

Land Transport Amendment Bill (No 2)

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Transport Legislation Bill as reported from the Transport and Industrial Relations Committee. The committee of the whole House has further amended the bill and has divided it into the following bills:

- The Civil Aviation Amendment Bill (No 2), comprising subpart 1 of Part 1
 - This bill, comprising subpart 2 of Part 1 and Schedule 1
 - The Land Transport Management Amendment Bill, comprising subpart 3 of Part 1, Part 2, and Schedules 2, 4, and 5
 - The Maritime Transport Amendment Bill, comprising subpart 4 of Part 1 and Schedule 3.
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Key to symbols used in reprinted bill

As reported from a select committee

Struck out (majority)

Subject to this Act,

Text struck out by a majority

New (majority)

Subject to this Act,

Text inserted by a majority

<Subject to this Act,>

Words struck out by a majority

<Subject to this Act,>

Words inserted by a majority

As reported from the committee of the whole House

New

Subject to this Act,

Text inserted

Subject to this Act,

Words inserted

Hon Pete Hodgson

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Schedule 1
Technical amendments to principal Act

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Land Transport Amendment Act (No 2) **2004**.
- (2) In this Act, the Land Transport Act 1998¹ is called “the principal Act”.

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¹ 1998 No 110

2 Commencement

- (1) **Section 18A** comes into force on **1 July 2005**.
- (2) The rest of this Act comes into force on **1 December 2004**.

16 Interpretation

- (1) Section 2(1) of the principal Act is amended by repealing the definitions of **Authority**, **Board**, **Minister**, and **Transfund**, **performance agreement**, and **service charter**. 10
- (2) Section 2(1) of the principal Act is amended by inserting, in *<its>* *<their>* appropriate alphabetical order, the following *<definition>* *<definitions>*: 15

“**Authority** means Land Transport New Zealand established by **section 66** of the Land Transport Management Act 2003

New (majority)

“**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act or the relevant Part or provision of this Act”.

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- (3) Section 2(1) of the principal Act is amended by omitting from the definition of **Director** the word “Safety”.

New (majority)

16A New section 152 substituted

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

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“152 **Power of Minister to make ordinary rules**

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

“(a) safety and licensing for any form of transport within the land transport system, including (but not limited to) technical requirements and standards:

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“(b) assisting land transport safety and security, including (but not limited to) personal security:

“(c) assisting economic development:

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“(d) improving access and mobility:

“(e) protecting and promoting public health:

“(f) ensuring environmental sustainability:

“(g) any matter related, or reasonably incidental, to any of the following:

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“(i) the Minister’s objectives under **section 169**:

“(ii) the Minister’s functions under **section 169A**:

“(iii) the Director’s functions and powers referred to in section 197:

“(iv) the Authority’s objectives under **section 68** of the Land Transport Management Act 2003:

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New (majority)

“(v) the Authority’s functions under **section 69** of the Land Transport Management Act 2003:

“(h) any other matter contemplated by a provision of this Act.”

- 17 Matters to be taken into account in making rules** 5
 Section 164(2) of the principal Act is amended by repealing paragraphs (d) and (e), and substituting the following paragraphs:
- “(d) the need to ~~assist~~ maintain and improve land transport safety and security, including (but not limited to) personal security: 10
- “(e) ~~how~~ whether the proposed rule—
- “(i) assists economic development:
- “(ii) improves access and mobility:
- “(iii) protects and promotes public health: 15
- “(iv) ensures environmental sustainability:
- “(ea) the costs of implementing measures for which the rule is being proposed:”.
- 18 New sections 169 and 169A substituted** 20
 The principal Act is amended by repealing section 169, and substituting the following sections:
- “169 Objectives of Minister**
- The objectives of the Minister under this Act are—
- “(a) to ~~contribute to the aim of achieving~~ undertake the Minister’s functions in a way that contributes to an integrated, safe, responsive, and sustainable transport system; and 25
- “(b) to ensure that New Zealand’s obligations under international agreements relating to land transport are implemented. 30

“169A Functions of Minister

The functions of the Minister under this Act are—

New (majority)

“(aa) to promote safety in land transport:

“(a) to administer New Zealand’s participation in any international convention, agreement, or understanding relating to land transport to which the Government of New Zealand is a party:

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“(b) to make ordinary rules under this Act.”

New**18A Regional land transport committees**

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

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“(2A) Each regional council must appoint a sufficient number of persons to represent a balance of the objectives specified in subsection (2)(a).

“(2B) A person appointed with respect to subsection (2)(a) or (b)—

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“(a) must be from the wider regional community; and

“(b) must not be a representative of that council, any other territorial authority in that region, or the Authority.”

19 New section 186 substituted

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

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“186 Director of Land Transport

“(1) The Authority must from time to time appoint a Director of Land Transport.

“(2) The Director may, but need not, be the chief executive of the Authority.

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New (majority)

“(3) The terms and conditions of employment of the Director are determined by the Authority.

New (majority)

“(4) The Authority may not, in determining terms and conditions under **subsection (3)**, agree to any conditions of employment for the Director without—

“(a) consulting the State Services Commissioner; and

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

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

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20 Functions and powers of Director

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

Struck out (majority)

“(c) the Director must ensure regular reviews of the land transport system to promote the improvement and development of its safety.”

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New (majority)

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

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

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“(ii) access and mobility:

“(iii) public health:

“(iv) environmental sustainability:

“(v) any other matter.”

21 Technical amendments to principal Act

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The principal Act is amended in the manner indicated in **Schedule 1**.

22 Repeals

- (1) The following provisions of the principal Act are repealed:
 - (a) section 171(2)(c)(ii):
 - (b) section 177(1)(b):
 - (c) section 179(1)(a): 5
 - (d) sections 184 and 185:
 - (e) section 188:
 - (f) section 189 and the heading above that section:
 - (g) sections 190 to 195:
 - (h) section 196 and the heading above that section: 10
 - (i) section 201 and the heading above that section:
 - (j) sections 202 and 203: *<(k) all of the clauses and headings above those clauses in Schedule 1, except clauses 29 and 30 and the heading above those clauses>.*

New (majority)

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| (2) | Schedule 1 of the principal Act is repealed. | 15 |
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23 Transitional provisions relating to rules

- (1) Nothing in this Act affects the validity of a rule that—
 - (a) was in force immediately before the commencement of this Act; or
 - (b) has been made but is to come into force after the commencement of this Act. 20
- (2) If a *<proposed rule has been notified in accordance with the law>* <notice of intention to make a rule has been published under section 161(2)(a) of the principal Act as> in force immediately before the commencement of this Act, but has not been made before that commencement, 25
 - (a) the proposed rule may be made in accordance with the law in force immediately before that commencement; or
 - (b) if the Minister so directs, a new rule may be prepared, notified, and made in accordance with the law in force on the commencement of this Act. 30

Schedule 1

Technical amendments to principal Act

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Section 19

Omit the word “Safety” wherever it occurs.

Section 174

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

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Section 178

Repeal subsection (2)(e) and (f) and substitute:

“(e) the Authority.”

Section 181

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

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Section 182

Repeal subsection (2)(b).

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

Part 14 heading

Repeal the Part 14 heading and substitute:

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“Part 14**“Director of Land Transport”.****Heading to section 187**

Omit and substitute “Acting Director”.

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Section 197

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

Heading to section 205

Omit the words “Authority and”.

Section 205

Repeal subsection (1).

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Section 206

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

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

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Legislative history

16 November 2004

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