies to—
  - (a) things that are in force or existing on 1 August 2008 (whether coming into force, entered into, or created before or after the commencement of this clause); and
  - (b) references in any thing, including (without limitation) enactments, rules, bylaws, deeds, agreements, proceedings, instruments, documents and notices.
- (2) If this clause applies, every reference in any thing specified in subclause (1) to a former agency is, on or after 1 August 2008, to be read as a reference to the new Agency unless the context otherwise requires.

Compare: 2004 No 97 Schedule 2 cl 3

## **29 New Agency replaces Transit New Zealand as requiring authority**

- (1) This clause applies to any Order in Council, notice, or other instrument that approves of Transit New Zealand as a requiring authority and that was in effect immediately before 1 August 2008, including (without limitation)—
  - (a) the Resource Management (Approval of Transit New Zealand as Requiring Authority) Order 1992; and
  - (b) the Resource Management (Approval of Transit as Requiring Authority) Notice 1994.
- (2) Without limiting clauses 26 and 28, on 1 August 2008,—
  - (a) the new Agency replaces Transit New Zealand as a requiring authority under any Order in Council, notice, or other instrument to which this clause applies; and
  - (b) every reference to Transit New Zealand in any Order in Council, notice, or other instrument to which this clause applies, is, unless the context otherwise requires, to be read as a reference to the new Agency; and
  - (c) anything done, or omitted to be done, or that is to be or may be done (under or in relation to an Order in Council, notice, or other instrument to which this clause applies) by Transit New Zealand is to be treated as



having been done, or having been omitted to be done, or to be or may be done, by the new Agency; and

- (d) every notice of requirement and designation of Transit New Zealand is transferred to and held by the new Agency, with the same status and priority as if Transit New Zealand and the new Agency were the same entity.

### **30 First members of new Agency**

*[Repealed]*

Schedule 2 clause 30: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

### **31 Transferred employees**

- (1) The terms and conditions of employment of a transferred employee immediately before 1 August 2008 continue to apply in relation to that employee until—
  - (a) those terms and conditions are varied by agreement between the transferred employee and the new Agency; or
  - (b) the transferred employee accepts a subsequent appointment with the new Agency.
- (2) For the purposes of every enactment, law, determination, contract, and agreement relating to the employment of a transferred employee,—
  - (a) the employment agreement of that employee is to be treated as unbroken; and
  - (b) the employee's period of service with a former agency, and every other period of service of that employee that is recognised by a former agency as continuous service, is to be treated as a period of service with the new Agency.
- (3) To avoid doubt, the employment of a transferred employee by the new Agency does not constitute new employment for the purposes of the KiwiSaver Act 2006.
- (4) A transferred employee is not entitled to receive any payment or any other benefit because—
  - (a) the position held by the employee in a former agency has ceased to exist; or
  - (b) the employee has ceased (as a result of the transfer to the new Agency) to be an employee of a former agency; or
  - (c) the employee has been transferred to a suitable alternative position.

Compare: 2004 No 97 Schedule 2 cls 5–8

**32 Government Superannuation Fund**

- (1) This clause applies to every person who, immediately before 1 August 2008, was an employee of a former agency.
- (2) Nothing in this Act affects any entitlement under the Government Superannuation Fund Act 1956 of a person to whom this clause applies.
- (3) This clause is for the avoidance of doubt.  
Compare: 2004 No 97 Schedule 2 cl 9

**33 Final reports and accounts**

*[Repealed]*

Schedule 2 clause 33: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**34 Responsibility for reports and accounts of former agencies from 1 July 2008**

*[Repealed]*

Schedule 2 clause 34: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**35 Statements of intent**

*[Repealed]*

Schedule 2 clause 35: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

**36 Directions to former agencies continue to have effect as directions to new Agency**

Subject to clause 42, directions to any former agency in effect immediately before 1 August 2008 under any enactment continue to have effect as directions to the new Agency.

Compare: 2004 No 97 Schedule 2 cl 13

**37 Delegations**

Subject to clause 42, delegations in effect immediately before 1 August 2008 under the Crown Entities Act 2004 or any other Act continue to have effect despite the dissolution of Land Transport New Zealand or Transit New Zealand or the disestablishment of the office of the Director of Land Transport.

Compare: 2004 No 97 Schedule 2 cl 14

**38 Continuation of certain appointments**

A person who holds office as an enforcement officer or a dangerous goods enforcement officer under section 208 of the Land Transport Act 1998 immediately before the commencement of this Act is to continue in office and holds

office, until his or her appointment would have expired under the Land Transport Act 1998, as if this Act had not been passed.

Compare: 2004 No 97 Schedule 2 cl 15(2)

### *Disestablishment of office of Director of Land Transport*

#### **39 Consequences of disestablishing office of Director of Land Transport**

*[Repealed]*

Schedule 2 clause 39: repealed, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

#### **40 References to Director**

- (1) This clause applies to—
  - (a) things that are in force or existing on 1 August 2008 (whether coming into force, entered into, or created before or after the commencement of this clause); and
  - (b) references in any thing, including (without limitation) enactments, rules, bylaws, deeds, agreements, proceedings, instruments, documents, and notices.
- (2) If this clause applies, every reference in any thing specified in subclause (1) to the Director (or to the Director of Land Transport) is, on and after 1 August 2008, to be read as a reference to the new Agency unless the context otherwise requires.

### *Miscellaneous*

#### **41 General savings provision**

Except as otherwise expressly provided in this Act, nothing in this Act affects the completion of a matter or thing, or the bringing or completion of proceedings, that relates to an existing right, liability, contract, entitlement, interest, title, immunity, or duty.

Compare: 2004 No 97 s 20

#### **42 Matters continued by this Act have effect until replaced or revoked**

If a matter or thing is continued with a specified effect by this Act, the matter or thing continues to have that effect until revoked or replaced under the relevant empowering enactment.

Compare: 2003 No 118 s 111

#### **43 Transitional regulations**

*[Repealed]*

Schedule 2 clause 43: repealed, on 13 June 2013 (after expiring on 1 January 2012), by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

## Schedule 3

### Amendments to other enactments

s 50

#### Part 1

#### Amendments to Acts

##### **Births, Deaths, and Marriages Registration Act 1995 (1995 No 16)**

Schedule 1A: omit “Land Transport New Zealand” and substitute “New Zealand Transport Agency”.

##### **Children, Young Persons, and their Families Act 1989 (1989 No 24)**

Section 294(b): omit “Director of Land Transport” and substitute “New Zealand Transport Agency”.

##### **Christchurch-Lyttelton Road Tunnel Authority Dissolution Act 1978 (1978 No 51)**

Definition of **account** in section 2: repeal.

Definition of **Board** in section 2: repeal and substitute:

**Board** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Section 2(1): insert in its appropriate alphabetical order:

**New Zealand Transport Agency** means the Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Transit** in section 2: repeal.

Section 5(1): omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

Section 5(2)(b): omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

Section 6(2): omit “, and with the prior approval of Transfund New Zealand,”.

Section 6(2)(a): omit “Account” and substitute “balance of the fund within the meaning of the Land Transport Management Act 2003”.

Section 6(2)(b): repeal and substitute:

(b) all money payable to the Authority or the Board is payable to the New Zealand Transport Agency and is to be treated as land transport revenue for the purposes of the Land Transport Management Act 2003:

Section 6(2)(c): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

**Christchurch-Lyttelton Road Tunnel Authority Dissolution Act 1978 (1978 No 51)**—*continued*

Section 7: omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

Section 8(1): omit “Transit New Zealand” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

Section 8(2): omit “Transit New Zealand” and substitute “The New Zealand Transport Agency”.

Section 8(3): omit “Transit New Zealand” in the first and second places where it appears and substitute in each case “the New Zealand Transport Agency”.

Section 8(3): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

**Coroners Act 2006 (2006 No 38)**

Paragraph (i) of the definition of **other investigating authority** in section 9: omit “Land Transport New Zealand established by section 66” and substitute “the New Zealand Transport Agency established by section 93”.

**Crown Entities Act 2004 (2004 No 115)**

Item relating to Land Transport New Zealand in Part 1 of Schedule 1: omit.

Part 1 of Schedule 1: insert in its appropriate alphabetical order:

New Zealand Transport Agency

Item relating to Transit New Zealand in Part 1 of Schedule 1: omit.

**Electoral Act 1993 (1993 No 87)**

Section 263B(3)(c): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

Section 263B(4)(c): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

**Electricity Act 1992 (1992 No 122)**

Definition of **road** in section 2(1): omit “Transit New Zealand Act 1989” in each place where it appears and substitute in each case “Government Roding Powers Act 1989”.

Section 6(5): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Section 8(3): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Section 30(3): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

**Electricity Act 1992 (1992 No 122)**—*continued*

Section 33(4): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Heading to section 34: omit “**Transit New Zealand Act 1989**” and substitute “**Government Roding Powers Act 1989**”.

Section 34: omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

**Environment Act 1986 (1986 No 127)**

Item relating to Transit New Zealand Act 1989 in the Schedule: omit.

Schedule: insert in its appropriate alphabetical order “Government Roding Powers Act 1989”.

**Fencing Act 1978 (1978 No 50)**

Definition of **road** in section 2: omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

**Foreshore and Seabed Act 2004 (2004 No 93)**

Paragraph (b) of the definition of **road** in section 5: omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

**Gas Act 1992 (1992 No 124)**

Definition of **road** in section 2(1): omit “Transit New Zealand Act 1989” in each place where it appears and substitute in each case “Government Roding Powers Act 1989”.

Section 7(5): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Section 9(4): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Section 31(3): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Section 34(4): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Heading to section 35: omit “**Transit New Zealand Act 1989**” and substitute “**Government Roding Powers Act 1989**”.

Section 35: omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

**Goods and Services Tax Act 1985 (1985 No 141)**

Section 5(6A): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

**Goods and Services Tax Act 1985 (1985 No 141)**—*continued*

Section 5(6B): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

**Hazardous Substances and New Organisms Act 1996 (1996 No 30)**

Section 97(c): omit “Director of Land Transport” and substitute “New Zealand Transport Agency”.

Section 97(d): omit “Director of Land Transport” and substitute “New Zealand Transport Agency”.

**Health Act 1956 (1956 No 65)**

Section 22C(2)(i): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

**Health and Safety in Employment Act 1992 (1992 No 96)**

Section 54(3): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

**Immigration Act 1987 (1987 No 74)**

Item relating to Land Transport New Zealand in Schedule 1: omit.

Schedule 1: insert in its appropriate alphabetical order:

New Zealand Transport Agency

**Land Transport Act 1998 (1998 No 110)**

Section 2(1): insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **approved taxi organisation** in section 2(1): omit “Director” and substitute “Agency”.

Definition of **Authority** in section 2(1): repeal.

Definition of **Director** in section 2(1): repeal.

Paragraph (b) of the definition of **enforcement authority** in section 2(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Paragraph (c) of the definition of **enforcement authority** in section 2(1): repeal.

Definition of **financial year** in section 2(1): omit “Authority” and substitute “Agency”.

Definition of **land transport documents** in section 2(1): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Paragraph (b) of the definition of **Land Transport Register** in section 2(1): omit “Authority” and substitute “Agency”.

**Land Transport Act 1998 (1998 No 110)**—*continued*

Definition of **logbook** in section 2(1): omit “Director” and substitute “Agency”.

Definition of **member** in section 2(1): omit “Authority” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in section 2(1): omit “Director” and substitute “Agency”.

Paragraph (c)(vii) of the definition of **motor vehicle** in section 2(1): omit “Director” and substitute “Agency”.

Definition of **national land transport strategy** or **strategy** in section 2(1): repeal.

Definition of **outputs** in section 2(1): omit “Authority” and substitute “Agency”.

Definition of **regional land transport strategy** in section 2(1): repeal.

Definition of **speed limit** in section 2(1): omit “Transit New Zealand Act 1989” and substitute “Government Roading Powers Act 1989”.

Definition of **Transit** and **Transit New Zealand** in section 2(1): repeal.

Paragraph (vii) of the definition of **vehicle recovery service** in section 2(1): omit “Director” and substitute “Agency”.

Section 4(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 18: omit “**Director**” and substitute “**Agency**”.

Section 18(2): omit “Director” and substitute “Agency”.

Section 19(1)(a): omit “Director of Land Transport” and substitute “Agency”.

Section 19(3)(a): omit “Director of Land Transport” and substitute “Agency”.

Section 19(4): omit “Director of Land Transport” in each place where it appears and substitute in each case “Agency”.

Section 19(5): omit “Director of Land Transport” and substitute “Agency”.

Section 19(5): omit “that Director” and substitute “the Agency”.

Section 19(7): omit “Director of Land Transport” and substitute “Agency”.

Section 19(7): omit “that Director” and substitute “the Agency”.

Heading to section 20: omit “**Director**” and substitute “**Agency**”.

Section 20: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 23(1): omit “Director” and substitute “Agency”.

Section 23(3): omit “Director” and substitute “Agency”.

Heading to section 24: omit “**Director**” and substitute “**Agency**”.

Section 24(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 24(3): omit “Director” in each place where it appears and substitute in each case “Agency”.



**Land Transport Act 1998 (1998 No 110)—continued**

Section 26: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 27: omit “Director” and substitute “Agency”.

Section 28(5): omit “Authority” and substitute “Agency”.

Section 29A(3)(b): omit “Director” and substitute “Agency”.

Section 29B(1): omit “Director” and substitute “Agency”.

Section 29B(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 29B(3): omit “Director” and substitute “Agency”.

Section 29B(3): omit “Director’s” and substitute “Agency’s”.

Section 29B(4): omit “Director” and substitute “Agency”.

Heading to section 30: omit “**Director**” and substitute “**Agency**”.

Section 30(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30(2): omit “Director” and substitute “Agency”.

Section 30(3): omit “Authority” and substitute “Agency”.

Section 30(4): omit “Director” and substitute “Agency”.

Section 30(4A): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30(5): omit “Director” and substitute “Agency”.

Section 30A(2): omit “Director” and substitute “Agency”.

Section 30A(4): omit “Director” and substitute “Agency”.

Section 30C(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30C(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30C(3): omit “Director” and substitute “Agency”.

Section 30C(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30D: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30E: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30F: omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 30G: omit “**Director**” and substitute “**Agency**”.

**Land Transport Act 1998 (1998 No 110)**—*continued*

Section 30G: omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 30H: omit “**Director’s**” and substitute “**Agency’s**”.

Section 30H: omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 30I: omit “**Director**” and substitute “**Agency**”.

Section 30I: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30L: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30M: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30O(2): omit “Director” and substitute “Agency”.

Section 30O(4): omit “Director” and substitute “Agency”.

Heading to section 30P: omit “**Director**” and substitute “**Agency**”.

Section 30P(1): omit “Director” and substitute “Agency”.

Heading to section 30Q: omit “**Director**” and substitute “**Agency**”.

Section 30Q(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 30R: omit “**Director**” and substitute “**Agency**”.

Section 30R(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 30S: omit “**Director**” and substitute “**Agency**”.

Section 30S(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 30T: omit “**Director**” and substitute “**Agency**”.

Section 30T: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30U(1): omit “Director” and substitute “Agency”.

Section 30U(2): omit “Director” and substitute “Agency”.

Definition of **adverse decision** in section 30V: omit “Director” and substitute “Agency”.

Definition of **person on the basis of whose character the adverse decision arises** in section 30V: omit “Director” and substitute “Agency”.

Heading to section 30W: omit “**Director**” and substitute “**Agency**”.

**Land Transport Act 1998 (1998 No 110)—continued**

Section 30W(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30W(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30X: omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 30Y: omit “**Director’s**” and substitute “**Agency’s**”.

Section 30Y: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30Y(b)(i): omit “Director’s” and substitute “Agency’s”.

Heading to section 30ZA: omit “**Director**” and substitute “**Agency**”.

Section 30ZA(1): omit “he or she” and substitute “the Agency”.

Section 30ZA: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30ZF(b): omit “Director” and substitute “Agency”.

Heading to section 30ZG: omit “**Director**” and substitute “**Agency**”.

Section 30ZG: omit “Director” and substitute “Agency”.

Section 31(1)(d): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 32(2)(a): omit “Director” and substitute “Agency”.

Section 46(1)(a): omit “Director” and substitute “Agency”.

Section 65(2): omit “Director” and substitute “Agency”.

Section 65(4): omit “Director” and substitute “Agency”.

Section 79A(3): omit “Director” and substitute “Agency”.

Section 79A(8): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 79A(8): omit “he or she thinks” and substitute “the Agency considers”.

Section 79B: omit “Director” and substitute “Agency”.

Section 79C(1): omit “Director” and substitute “Agency”.

Section 79O(a)(ii): omit “Director” and substitute “Agency”.

Section 83(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 83(1A): omit “Director” and substitute “Agency”.

Section 84(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 84(2): omit “Director” and substitute “Agency”.

**Land Transport Act 1998 (1998 No 110)**—*continued*

Heading to section 87: omit “**Director**” and substitute “**Agency**”.

Section 87: omit “Director” and substitute “Agency”.

Section 87A: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 87B: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 87D(1): omit “Director” and substitute “Agency”.

Section 87D(2): omit “Director” and substitute “Agency”.

Section 87F(1): omit “Director” and substitute “Agency”.

Section 87F(2): omit “Director” and substitute “Agency”.

Section 87G(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 87G(2): omit “Director” and substitute “Agency”.

Heading to section 88: omit “**Director**” and substitute “**Agency**”.

Section 88(1): omit “Director” and substitute “Agency”.

Section 88(2): omit “Director” and substitute “Agency”.

Section 89(1): omit “Director” and substitute “Agency”.

Section 90(1): omit “Director” and substitute “Agency”.

Section 90(2): omit “Director” and substitute “Agency”.

Section 91(2): omit “Director” and substitute “Agency”.

Section 91(3): omit “Director” and substitute “Agency”.

Section 91(4): omit “Director” and substitute “Agency”.

Section 92(1): omit “Director” and substitute “Agency”.

Section 92(2): omit “Director” and substitute “Agency”.

Section 92(3): omit “Director” and substitute “Agency”.

Section 93(2): omit “Director” and substitute “Agency”.

Section 93(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 93(6): omit “Director” and substitute “Agency”.

Section 96(8)(b)(i): omit “Director” and substitute “Agency”.

Heading to section 99A: omit “**Director**” and substitute “**Agency**”.

Section 99A: omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 100: omit “**Director**” and substitute “**Agency**”.

**Land Transport Act 1998 (1998 No 110)—continued**

Section 100: omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 101: omit “**Director**” and substitute “**Agency**”.

Section 101(1): omit “Director” and substitute “Agency”.

Section 101(3): omit “Director” and substitute “Agency”.

Section 101(4): omit “Director” and substitute “Agency”.

Section 101(4): omit “Authority” and substitute “Agency”.

Section 101(5): omit “Director” and substitute “Agency”.

Section 105(6): omit “Director” and substitute “Agency”.

Section 105(8): omit “Authority” and substitute “Agency”.

Section 106(1): omit “Director” and substitute “Agency”.

Section 106(3): omit “Director” and substitute “Agency”.

Section 106(4): omit “Director” and substitute “Agency”.

Section 107(5): omit “Director” and substitute “Agency”.

Heading to section 108: omit “**Director’s**” and substitute “**Agency’s**”.

Section 108: omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 109: omit “**Director**” and substitute “**Agency**”.

Section 109(1): omit “Director” and substitute “Agency”.

Section 109(3)(a): omit “Director” and substitute “Agency”.

Section 112(2): omit “Director” and substitute “Agency”.

Section 112(3): omit “Director” and substitute “Agency”.

Section 113(1)(a): omit “Transit New Zealand Act 1989” and substitute “Government Rounding Powers Act 1989”.

Section 115(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 115(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 115(3): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 115(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 115(6): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 130(5): omit “Director” and substitute “Agency”.

**Land Transport Act 1998 (1998 No 110)—continued**

- Section 131(4): omit “Director” and substitute “Agency”.
- Section 134(4)(a): omit “Authority” and substitute “Agency”.
- Section 135(1A): omit “Director” and substitute “Agency”.
- Section 141(3A): omit “Transit” and substitute “the Agency”.
- Section 142(1): omit “Authority” and substitute “Agency”.
- Section 142(2)(a): omit “Authority” and substitute “Agency”.
- Section 143(2): omit “Authority” and substitute “Agency”.
- Section 143(3): omit “Authority” and substitute “Agency”.
- Section 145A(b): omit “the Director or”.
- Section 145A(b): omit “Director;” and substitute “Agency;”.
- Section 145A(b): omit “Authority” and substitute “Agency”.
- Section 145A(c): omit “by the Director or”.
- Section 145A(c): omit “Authority” and substitute “Agency”.
- Section 145A(c): omit “Director to” and substitute “Agency to”.
- Section 145A(d): omit “by the Director or”.
- Section 145A(d): omit “Authority” and substitute “Agency”.
- Section 145A(d): omit “Director to” and substitute “Agency to”.
- Section 146(1): omit “Director” and substitute “Agency”.
- Section 147(2)(b)(i): omit “Authority” and substitute “Agency”.
- Section 149(1): omit “Authority” and substitute “Agency”.
- Section 149(1): omit “Director” and substitute “Agency”.
- Section 149(2)(b): omit “Authority” and substitute “Agency”.
- Section 149(2)(b): omit “Director” and substitute “Agency”.
- Section 150(1): omit “Director” in each place where it appears and substitute in each case “Agency”.
- Section 150(1): omit “the Director, or an employee of the Authority authorised by the Director” and substitute “an employee of the Agency authorised by the Agency”.
- Section 150(2): omit “Authority” and substitute “Agency”.
- Section 151(b): omit “Director” and substitute “Agency”.
- Section 152(g): repeal and substitute:
- (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:

**Land Transport Act 1998 (1998 No 110)—continued**

- (iii) the Agency’s objective under section 94 of the Land Transport Management Act 2003:
- (iv) the Agency’s functions under section 95 of the Land Transport Management Act 2003:

Section 154(h): omit “Director” and substitute “Agency”.

Section 157(e)(ii): omit “Director” and substitute “Agency”.

Section 158(b)(viii): omit “Director” and substitute “Agency”.

Section 158(b)(ix): omit “Director” and substitute “Agency”.

Section 159(3): omit “Director” and substitute “Agency”.

Section 159(5): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 160(4)(a): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 160(4)(a): omit “, the Director,”.

Section 160(4)(a): omit “or Director”.

Section 161(3): omit “Authority” and substitute “Agency”.

Heading to section 162: omit “**Director**” and substitute “**Agency**”.

Section 162(1): omit “Director” and substitute “Agency”.

Section 162(2): omit “Director” and substitute “Agency”.

Section 163(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 163(2): omit “Director” and substitute “Agency”.

Section 163(4)(a): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 163(4)(a): omit “he or she” and substitute “the Agency”.

Section 164(1): omit “Director” and substitute “Agency”.

Section 164(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 164(2): omit “he or she” and substitute “the Agency”.

Section 165(1): omit “Director” and substitute “Agency”.

Section 165(4): omit “Director” and substitute “Agency”.

Section 165(4): omit “Authority” and substitute “Agency”.

Heading to section 166: omit “**Director**” and substitute “**Agency**”.

Section 166(1): omit “Director” and substitute “Agency”.

**Land Transport Act 1998 (1998 No 110)—continued**

Section 166(1): omit “he or she” in each place where it appears and substitute in each case “the Agency”.

Section 166(2): omit “Director” and substitute “Agency”.

Section 166(4): omit “Director’s” and substitute “Agency’s”.

Section 168(1)(a): omit “Transit New Zealand Act 1989” and substitute “Government Roothing Powers Act 1989”.

Section 168(1)(b): omit “Authority” and substitute “Agency”.

Section 168(1)(b): omit “, the Director,”.

Heading to section 168A: omit “**Director**” and substitute “**Agency**”.

Section 168A(1): omit “Director” and substitute “Agency”.

Section 168A(2): omit “Director” and substitute “Agency”.

Section 168A(3): omit “Director” and substitute “Agency”.

Section 168A(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

New section 168B: insert after section 168A:

**168B Order in Council for certain land transport revenue**

- (1) The Governor-General may, by Order in Council, prescribe, or provide for the fixing of, fees and charges for the purposes of Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 that are identified in the Order in Council as land transport revenue for the purposes of the Land Transport Management Act 2003.
- (2) An Order in Council made under subsection (1) must,—
  - (a) if made on or before 30 June in any year, expire on the close of 31 December of that year except so far as it is expressly confirmed by Act of Parliament passed during that year; and
  - (b) if made on or after 1 July in any year, expire on the close of 31 December in the following year except so far as it is expressly confirmed by Act of Parliament passed before the end of that following year.
- (3) If an Order in Council expires by virtue of subsection (2)(a) or (b), any fees and charges collected under that Order in Council in excess of the fees and charges otherwise payable must, except in so far as any other provision is made by an Act of Parliament, be refunded.
- (4) An Order in Council made under subsection (1) that the House of Representatives resolves should be revoked or varied is revoked or varied in accordance with the terms of the resolution, and any fees and charges collected under the Order in Council in excess of the fees and charges otherwise payable are, so far as that resolution provides, to be refunded.



**Land Transport Act 1998 (1998 No 110)—continued**

- (5) The repeal of any Act of Parliament passed for the purpose of expressly validating or confirming an Order in Council under subsection (2) does not, unless there is any express provision to the contrary, affect the validity or confirmation of the Order in Council.

Part 13: repeal.

Heading to Part 14: omit and substitute “**Administrative provisions**”.

Section 186: repeal.

Section 187: repeal.

Section 197: repeal.

Section 198: omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 199: omit “**Authority**” and substitute “**Agency**”.

Section 199(1): omit “Authority” and substitute “Agency”.

Section 199(2)(a): omit “Director” and substitute “Agency”.

Section 199(4): omit “Director” and substitute “Agency”.

Section 199(6): omit “Director” and substitute “Agency”.

Section 199(7)(b): omit “Director” and substitute “Agency”.

Section 199A(1): omit “Authority” and substitute “Agency”.

Section 199A(4): omit “Director” and substitute “Agency”.

Section 199A(5)(b): omit “Director” and substitute “Agency”.

Section 200(1): omit “Authority” and substitute “Agency”.

Section 200(2): omit “Director” and substitute “Agency”.

Section 200(2A)(a): omit “Director” and substitute “Agency”.

Section 200(2A)(b): omit “Director” and substitute “Agency”.

Section 204: repeal.

Section 205: repeal.

Section 206: repeal.

Heading to section 207: omit “**Authority**” and substitute “**Agency**”.

Section 207(1): omit “Authority” and substitute “Agency”.

Section 207(5): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 207(6): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 208(3): omit “Director” and substitute “Agency”.

Section 208(3): omit “Authority” and substitute “Agency”.

**Land Transport Act 1998 (1998 No 110)—continued**

Section 208(4): omit “Director” and substitute “Agency”.

Section 208(5): omit “Director” and substitute “Agency”.

Section 208(6): omit “Director” and substitute “Agency”.

Section 208(7): omit “Director” and substitute “Agency”.

Section 208(7): omit “him or her” and substitute “the Commissioner or the Agency”.

Section 211A: omit “Authority” and substitute “Agency”.

Heading to section 212: omit “**Authority**” and substitute “**Agency**”.

Section 212: omit “Authority” and substitute “Agency”.

Section 218(4): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Section 221(1): repeal.

Section 221(3): omit “Authority” and substitute “Agency”.

Heading to section 223: omit “**Authority**” and substitute “**Agency**”.

Section 223(1)(a): omit “Authority” and substitute “Agency”.

Section 223(1)(a)(iii): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Section 223(1)(a)(iv): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Section 223(2): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Heading to section 230: omit “**Land Transport Safety Authority**” and substitute “**Agency**”.

Section 230(1): omit “Authority” and substitute “Agency”.

**Land Transport Amendment Act (No 2) 2006 (2006 No 30)**

Section 6(2): omit “Transit” and substitute “the New Zealand Transport Agency”.

**Litter Act 1979 (1979 No 41)**

Paragraph (a) of the definition of **public authority** in section 2(1): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

**Local Government Act 2002 (2002 No 84)**

Section 310: omit “power of Transit New Zealand” and substitute “power of the New Zealand Transport Agency”.

Section 310: omit “that Act” and substitute “Government Roding Powers Act 1989”.

**Local Government Act 1974 (1974 No 66)**

Definition of **State highway** in section 2(1): omit “Transit New Zealand Act 1989” and substitute “Government Roothing Powers Act 1989”.

Definition of **road** in section 315(1): insert “or the Government Roothing Powers Act 1989” after “within the meaning of that Act”.

Section 316(2): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

Section 317: omit “Transit New Zealand” in the first and third places where it appears and substitute in each case “the New Zealand Transport Agency”.

Section 317(1): omit “Transit New Zealand Act 1989” and substitute “Government Roothing Powers Act 1989”.

Proviso to section 331(2): omit “Director of Land Transport” and substitute “New Zealand Transport Agency”.

Proviso to section 331(2): omit “he” and substitute “the New Zealand Transport Agency”.

Section 356(6): omit “Transit New Zealand” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

Definition of **territorial authority** in section 356A(11): omit “Transit New Zealand” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

Section 684(1)(41): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

Section 684(1)(41): omit “that Authority” and substitute “the Agency”.

Section 684(1)(41A): omit “Transit New Zealand” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

**Local Government Amendment Act 1992 (1992 No 42)**

Section 89(2): omit “Transit New Zealand shall” and substitute “New Zealand Transport Agency must”.

Section 89(2): omit “Transit New Zealand Act 1989” and substitute “Government Roothing Powers Act 1989”.

Section 89(3): omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

Section 89(3)(a): omit “Transit New Zealand” in each place where it appears and substitute “New Zealand Transport Agency” in each case.

Section 89(8): omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

**Local Government (Auckland) Amendment Act 2004 (2004 No 57)**

Section 4(2): insert “**balance of the fund,**” in its appropriate alphabetical order.

**Local Government (Auckland) Amendment Act 2004 (2004 No 57)—continued**

Section 4(2): insert in its appropriate alphabetical order “**national land transport fund**”.

Section 4(2): omit “**national land transport account**”.

Section 4(2): omit “**regional land transport strategy, Transfund, and Transit**” and substitute “and **regional land transport strategy**”.

Section 9(1)(c): repeal and substitute:

(c) to prepare and approve a regional land transport programme for the Auckland land transport system that includes all of ARTA’s activities under this Act in accordance with the Land Transport Management Act 2003; and

Section 9(1)(d): omit “national land transport account” and substitute “national land transport fund”.

Section 9(2): insert “regional” after “in its”.

Section 9(3): insert “regional” after “its”.

Section 17(a): omit “Transfund” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

Section 32(2)(a): omit “sections 175 to 182 of the Land Transport Act 1998” and substitute “Schedule 7 of the Land Transport Management Act 2003”.

Section 32(2)(b): omit “national land transport account” and substitute “national land transport fund”.

Section 36: repeal.

Section 37(1)(b): omit “Transit New Zealand Act 1989” and substitute “Government Rounding Powers Act 1989”.

**Major Events Management Act 2007 (2007 No 35)**

Section 16(4)(b)(i): omit “Transit New Zealand” and substitute “Government Rounding Powers”.

**Motor Vehicle Sales Act 2003 (2003 No 12)**

Paragraph (b) of the definition of **motor cycle** in section 6(1): omit “Director of Land Transport” and substitute “New Zealand Transport Agency”.

**Ngai Tahu Claims Settlement Act 1998 (1998 No 97)**

Paragraph (c)(vi) of the definition of **relevant land** in section 48(1): omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

Section 396(5): omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

Part B of Schedule 7: omit “Transit New Zealand” from column 3 of the item relating to Kahutara and substitute “New Zealand Transport Agency”.

*Item repealed.*

**Oaths and Declarations Act 1957 (1957 No 88)**

Section 9(1)(i): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

**Ombudsmen Act 1975 (1975 No 9)**

Part 2 of Schedule 1: omit “Land Transport New Zealand” and substitute in its appropriate alphabetical order “New Zealand Transport Agency”.

Part 2 of Schedule 1: omit “Transit New Zealand”.

**Privacy Act 1993 (1993 No 28)**

Paragraph (gb) of the definition of **specified agency** in section 97: repeal and substitute:

(gb) the New Zealand Transport Agency:

Schedule 5: omit “Land Transport New Zealand” in each place where it appears and substitute in each case “New Zealand Transport Agency”.

Schedule 5: insert “Ministry of Transport” after “Ministry of Justice” in each place where it appears in the column headed “**Access Available to**”.

Schedule 5: omit the heading “*Ministry of Transport records*” and substitute the heading “*Registrar of Motor Vehicles records*”.

**Public Works Act 1981 (1981 No 35)**

Definition of **State highway** in section 2: omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Definition of **Transit New Zealand** in section 2: repeal.

Section 61(2): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

Section 62(1)(f): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

Section 62(1)(f): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Section 62(2)(e): repeal.

Section 114(2)(g): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

Section 116(2)(c): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

Section 224(18): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

**Railways Act 2005 (2005 No 37)**

Section 4(1): insert in its appropriate alphabetical order:

**Railways Act 2005 (2005 No 37)**—*continued*

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **approved safety case** in section 4(1): omit “Director” and substitute “Agency”.

Definition of **Authority** in section 4(1): repeal.

Definition of **Director** in section 4(1): repeal.

Definition of **ordinary safety assessment** in section 4(1): omit “Director” and substitute “Agency”.

Paragraph (a)(ii) of the definition of **road** in section 4(1): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Paragraph (b)(ii) of the definition of **road** in section 4(1): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Definition of **special safety assessment** in section 4(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 8(2): omit “Authority” and substitute “Agency”.

Section 13(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 13(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 15(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 16(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 17(1): omit “Director” and substitute “Agency”.

Section 17(1): omit “he or she” and substitute “the Agency”.

Section 17(2): omit “Director” and substitute “Agency”.

Section 18: omit “Director” and substitute “Agency”.

Section 19(2): omit “Director” and substitute “Agency”.

Section 20(1): omit “Authority” and substitute “Agency”.

Section 20(2)(h): omit “Director” and substitute “Agency”.

Section 20(3): omit “Director” and substitute “Agency”.

Section 21(1)(a): omit “Director” and substitute “Agency”.

Section 21(2): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 21(2)(c): omit “Director” in each place where it appears and substitute in each case “Agency”.

**Railways Act 2005 (2005 No 37)**—*continued*

Section 21(3)(b): omit “Director” and substitute “Agency”.

Section 21(3)(d): omit “Director” and substitute “Agency”.

Section 21(4)(b): omit “Director” and substitute “Agency”.

Section 21(4)(d): omit “Director” and substitute “Agency”.

Section 21(5): omit “Director” and substitute “Agency”.

Section 22(1): omit “Director” and substitute “Agency”.

Section 22(2)(b): omit “Director” and substitute “Agency”.

Heading to section 23: omit “**Director**” and substitute “**Agency**”.

Section 23(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 23(3): omit “Director” and substitute “Agency”.

Heading to section 24: omit “**Director**” and substitute “**Agency**”.

Section 24(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 25(1): omit “Director” and substitute “Agency”.

Section 25(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 25(3): omit “Director” and substitute “Agency”.

Section 25(3): omit “he or she” and substitute “the Agency”.

Heading to section 26: omit “**Director**” and substitute “**Agency**”.

Section 26(1): omit “Director” and substitute “Agency”.

Section 26(2): omit “Director” and substitute “Agency”.

Section 27(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 27(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 27(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 27(5): omit “Director” and substitute “Agency”.

Definition of **adverse decision** in section 27(6): omit “Director” and substitute “Agency”.

Heading above section 28: omit “*Director*” and substitute “*Agency*”.

Heading to section 28: omit “**Director**” and substitute “**Agency**”.

Section 28(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

**Railways Act 2005 (2005 No 37)**—*continued*

Section 28(1)(b): omit “he or she” and substitute “the Agency”.

Section 28(2): omit “Director” and substitute “Agency”.

Section 28(3)(b): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 30(1)(h)(ii): omit “Director” and substitute “Agency”.

Section 30(1)(h)(iv): omit “Director” and substitute “Agency”.

Section 30(1)(i): omit “Director” and substitute “Agency”.

Section 30(1)(n): omit “Director” and substitute “Agency”.

Section 31(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 31(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 32(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 32(2): omit “Director” and substitute “Agency”.

Section 32(3): omit “Director” and substitute “Agency”.

Section 32(3): omit “Director’s” and substitute “Agency’s”.

Section 32(4): omit “Director” and substitute “Agency”.

Section 32(5): omit “Director” and substitute “Agency”.

Section 32(6): omit “Director” and substitute “Agency”.

Section 32(7): omit “Director” and substitute “Agency”.

Section 33(1): omit “Director” and substitute “Agency”.

Section 33(3): omit “Director” and substitute “Agency”.

Heading to section 34: omit “**Director**” and substitute “**Agency**”.

Section 34(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 34(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 34(3): omit “Director” and substitute “Agency”.

Section 35(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 35(2): omit “Director” and substitute “Agency”.

Section 35(2)(b): omit “Director’s” and substitute “Agency’s”.

Section 35(3): omit “Director” in each place where it appears and substitute in each case “Agency”.



**Railways Act 2005 (2005 No 37)—continued**

Section 35(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 36(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 36(2): omit “Director” and substitute “Agency”.

Section 36(2): omit “he or she” in each place where it appears and substitute in each case “the Agency”.

Section 36(3): omit “Director” and substitute “Agency”.

Section 36(3): omit “his or her” and substitute “the Agency’s”.

Section 36(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 36(4)(c): omit “Director’s” and substitute “Agency’s”.

Section 37(1): omit “Director” and substitute “Agency”.

Section 37(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 39(a): omit “Director” and substitute “Agency”.

Section 41(1): omit “Authority” and substitute “Agency”.

Section 41(2): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 42(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 42(2): omit “Director” and substitute “Agency”.

Section 42(3): omit “Director” and substitute “Agency”.

Section 42(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 42(6): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 43(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 43(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 43(2): omit “Director’s” and substitute “Agency’s”.

Section 43(3): omit “Director” and substitute “Agency”.

Section 44(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 44(2): omit “Director” and substitute “Agency”.

**Railways Act 2005 (2005 No 37)**—*continued*

Section 45(1): omit “Director” and substitute “Agency”.

Section 45(4): omit “Director” and substitute “Agency”.

Section 46: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 47(3): omit “Director” and substitute “Agency”.

Section 48(5): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 53(1)(f): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 53(3)(b): omit “Director” and substitute “Agency”.

Section 53(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 54(4)(a): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 54(4)(a): omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 56: omit “**Director**” and substitute “**Agency**”.

Section 56(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 56(2): omit “Director” and substitute “Agency”.

Section 58(b): omit “Director” and substitute “Agency”.

Section 60(1): omit “Authority” and substitute “Agency”.

Section 60(1): omit “, the Director,”.

Section 60(1)(a): omit “Authority” and substitute “Agency”.

Section 67(1): omit “Director” and substitute “Agency”.

Section 67(2)(b): omit “Director” and substitute “Agency”.

Section 68(1): omit “Director” and substitute “Agency”.

Section 68(2): omit “Director” and substitute “Agency”.

Section 69(2)(b): omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to section 70: omit “**Director**” and substitute “**Agency**”.

Section 70: omit “Director” and substitute “Agency”.

Section 91(3): omit “Transit New Zealand Act 1989” and substitute “Government Rounding Powers Act 1989”.

Section 95: omit “Director” and substitute “Agency”.

**Railways Act 2005 (2005 No 37)—continued**

Section 96(a): omit “the Director or by an officer of the Authority authorised in that capacity by the Director” and substitute “an officer of the Agency authorised in that capacity by the Agency”.

Section 96(b): omit “the Director or by an officer of the Authority authorised in that capacity by the Director” and substitute “an officer of the Agency authorised in that capacity by the Agency”.

Section 96(c): omit “the Director or by an officer of the Authority authorised in that capacity by the Director” and substitute “an officer of the Agency authorised in that capacity by the Agency”.

Section 96(d): omit “the Director or by an officer of the Authority authorised in that capacity by the Director” and substitute “an officer of the Agency authorised in that capacity by the Agency”.

Section 102: omit “Director” and substitute “Agency”.

Section 102: omit “Authority” and substitute “Agency”.

Section 105(2)(a): omit “Director” and substitute “Agency”.

Section 105(4): omit “Director” and substitute “Agency”.

Section 105(6): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 105(8)(a): omit “Director” and substitute “Agency”.

Section 106(2)(a): omit “Director” and substitute “Agency”.

Section 106(3): omit “Director” and substitute “Agency”.

Heading to section 108: omit “**Director**” and substitute “**Agency**”.

Section 108(1): omit “Director” and substitute “Agency”.

Section 108(2)(a): omit “Director” and substitute “Agency”.

**Resource Management Act 1991 (1991 No 69)**

Definition of **road** in section 2(1): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Definition of **State highway** in section 2(1): omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

**Road User Charges Act 1977 (1977 No 124)**

Section 22: repeal and substitute:

**22 Road user charges to be paid into national land transport fund**

All road user charges (excluding applicable refunds, and goods and services tax payable under the Goods and Services Tax Act 1985), any additional charges under section 21A, and any assessments under section 18C or 18D must be paid into a Crown Bank Account and treated as land transport revenue.

**Road User Charges Act 1977 (1977 No 124)**—*continued***22AA Other amounts received under this Act**

- (1) This section applies to amounts that are received under this Act and that are not referred to in section 22.
- (2) Amounts to which this section applies must be paid to the relevant prescribed recipient.
- (3) However, if there is no prescribed recipient to whom any amounts to which this section applies must be paid, those amounts must be paid into the Crown Bank Account.
- (4) For the purposes of this section, **prescribed recipient** means the person who is specified in regulations made under this Act or any other enactment as the person to whom any amounts to which this section applies are payable.

Section 23B(2)(a): omit “Land Transport New Zealand” and substitute “New Zealand Transport Agency”.

Section 23B(2)(a): omit “Director of that Authority” and substitute “Agency”.

**Sentencing Act 2002 (2002 No 9)**

Section 126(f): omit “Director of Land Transport” and substitute “New Zealand Transport Agency”.

**Te Ture Whenua Maori Act 1993 (1993 No 4)**

Section 317(5): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

Section 320(4)(a): omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

**Transit New Zealand Act 1989 (1989 No 75)**

Title: repeal.

Section 1(1): omit “Transit New Zealand” and substitute “Government Rooding Powers”.

Definition of **financial year** in section 2(1): omit “Board and the Authority” and substitute “Agency”.

Definition of **State highway** in section 2(1): repeal.

Section 2(1): insert in their appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

**State highway** has the same meaning as in section 5 of the Land Transport Management Act 2003

**Transit New Zealand Act 1989 (1989 No 75)**—*continued*

Definitions of **Authority, Board, Director of Land Transport, Land Transport Authority, national land transport strategy or strategy, and regional land transport strategy** in section 2(1): repeal.

Section 2(4): omit “Authority” and substitute “Agency”.

Section 2(4): insert “signs, signals, barriers,” after “fords.”

Section 2(5): omit “Authority or the Board (as the case may be within their respective jurisdictions)” and substitute “Agency”.

Section 2(5): omit “Authority or the Board shall be” and substitute “Agency is”.

Section 2(5): omit “Authority or the Board (as the case may be)” and substitute “Agency”.

Section 2(6): omit “Authority or the Board for” and substitute “Agency for”.

Section 2(6): omit “Authority or the Board (as the case may be)” and substitute “Agency”.

Section 2(7): insert “or the Land Transport Management Act 2003” after “Act”.

Part 1: repeal.

Section 48(5): omit “Land Transport New Zealand” and substitute “the Agency”.

Section 50(1): omit “Authority” and substitute “Agency”.

Section 50(4): omit “Authority” and substitute “Agency”.

Section 50(4): omit “or by an officer of Land Transport New Zealand”.

Section 51(2): omit “Authority” and substitute “Agency”.

Section 51(3): omit “Authority” and substitute “Agency”.

Section 51(4): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 51(5): omit “Authority” and substitute “Agency”.

Section 52(1)(a): omit “Authority” and substitute “Agency”.

Section 52(2): omit “Authority” and substitute “Agency”.

Section 53(2)(a): omit “Director of Land Transport” and substitute “Agency”.

Definition of **controlling authority** in section 54(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 60: repeal.

Heading to section 61: omit “**Authority**” and substitute “**Agency**”.

Section 61(1): omit “Authority” and substitute “Agency”.

Section 61(2): omit “Authority” and substitute “Agency”.

Section 61(2A): omit “Authority” and substitute “Agency”.

**Transit New Zealand Act 1989 (1989 No 75)**—*continued*

Section 61(2B): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 61(3): omit “Authority” and substitute “Agency”.

Section 61(4): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 61(5): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 61(7): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 61(8): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 62(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 62(2): repeal and substitute:

- (2) Any activity relating to a State highway or part of it that is the subject of a delegation under subsection (1) may be proposed for inclusion in the relevant regional land transport programme by the territorial authority to which a delegation has been made under this section, and included in the programme as if it were a State highway activity.

Section 63(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 63(2): omit “Authority” and substitute “Agency”.

Section 63(3): omit “Authority” and substitute “Agency”.

Section 63(4): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 64(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 64(2): omit “Authority” and substitute “Agency”.

Heading to section 65: omit “**Authority**” and substitute “**Agency**”.

Section 65: omit “Authority” and substitute “Agency”.

Heading to section 66: omit “**Authority**” and substitute “**Agency**”.

Section 66: omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 67: repeal.

Section 68(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 68(2): omit “Authority” and substitute “Agency”.

**Transit New Zealand Act 1989 (1989 No 75)—continued**

Section 69: omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 70: omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 71(1): omit “Authority” and substitute “Agency”.

Section 71(3): omit “Transit” and substitute “the Agency”.

Section 71(3A): omit “Transit” and substitute “The Agency”.

Section 73: omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 74(1): omit “Authority” and substitute “Agency”.

Section 75(1): omit “Authority” and substitute “Agency”.

Section 75(2): omit “Authority” and substitute “Agency”.

Section 76(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 76(3): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 76(4): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 77(2): omit “Authority” and substitute “Agency”.

Section 77(3): omit “Authority” and substitute “Agency”.

Section 77(4): omit “Authority” and substitute “Agency”.

Section 77(5): omit “Authority” and substitute “Agency”.

Section 78: omit “Authority” and substitute “Agency”.

Section 79(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 79(2): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 79(3): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 79(4): omit “Authority” and substitute “Agency”.

Section 80: omit “Authority” and substitute “Agency”.

Section 80(2): omit “except subsection (4) of that section,”.

Section 81(2): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 81(3): omit “Authority” and substitute “Agency”.

Section 81(4): omit “Authority” and substitute “Agency”.

**Transit New Zealand Act 1989 (1989 No 75)**—*continued*

Section 81(5): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 82(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 82(2): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 84(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 84(2): omit “Authority” and substitute “Agency”.

Section 88(1): omit “Authority” and substitute “Agency”.

Section 88(2): omit “Authority” and substitute “Agency”.

Section 88(5): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 89: omit “Authority” and substitute “Agency”.

Section 90(1): omit “Authority” and substitute “Agency”.

Section 90(2): omit “Authority” and substitute “Agency”.

Section 91(1): omit “Authority” and substitute “Agency”.

Section 91(2): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 91(4): omit “Authority” and substitute “Agency”.

Section 91(6): omit “Authority” and substitute “Agency”.

Section 92: omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 93(1): omit “Authority” and substitute “Agency”.

Section 93(2)(a): omit “Authority” and substitute “Agency”.

Section 94: omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 95(1): omit “Authority” and substitute “Agency”.

Section 95(3): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 96(2): omit “Authority” and substitute “Agency”.

Section 105: omit “Authority, the Board,” in each place where it appears and substitute in each case “Agency”.

Heading to section 106: omit “**Board**” and substitute “**Agency**”.

Section 106(1): omit “Board” in each place where it appears and substitute in each case “Agency”.



**Transit New Zealand Act 1989 (1989 No 75)**—*continued*

Section 106(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 106(2): omit “Board” in each place where it appears and substitute in each case “Agency”.

Section 106(2): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 108: omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 108: omit “, the Board,” in each place where it appears.

Section 109(2): omit “Authority” and substitute “Agency”.

Section 111: add:

(4) On and from 1 July 2008, the Agency has all the rights and obligations conferred on the Authority by subsection (3).

Section 114: repeal.

Section 115: repeal.

Section 116(3)(a): omit “Authority” and substitute “Agency”.

**Transport Accident Investigation Commission Act 1990 (1990 No 99)**

Definition of **Land Transport Authority** in section 2: omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

Definition of **Land Transport Authority** in section 2: omit “section 66” and substitute “section 93”.

Section 8(2)(f): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

Section 9(1)(b): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

Section 10: omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

Section 13(7): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

Section 14(3): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

**Transport Act 1962 (1962 No 135)**

Section 2(1): insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Authority** in section 2(1): repeal.

**Transport Act 1962 (1962 No 135)—continued**

Definition of **Director** in section 2(1): repeal.

Definition of **Transit** in section 2(1): repeal.

Section 52A(1)(b): omit “Director” and substitute “Agency”.

Section 69D(1): repeal and substitute:

- (1) Any constable, traffic officer who is a non-sworn member of the Police, or officer of the Department authorised by the Secretary to exercise any powers under this section (in this section each referred to as an ‘authorised officer’) may remove or require the removal from any motor vehicle on any road of any hubodometer for the purpose of inspection to determine whether the hubodometer has been modified or tampered with.

Section 70AA(1): omit “Transit New Zealand” in the first place where it appears and substitute “the Agency”.

Section 70AA(1): omit “Transit New Zealand Act 1989” and substitute “Government Rooding Powers Act 1989”.

Section 72(7): omit “Transit New Zealand” and substitute “the Agency”.

Section 74A: omit “Transit New Zealand” in each place where it appears and substitute in each case “the Agency”.

Section 77(1)(ef): omit “Director” and substitute “Agency”.

Section 77(1)(fb)(i): omit “Director” and substitute “Agency”.

Section 77(1)(fb)(ii): omit “Authority or Director” and substitute “Agency”.

Section 77(1)(fc): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 77(1)(fd): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 77(1)(ff): omit “Director” and substitute “Agency”.

Section 77(1)(g): omit “Authority” and substitute “Agency”.

Section 77(1)(g): omit “Director” and substitute “Agency”.

Section 77(1)(ga): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 77(1)(p)(iii): repeal and substitute:

- (iii) authorising the Agency to grant exemptions relating to speed limits for specified heavy vehicles or classes of heavy vehicles and to impose conditions relating to such exemptions:

Section 77(1)(za): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 77(2)(a): omit “Director” and substitute “Agency”.

Section 77(2)(b): omit “Director” and substitute “Agency”.

**Transport Act 1962 (1962 No 135)**—*continued*

Section 77(2)(d): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 77(2)(e): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 77(2)(f): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 77(2)(g): omit “Director” and substitute “Agency”.

Section 77(2)(g): omit “him” and substitute “the Agency”.

Section 77(3)(b): omit “Director” and substitute “Agency”.

Section 77(3)(b): omit “Authority” and substitute “Agency”.

Heading to section 77B: omit “**Director**” and substitute “**Agency**”.

Section 77B: omit “Director” and substitute “Agency”.

Section 77C(1)(a): omit “Authority or the Director” and substitute “Agency”.

Section 77C(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 78(1): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Section 78(2)(b): omit “Authority” and substitute “Agency”.

Section 78A(1): omit “Director” and substitute “Agency”.

Section 80(1): omit “Authority” and substitute “Agency”.

Section 80(1): omit “Director” and substitute “Agency”.

Section 80(2)(a): omit “Authority” and substitute “Agency”.

Heading to section 90O: omit “**Director**” and substitute “**Agency**”.

Section 90O(1): omit “Director” and substitute “Agency”.

Section 90O(2): omit “Director” and substitute “Agency”.

Section 90O(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 90P(2): omit “Director” and substitute “Agency”.

Section 90P(3): omit “Director” and substitute “Agency”.

Section 90P(4A)(a): omit “Director” and substitute “Agency”.

Section 90P(4A)(b): omit “Director, in his” and substitute “Agency, in its”.

Heading to section 90Q: omit “**Director**” and substitute “**Agency**”.

Section 90Q: omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 90S(1)(b): omit “Director” and substitute “Agency”.

**Transport Act 1962 (1962 No 135)**—*continued*

Section 196A(2)(b): omit “Authority” and substitute “Agency”.

Section 196A(2)(b): omit “Director” and substitute “Agency”.

Section 196B(1): omit “the Director, or an employee of the Authority authorised by the Director” in each place where it appears and substitute in each case “an employee of the Agency authorised by the Agency”.

Section 196B(2): omit “Authority” and substitute “Agency”.

Section 199B(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 199B(2): omit “Director” and substitute “Agency”.

Section 199B(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Section 199B(5): omit “Director” and substitute “Agency”.

Section 199B(6): omit “Director” in each place where it appears and substitute in each case “Agency”.

Part 10 of Schedule 2: omit “Transit New Zealand Act 1989” in each place where it appears and substitute in each case “Government Roading Powers Act 1989”.

**Transport Services Licensing Act 1989 (1989 No 74)**

Section 2(1): insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **approved taxi organisation** in section 2(1): omit “Director” and substitute “Agency”.

Definition of **Authority** in section 2(1): repeal.

Definition of **Director** in section 2(1): repeal.

Definition of **enforcement officer** in section 2(1): repeal and substitute:

**enforcement officer**—

- (a) means any constable or traffic officer; and
- (b) includes any officer of the Agency acting pursuant to a delegation from the Agency, and any person claiming or appearing to be acting pursuant to any such delegation is, in the absence of evidence to the contrary, presumed to be so acting

Definition of **Transit** in section 2(1): repeal.

Paragraph (d) of definition of **vehicle recovery service**: omit “Director” and substitute “Agency”.

Section 3(2)(d): omit “Director” and substitute “Agency”.

Section 48(1): omit “Director” and substitute “Agency”.

**Transport Services Licensing Act 1989 (1989 No 74)**—*continued*

Section 62(1): omit “Director” and substitute “Agency”.

Section 63(b): omit “the Director or by an officer of the Authority authorised in that behalf by the Director” and substitute “an officer of the Agency authorised in that behalf by the Agency”.

Section 63(c): omit “the Director or any officer of the Authority authorised in that behalf by the Director” and substitute “an officer of the Agency authorised in that behalf by the Agency”.

Section 63(d): omit “the Director or by an officer of the Authority authorised in that behalf by the Director” and substitute “an officer of the Agency authorised in that behalf by the Agency”.

Section 63(e): omit “the Director or by an officer of the Authority authorised by the Director” and substitute “an officer of the Agency authorised by the Agency”.

Section 65: omit “Authority” and substitute “Agency”.

Section 70(6): omit “Director” and substitute “Agency”.

**Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6)**

Definition of **Authority** in section 2(1): repeal.

Definition of **Director** in section 2(1): repeal.

Paragraph (h) of the definition of **motor vehicle** in section 2(1): omit “Director” and substitute “Agency”.

Definition of **Officer of the Authority** in section 2(1): repeal.

Definition of **Registrar** in section 2(1): repeal and substitute:

**Registrar** means the person appointed by the Minister to be the Registrar of Motor Vehicles, and includes, where appropriate,—

- (a) any person to whom the Registrar has delegated any of the powers, duties, or functions of the Registrar under this Act;
- (b) any person for the time being authorised by the Registrar to perform any specified function of the Registrar under this Act

Section 36: repeal and substitute:

**36 Land transport revenue to be paid into national land transport fund**

All fees and charges (excluding applicable refunds and goods and services tax) identified in regulations made for the purposes of Part 1 of this Act as land transport revenue for the purposes of the Land Transport Management Act 2003 must be paid into a Crown Bank Account and treated as land transport revenue.

**Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6)**  
—*continued***36AA Other prescribed fees received under this Act**

- (1) This section applies to prescribed fees that are received under this Act and that are not referred to in section 36.
- (2) Prescribed fees to which this section applies must be paid to the relevant prescribed recipient.
- (3) However, if there is no prescribed recipient to whom any prescribed fees to which this section applies must be paid, those prescribed fees must be paid into a Crown Bank Account.
- (4) For the purposes of this section, **prescribed recipient** means the person who is specified in regulations made under the Land Transport Act 1998 as the person to whom any fees or charges, or both, are payable.

**Wildlife Act 1953 (1953 No 31)**

Schedule 9: omit “Transit New Zealand Act 1989” and substitute “Government Road-  
ing Powers Act 1989”.

## **Part 2**

### **Amendments to regulations**

**Electoral (Advertisements of a Specified Kind) Regulations 2005 (SR 2005/147)**

Regulation 8(1): omit “Transit New Zealand” and substitute “the New Zealand Trans-  
port Agency”.

Regulation 8(2): omit “Transit New Zealand” and substitute “the New Zealand Trans-  
port Agency”.

**Goods Service Vehicle (Constructional) Regulations 1936 (SR 1961/94)**

Regulation 1(4): insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section  
93 of the Land Transport Management Act 2003

Definition of **Authority** in regulation 1(4): revoke.

Definition of **Director** in regulation 1(4): revoke.

Definition of **vehicle inspector** in regulation 1(4): omit “Director” and substitute  
“Agency”.

Regulation 1(7)(a): omit “Director” and substitute “Agency”.

**Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 (SR 2001/116)**

Regulation 32(6): omit “Transit New Zealand Act 1989” and substitute “Government  
Roading Powers Act 1989”.

**Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 (SR 2001/116)**

—*continued*

Regulation 32(6): omit “Transit New Zealand’s” and substitute “the New Zealand Transport Agency’s”.

Regulation 51(1): omit “Director of Land Transport” and substitute “New Zealand Transport Agency”.

**Heavy Motor Vehicle Regulations 1974 (SR 1974/218)**

Regulation 2(1): insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Authority** in regulation 2(1): revoke.

Definition of **Director** in regulation 2(1): revoke.

Regulation 2(4): omit “Transit New Zealand established under the Transit New Zealand Act 1989” and substitute “the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003”.

Regulation 3(3)(b): omit “Authority” and substitute “Agency”.

Regulation 3(4): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Regulation 3(5): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Regulation 3(6): omit “Authority” and substitute “Agency”.

Regulation 3(7): omit “Authority” and substitute “Agency”.

Regulation 3(8): omit “Authority” and substitute “Agency”.

Regulation 3(9): omit “Authority” and substitute “Agency”.

Regulation 3(10): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Regulation 3(12): omit “Authority” and substitute “Agency”.

Regulation 3(13): omit “Authority” and substitute “Agency”.

Regulation 3(14)(a): omit “Authority” and substitute “Agency”.

Regulation 3(17): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Regulation 10(9): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Regulation 11(9): omit “Authority” and substitute “Agency”.

Regulation 11(11): omit “Authority” and substitute “Agency”.

Regulation 12(2)(b): omit “Authority” and substitute “Agency”.

Regulation 12(2)(d): omit “Authority” and substitute “Agency”.

**Heavy Motor Vehicle Regulations 1974 (SR 1974/218)—continued**

Regulation 12(5): omit “Authority” and substitute “Agency”.

Regulation 16A(1)(f): omit “Authority” and substitute “Agency”.

Regulation 16A(2): omit “Authority” and substitute “Agency”.

Form A of Schedule 1: omit “Authority” in each place where it appears and substitute in each case “Agency”.

**Injury Prevention, Rehabilitation, and Compensation (Refund of Fuel Levy) Regulations 2003 (SR 2003/213)**

Definition of **Corporation’s agent** in regulation 3: omit “Land Transport of New Zealand” and substitute “the New Zealand Transport Agency”.

Definition of **exempted vehicle** in regulation 3: revoke and substitute:

**exempted vehicle** has the same meaning as in regulation 3(1) of the Land Transport Management (Apportionment and Refund of Excise Duty and Excise-Equivalent Duty) Regulations 2004

**Land Transport (Certification and Other Fees) Regulations 1999 (SR 1999/27)**

Definition of **authorised person** in regulation 2: omit “Director” and substitute “Agency”.

Definition of **certifier** in regulation 2: omit “Director” and substitute “Agency”.

Definition of **certifying organisation** in regulation 2: omit “Director” and substitute “Agency”.

Definition of **Director** in regulation 2: revoke.

Heading to regulation 3C: omit “**Director**” and substitute “**Agency**”.

Regulation 3C: omit “Director” and substitute “Agency”.

Regulation 4: omit “Director” and substitute “Agency”.

Regulation 5: omit “Director” and substitute “Agency”.

Regulation 6(1): omit “Director” and substitute “Agency”.

Regulation 8(1)(b): omit “Director” and substitute “Agency”.

Regulation 8A(1): omit “Director” and substitute “Agency”.

Regulation 8A(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

**Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 (SR 1999/93)**

Regulation 7: omit “Director” and substitute “Agency”.

Regulation 15(4): omit “Director” in each place where it appears and substitute in each case “Agency”.



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

Clause 2(1): insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003.

Definition of **Authority** in clause 2(1): omit “Land Transport New Zealand” and substitute “the Agency”.

Definition of **Director** in clause 2(1): revoke.

Definition of **licensing agent** in clause 2(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Paragraph (b) of the definition of **mobility device** in clause 2(1): omit “Director” and substitute “Agency”.

Paragraph (c)(vii) of the definition of **motor vehicle** in clause 2(1): omit “Director” and substitute “Agency”.

Definition of **motorcycle** in clause 2(1): omit “Director” and substitute “Agency”.

Paragraph (d) of the definition of **vehicle recovery service** in clause 2(1): omit “Director” and substitute “Agency”.

Clause 5(1)(b): omit “Director” and substitute “Agency”.

Clause 10(1A)(a): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 10(4)(b): omit “Director” and substitute “Agency”.

Clause 11(2): omit “Director” and substitute “Agency”.

Clause 23(1)(g): omit “Director” and substitute “Agency”.

Clause 25(b): omit “Director” and substitute “Agency”.

Clause 27(1)(g): omit “Director” and substitute “Agency”.

Clause 31(f): omit “Director” and substitute “Agency”.

Clause 32(b): omit “Director” and substitute “Agency”.

Clause 34(1)(g): omit “Director” and substitute “Agency”.

Clause 35(1): omit “Director may” and substitute “Agency may”.

Clause 35(1): omit “Director thinks” and substitute “Agency considers”.

Clause 35(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 35(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 35(4): omit “Director” and substitute “Agency”.

Clause 36(3): omit “Director” and substitute “Agency”.

Heading above clause 37: omit “*Director*” and substitute “*Agency*”.

Heading to clause 37: omit “**Director**” and substitute “**Agency**”.

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

- Clause 37(1): omit “Director” and substitute “Agency”.
- Clause 40(1): omit “Director” and substitute “Agency”.
- Clause 40(2): omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 41(1)(b): omit “Director” and substitute “Agency”.
- Clause 41(2): omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 41(3): omit “Director” and substitute “Agency”.
- Clause 41(4): omit “Director” and substitute “Agency”.
- Heading to clause 42: omit “**Director**” and substitute “**Agency**”.
- Clause 42: omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 43: omit “Director” and substitute “Agency”.
- Clause 44(1)(a): omit “Director” and substitute “Agency”.
- Clause 44A(2): omit “Director” and substitute “Agency”.
- Clause 45(1): omit “Director” and substitute “Agency”.
- Clause 45(1A): omit “Director” and substitute “Agency”.
- Clause 46: omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 48(7): omit “Director” and substitute “Agency”.
- Clause 52(3): omit “Director” and substitute “Agency”.
- Clause 56(1): omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 56(2): omit “Director” and substitute “Agency”.
- Clause 57: omit “Director” and substitute “Agency”.
- Clause 60(2A): omit “Director” and substitute “Agency”.
- Clause 62(b): omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 67(1): omit “Director” and substitute “Agency”.
- Clause 67A(1): omit “Director” and substitute “Agency”.
- Clause 69: omit “Director” and substitute “Agency”.
- Clause 70(2)(d): omit “Director” and substitute “Agency”.
- Clause 73(1): omit “Director” and substitute “Agency”.
- Clause 74(1): omit “Director” and substitute “Agency”.
- Clause 74(2)(c): omit “Director” and substitute “Agency”.

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

Clause 75(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 76(1): omit “Director” and substitute “Agency”.

Clause 76(2): omit “Director” and substitute “Agency”.

Clause 77(1): omit “Director may, if he or she” and substitute “Agency may, if it”.

Clause 77(1): omit “Director” in the second and third places where it appears and substitute in each case “Agency”.

Clause 77(2)(b): omit “Director” and substitute “Agency”.

Clause 77(3): omit “The Director” and substitute “The Agency”.

Clause 77(3)(b): omit “Director” and substitute “Agency”.

Clause 77(4): omit “Director” and substitute “Agency”.

Clause 77(5): omit “Director” and substitute “Agency”.

Clause 78(1)(b)(ii): omit “Director” and substitute “Agency”.

Clause 78(1)(c): omit “Director’s requirement, the Director” and substitute “Agency’s requirement, the Agency”.

Clause 79(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 80(1): omit “Director may, if he or she” and substitute “Agency may, if it”.

Clause 80(3): omit “Director” and substitute “Agency”.

Clause 80(4): omit “Director” and substitute “Agency”.

Clause 82(1): omit “the Director” in each place where it appears and substitute in each case “the Agency”.

Clause 82(2): omit “Director may, if he or she” and substitute “Agency may, if it”.

Clause 82(5): omit “Director” and substitute “Agency”.

Clause 84: omit “Director” and substitute “Agency”.

Clause 85: omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 85A(1): omit “Director” and substitute “Agency”.

Clause 85A(2): omit “Director” and substitute “Agency”.

Clause 85A(3): omit “Director” and substitute “Agency”.

Clause 85A(4): omit “Director” and substitute “Agency”.

Clause 85A(5): omit “Director” and substitute “Agency”.

Clause 85A(6): omit “Director” and substitute “Agency”.

Clause 85A(7): omit “Director” and substitute “Agency”.

Clause 86(1)(a): omit “Director” and substitute “Agency”.

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

Clause 86(1)(b): omit “Director notifies the person that he or she” and substitute “Agency notifies the person that it”.

Clause 86(2)(c): omit “Director” and substitute “Agency”.

Clause 86(3): omit “Director” and substitute “Agency”.

Paragraph (c) of the definition of **accurate English translation** in clause 88(3): omit “Director” and substitute “Agency”.

Clause 89A(1)(b): omit “Director” and substitute “Agency”.

Clause 89A(2): omit “Director” and substitute “Agency”.

Clause 91(2): omit “Director” and substitute “Agency”.

Clause 91(3)(b): omit “Director” and substitute “Agency”.

Clause 92: omit “Director” and substitute “Agency”.

Heading to clause 93: omit “**Director**” and substitute “**Agency**”.

Clause 93: omit “Director” and substitute “Agency”.

Clause 95(2)(a): omit “Director” and substitute “Agency”.

Clause 96(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 96(2): omit “Director” and substitute “Agency”.

Clause 96(3): omit “Director” and substitute “Agency”.

Heading to clause 97: omit “**Director**” and substitute “**Agency**”.

Clause 97(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 97(1)(b): omit “Director’s” and substitute “Agency’s”.

Clause 97(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to clause 98: omit “**Director**” and substitute “**Agency**”.

Clause 98(1): omit “Director” and substitute “Agency”.

Heading to clause 99: omit “**Director**” and substitute “**Agency**”.

Clause 99: omit “Director” and substitute “Agency”.

Clause 101(a): omit “Director” and substitute “Agency”.

Clause 102(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 102(2): omit “Director” and substitute “Agency”.

Clause 102(3): omit “Director” and substitute “Agency”.

Clause 102(4)(c): omit “Director” and substitute “Agency”.

Heading to clause 103: omit “**Director**” and substitute “**Agency**”.

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

Clause 103(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 108: omit “Director” and substitute “Agency”.

Clause 114(1)(b): omit “Director” and substitute “Agency”.

Clause 115(b): omit “Director” and substitute “Agency”.

Clause 122(1): omit “Director” and substitute “Agency”.

Clause 122(2): omit “Director” and substitute “Agency”.

Clause 2A of Part A of Schedule 6: omit “Director” and substitute “Agency”.

Clause 2A of Part B of Schedule 6: omit “Director” and substitute “Agency”.

Clause 2A of Part C of Schedule 6: omit “Director” and substitute “Agency”.

Clause 2 of Part E of Schedule 6: omit “Director” and substitute “Agency”.

Clause 2 of Part F of Schedule 6: omit “Director” and substitute “Agency”.

Schedule 7: omit “Director” and substitute “Agency”.

**Land Transport (Driver Licensing) Amendment Rule (No 2) 2006 (SR 2006/152)**

Clause 3(c) of Schedule 1: omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

**Land Transport (Driver Licensing) Amendment Rule 2006 (SR 2006/84)**

Clause 2 of Schedule 1: omit “Land Transport New Zealand (formerly LTSA)” and substitute “the New Zealand Transport Agency (formerly Land Transport New Zealand)”.

**Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005 (SR 2005/92)**

Definition of **Transit** in clause 3: revoke.

Clause 4(2): omit “Transit” and substitute “The New Zealand Transport Agency”.

Clause 5(2): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

Clause 5(2): omit “Transit” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

Clause 5(3): omit “Transit” and substitute “The New Zealand Transport Agency”.

Heading to clause 6: omit “**Transit**” and substitute “**New Zealand Transport Agency**”.

Clause 6: omit “Transit” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

Clause 6(2)(e): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

**Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005 (SR 2005/92)—continued**

Clause 6(2)(f): omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

Clause 7(2): omit “Transit” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

Clause 8(a): omit “Transit” and substitute “the New Zealand Transport Agency”.

Clause 9(1): omit “Transit” and substitute “The New Zealand Transport Agency”.

Clause 9(4): omit “Transit” and substitute “The New Zealand Transport Agency”.

Clause 10(1): omit “Transit” and substitute “The New Zealand Transport Agency”.

Clause 12: omit “Transit” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

Clause 13(1): omit “Transit” and substitute “The New Zealand Transport Agency”.

Clause 13(4): omit “Transit” and substitute “The New Zealand Transport Agency”.

Clause 13(4): omit “Transit’s” and substitute “the Agency’s”.

Clause 13(5): omit “Transit” and substitute “the New Zealand Transport Agency”.

Heading to clause 14: omit “**Transit**” and substitute “**New Zealand Transport Agency**”.

Clause 14: omit “Transit” and substitute “The New Zealand Transport Agency”.

Clause 15: omit “Transit” and substitute “the New Zealand Transport Agency”.

Clause 15(c): omit “Transit’s” in each place where it appears and substitute in each case “the New Zealand Transport Agency’s”.

Clause 16: omit “Transit” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

Clause 17: omit “Transit” and substitute “The New Zealand Transport Agency”.

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

Regulation 6(1): omit “Director” and substitute “Agency”.

Item relating to Operator Licensing 2007 (81001) of Schedule 1: omit “Director” in each place where it appears and substitute “Agency”.

Clause 2 of Part 1 of Schedule 3: omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

Clause 1 of Part 2 of Schedule 3: omit “Director of Land Transport New Zealand (LTNZ)” and substitute “New Zealand Transport Agency”.

Clause 3 of Part 2 of Schedule 3: omit “the LTNZ” in each place where it appears and substitute in each case “the New Zealand Transport Agency”.

Clause 3 of Part 2 of Schedule 3: omit “an LTNZ” and substitute “a New Zealand Transport Agency”.

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

Clause 4 of Part 2 of Schedule 3: omit “LTNZ” and substitute “New Zealand Transport Agency”.

Clause 5 of Part 2 of Schedule 3: omit “LTNZ” and substitute “New Zealand Transport Agency”.

Heading to clause 6: omit “LTNZ” and substitute “**New Zealand Transport Agency**”.

Clause 6 of Part 2 of Schedule 3: omit “the LTNZ” and substitute “the New Zealand Transport Agency”.

Clause 8 of Part 2 of Schedule 3: omit “the LTNZ” and substitute “the New Zealand Transport Agency”.

Clause 9 of Part 2 of Schedule 3: omit “Director” and substitute “Agency”.

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

Definition of **authorised vehicle inspection** agent in clause 2: omit “Land Transport Authority” and substitute “Agency”.

Definition of **vehicle inspector** in clause 2: omit “Director of Land Transport” and substitute “Agency”.

Paragraph 5 of Notice to be Affixed to Unsafe Vehicle in Schedule 2: omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

Paragraph 5 of Notice to Driver or Owner of Unsafe Vehicle in Schedule 3: omit “Land Transport New Zealand” and substitute “the New Zealand Transport Agency”.

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

Definition of **Director** in clause 1.6: revoke.

Paragraph (b) of the definition of **mobility device** in clause 1.6: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **motorcycle** in clause 1.6: omit “Director” and substitute “Agency”.

Definition of **motorway** in clause 1.6: omit “Transit New Zealand Act 1989” and substitute “Government Roding Powers Act 1989”.

Clause 7.13(3)(a): omit “Director” and substitute “Agency”.

Clause 7.14(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 7.14(2): omit “Director” and substitute “Agency”.

Clause 11.8(7): omit “Director” and substitute “Agency”.

Clause 11.8(8): omit “Director” and substitute “Agency”.

Clause 11.8(9): omit “Director” and substitute “Agency”.

**Land Transport (Road User) Rule 2004 (SR 2004/427)—continued**

Clause 1(4) of Schedule 1: omit “Land Transport Safety Authority (now Land Transport New Zealand)” and substitute “New Zealand Transport Agency”.

**Land Transport Rule: Dangerous Goods 2005 (45001/1)**

Material incorporated by reference: omit “Land Transport New Zealand” in each place where it appears and substitute in each case “New Zealand Transport Agency”.

Clause 9.2(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **dangerous goods endorsement** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Door Retention Systems 2001 (32001/1)**

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **certifier** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: External Projections 2001 (32008/1)**

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **certifier** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.



**Land Transport Rule: External Projections 2001 (32008/1)—continued**

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Frontal Impact 2001 (32006/1)**

Heading to clause 4.6: omit “**Director**” and substitute “**Agency**”.

Clause 4.6(1): omit “The Director” and substitute “The Agency”.

Clause 4.6(1): omit “, in the opinion of the Director,” and substitute “the Agency is satisfied that”.

Clause 4.6(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 4.6(3): omit “The Director” and substitute “The Agency”.

Clause 4.6(3): omit “, in the opinion of the Director,” and substitute “the Agency is satisfied that”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **certifier** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Glazing, Windscreen Wipe and Wash, and Mirrors 1999 (32012/1)**

Heading to clause 7.6: omit “**Director**” and substitute “**Agency**”.

Clause 7.6: omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Glazing, Windscreen Wipe and Wash, and Mirrors 1999 (32012/1)—continued**

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Head Restraints 2001 (32010/1)**

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **certifier** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Heavy Vehicles 2004 (31002)**

Clause 5.4(3): omit “Director” and substitute “Agency”.

Clause 5.5(2)(a): omit “Director” and substitute “Agency”.

Heading to clause 8.6: omit “**Director**” and substitute “**Agency**”.

Clause 8.6(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 8.6(2): omit “Director” and substitute “Agency”.

Clause 8.6(3): omit “The Director” and substitute “The Agency”.

Clause 8.6(3): omit “Director believes” and substitute “Agency is satisfied”.

Clause 8.6(4): omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Bolster Attachment Code** in Part 2: omit “Director” and substitute “Agency”.

Definition of **chassis rating** in Part 2: omit “Director” in each place where it appears and substitute in each case “Agency”.

Definition of **Director** in Part 2: revoke.

**Land Transport Rule: Heavy Vehicles 2004 (31002)**—*continued*

Definition of **gross combination mass** in Part 2: omit “Director” in each place where it appears and substitute in each case “Agency”.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Definition of **maximum towed mass** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Heavy-vehicle Brakes 2006 (32015)**

Clause 2.4(2): omit “Director” and substitute “Agency”.

Clause 2.6(1)(c): omit “Director” and substitute “Agency”.

Heading to clause 10.6: omit “**Director**” and substitute “**Agency**”.

Clause 10.6(1): omit “Director” and substitute “Agency”.

Clause 10.6(2): omit “Director” and substitute “Agency”.

Clause 10.6(3): omit “Director” and substitute “Agency”.

Clause 10.6(4): omit “Director” and substitute “Agency”.

Clause 10.6(5): omit “The Director” and substitute “The Agency”.

Clause 10.6(5): omit “Director has reason to believe” and substitute “Agency is satisfied on reasonable grounds”.

Clause 10.6(6): omit “The Director” and substitute “The Agency”.

Clause 10.6(6): omit “Director believes” and substitute “Agency is satisfied”.

Clause 10.6(7): omit “Director” and substitute “Agency”.

Clause 10.6(8): omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

Definition of **gross combination mass** in Part 2: omit “Director” in each place where it appears and substitute in each case “Agency”.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Definition of **certifier** in clause 2.1.3 of Schedule 4: omit “Director” and substitute “Agency”.

Definition of **examiner** in clause 2.1.6 of Schedule 4: omit “Director” and substitute “Agency”.

Definition of **gross vehicle mass (GVM)** in clause 2.1.7 of Schedule 4: omit “Director” and substitute “Agency”.

**Land Transport Rule: Heavy-vehicle Brakes 2006 (32015)**—*continued*

Definition of **gross combination mass (GCM)** in clause 2.1.8 of Schedule 4: omit “Director” and substitute “Agency”.

Definition of **manufacturer** in clause 2.1.9 of Schedule 4: omit “Director” and substitute “Agency”.

Definition of **The Director** in clause 2.1.12 of Schedule 4: revoke.

Clause 3.1.1 of Schedule 4: omit “Director” and substitute “Agency”.

Clause 3.1.3 of Schedule 4: omit “Director” and substitute “Agency”.

Clause 3.1.4 of Schedule 4: omit “Director” and substitute “Agency”.

Clause 3.2.2(b) of Schedule 4: omit “Director” and substitute “Agency”.

Clause 4.1.5 of Schedule 4: omit “Director” and substitute “Agency”.

Clause 5.2 of Schedule 4: omit “Director” and substitute “Agency”.

Clause A.1.3 of Appendix A of Schedule 4: omit “Director” and substitute “Agency”.

Clause A.3.4(b) of Appendix A of Schedule 4: omit “Director” and substitute “Agency”.

Clause A.7.2 of Appendix A of Schedule 4: omit “Director” and substitute “Agency”.

Clause A.8.1 of Appendix A of Schedule 4: omit “Director” and substitute “Agency”.

Clause 7.2 of Schedule 5: omit “Director” and substitute “Agency”.

Clause 10.1 of Schedule 5: omit “Director” and substitute “Agency”.

Description of Figure 3 of Schedule 5: omit “Director” and substitute “Agency”.

**Land Transport Rule: Interior Impact 2001 (32002/1)**

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **certifier** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Light-vehicle Brakes 2002 (32014)**

Heading to clause 4.6: omit “Director” and substitute “Agency”.

Clause 4.6(1): omit “Director” and substitute “Agency”.

**Land Transport Rule: Light-vehicle Brakes 2002 (32014)—continued**

Clause 4.6(2): omit “Director” and substitute “Agency”.

Clause 4.6(3): omit “The Director” and substitute “The Agency”.

Clause 4.6(3): omit “Director has reason to believe” and substitute “Agency is satisfied on reasonable grounds”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Operator Licensing 2007 (81001)**

Objective of rule: omit “Director of Land Transport (the Director)” and substitute “New Zealand Transport Agency”.

Objective of rule: omit “The Director” and substitute “The New Zealand Transport Agency”.

Objective of rule: omit “if the Director” and substitute “if the New Zealand Transport Agency”.

Objective of rule: omit “notify the Director” and substitute “notify the New Zealand Transport Agency”.

Objective of rule: omit “allows the Director” and substitute “allows the New Zealand Transport Agency”.

Objective of rule: omit “approved by the Director” and substitute “approved by the New Zealand Transport Agency”.

Clause 2.1: omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.2(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.2(5): omit “Director” and substitute “Agency”.

Clause 2.2(8): omit “the Director believes on reasonable grounds” and substitute “the Agency is satisfied on reasonable grounds”.

Clause 2.2(8): omit “the Director may” and substitute “the Agency may”.

Clause 2.2(9): omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to clause 2.3: omit “Director” and substitute “Agency”.

**Land Transport Rule: Operator Licensing 2007 (81001)—continued**

Clause 2.3(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.3(2): omit “Director” and substitute “Agency”.

Clause 2.3(4): omit “Director” and substitute “Agency”.

Clause 2.3(5)(b): omit “Director” and substitute “Agency”.

Clause 2.5(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.5(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.5(3): omit “Director” and substitute “Agency”.

Clause 2.6: omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.2(4)(b): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.2(4)(c): omit “Director” and substitute “Agency”.

Clause 3.2(6): omit “Director” and substitute “Agency”.

Clause 4.2(1): omit “Director” and substitute “Agency”.

Clause 4.2(9): omit “Director” and substitute “Agency”.

Clause 4.3(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 4.6(5): omit “Director” and substitute “Agency”.

Clause 4.6(6): omit “Director” and substitute “Agency”.

Clause 4.8(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to clause 4.9: omit “Director” and substitute “Agency”.

Clause 4.9(1): omit “Director” and substitute “Agency”.

Clause 4.9(2): omit “Director” and substitute “Agency”.

Clause 4.10(1): omit “Director” and substitute “Agency”.

Clause 4.10(3): omit “Director” and substitute “Agency”.

Clause 4.11(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 4.11(10): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 4.13(1): omit “Director” and substitute “Agency”.

Clause 4.13(3): omit “Director” and substitute “Agency”.

Clause 4.13(10): omit “Director” and substitute “Agency”.

**Land Transport Rule: Operator Licensing 2007 (81001)—*continued***

Clause 4.13(11): omit “the Director believes on reasonable grounds” and substitute “the Agency is satisfied on reasonable grounds”.

Clause 4.13(11): omit “the Director may” and substitute “the Agency may”.

Clause 4.13(12): omit “the Director believes on reasonable grounds” and substitute “the Agency is satisfied on reasonable grounds”.

Clause 4.13(12): omit “the Director may” and substitute “the Agency may”.

Clause 4.13(12): omit “approved by the Director” and substitute “approved by the Agency”.

Clause 4.13(13): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 4.13(14): omit “Director” and substitute “Agency”.

Clause 4.13(15): omit “Director” and substitute “Agency”.

Clause 4.13(16): omit “Director” and substitute “Agency”.

Clause 4.13(17): omit “Director” and substitute “Agency”.

Clause 4.13(18): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 5.2(1): omit “Director” and substitute “Agency”.

Clause 5.4(3): omit “Director” and substitute “Agency”.

Clause 5.4(5): omit “Director” and substitute “Agency”.

Clause 5.5(1): omit “Director” and substitute “Agency”.

Clause 5.5(5)(b): omit “Director” and substitute “Agency”.

Clause 5.5(5)(c): omit “Director” and substitute “Agency”.

Heading to clause 5.7: omit “Director” and substitute “Agency”.

Clause 5.7(1): omit “Director” and substitute “Agency”.

Clause 5.7(2): omit “Director” and substitute “Agency”.

Clause 5.7(3): omit “Director” and substitute “Agency”.

Clause 5.7(4): omit “Director” and substitute “Agency”.

Clause 5.7(5): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 6.1(7): omit “Director” and substitute “Agency”.

Clause 6.1(8): omit “Director” and substitute “Agency”.

Clause 6.2: omit “Director’s” and substitute “Agency’s”.

Clause 7.1(2): omit “Director” and substitute “Agency”.

Clause 7.1(2): omit “Director’s” and substitute “Agency’s”.

Clause 7.1(3): omit “Director” and substitute “Agency”.

**Land Transport Rule: Operator Licensing 2007 (81001)—continued**

Clause 7.1(4): omit “Director’s” and substitute “Agency’s”.

Clause 8.1: omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 8.2(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 8.2(3): omit “Director” and substitute “Agency”.

Clause 8.3(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 8.3(5): omit “Director” and substitute “Agency”.

Clause 8.3(7): omit “the Director believes on reasonable grounds” and substitute “the Agency is satisfied on reasonable grounds”.

Clause 8.3(7): omit “the Director may” and substitute “the Agency may”.

Clause 8.4(1): omit “Director” and substitute “Agency”.

Clause 8.4(1): omit “Director’s” and substitute “Agency’s”.

Clause 8.4(2): omit “Director” and substitute “Agency”.

Clause 8.5(1)(b)(i): omit “Director” and substitute “Agency”.

Clause 8.5(1)(b)(ii): omit “Director” and substitute “Agency”.

Clause 8.5(1)(c): omit “Director” and substitute “Agency”.

Clause 8.5(1)(j): omit “Director” and substitute “Agency”.

Clause 8.5(1)(k): omit “Director” and substitute “Agency”.

Clause 8.5(1)(l): omit “Director” and substitute “Agency”.

Clause 8.5(1)(m): omit “Director” and substitute “Agency”.

Clause 8.5(1)(n): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 8.5(1)(q): omit “Director” and substitute “Agency”.

Clause 8.5(1)(s): omit “Director” and substitute “Agency”.

Clause 8.5(2): omit “Director” and substitute “Agency”.

Clause 8.6(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 8.7(1): omit “Director” and substitute “Agency”.

Clause 8.7(2): omit “The Director may” and substitute “The Agency may”.

Clause 8.7(2): omit “in the opinion of the Director” and substitute “the Agency is satisfied”.

Clause 8.7(3)(a): omit “Director” and substitute “Agency”.

Clause 8.7(3)(b): omit “Director” and substitute “Agency”.



**Land Transport Rule: Operator Licensing 2007 (81001)**—*continued*

Clause 9.1(2): omit “Director” and substitute “Agency”.

Clause 10.1(1): omit “Director” and substitute “Agency”.

Clause 10.3(4)(b): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 10.3(4)(c): omit “Director” and substitute “Agency”.

Clause 10.3(5): omit “Director” and substitute “Agency”.

Clause 10.9(2): omit “Director” and substitute “Agency”.

Clause 10.13(3)(b): omit “Director” and substitute “Agency”.

Clause 11.1(2): omit “Director” and substitute “Agency”.

Clause 11.1(4): omit “Director” and substitute “Agency”.

Clause 11.2(2): omit “Director” and substitute “Agency”.

Clause 11.2(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 11.3(5)(b): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 11.3(5)(c): omit “Director” and substitute “Agency”.

Clause 11.3(6): omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**New Zealand Transport Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **approved taxi organisation** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Authority** in Part 2: revoke.

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass**: omit “Director” and substitute “Agency”.

Definition of **licence or other document** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b)(vii) of the definition of **vehicle recovery service** in Part 2: omit “Director” and substitute “Agency”.

Clause 1(b) of Schedule 2: omit “Director of Land Transport” and substitute “New Zealand Transport Agency”.

Diagram in clause 1(c) of Schedule 2 of Part 3: omit “Director of Land Transport” and substitute “New Zealand Transport Agency”.

Table in clause 2 of Schedule 2 of Part 3: omit “*Land Transport New Zealand office*” and substitute “*office of the New Zealand Transport Agency*”.

**Land Transport Rule: Operator Licensing 2007 (81001)**—*continued*

Table in clause 3 of Schedule 2 of Part 3: omit “*Land Transport New Zealand office*” and substitute “*office of the New Zealand Transport Agency*”.

**Land Transport Rule: Passenger Service Vehicles 1999 (31001)**

Clause 7.1(2)(g): omit “Director” and substitute “Agency”.

Clause 7.3(3)(b): omit “Director” and substitute “Agency”.

Clause 7.3(4)(d)(ii): omit “Director” and substitute “Agency”.

Clause 7.4: omit “Director” and substitute “Agency”.

Clause 7.5(9)(c): omit “Director” and substitute “Agency”.

Clause 7.5(13): omit “Director” and substitute “Agency”.

Clause 7.5(14): omit “Director” and substitute “Agency”.

Clause 8.2(2)(f)(iii): omit “Director” and substitute “Agency”.

Clause 8.4(1)(c)(vii): omit “Director” and substitute “Agency”.

Clause 10.4: omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **chassis rating** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

Definition of **rating** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002 (32011)**

Clause 2.4(4)(b): omit “Director” and substitute “Agency”.

Clause 2.4(13)(b): omit “Director” and substitute “Agency”.

Clause 3.4: omit “Director” and substitute “Agency”.

Clause 4.1(9)(a): omit “Director” and substitute “Agency”.

Heading to clause 5.6: omit “**Director**” and substitute “**Agency**”.

Clause 5.6: omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002 (32011)**—*continued*

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Seats and Seat Anchorages 2002 (32004)**

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Setting of Speed Limits 2003 (54001)**

Clause 1.2(g): omit “Director” and substitute “Agency”.

Table 2.1 in clause 2.4(1): omit “Director” and substitute “Agency”.

Heading to clause 2.7: omit “**Director**” and substitute “**Agency**”.

Clause 2.7: omit “Director” and substitute “Agency”.

Clause 2.8(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.8(4): omit “Director” and substitute “Agency”.

Clause 3.2(7)(c): omit “Director” and substitute “Agency”.

Clause 4.1(2)(n): omit “Director” and substitute “Agency”.

Clause 4.1(4): omit “Director” and substitute “Agency”.

Clause 5.1(7): omit “Director” and substitute “Agency”.

Clause 6.1(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

**Land Transport Rule: Setting of Speed Limits 2003 (54001)—continued**

Clause 6.1(3)(b): omit “Director” and substitute “Agency”.

Clause 6.1(4): omit “Director” and substitute “Agency”.

Clause 6.2(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 6.2(2)(b): omit “Director” and substitute “Agency”.

Clause 6.2(3): omit “Director” and substitute “Agency”.

Clause 6.3(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 6.3(3)(b): omit “Director” and substitute “Agency”.

Clause 6.3(4): omit “Director” and substitute “Agency”.

Clause 7.1(2)(h): omit “Director” and substitute “Agency”.

Clause 7.1(6): omit “Director” and substitute “Agency”.

Clause 7.1(7): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 7.2(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 8.4(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 9.1(3): omit “Director” and substitute “Agency”.

Clause 9.1(4): omit “Director” and substitute “Agency”.

Heading to clause 9.2: omit “**Director**” and substitute “**Agency**”.

Clause 9.2(1): omit “Director” and substitute “Agency”.

Clause 9.2(2): omit “Director” and substitute “Agency”.

Clause 9.2(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 9.2(4): omit “Director” and substitute “Agency”.

Clause 9.2(5): omit “Director” and substitute “Agency”.

Clause 9.2(6): omit “Director” and substitute “Agency”.

Clause 9.2(7): omit “Director” and substitute “Agency”.

Clause 10.1(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

**Land Transport Rule: Setting of Speed Limits 2003 (54001)—continued**

Clause 1.2 of Schedule 1: omit “Director” and substitute “Agency”.

Clause 2.9 of Schedule 1: omit “Director” in each place where it appears and substitute in each case “Agency”.

Table SLNZ1 in clause 3.2 of Schedule 1: omit “Director” and substitute “Agency”.

**Land Transport Rule: Steering Systems 2001 (32003/1)**

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **certifier** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Traffic Control Devices 2004 (54002)**

Material incorporated by reference: omit “LTSA” in each place where it appears and substitute in each case “New Zealand Transport Agency”.

Clause 3.2(3): omit “Director” and substitute “Agency”.

Clause 3.2(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.2(6)(b)(ii): omit “Director” and substitute “Agency”.

Clause 3.3(a)(iii): omit “Director” and substitute “Agency”.

Clause 3.4(1): omit “Director” and substitute “Agency”.

Clause 3.4(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.4(3)(b): omit “Director” and substitute “Agency”.

Clause 3.4(4): omit “Director” and substitute “Agency”.

Clause 3.4(5): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.4(7): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.4(8): omit “Director” and substitute “Agency”.

**Land Transport Rule: Traffic Control Devices 2004 (54002)—continued**

Clause 3.4(10): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.4(11): omit “Director” and substitute “Agency”.

Clause 4.2(8): omit “Director” and substitute “Agency”.

Clause 4.4(4): omit “Director” and substitute “Agency”.

Clause 4.4(7)(a): omit “Director” and substitute “Agency”.

Clause 8.2(2): omit “Director” and substitute “Agency”.

Clause 8.3(4): omit “Director” and substitute “Agency”.

Clause 8.3(5): omit “Director” and substitute “Agency”.

Clause 8.4(2): omit “Director” and substitute “Agency”.

Clause 8.7(1): omit “Director” and substitute “Agency”.

Clause 9.5(2): omit “Director” and substitute “Agency”.

Clause 11.5(1): omit “*Transit New Zealand*” and substitute “*Government Roading Powers*”.

Clause 13.1(2): omit “Director” and substitute “Agency”.

Clause 13.7(a): omit “Director” and substitute “Agency”.

Heading to clause 13.8: omit “**Director**” and substitute “**Agency**”.

Clause 13.8(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 13.8(2): omit “Director” and substitute “Agency”.

Clause 13.8(3): omit “Director” and substitute “Agency”.

Clause 13.8(4): omit “Director” and substitute “Agency”.

Clause 13.8(5): omit “Director” and substitute “Agency”.

Clause 13.8(6): omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

**Land Transport Rule: Tyres and Wheels 2001 (32013)**

Clause 2.3(8)(b): omit “Director” and substitute “Agency”.

Clause 2.6(3): omit “Director” and substitute “Agency”.

Heading to clause 4.6: omit “**Director**” and substitute “**Agency**”.

Clause 4.6(1): omit “Director” and substitute “Agency”.

Clause 4.6(2): omit “Director” and substitute “Agency”.

**Land Transport Rule: Tyres and Wheels 2001 (32013)**—*continued*

Clause 4.6(3): omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Vehicle Dimensions and Mass 2002 (41001)**

Clause 3.4: omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.6(1)(b): omit “Director” and substitute “Agency”.

Clause 5.1(11): omit “Director” in each place where it appears and substitute in each case “Agency”.

Table 6.2 in clause 6.4: omit “Director” and substitute “Agency”.

Clause 6.6(9): omit “Director” and substitute “Agency”.

Clause 6.6(11): omit “Director” and substitute “Agency”.

Clause 6.6(12): omit “Director” and substitute “Agency”.

Clause 6.8(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 6.8(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 6.8(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 6.8(6): omit “Director” and substitute “Agency”.

Clause 6.8(9): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 7.2(3): omit “Director” and substitute “Agency”.

Clause 7.2(4): omit “Director” and substitute “Agency”.

Clause 7.3(14): omit “Director” and substitute “Agency”.

Clause 7.3(15): omit “Director” and substitute “Agency”.

Heading to clause 8.5: omit “**Director**” and substitute “**Agency**”.

**Land Transport Rule: Vehicle Dimensions and Mass 2002 (41001)**—*continued*

Clause 8.5: omit “Director” in each place where it appears and substitute in each case “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (f) of the definition of **rear axis** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Vehicle Equipment 2004 (32017)**

Clause 2.7(5): omit “Director” and substitute “Agency”.

Clause 2.7(10): omit “Director” and substitute “Agency”.

Clause 2.9(5): omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

**Land Transport Rule: Vehicle Lighting 2004 (32005)**

Clause 1.4(4): omit “Director” and substitute “Agency”.

Clause 2.1(14)(d): omit “Director” and substitute “Agency”.

Heading to clause 13.7: omit “**Director**” and substitute “**Agency**”.

Clause 13.7: omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Definition of **lighting equipment endorsement** in Part 2: omit “Director” and substitute “Agency”.



**Land Transport Rule: Vehicle Repair 1998 (34001)**

Clause 3.1(2): omit “Director” and substitute “Agency”.

Heading to clause 3.2: omit “**Director**” and substitute “**Agency**”.

Clause 3.2: omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Vehicle Standards Compliance 2002 (35001/1)**

Clause 1.2(1)(b): omit “Director” and substitute “Agency”.

Clause 2.2(1): omit “Director” and substitute “Agency”.

Clause 2.2(3): omit “Director” and substitute “Agency”.

Clause 2.3(1): omit “Director” and substitute “Agency”.

Clause 2.3(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.4(1): omit “Director” and substitute “Agency”.

Clause 2.5(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.5(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.5(4): omit “Director” and substitute “Agency”.

Clause 2.5(5): omit “Director” and substitute “Agency”.

Clause 2.5(6): omit “Director” and substitute “Agency”.

Clause 2.6(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.6(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 2.6(3): omit “Director” and substitute “Agency”.

Clause 2.6(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.1(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

**Land Transport Rule: Vehicle Standards Compliance 2002 (35001/1)—continued**

Clause 3.1(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.1(3): omit “Director” and substitute “Agency”.

Clause 3.2(1): omit “the Director has reason to believe” and substitute “the Agency is satisfied on reasonable grounds”.

Clause 3.2(1): omit “the Director may” and substitute “the Agency may”.

Clause 3.2(1): omit “Director reasonably considers appropriate” and substitute “Agency reasonably considers appropriate”.

Clause 3.2(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.2(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.2(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.2(5): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.2(6): omit “Director” and substitute “Agency”.

Clause 3.2(6)(b)(i): omit “Director’s” and substitute “Agency’s”.

Clause 3.2(7): omit “Director” and substitute “Agency”.

Clause 3.2(8): omit “Director” and substitute “Agency”.

Clause 3.3(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.3(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 3.3(3): omit “Director” and substitute “Agency”.

Clause 3.3(4): omit “Director” and substitute “Agency”.

Clause 3.3(5): omit “Director” and substitute “Agency”.

Clause 4.2: omit “Director” and substitute “Agency”.

Clause 4.3: omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 4.4(1)(b): omit “Director” and substitute “Agency”.

Clause 4.4(2): omit “Director” and substitute “Agency”.

Clause 5.2(1): omit “Director” and substitute “Agency”.

Clause 5.2(2): omit “Director” and substitute “Agency”.

Clause 5.4(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

**Land Transport Rule: Vehicle Standards Compliance 2002 (35001/1)—continued**

- Clause 6.2(6): omit “Director” and substitute “Agency”.
- Clause 6.3(1A)(b): omit “Director” and substitute “Agency”.
- Clause 6.3(1B): omit “Director” and substitute “Agency”.
- Clause 6.3(2): omit “Director” and substitute “Agency”.
- Clause 6.3(4): omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 6.3(5)(e): omit “Director” and substitute “Agency”.
- Clause 6.3(6): omit “Director” and substitute “Agency”.
- Clause 6.4(1)(d): omit “Director” and substitute “Agency”.
- Clause 6.5(1)(e): omit “Director” and substitute “Agency”.
- Clause 6.5(3)(a): omit “Director” and substitute “Agency”.
- Clause 6.5(4): omit “Director” and substitute “Agency”.
- Clause 6.5(5)(d): omit “Director” and substitute “Agency”.
- Clause 6.6(2): omit “Director” in each place where it appears and substitute in each case “Agency”.
- Heading to clause 6.7: omit “**Director**” and substitute “**Agency**”.
- Clause 6.7: omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 7.3(3): omit “Director” and substitute “Agency”.
- Clause 7.5(1)(c): omit “Director” and substitute “Agency”.
- Clause 7.5(3)(a): omit “Director” and substitute “Agency”.
- Clause 7.5(4): omit “Director” and substitute “Agency”.
- Clause 7.6(2): omit “Director” in each place where it appears and substitute in each case “Agency”.
- Heading to clause 7.7: omit “**Director**” and substitute “**Agency**”.
- Clause 7.7: omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 7.8(3): omit “Director” and substitute “Agency”.
- Clause 8.2(2)(c): omit “Director” and substitute “Agency”.
- Clause 8.3(2): omit “Director” and substitute “Agency”.
- Clause 8.4: omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 9.3(1): omit “Director” and substitute “Agency”.
- Clause 9.4(1): omit “Director” and substitute “Agency”.
- Clause 9.4(2): omit “Director” and substitute “Agency”.

**Land Transport Rule: Vehicle Standards Compliance 2002 (35001/1)**—*continued*

Clause 9.5(1)(b): omit “Director” and substitute “Agency”.

Clause 9.5(2)(b): omit “Director” and substitute “Agency”.

Clause 9.8(1): omit “Director” and substitute “Agency”.

Clause 9.9(c): omit “Director” and substitute “Agency”.

Clause 9.10(2): omit “Director” and substitute “Agency”.

Clause 10.3(1)(c): omit “Director” and substitute “Agency”.

Clause 10.7: omit “Director” and substitute “Agency”.

Heading to clause 11: omit “**Director**” and substitute “**Agency**”.

Clause 11.1: omit “Director” in each place where it appears and substitute in each case “Agency”.

Heading to clause 11.2: omit “**Director**” and substitute “**Agency**”.

Clause 11.2: omit “Director” and substitute “Agency”.

Clause 11.3(1): omit “The Director” and substitute “The Agency”.

Clause 11.3(1): omit “Director believes” and substitute “the Agency is satisfied”.

Clause 11.3(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 11.4: omit “Director” and substitute “Agency”.

Clause 11.5(1): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 11.5(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 11.5(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 11.5(4): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 11.5(5): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 11.6(1): omit “Director” and substitute “Agency”.

Clause 11.6(2): omit “Director” in each place where it appears and substitute in each case “Agency”.

Clause 11.7(1): omit “Director” and substitute “Agency”.

Part 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **Annex B conditional permit** in Part 2: omit “Director” and substitute “Agency”.

**Land Transport Rule: Vehicle Standards Compliance 2002 (35001/1)**—*continued*

Definition of **Annex C conditional permit** in Part 2: omit “Director” and substitute “Agency”.

Definition of **assign** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Director** in Part 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in Part 2: omit “Director” and substitute “Agency”.

Definition of **inspecting organisation** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **inspection and certification outcome** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in Part 2: omit “Director” and substitute “Agency”.

Definition of **statement of compliance** in Part 2: omit “Director” and substitute “Agency”.

Definition of **valid** in Part 2: omit “Director” and substitute “Agency”.

Definition of **vehicle inspector** in Part 2: omit “Director” in each place where it appears and substitute in each case “Agency”.

Paragraph (k)(ii) of Schedule 3: omit “Director” and substitute “Agency”.

Paragraph (k)(iii) of Schedule 3: omit “Transit New Zealand” and substitute “the Agency”.

**Land Transport Rule: Work Time and Logbooks 2007 (62001)**

Clause 1.3(2): omit “Director” and substitute “Agency”.

Clause 2.1(6): omit “Director” and substitute “Agency”.

Note to clause 2.1(6): omit “Director” and substitute “Agency”.

Clause 2.4(1): omit “Director” and substitute “Agency”.

Clause 2.4(2)(a): omit “Director” and substitute “Agency”.

Note to clause 2.5: omit “Director” and substitute “Agency”.

Clause 2.5(4): omit “Director” and substitute “Agency”.

Clause 2.5(5): omit “Director” and substitute “Agency”.

Clause 2.5(6): omit “Director” and substitute “Agency”.

Clause 3.4(1): omit “Director” and substitute “Agency”.

Note to clause 3.4(1): omit “Director” and substitute “Agency”.

Clause 3.4(2): omit “Director” and substitute “Agency”.

**Land Transport Rule: Work Time and Logbooks 2007 (62001)—continued**

- Clause 3.4(4): omit “Director” and substitute “Agency”.
- Clause 3.4(5): omit “Director” and substitute “Agency”.
- Note to clause 4.1(1): omit “Director” and substitute “Agency”.
- Clause 4.2(1): omit “Director” and substitute “Agency”.
- Clause 4.2(2): omit “Director” and substitute “Agency”.
- Note to clause 4.2(3): omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 4.7(1): omit “Director” and substitute “Agency”.
- Clause 4.7(3): omit “Director” and substitute “Agency”.
- Clause 5.1(2): omit “Director” and substitute “Agency”.
- Clause 5.1(4): omit “Director” and substitute “Agency”.
- Clause 6.1: omit “Director” and substitute “Agency”.
- Clause 6.2(2): omit “Director” and substitute “Agency”.
- Clause 6.2(3): omit “Director” and substitute “Agency”.
- Clause 6.2(5): omit “Director” and substitute “Agency”.
- Clause 6.2(6): omit “Director” and substitute “Agency”.
- Clause 6.3(1)(a): omit “Director” and substitute “Agency”.
- Clause 6.3(2): omit “Director’s” and substitute “Agency’s”.
- Clause 6.4(1): omit “Director” in each place where it appears and substitute in each case “Agency”.
- Clause 6.4(2): omit “Director” and substitute “Agency”.
- Clause 6.4(3): omit “Director” and substitute “Agency”.
- Clause 6.4(4): omit “Director” and substitute “Agency”.
- Clause 6.5(1): omit “Director” and substitute “Agency”.
- Clause 6.5(2): omit “Director” and substitute “Agency”.
- Clause 6.5(3): omit “Director” and substitute “Agency”.
- Clause 6.6(2)(c): omit “Director” and substitute “Agency”.
- Clause 6.6(7): omit “Director” and substitute “Agency”.
- Clause 6.6(8): omit “Director” and substitute “Agency”.
- Clause 6.6(9): omit “Director” and substitute “Agency”.
- Clause 6.7(1)(a): omit “Director” and substitute “Agency”.
- Clause 6.7(2): omit “Director” and substitute “Agency”.
- Clause 8.1(6)(b): omit “Director” and substitute “Agency”.
- Part 2: insert in its appropriate alphabetical order:

**Land Transport Rule: Work Time and Logbooks 2007 (62001)—*continued***

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **alternative fatigue management scheme** in Part 2: omit “Director” and substitute “Agency”.

Definition of **Director** in Part 2: revoke.

Definition of **logbook** in Part 2: omit “Director” and substitute “Agency”.

Paragraph (c) of the definition of **record** in Part 2: omit “Director” and substitute “Agency”.

Table in clause 2.2 of Part 2 of the Schedule: omit “Director” in each place where it appears and substitute in each case “Agency”.

**Land Transport (Traction Engine Safety) Regulations 2006 (SR 2006/400)**

Regulation 5(3): omit “Director of Land Transport” and substitute “Agency”.

**Maritime Security Regulations 2004 (SR 2004/153)**

Regulation 79(1)(c): omit “Director of Land Transport Safety” and substitute “New Zealand Transport Agency”.

**New Zealand Railways Corporation (General) Regulations 1982 (SR 1982/47)**

Section 2(1): insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Paragraph (b) of the definition of **motor vehicle** in regulation 2(1): omit “Director” and substitute “Agency”.

**Resource Management (Approval of Transit New Zealand as Requiring Authority) Order 1992 (SR 1992/348)**

Regulation 1(1): omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

Regulation 2: omit “Transit New Zealand” and substitute “The New Zealand Transport Agency”.

Regulation 2(a): omit “Transit New Zealand” and substitute “Government Rounding Powers”.

Regulation 3: omit “Transit New Zealand” and substitute “The New Zealand Transport Agency”.

Regulation 4: omit “Transit New Zealand” and substitute “The New Zealand Transport Agency”.

**Road User Charges Regulations 1978 (SR 1978/30)**

Regulation 2: insert in its appropriate alphabetical order:

**Road User Charges Regulations 1978 (SR 1978/30)**—*continued*

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **automotive surveyor** in regulation 2: omit “Director” and substitute “Agency”.

Definition of **Director** in regulation 2: revoke.

Regulation 3(a): revoke and substitute:

- (a) all motor vehicles that are exempted vehicles (as defined in regulation 3(1) of the Land Transport Management (Apportionment and Refund of Excise Duty and Excise-Equivalent Duty) Regulations 2004):

**Traffic Regulations 1976 (SR 1976/227)**

Regulation 2: insert in its appropriate alphabetical order:

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Definition of **approved** in regulation 2: omit “Authority” in each place where it appears and substitute in each case “Agency”.

Definition of **Authority** in regulation 2: revoke.

Definition of **Director** in regulation 2: revoke.

Paragraph (b) of the definition of **gross vehicle mass** in regulation 2: omit “Director” and substitute “Agency”.

Paragraph (b) of the definition of **mobility device** in regulation 2: omit “Director” and substitute “Agency”.

Definition of motor cycle in regulation 2: omit “Authority” and substitute “Agency”.

Paragraph (g) of the definition of **motor vehicle** in regulation 2: omit “Director” and substitute “Agency”.

Paragraph (c) of the definition of **rear axis** in regulation 2: omit “Authority” and substitute “Agency”.

Definition of **traffic officer** in regulation 2: omit “Director of Land Transport” and substitute “Agency”.

Paragraph (h) of the definition of **vehicle** in regulation 2: omit “Authority” and substitute “Agency”.

Definition of **vehicle compliance certifier** in regulation 2: omit “Director” and substitute “Agency”.

Regulation 29(2): omit “Director” and substitute “Agency”.

Regulation 29(2): omit “Authority” and substitute “Agency”.

Regulation 29(7): omit “Director” and substitute “Agency”.

Heading to regulation 88: omit “**Authority**” and substitute “**Agency**”.



**Traffic Regulations 1976 (SR 1976/227)—continued**

Regulation 88(1): omit “Authority” and substitute “Agency”.

Regulation 88(3): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Regulation 90(1): omit “Director” and substitute “Agency”.

Regulation 90(1): omit “he” and substitute “it”.

Regulation 90(2): omit “Director, or any person appointed by him” and substitute “Agency, or any person appointed by it”.

Regulation 90(3): omit “Director or person so appointed by him” and substitute “Agency or any person appointed by it”.

Regulation 132(2): omit “Authority” in each place where it appears and substitute in each case “Agency”.

Regulation 135: omit “Director” and substitute “Agency”.

Item 1 in Schedule 1A: omit “Director” and substitute “Agency”.

**Transport (Driving Hours Logbook Exemption) Notice 2003 (Gazette 2003 p 2689)**

Clause 2: insert in its appropriate alphabetical order:

**Agency** has the same meaning as it has in section 2(1) of the Act

Definition of **Director** in clause 2: revoke.

Heading to clause 4: omit “**Director**” and substitute “**Agency**”.

Clause 4: omit “director, where he” and substitute “Agency, if it”.

Clause 2 of Part A of the Schedule: omit “Director” and substitute “Agency”.

Clause 8 of Part A of the Schedule: omit “Director of Land Transport Safety” and substitute “Agency”.

**Transport Services Licensing Regulations 1989 (SR 1989/313)**

Regulation 6(1): omit “Director” and substitute “Agency”.

Regulation 6(3): omit “Director” and substitute “Agency”.

Regulation 7(1): omit “Director” and substitute “Agency”.

Regulation 7(3): omit “Director” in each place where it appears and substitute in each case “Agency”.

Regulation 7A(1): omit “Director” and substitute “Agency”.

**Transport (Vehicle Registration and Licensing) Notice 1995 (SR 1995/136)**

Clause 8(3)(d): omit “section 101(1) of the Transit New Zealand Act 1989” and substitute “section 45 of the Land Transport Management Act 2003”.

**Transport (Vehicle Registration and Licensing) Regulations 1994 (SR 1994/244)**

Regulation 3B(a): omit “Transit New Zealand” and substitute “Government Rooding Powers”.

New regulation 5A: insert after regulation 5:

**5A Fees and charges identified as land transport revenue**

The fees and charges (excluding applicable refunds, and goods and services tax payable under the Goods and Services Tax Act 1985) specified in Parts 1 and 2 of Schedule 2 are land transport revenue for the purposes of the Land Transport Management Act 2003.

Clause 6(b) of Part 2 of Schedule 1: omit “Director” and substitute “New Zealand Transport Agency”.

Clause 6(c) of Part 2 of Schedule 1: omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

Paragraph (c) of the definition of **total piston displacement** in Part 1 of Schedule 2: omit “Director” and substitute “New Zealand Transport Agency”.

Paragraph (b) of the definition of **miscellaneous vehicle** in Part 2A of Schedule 2: revoke and substitute:

- (b) a motor vehicle that is an exempted vehicle within the meaning of regulation 3(1) of the Land Transport Management (Apportionment and Refund of Excise Duty and Excise-Equivalent Duty) Regulations 2004.

Clause 4 of Part 1 of Schedule 1: omit “Transit New Zealand” and substitute “Government Rooding Powers”.

Clause 6(c) of Part 2 of Schedule 1: omit “Transit New Zealand” and substitute “the New Zealand Transport Agency”.

Schedule 3 Part 1: amended, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

## Notes

### **1** *General*

This is a consolidation of the Land Transport Management Amendment Act 2008 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Land Transport Management Amendment Act 2008 Amendment Act 2015 (2015 No 18)

Land Transport Management Amendment Act 2013 (2013 No 35): section 72

Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 100(3)

Land Transport Management Amendment Act 2008 (2008 No 47): Schedule 2 clause 43(2)