

House of Representatives

Supplementary Order Paper

Tuesday, 1 July 2008

Land Transport Management Amendment Bill

Proposed amendments

Hon Annette King, in Committee, to move the following amendments:

Clause 2

To omit this clause (lines 5 to 9 on page 8) and substitute the following clause:

2 Commencement

This Act comes into force on **1 August 2008**.

Clause 5: new section 4

To omit “**99(1)(f)**” (line 7 on page 9) and substitute “**99(1)(g)**”.

Clause 6

Subsection (3): new definition of **regional land transport strategy**: to omit “**section 74**” (line 8 on page 10) and substitute “**Part 3**”.

Clause 11: new section 10(2)

Paragraph (d): to omit “**(c)**.” (line 37 on page 18) and substitute “**(c)**.”

To insert the following paragraph after *paragraph (d)* (after line 37 on page 18):

- “(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)**.

Clause 13: new section 16

Subsection (1)(d) and (e): to omit these paragraphs (lines 33 to 38 on page 27 and lines 1 to 8 on page 28) and substitute the following paragraph:

- “(d) an assessment of each activity or combination of activities, prepared in accordance with **subsection (4A)** 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.

To insert the following subsection after *subsection (4)* (after line 14 on page 29):

- “(4A) 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)**.

Clause 13: new section 16A

Subsection (1)(a)(iii): to omit “include” (line 37 on page 29) and substitute “see included”.

Subsection (1)(c) to (e): to omit these paragraphs (lines 5 to 19 on page 30) and substitute the following paragraph:

- “(c) an assessment of each activity or combination of activities, prepared in accordance with **subsection (4A)** 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.

To insert the following paragraph after *subsection (3)(b)* (after line 34 on page 30):

- “(ba) a list of each activity or combination of activities that have been approved under **section 20** but are not yet completed; and

Subsection (3)(i): to omit this paragraph (lines 18 to 20 on page 31) and substitute the following paragraph:

“(i) a summary of the policy relating to significance adopted by ARTA under **section 103**; and

To insert the following subsection after *subsection (4)* (after line 26 on page 31):

“(4A) 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)**.

Clause 13: new section 18

Subsection (3): to omit this subsection (lines 7 to 15 on page 33) and substitute the following subsection:

“(3) When consulting under **section 17** and this section with respect to its regional land transport programme, ARTA need not consult any organisation or person referred to in **section 17** 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.

Clause 13: new section 18A

Heading to new section 18A: to insert after “**programmes**” (line 17 on page 33) “**prepared by regional transport committees**”.

Subsection (1A): to omit this subsection (lines 23 to 29 on page 33) and substitute the following subsection:

“(1A) 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.

Subsection (4A)(a): to insert after “programme” in the second place where it appears (line 25 on page 34) “and forward it to the Agency”.

To insert the following subsection after *subsection (4B)* (after line 36 on page 34):

“(4C) **Section 18C** applies, with the necessary modifications, to any programme or amended programme and statement of reasons forwarded under **subsection (4A)**.

Subsection (5): to omit this subsection (lines 5 to 7 on page 35).

Clause 13: new section 18AA

To insert the following section after *new section 18A* (after line 7 on page 35):

“18AA 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.

Clause 13: new section 18B

Subsections (2) and (3): to omit these subsections (lines 28 to 33 on page 35) and substitute the following subsections:

- “(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.
- “(3A) The regional transport committee or ARTA must consider any variation request promptly.

Clause 13: new section 18BA(2)

To omit “wishes” (line 24 on page 36) and substitute “has good reason”.

Clause 14: new section 19(1)

To omit “other activities to be delivered by the Agency, and research, education, and training activities,” (lines 29 to 31 on page 41) and substitute “and research, education, training, and other activities that the Agency is responsible for delivering.”

Clause 14: new section 19C(h)

To insert after “2004” (line 29 on page 44) “or any other Act”.

Clause 14: new section 19E(2)

To omit this subsection (lines 22 to 25 on page 45).

Clause 15: new section 20

Subsection (2)(a): to omit “**subsection (3)**” (line 5 on page 48) and substitute “**subsection (3A)**”.

To insert the following subsection after *subsection (3)* (after line 33 on page 48):

- “(3A) 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.

Clause 15: new section 20E

Subsection (5): to omit “is subject to” (line 29 on page 51) and substitute “may be requested under”.

New clause 15A

To insert the following clause after *clause 15* (after line 32 on page 52):

15A Section 21 repealed

Section 21 is repealed.

New clause 17A

To insert the following clause after *clause 17* (after line 13 on page 53):

17A Approval of public organisations

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

Clause 19

Subclause (2): to omit this subclause (lines 12 to 15 on page 55) and substitute the following subclause:

- (2) 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.”

Clause 20

To insert the following subclause after *subclause (1AA)* (after line 20 on page 55):

- (1AAA) Section 26(a) is amended by omitting “activity class” and substituting “combination of activities”.

Clause 21: heading to new section 26A

To omit “**variation of**” (line 33 of page 55) and substitute “**approval of certain**”.

Clause 23B

To insert the following subclause after *subclause (3)* (after line 23 on page 56):

- (3A) Section 36(3) is amended by omitting “Authority” and substituting “Agency”.

Clause 31: new section 65A(1)(c)

To omit “are not reasonably likely to” (line 11 on page 59) and substitute “will not reasonably”.

Clause 31: new section 65B(b)(iii)

To omit “are not reasonably likely to” (line 9 on page 60) and substitute “will not reasonably”.

Clause 31: new section 65C

To insert before the definition of **diesel** the following definition (before line 15 on page 60):

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

*New definition of **project agency***: to omit “Agency” (line 19 on page 61) and substitute “Agency:”.

*New definition of **project agency***: to add the following paragraph (after line 19 on page 61):

“(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

Clause 31: new section 65D

To add the following subsection (after line 11 on page 62):

“(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.

Clause 31: new section 65E(1)(b)

To omit “likely to be” (line 21 on page 62).

Clause 31: new section 65E(3)(b)

To omit “likely to be” (line 35 on page 62).

Clause 31: new section 65G

Subsection (4): to omit this subsection (lines 3 to 5 on page 65) and substitute the following subsection:

“(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**.

Clause 31: new section 65J(c)

To omit “is not reasonably likely to” (line 11 on page 67) and substitute “will not reasonably”.

Clause 31: new section 65J

To insert the following paragraphs after *paragraph (c)* (after line 13 on page 67):

- “(ca) forecast regional fuel tax revenue and regional fuel tax expenditure have been aligned; and
- “(cb) 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

Clause 31: new section 65N(1)

To omit “, with a maximum contribution of 5 cents per litre of fuel,” (lines 18 and 19 on page 69).

To insert after “priorities for the Auckland region” (lines 20 and 21 on page 69) “, provided that the responsible Ministers are satisfied that the projects are consistent with the Auckland regional land transport strategy”.

Clause 31: new section 65Q(1)

Paragraph (b): to omit this paragraph (lines 28 and 29 on page 71) and substitute the following paragraph:

- “(b) the impact of the proposed regional fuel tax scheme on the national land transport programme.

Paragraph (c): to omit this paragraph (lines 30 to 32 on page 71) and substitute the following paragraph:

- “(c) in respect of a proposed scheme amended under **section 65N(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.

Clause 31: new section 65R

To add the following subsection (after line 6 on page 73):

- “(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.

Clause 31: new section 65V(2)

To insert after “under” (line 10 on page 76) “Part 4 of”.

Clause 32: new section 69(2)(a)

To omit this paragraph (lines 9 to 16 on page 84) and substitute the following paragraph:

- “(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

Clause 32: new section 71(d)

To omit this paragraph (lines 19 to 21 on page 85).

Clause 32: new section 74(4)

To omit “**Schedule 7**” (line 33 on page 86) and substitute “Despite **subsection (3), Schedule 7**”.

Clause 32: new section 77(n)

To omit this paragraph (lines 16 to 18 on page 89) and substitute the following paragraph:

- “(n) a summary of the policy relating to significance adopted by the regional transport committee under **section 103**.

Clause 32: new section 91A(2)(d)

To insert after “decline” (line 25 on page 99) “funding for”.

Clause 32: new section 99(1)(e)

To omit this paragraph (lines 24 and 25 on page 106).

Clause 32: new section 99(1)(g)

To omit “agreement” (line 32 on page 106) and substitute “statement of intent”.

Clause 32: new section 102

Subsection (1): to omit “Every” (line 6 on page 111) and substitute “As soon as practicable after each triennial election, every”.

Subsection (6): to omit this subsection (lines 24 to 26 on page 112).

To add the following subsection (after line 19 on page 113):

- “(14) Nothing in this section or in **sections 103 and 104** applies to the Auckland Regional Council or to Auckland’s regional transport committee.

Clause 32: new section 103

Subsection (1): to omit “(except the committee for the Auckland region)” (lines 21 and 22 on page 113).

To insert the following paragraph after *subsection (1)(c)* (after line 33 on page 113):

- “(d) to provide the regional council with any advice and assistance the regional council may request in relation to its transport responsibilities.

Subsection (2): to omit this subsection (lines 1 to 6 on page 114) and substitute the following subsection:

- “(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 18B and 81** (as the case may require).

Clause 38: new section 79A(2)

To omit the definition of **motor spirits** (lines 31 to 33 on page 117) and substitute the following definition:

“**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**.

Schedule 1: new Schedule 7

Clause 2(1)(a): to omit “Auckland’s regional land transport strategy” (lines 7 and 8 on page 121) and substitute “a regional land transport strategy for the Auckland region”.

Clause 2(1)(b): to omit “approve” (line 10 on page 121) and substitute “after considering the strategy prepared by the regional transport committee, approve”.

Clause 5(1)(b): to omit “, taking into account any regional growth, economic, or land-use considerations” (lines 6 to 8 on page 123).

Clause 5(1)(d): to omit “growth, economic,” (line 11 on page 123) and substitute “economic”.

Clause 5(1)(g): to omit this paragraph (lines 18 to 20 on page 123).

Clause 5(1)(i): to omit this paragraph (lines 24 to 26 on page 123) and substitute the following paragraph:

- (i) a statement that identifies any strategic option for which co-operation is required with other regions; and

Clause 5(1): to add “; and” and also to add the following paragraph (after line 36 on page 123):

- (n) a summary of the policy relating to significance adopted by the regional transport committee in the Auckland region under **clause 11(5A)**.

Clause 5(2): to add “; and” and also to add the following paragraph (after line 6 on page 124):

- (c) include any regional passenger transport plan.

Heading to clause 11: to omit “**committees**” (line 1 on page 129) and substitute “**committee**”.

Clause 11(5): to omit this subclause (lines 26 to 32 on page 129) and substitute the following subclause:

- (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.

Clause 11: to insert the following subclause after *subclause (5)* (after line 32 on page 129):

- (5A) 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**.

Schedule 2

Clause 1(1): to omit from the definition of **Authority** “**July**” (line 6 on page 133) and substitute “**August**”.

Clause 1(1): to omit from the definition of **land transport programme** “**July**” (line 19 on page 133) and substitute “**August**”.

Clause 1(1): to omit from the definition of **transferred employee** “**July**” (line 11 on page 134) and substitute “**August**”.

Clause 1A(1)(a): to omit “**July**” (line 31 on page 134) and substitute “**August**”.

Clause 1A(1)(b): to omit “**July**” (line 36 on page 134) and substitute “**August**”.

Clause 1A(2): to omit “**July**” (line 3 on page 135) and substitute “**August**”.

Clause 1B: to omit this clause (lines 8 to 20 on page 135) and substitute the following clause:

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

- (1) This clause applies to all land transport revenue referred to in section 9(6) of the Land Transport Management Act 2003 (as in force immediately before **1 August 2008**) that has not been paid to the Authority before that date, in respect of the **2007/08** financial year.
- (2) Without limiting **clause 11(1)(d)**, the Crown may, without further appropriation than this clause, pay to the new Agency an amount equal to the land transport revenue to which this clause applies, as if the **2007/08** financial year ended on **31 July 2008**.

Clause 2: to omit this clause (line 21 on page 135 to line 5 on page 136) and substitute the following clause:

2 Crown’s authority to pay for certain expenditure using land transport revenue

- (1) The Crown may use land transport revenue to pay to—
- (a) the Secretary the following amount in each of the following financial years for the purposes of Waikato rail works:

Financial year	Amount (\$)
2008/09	5,000,000
2009/10	5,000,000

- (b) the Secretary to the Treasury the following amount in each of the following financial years for the purposes of upgrades and renewal of the below track Auckland rail infrastructure:

Financial year	Amount (\$)
2008/09	155,000,000
2009/10	130,000,000

- (2) In respect of the **2008/09** and **2009/10** financial years, the amount referred to in **section 9(3)** of the Land Transport Management Act 2003 is an amount equal to the land transport revenue for the relevant financial year less—
- (a) any amounts that have been paid in respect of that year under **subclause (1)**; and
- (b) the amounts for that year that are referred to in **section 9(1) and (2)** of the Land Transport Management Act 2003.
- (3) In each of the **2008/09** and **2009/10** financial years, the amounts paid under **subclause (1)** must be deducted from the amount of land transport revenue that constitutes an inflow of the national land transport fund for the relevant financial year under **section 10(2)(a)** of the Land Transport Management Act 2003.
- (4) The Governor-General may, by Order in Council, reduce or increase any or all amounts or financial years specified in **subclause (1)**, and this clause will apply or continue to apply (as the case may be), with the necessary modifications, in respect of any amended amount or financial year.

Clause 3(1): to omit “**July**” (line 18 on page 136) and substitute “**August**”.

Clause 3(1)(a): to omit “**July**” (line 22 on page 136) and substitute “**August**”.

Clause 3(1)(b): to omit “**July**” (line 26 on page 136) and substitute “**August**”.

Clause 3(3): to omit “**July**” (line 31 on page 136) and substitute “**August**”.

Clause 4(1): to omit “**July**” in each place where it appears (lines 27 and 29 on page 137) and substitute in each case “**August**”.

- Clause 4(2)*: to omit “**July**” (line 32 on page 137) and substitute “**August**”.
- Clause 4(5)*: to omit “**July**” (line 9 on page 138) and substitute “**August**”.
- Clause 5(1)*: to omit “**July**” (line 10 on page 139) and substitute “**August**”.
- Clause 5(3)*: to omit “**July**” (line 15 on page 139) and substitute “**August**”.
- Heading to clause 7*: to omit “**July**” (line 9 on page 140) and substitute “**August**”.
- Clause 7*: to omit “section 20” (lines 10 and 11 on page 140) and substitute “**sections 20 and 21**”.
- Clause 7*: to omit “**July**” (line 12 on page 140) and substitute “**August**”.
- Clause 8A(1)(c)*: to omit “**July**” (line 30 on page 143) and substitute “**August**”.
- Clause 8A(2)*: to omit “**section 20(2)(a) and (b)**” (line 31 on page 143) and substitute “**section 20(2)(a), (b), (e), and (f)**”.
- Clause 8B(2)*: to omit “**section 20(2)(a) and (b)**” (line 7 on page 144) and substitute “**section 20(2)(a), (b), (e), and (f)**”.
- Clause 8C(1)*: to omit “**July**” (line 15 on page 144) and substitute “**August**”.
- Clause 9*: to omit “**July**” (line 21 on page 144) and substitute “**August**”.
- Clause 9B(1)(a)*: to omit “**July**” (line 9 on page 145) and substitute “**August**”.
- Clause 9D*: to omit “**July**” in both places where it appears (line 35 on page 145 and line 2 on page 146) and substitute in each case “**August**”.
- Clause 10B(2)*: to omit “**section 87(1)(b) and (c)**” (line 24 on page 147) and substitute “**section 87(1)(c) and (2)**”.
- Clause 11(1)*: to omit “**July**” (line 35 on page 147) and substitute “**August**”.
- Clause 11(1)(ea)*: to omit “**July**” (line 15 on page 148) and substitute “**August**”.
- Clause 11(2)*: to omit “**July**” (line 6 on page 149) and substitute “**August**”.
- Clause 12(1)(a)*: to omit “**July**” (line 3 on page 150) and substitute “**August**”.
- Clause 12(2)*: to omit “**July**” (line 12 on page 150) and substitute “**August**”.
- Clause 13(1)*: to omit “**July**” (line 32 on page 150) and substitute “**August**”.
- Clause 13(2)*: to omit “**July**” (line 1 on page 151) and substitute “**August**”.
- Clause 15*: to omit “**July**” (line 26 on page 151) and substitute “**August**”.
- Clause 16(1)*: to omit “**July**” (line 22 on page 152) and substitute “**August**”.
- New clause 17A*: to insert the following clause after *clause 17* (after line 14 on page 153):

17A Responsibility for reports and accounts of former agencies from 1 July 2008

- (1) The new Agency must include in its initial annual report the information in respect of each former agency for the period commencing **1 July 2008** and ending on **31 July 2008** that each former agency would have had to include in the former agency’s annual report under section 151 of the Crown Entities Act 2004 had it continued in existence.

- (2) To avoid doubt, the new Agency may, if it so decides, present the information referred to in **subclause (1)** in a combined form for the whole of the financial year ended **30 June 2009**.
- (3) For the purposes of **subclause (1)**, section 45J(1) of the Public Finance Act 1989 does not apply to each former agency in respect of the period commencing **1 July 2008** and ending on **31 July 2008**.

Clause 19: to omit “**July**” (line 26 on page 153) and substitute “**August**”.

Clause 20: to omit “**July**” (line 31 on page 153) and substitute “**August**”.

Clause 22(1): to omit “**July**” (line 17 on page 154) and substitute “**August**”.

Clause 23(1): to omit “**July**” (line 27 on page 155) and substitute “**August**”.

Clause 23(2): to omit “**July**” (line 36 on page 155) and substitute “**August**”.

Part 1 of Schedule 3: Local Government Act 1974

Item relating to the definition of **road**: to omit this item (lines 10 and 11 on page 175) and substitute the following item:

Definition of **road** in section 315(1): to insert “or the Government Roothing Powers Act 1989” after “within the meaning of that Act”.

To omit “Section 684(41A)” (line 3 on page 176) and substitute “Section 684(1)(41A)”.

Part 1 of Schedule 3

To insert the following item after the item relating to the Local Government Act 1974 (after line 5 on page 176):

Local Government Amendment Act 1992 (1992 No 42)

Section 89(2): to omit “Transit New Zealand shall” and substitute “New Zealand Transport Agency must”.

Section 89(2): to omit “Transit New Zealand Act 1989” and substitute “Government Roothing Powers Act 1989”.

Section 89(3): to omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

Section 89(3)(a): to omit “Transit New Zealand” in each place where it appears and substitute “New Zealand Transport Agency” in each case.

Section 89(8): to omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

To insert the following item after the item relating to the Motor Vehicle Sales Act 2003 (after line 7 on page 177):

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”.

Ngai Tahu Claims Settlement Act 1998 (1998 No 97)—*continued*

Part B of Schedule 7: omit “Transit New Zealand” from column 3 of the item relating to Kahutara and substitute “New Zealand Transport Agency”.

Schedule 111: omit “Transit New Zealand” from column 3 of the item relating to Oaro and substitute “New Zealand Transport Agency”.

Part 1 of Schedule 3: Privacy Act 1993

To add the following items (after line 22 on page 177):

Schedule 5: to 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*”.

Part 1 of Schedule 3: Railways Act 2005

Item relating to the definition of **network controller**: to omit “**network controller**” (line 21 on page 178) and substitute “**ordinary safety assessment**”.

Item relating to section 8(1): to omit “Section 8(1)” (line 32 on page 178) and substitute “Section 8(2)”.

Item relating to section 96: to omit this item (lines 4 to 6 on page 184) and substitute the following items:

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”.

Part 1 of Schedule 3: Reserves and other Lands Disposal and Public Bodies Empowering Act 1914

To omit this item (lines 19 to 22 on page 184).

Part 1 of Schedule 3: Road User Charges Act 1977

Item relating to section 22: to insert after “treated as” (line 9 on page 185) “land”.

Part 1 of Schedule 3: Transit New Zealand Act 1989

To insert the following item after the item relating to section 1(1) (after line 6 on page 186):

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

Part 2 of Schedule 3: Heavy Motor Vehicle Regulations 1974

To omit “Regulation 16(1)(f)” (line 32 on page 206) and substitute “Regulation 16A(1)(f)”.

To omit “Regulation 16(2)” (line 1 on page 207) and substitute “Regulation 16A(2)”.

Part 2 of Schedule 3: Land Transport (Offences and Penalties) Regulations 1999

Items relating to clauses 4 and 5: to omit these items (lines 11 to 14 on page 216) and substitute the following items:

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”.

Part 2 of Schedule 3: Land Transport Rule: Dangerous Goods 2005 (45001/1)

Item relating to the definition of **safety system**: to omit this item (lines 10 and 11 on page 218).

Part 2 of Schedule 3 Part 2: Land Transport Rule: Operator Licensing 2007 (81001)

To insert the following items after the last item relating to “Objective of rule” (after line 15 on page 225):

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”.

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”.
- 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”.
- 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”.
- 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”.

To insert the following item after the definition of **New Zealand Transport Agency** item (after line 19 on page 225):

Definition of **approved taxi organisation** in Part 2: omit “Director” and substitute “Agency”.

To insert the following items after the definition of **Authority** item (after line 20 on page 225):

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”.

Part 2 of Schedule 3: Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002 (32011)

To insert the following item after the item relating to paragraph (b) (after line 11 on page 227):

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

Part 2 of Schedule 3: Land Transport Rule: Vehicle Equipment 2004 (32017)

To insert the following items after the item heading (after line 18 on page 233):

Clause 2.7(5): omit “Director” and substitute “Agency”.

Clause 2.7(10): omit “Director” and substitute “Agency”.

Part 2 of Schedule 3: Land Transport Rule: Vehicle Standards Compliance 2002 (35001/1)

To insert the following item after the item relating to clause 3.2(1) (after line 29 on page 235):

Clause 3.2(1): omit “Director reasonably considers appropriate” and substitute “Agency reasonably considers appropriate”.

To omit “Paragraph (k)(ii)” (line 30 on page 239) and substitute “Paragraph (k)(iii)”.

Part 2 of Schedule 3: Traffic Regulations 1976

To insert the following item after the item relating to the definition of **vehicle compliance certifier** (after line 4 on page 244):

Regulation 29(2): omit “Director” and substitute “Agency”.

Explanatory note

This Supplementary Order Paper amends the Land Transport Management Amendment Bill.

The amendment to *clause 2* specifies the proposed commencement date for the Bill.

The amendments to *clauses 5 and 6* change cross-references.

The amendments to *clauses 11, 13 to 15A, 17A, 19, 20, 21, 23B, and 32* refine various administrative or procedural provisions of the Bill.

The amendments to *clause 31* refine the provisions regarding the proposed regional fuel tax scheme.

The amendment to *clause 38* aligns the definition of motor spirits with the definition of motor spirits now found in the Biofuels Bill.

The amendments to *Schedule 1* refine the provisions in *Schedule 1* to provide better alignment with the provisions in the body of the Bill.

The amendments to *Schedule 2* replace *clause 2*, change various cross-references found in *clauses 7, 8A(2), 8B(2), and 10B(2)*, and align various clauses with the proposed commencement date for the Bill.

The amendments to *Schedule 3* augment the list of consequential amendments found in those Schedules, primarily by changing “Director” to “Agency”, “Transit New Zealand” to “New Zealand Transport Agency”, and “Transit New Zealand Act 1989” to “Government Rounding Powers Act 1989”.
