

LAND TRANSPORT AMENDMENT BILL

AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE

THIS Bill was formerly part of the Land Transport Law Reform Bill, as reported from the Transport Committee. The Committee of the whole House has divided the Land Transport Law Reform Bill into 7 separate Bills as follows:

- (1) This Bill, comprising Part II.
 - (2) The Transit New Zealand Amendment Bill, comprising Part I and the Schedules.
 - (3) The Transport Amendment Bill, comprising Part III.
 - (4) The Transport (Vehicle and Driver Registration and Licensing) Amendment Bill, comprising Part IV.
 - (5) The Local Government Amendment Bill (No. 3), comprising Part V, including clause 61 (as set out on Supplementary Order Paper No. 98). This Bill is now enacted as the Local Government Amendment Act (No. 2) 1995 (1995, No. 40).
 - (6) The Road User Charges Amendment Bill, comprising Part VI.
 - (7) The Transport Services Licensing Amendment Bill, comprising Part VII.
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[AS REPORTED FROM THE TRANSPORT COMMITTEE]

House of Representatives, 22 June 1995.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 20 July 1995.

Words struck out are shown in italics within double bold round brackets, or with double black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Maurice Williamson

LAND TRANSPORT AMENDMENT

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A BILL INTITULED

An Act to amend the Land Transport Act 1993

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Land Transport Amendment Act 1995, and shall be read together with and deemed part of the Land Transport Act 1993 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1996.

See cover page explaining destination of Part I of, and the Schedules to, the Land Transport Law Reform Bill.

38. Interpretation—Section 2 of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

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“ ‘Board’ means the board known as Transfund New Zealand established under **section 3A** of the Transit New Zealand Act 1989:

“ ‘Commissioner’ means the Commissioner of Police: 20

“ ‘Crown’ means Her Majesty the Queen in right of New Zealand:

“ ‘Land transport’ means transport on land by any means and the infrastructure facilitating such transport; and includes surface-effect vehicles and harbour ferries: 25

“ ‘National land transport strategy’ or ‘strategy’ means a national land transport strategy completed by the Minister under **section 29A** of this Act, as from time to time amended under **section 29D** of this Act:

Struck Out

“ ‘New Zealand Roads Board’ means the board known as the New Zealand Roads Board established under **section 3A** of the Transit New Zealand Act 1989:

5 “ ‘Regional council’ means a regional council within the meaning of the Local Government Act 1974:

“ ‘Regional land transport strategy’ means a regional land transport strategy prepared under **section 29F** of this Act:

10 “ ‘Territorial authority’ means a territorial authority within the meaning of the Local Government Act 1974:

“ ‘Transit New Zealand’ means the authority known as Transit New Zealand established under section 4 of the Transit New Zealand Act 1989:”.

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39. Performance agreement—Section 21 (1) (a) of the principal Act is hereby amended by omitting the expression “section 41D (1) (a)”, and substituting the expression “section 41D (1) (h)”.

20 **40. Delegation of Minister’s functions or powers to Authority**—Section 26 (1) of the principal Act is hereby amended by adding the words “or under any other Act”.

41. New Part IIIA inserted—The principal Act is hereby amended by inserting, after Part III, the following Part:

25 “PART IIIA

“LAND TRANSPORT STRATEGIES

“*National Land Transport Strategy*

“29A. **National land transport strategy**—(1) The Minister may from time to time, on behalf of the Crown, complete a national land transport strategy.

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“(2) The national land transport strategy may include statements of—

“(a) The Crown’s goals in relation to land transport in New Zealand; and

35 “(b) The policy objectives to be pursued to achieve the Crown’s goals in relation to land transport in New Zealand; and

- “(c) The measurable targets to be met to achieve those policy objectives.
- “(3) The national land transport strategy shall not be inconsistent with any national policy statement for the time being in force under the Resource Management Act 1991. 5
- “29B. Procedure for completing national land transport strategy—**(1) Before completing the national land transport strategy, the Minister shall—
- “(a) Publish a notice of his or her proposal to complete the strategy in the daily newspapers published in Auckland, Hamilton, Wellington, Christchurch, and Dunedin, respectively, and publish the notice in the *Gazette*; and 10
- “(b) Give interested persons a reasonable time, which shall be specified in the notice published under **paragraph (a)** of this subsection, to make submissions on the proposal; and 15
- “(c) Consult such persons, representative groups within the land transport industries or elsewhere, Government departments, and Crown (*agencies*) entities as the Minister in each case considers appropriate. 20
- “(2) The Minister may sign the completed national land transport strategy and, as soon as possible after signing the strategy, shall—
- “(a) By notice in the *Gazette*, state that the strategy has been made and specify the place or places where the strategy is available to members of the public for inspection free of charge and for purchase at a reasonable price; and 25
- “(b) Lay a copy of the strategy before the House of Representatives; and 30
- “(c) Give a copy of the strategy to each of the following:
- “(i) The Authority:
- “(ii) The ~~((New Zealand Roads Board))~~ Board:
- “(iii) Transit New Zealand: 35
- “(iv) The Commissioner:
- “(v) The Secretary:
- “(vi) Every local authority that is required to prepare a regional land transport strategy:

New

“(vii) Every territorial authority.

“29c. **Currency of national land transport strategy**—
(1) The national land transport strategy shall—

5 “(a) Take effect on the 28th day after the date of its notification in the *Gazette* or on any later date specified in the strategy; and

“ (b) Subject to **section 29d** of this Act, remain current for
10 10 years or any lesser period specified in the strategy.

“(2) The Minister shall ensure that, at all times after the completion of the first national land transport strategy, there is a current national land transport strategy.

15 “29d. **Amendment or revocation of national land transport strategy**—The Minister may amend or revoke a national land transport strategy by following, with any necessary modifications, the procedure provided in **section 29b** of this Act for completing a strategy.

20 “29e. **Effect of national land transport strategy**—(1) The Authority shall ensure that its actions in exercising its functions, duties, and powers are not inconsistent with any national land transport strategy that is for the time being in force.

25 “(2) The ~~((New Zealand Roads Board))~~ Board shall ensure that its actions in exercising its functions, duties, and powers are not inconsistent with any national land transport strategy that is for the time being in force.

30 “(3) Transit New Zealand shall ensure that its actions in exercising its functions, duties, and powers are not inconsistent with any national land transport strategy that is for the time being in force.

Struck Out

35 “(4) The Commissioner shall have regard to any national land transport strategy that is for the time being in force when exercising his or her functions, duties, and powers in relation to land transport.

New

“(4) The Commissioner shall, except to the extent that his or her statutory functions or duties or common law obligations in any particular case otherwise require, ensure that his or her actions in exercising his or her functions, duties, and powers are not inconsistent with any national land transport strategy that is for the time being in force. 5

“(5) The Secretary shall ensure that the actions of the Ministry are not inconsistent with any national land transport strategy that is for the time being in force. 10

“Regional Land Transport Strategies

“29F. **Regional land transport strategies**—(1) Every regional council shall prepare a land transport strategy for its region.

“(2) Every regional land transport strategy prepared under this section shall— 15

“(a) Identify the future land transport needs of the region concerned; and

“(b) Identify the most desirable means of responding to such needs in a safe and cost effective manner, having regard to the effect the transport system is likely to have on the environment; and 20

“(c) Identify an appropriate role for each land transport mode in the region, including freight traffic, public passenger transport, cycling, and pedestrian traffic; and 25

“(d) State the best means of achieving the objectives referred to in **paragraphs (b) and (c)** of this subsection; and

“(e) Include any regional passenger transport plan (within the meaning of section 47 of the Transport Services Licensing Act 1989) that has been prepared by the regional council that has prepared the strategy. 30

“(3) A regional land transport strategy shall not be inconsistent with any regional policy statement or plan that is for the time being in force under the Resource Management Act 1991. 35

“(4) A regional land transport strategy shall not be inconsistent with any national land transport strategy that is for the time being in force at the time of preparation of the regional land transport strategy. 40

“29G. **Currency of regional transport strategies**—(1) A regional land transport strategy prepared under **section 29F** of this Act shall at all times be kept current for a period of not less than 3 years in advance but not more than 5 years, and
5 may be renewed from time to time.

“(2) The regional council that prepares a regional land transport strategy may amend it at any time during its currency to reflect any significant change in the circumstances that existed when the strategy was prepared or to include a
10 regional passenger transport plan (within the meaning of section 47 of the Transport Services Licensing Act 1989) that has been prepared by it since the preparation of the strategy.

“(3) The regional council that prepares a regional land transport strategy shall, within 2 years after the completion of
15 or any amendment to a national land transport strategy, make any amendment to its regional land transport strategy that is necessary to ensure it is not inconsistent with the national land transport strategy.

“29H. **Copies of regional land transport strategy to be made available to certain persons**—(1) Once a regional land transport strategy or any amendment to *(that strategy)* a
20 regional land transport strategy has been approved by the relevant regional council, that regional council shall forthwith forward a copy of the strategy or amendment to each of the
25 following:

- “(a) The Authority:
- “(b) The ~~((New Zealand Roads Board))~~ Board:
- “(c) Transit New Zealand:
- “(d) The Commissioner:
- 30 “(e) The Secretary.

New

“(2) Every regional council that approves a regional land transport strategy or any amendment to a regional land transport strategy shall make a copy of the strategy or
35 amendment available during its usual business hours, at such place or places as the regional council appoints, for inspection by the public in the area to which the strategy or amendment applies.

“29I. **Regional land transport committees**—(1) Every
40 regional council shall establish a land transport committee under this section for its region.

“(2) Each regional land transport committee shall consist of such persons as may from time to time be appointed by the regional council, and in making such appointments the council may appoint any persons whom it considers to be suitable, including (but not limited to) representatives of all or any of the following: 5

“(a) The Authority:

“(b) The ~~((New Zealand Roads Board))~~ Board:

“(c) Transit New Zealand:

“(d) The Commissioner: 10

“(e) The regional council:

“(f) The territorial authorities in the region (if any):

“(g) Commercial road users:

“(h) Private road users:

“(i) Railway operators: 15

“(j) Public transport users:

New

“(k) Representatives of cycle users and pedestrians.

“(3) The functions of each regional land transport committee shall be to prepare for approval by the relevant regional council the regional land transport strategy prepared under ~~section 29F~~ of this Act and the regional programme prepared under ~~section 42G~~ of the Transit New Zealand Act 1989 for its region. 20

“(4) The provisions of the Local Government Act 1974 and the Local Government Official Information and Meetings Act 1987 relating to the meetings of committees of regional councils, so far as they are applicable and with the necessary modifications, shall apply in respect of meetings of the regional land transport committees. 25 30

“(5) This section does not apply to the Chatham Islands County Council.

“29J. **Duty to consult in respect of regional land transport strategy**—(1) Before finalising a regional land transport strategy, the relevant regional council shall consult each of the following: 35

“(a) The Authority:

“(b) The ~~((New Zealand Roads Board))~~ Board:

“(c) Transit New Zealand:

“(d) The Commissioner: 40

“(e) The territorial authorities in the region (if any):

“(f) The adjoining regional councils and territorial authorities:

“(g) Commercial road users:

“(h) Private road users:

“(i) Railway operators:

5 “(j) Public transport users:

“(k) The public in the region or district:

New

“(l) Representatives of cycle users and pedestrians.

10 “(2) Every regional council that is preparing a regional transport strategy may require from any territorial authority within its region such information as the council considers it requires in order to properly perform its functions under this Act in relation to that strategy; and the territorial authority shall promptly comply with that requirement.

15 “**29K. Regional councils to consider contracting out functions under Act**—(1) Every regional council that is required to prepare a regional land transport strategy shall consider whether it could most efficiently and effectively prepare its regional land transport strategy by means of its own operations or by contracting out those operations to appropriate persons selected after an appropriate competitive process.

20 “(2) Where a regional council considers that another person can more efficiently and effectively prepare its regional land transport strategy, the council—

“(a) Shall invite tenders for the preparation of the strategy; and

30 “(b) If a tender is successful, shall enter into an agreement setting out the terms on which the strategy is to be prepared by the other person.

“(3) Every regional council shall have and may exercise all such powers as are necessary or reasonably expedient to enable it to perform its duties under this section, and such powers and duties are in addition to, and not in substitution for, powers and duties conferred on regional councils by any other Act.

35 “(4) Where a regional council invites tenders under subsection (2) of this section, any other regional council or territorial authority may submit a tender and, if successful, enter into an agreement under that subsection.

40 “**29L. Effect of regional land transport strategy**—(1) The Authority shall ensure that its actions in exercising its functions,

duties, and powers are not inconsistent with any regional land transport strategy.

“(2) The ~~((New Zealand Roads Board))~~ Board shall ensure that its actions in exercising its functions, duties, and powers are not inconsistent with any regional land transport strategy.

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“(3) Transit New Zealand shall ensure that its actions in exercising its functions, duties, and powers are not inconsistent with any regional land transport strategy.

Struck Out

“(4) The Commissioner shall have regard to any regional land transport strategy when exercising his or her functions, duties, and powers in relation to land transport.

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New

“(4) The Commissioner shall, except to the extent that his or her statutory functions or duties or common law obligations in any particular case otherwise require, ensure that his or her actions in exercising his or her functions, duties, and powers are not inconsistent with any regional land transport strategy that is for the time being in force.

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“(5) The Secretary shall ensure that the actions of the Ministry are not inconsistent with any regional land transport strategy.

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“29M. **Annual reports on regional land transport strategy**—(1) Every regional council that is required to prepare a regional land transport strategy shall prepare an annual report as to the progress in implementing its regional land transport strategy.

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“(2) A copy of every such report shall be forwarded to—

“(a) The Authority; and

“(b) The ~~((New Zealand Roads Board))~~ Board; and

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“(c) Transit New Zealand; and

“(d) The Commissioner; and

“(e) The Secretary—

within 3 months after the close of the financial year to which it relates, and be made available to the public.

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“(3) The Authority, the ~~((New Zealand Roads Board))~~ Board, Transit New Zealand, the Commissioner, and the Secretary shall supply to the regional council such information within its

or his or her possession or control as may be requested by the regional council for the purposes of complying with its obligations under this section.

5 **“29N. Certain territorial authorities to prepare land transport strategy—**(1) A territorial authority shall prepare a land transport strategy for its district if the functions, duties, and powers of a regional council under the Transit New Zealand Act 1989 have been transferred to it.

10 **“(2) The provisions of sections 29F to 29M of this Act shall, with the necessary modifications, apply to any such territorial authority as if it were a regional council.”**

Struck Out

42. Consequential amendments to Transit New Zealand Act—(1) The Transit New Zealand Act 1989 is hereby
15 **consequentially amended in the manner indicated in the Fourth Schedule to this Act.**

(2) The following enactments are hereby consequentially repealed:

- 20 (a) Sections 23 and 24 of the Transit New Zealand Act 1989 (as substituted by section 6 (1) of the Transit New Zealand Amendment Act 1992);
- (b) Section 27A of the Transit New Zealand Act 1989 (as substituted by section 7 of the Transit New Zealand Amendment Act 1992);
- 25 (c) Sections 42A and 42B of the Transit New Zealand Act 1989 (as as substituted by section 16 of the Transit New Zealand Amendment Act 1992);
- (d) Section 7 of the Transit New Zealand Amendment Act 1992;
- 30 (e) So much of Part I of the Second Schedule to the Land Transport Act 1993 as relates to section 27A of the Transit New Zealand Act 1989.

35 *See cover page explaining destination of Parts III to VII of the Land Transport Law Reform Bill.*