

Land Transport (NZTA) Legislation Amendment Bill

Government Bill

Explanatory note

General policy statement

The Land Transport (NZTA) Legislation Amendment Bill is an omnibus Bill introduced under Standing Order 263(a). That Standing Order provides that an omnibus Bill to amend more than 1 Act may be introduced if the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy.

The policy objective of the Bill is to strengthen the regulatory leadership of the New Zealand Transport Agency (NZTA) by setting up a new regulatory structure, establishing the position of Director of Land Transport, and centralising regulatory authority. To support the policy objective, the Bill also strengthens NZTA's role in relation to key regulatory interventions including speed management and enforcement.

The Bill contains 3 Parts. *Part 1* amends the Land Transport Management Act 2003 (LTMA), *Part 2* amends the Land Transport Act 1998, and *Part 3* amends the Railways Act 2005.

The Bill will give effect to the policy objective by—

Part 1

- setting expectations for the NZTA to develop a new strategy to strengthen its regulatory delivery:
- re-establishing a statutory Director of Land Transport to lead the regulatory function and regulatory decision-making in the NZTA:
- refreshing the independent regulatory functions and powers in the LTMA to ensure they are fit for purpose:
- refreshing the NZTA's regulatory objectives:
- amending the LTMA to provide for a more balanced and equitable approach to funding the NZTA's regulatory function:

Part 2

- making further related amendments to re-establish a statutory Director of Land Transport:
- refreshing remaining functions and powers to provide greater focus on the NZTA's regulatory role, including the refresh of powers related to placing conditions on transport services licences and enforceable undertakings:
- enabling rules to require the NZTA to establish committees (which could support the development or review of speed management plans):
- establishing a register (where the NZTA is the Registrar) to give public notice of land transport records (for example, speed limits) on New Zealand roads and to enable any person to obtain information about road transport records:
- enabling the NZTA to issue infringement notices for a moving vehicle offence detected by approved vehicle surveillance equipment (for example, detected by a safety camera):

Part 3

- making further related amendments to re-establish a statutory Director of Land Transport.

Departmental disclosure statement

The Ministry of Transport is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2019&no=192>

Regulatory impact assessment

The Ministry of Transport produced regulatory impact assessments on 30 September 2019 and 7 October 2019 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact assessments can be found at—

- <https://www.transport.govt.nz/about/governance/ris-bccs/>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on 1 July 2020.

Part 1

Amendments to Land Transport Management Act 2003

Clause 3 provides that *Part 1* amends the Land Transport Management Act 2003 (the **LTMA**).

Clause 4 amends section 5 of the LTMA, which defines terms used in the LTMA. Two definitions are inserted, Director and land transport Act, and the definition of statutorily independent function is amended to refer to the Director. (See *clause 11*, which inserts provisions relating to the appointment and functions of the Director, and *clause 14*, which inserts the land transport Act definition that is cross-referenced here).

Clause 5 amends section 9 of the LTMA, which authorises the Crown to incur certain land transport expenses and capital expenditure, by inserting 2 new subsections. *New subsection (1A)* authorises the Crown to incur expenses or capital expenditure for the purposes of funding the regulatory functions of NZTA (the **Agency**) and the associated monitoring functions of the Ministry of Transport. *New subsection (6)* defines the Agency's regulatory functions for the purposes of *new subsection (1A)*.

Clause 6 amends section 10 of the LTMA, which relates to the national land transport fund, so that the expenses and expenditure to which *clause 5* relates are excluded from the land transport revenue inflow into the fund.

Clause 7 repeals section 92(2) of the LTMA. Section 92 is an overview provision for the purposes of Part 4 of the Act. The repealed subsection was no longer current.

Clause 8 replaces section 95 of the LTMA in order to clarify, amend, and expand the functions of the Agency stated in the section. New functions include to publish a regulatory strategy (*new subsection (1)(c)*), to appoint and oversee the performance of the Director (*new subsection (1)(d)*), and to issue reports and guidance and to comment about any matter relating to the land transport system and its participants or any other persons engaged with it (*new subsection (1)(e)*).

Clause 9 inserts *new sections 96A and 96B*. *New section 96A* requires the Agency to adopt and make publicly available a regulatory strategy that sets out how the Agency and the Director will perform their functions. *New section 96B* sets out the restrictions and other matters that apply to the Agency in relation to any committee that it is required to establish by an ordinary rule to which *new section 159B* of the Land Transport Act applies (see *clause 104*, which inserts that section into that Act).

Clause 10 makes a consequential amendment to section 100 of the LTMA resulting from the rearrangement of the functions of the Agency in *new section 95* (see *clause 8*).

Clause 11 inserts *new sections 104A and 104B* into the LTMA. *Section 104A* requires the Agency to appoint a Director of Land Transport (who must not also be the chief executive of the Agency) and sets out the Director's functions and powers, including those that the Director must independently carry out. *Section 104B* sets out the

powers of and limitations that apply to the Director in relation to the delegation of the Director's functions and powers.

Clause 12 amends section 106 of the LTMA, which relates to the functions of regional transport committees, by adding a function requiring the committees (including the regional transport committee for Auckland) to carry out any functions conferred on a regional transport committee under any other provision of that Act or any other land transport Act.

Part 2

Amendments to Land Transport Act 1998

Clause 13 provides that *Part 2* amends the Land Transport Act 1998 (the LTA). Many of the amendments in this Part relate to the same issue: the structural changes to the Agency that are implemented through *Part 1* of the Bill, particularly the appointment of a Director of Land Transport and the conferring on that person (or sharing) of certain functions and powers under land transport Acts that were previously the responsibility of the Agency (*see new section 95(1)(d) and new sections 104A and 104B in clauses 8 and 11 and the definition of land transport Act in clause 14*).

Some of the more significant transfers of the responsibilities from the Agency to the Director under this Part in relation to the LTA are as follows:

- responsibility for issuing, suspending and revoking driver licences under sections 23, 24, and 27 (*see clauses 18, 19, and 23*):
- responsibility for fit and proper person assessments under sections 30C to 30G (*see clauses 29 to 33*):
- responsibility for licensing of transport services under sections 30L, 30M, 30S, 30ZA, and 198, including the power to revoke licences, grant exemptions from work time requirements, approve alternative fatigue management schemes, and carry out inspections and audits that are necessary in the interests of land transport safety (*see clauses 36, 37, 40, 47, and 109*):
- responsibility for disqualification and suspension of transport service driver and other persons under sections 87A, 87B, and 87D (*see clauses 62 to 64*).

Amendments to the LTA contained in this Part that do not relate to the transfer of functions are explained in the following paragraphs.

Clause 14 inserts definitions of Director and land transport record and repeals the (redundant) definition of outputs. *Subclause (5)* provides for the Agency to be an enforcement officer in the circumstances set out in *new section 208A* (*see clause 112*).

Clause 42 amends section 30U of the LTA, which relates to suspension of a transport service licence. The amendment provides an alternative to suspension by authorising the Director to suspend or impose conditions on the licence. Under *new subsection (2A)*, any conditions imposed are immediately removed when the Director is satisfied that current subsection (1)(a), (b), or (c) no longer applies (as is the case with suspensions under the section). Under *new subsection (4)*, subpart 5 of Part 4A of the Act,

which deals with adverse decisions, applies to a decision to impose conditions on a licence (as is the case with suspensions under the section).

Clause 90 inserts *new sections 112A to 112G* into the LTA. These provisions introduce a scheme for enforceable undertakings into the Act. *New section 112A* provides that the Director may accept an enforceable undertaking given by a person in writing in connection with a matter relating to a contravention or an alleged contravention by the person under any land transport Act (*see* the definition of that term inserted by *clause 14*). Under *section 112A(4)*, the giving of an undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention or alleged contravention to which the undertaking relates. The Director may refuse to accept an undertaking if the undertaking does not provide for the reimbursement of costs and must not accept an undertaking in relation to certain serious offences against other provisions of the Act.

An enforceable undertaking takes effect and becomes enforceable when the Director's decision to accept the undertaking is given to the person who made the undertaking, or at any later date specified by the Director (*see new section 112C*). Under *new section 112D*, a person who contravenes an enforceable undertaking given by that person commits an offence and is liable on conviction, for an individual, to a fine not exceeding \$20,000 and for any other person, to a fine not exceeding \$100,000. Under *new section 112E*, the Director may apply to the District Court for an order if a person contravenes an enforceable undertaking. If the court is satisfied that the person who made the enforceable undertaking has contravened the undertaking, the court may make certain orders in relation to the undertaking, including directing the person to pay certain of the Director's costs. *Section 112E(4)* provides that the section does not prevent proceedings being brought for the contravention or alleged contravention of the land transport Act to which the enforceable undertaking relates.

Under *new section 112F*, a person who has given an enforceable undertaking may at any time, with the written agreement of the Director, withdraw or vary the undertaking but not to provide for a different alleged contravention under the relevant land transport Act. The Director must publish on the Agency's Internet site notice of the withdrawal or variation of an enforceable undertaking. *New section 112G* provides that no proceedings (whether civil or criminal) for a contravention or an alleged contravention may be brought against a person if an enforceable undertaking is in effect in relation to that contravention or a person has completely discharged the enforceable undertaking. The Director may accept an enforceable undertaking in relation to a contravention or an alleged contravention before proceedings in relation to it have been completed. If the Director does so, the Director must take all reasonable steps to have the proceedings discontinued as soon as practicable.

Clause 100 provides a further purpose to the Minister for making ordinary rules in section 152 of the LTA in relation to the Director's functions as set out in *new section 104A* of the LTMA (*see clause 11*).

Clause 101 amends section 157 of the LTA, which relates to rules concerning roads. The amendment to section 157(e) authorises an ordinary rule to require road control-

ling authorities to set speed limits for certain roads within their jurisdiction. Currently a rule may only empower roading controlling authorities to set such limits.

Clause 104 inserts *new sections 159A and 159B* into the LTA. *Section 159A* authorises an ordinary rule to provide for any matter necessary to establish, maintain, and operate the register of land transport records established under *new section 200C* (see *clause 110*). *Section 159B* authorises an ordinary rule to require the Agency to establish a committee and specify certain matters in relation to it and its members.

Clause 110 inserts *new sections 200A to 200K* into the LTA and provides for the establishment and operation of a register of land transport records, as defined in *section 200A*. Under *section 200B*, a land transport Act may require that a land transport record be created for a decision or any other thing to be done under that Act (for example, the setting of a speed limit or the designation of a cycle path). The decision or other thing has effect on and from the day after the date on which its land transport record is created, unless any later date is specified in the record.

Sections 200E to 200K set out requirements relating to the register established under *section 200C*. *Section 200D* sets out the purpose of the register, being to provide a public record of land transport records, to enable any person to get copies of such records, and to assist any person in the exercise or performance of the person's functions, duties, or powers under the LTA or any other land transport Act. *Section 200H* sets out the how information required to create a land transport record must be submitted to the Registrar, and *section 200K* provides for certified copies of information in the register to be provided on application and the payment of a prescribed fee (if any).

Clause 112 inserts *new section 208A* into the LTA and provides for the Agency to be an enforcement officer for the purposes of issuing an infringement notice for moving vehicle offences in which the alleged offence is detected by approved vehicle surveillance equipment.

Part 3

Amendments to Railways Act 2005

Clause 115 provides that *Part 3* amends the Railways Act 2005 (the RA). The amendments in this Part relate only to the structural changes to the Agency that are implemented through *Part 1* of the Bill, particularly the appointment of a Director of Land Transport and the conferring on that person (or sharing) of certain functions and powers under land transport Acts that were previously the responsibility of the Agency. Some of the more significant transfers of the responsibilities from the Agency to the Director under this Part in relation to the RA are as follows:

- responsibility for applications for and granting of licences under sections 16 and 17 (see *clauses 119 and 120*);
- responsibility for imposing conditions on licences under section 21 (see *clause 124*);

- responsibility for suspending a licence or impose temporary conditions under section 23 (*see clause 126*):
- responsibility for revoking a licence or imposing permanent conditions under section 24 (*see clause 127*):
- responsibility for prohibiting operation, imposing conditions, and detaining or immobilising rail vehicles or railway infrastructure under section 28 (*see clause 132*):
- responsibility for approving a safety case under section 32, including the power to decide the matters to be taken into account for this purpose under section 31 (*see clauses 134 and 135*):
- responsibility for requiring a rail participant or rail personnel of a rail participant to undertake ordinary or special safety assessments under section 37 (*see clause 140*).

Part 4

Consequential amendments to Acts

Clause 160 amends the Acts specified in the *Schedule* as set out in that schedule. The amendments are consequential to the amendments made by this Bill in relation to the allocation of functions between the Agency and the Director.

Hon Phil Twyford

Land Transport (NZTA) Legislation Amendment Bill

Government Bill

Contents

	Page
1 Title	8
2 Commencement	8
Part 1	
Amendments to Land Transport Management Act 2003	
3 Amendments to Land Transport Management Act 2003	8
4 Section 5 amended (Interpretation)	8
5 Section 9 amended (The Crown's authority to incur certain land transport expenses and capital expenditure)	8
6 Section 10 amended (National land transport fund)	9
7 Section 92 amended (Overview)	9
8 Section 95 replaced (Functions of Agency)	9
95 Functions of Agency	9
9 New sections 96A and 96B inserted	10
96A Agency must adopt and publish regulatory strategy	11
96B Delegation restrictions and other matters relating to committees that Agency is required to establish under rules	11
10 Section 100 amended (Statement of intent)	12
11 New sections 104A and 104B and cross-heading inserted	12
<i>Director of Land Transport</i>	
104A Director of Land Transport	12
104B Delegation of Director's functions and powers	13
12 Section 106 amended (Functions of regional transport committees)	14

**Part 2
Amendments to Land Transport Act 1998**

13	Amendments to Land Transport Act 1998	14
14	Section 2 amended (Interpretation)	14
15	Section 4 amended (General requirements for participants in land transport system)	15
16	Section 18 amended (Health practitioners to give Agency medical reports of persons unfit to drive)	15
17	Section 19 amended (Licences of certain persons subject to Mental Health (compulsory Assessment and Treatment) Act 1992)	15
18	Section 23 amended (Issue of driver licences)	15
19	Section 24 amended (Agency may issue temporary driver licences)	15
20	Section 24A amended (Authorised persons may request driver licences for certain persons)	15
21	Section 25 amended (Minimum age for driver licensing)	16
22	Section 26 amended (Drivers may be tested and examined)	16
23	Section 27 amended (Suspension and revocation of licences)	16
24	Section 28 amended (Photographic driver licence)	16
25	Section 29A amended (Persons convicted of specified serious offences prohibited from holding passenger endorsement)	16
26	Section 29B amended (Passenger endorsement may be reinstated in certain cases)	16
27	Section 30 amended (Driver licences are property of Agency and are to be surrendered in certain circumstances)	16
28	Section 30A amended (Requirements for vehicles)	16
29	Section 30C amended (General safety criteria)	16
30	Section 30D amended (Additional criteria for small passenger service and vehicle recovery service)	17
31	Section 30E amended (Additional criteria for large passenger service)	17
32	Section 30F amended (Additional criteria for goods service)	17
33	Section 30G amended (Agency may require information for fit and proper person assessment)	17
34	Section 30H amended (Agency's duties concerning prejudicial information)	17
35	Section 30I amended (Non-disclosure by Agency of information for safety reasons)	17
36	Section 30L amended (Grant of licence)	17
37	Section 30M amended (Conditions of goods service licence)	17
38	Section 30O amended (Term of transport service licence)	17
39	Section 30Q amended (Records to be kept by facilitator of facilitated cost-sharing arrangements)	17
40	Section 30S amended (When Agency may revoke transport service licence)	18

Land Transport (NZTA) Legislation Amendment Bill

41	Section 30T amended (Procedure Agency must follow before revoking transport service licence)	18
42	Section 30U amended (Suspension of transport service licence)	18
43	Section 30V amended (Interpretation)	18
44	Section 30W amended (Agency to notify proposal to make adverse decision)	18
45	Section 30X amended (Procedure for consideration of information)	19
46	Section 30Y amended (Agency's determination)	19
47	Section 30ZA amended (Agency may grant exemptions or approve alternative fatigue management schemes)	19
48	Section 30ZG amended (Agency may approve or revoke alternative means of recording matters)	19
49	Section 32 amended (Contravention of section 5(1)(c))	19
50	Section 65 amended (Mandatory disqualification and assessment for repeat offences)	19
51	Section 65AK amended (Effect of other subsequent offences on alcohol interlock licence)	19
52	Section 65B amended (Mandatory zero alcohol requirements for repeat offences and certain first offences)	19
53	Section 79A amended (Offence to carry on transport service without licence)	20
54	Section 79B amended (Provision of incorrect information)	20
55	Section 79C amended (Failure to present vehicle for inspection)	20
56	Section 79O amended (Failure to comply with prescribed work time restrictions or rest time requirements)	20
57	Section 82A amended (Application for reinstatement if suspended for any period (other than under section 95), or disqualified for period not exceeding 12 months)	20
58	Section 82C amended (Application for reinstatement following expiry of alcohol interlock licence or zero alcohol licence)	20
59	Section 83 amended (Holder to undergo approved tests or courses if disqualified for more than 1 year)	20
60	Section 84 amended (New licence to be issued if disqualified driver qualifies for specified vehicle classes)	20
61	Section 87 amended (Particulars of certain court orders to be sent to Agency and offender)	20
62	Section 87A amended (Disqualification of transport service driver)	20
63	Section 87B amended (Disqualification of holder of transport service licence from holding transport service licence)	21
64	Section 87D amended (Immediate suspension of transport service driver and other persons in interests of public safety)	21
65	Section 87E amended (Procedure for suspending persons under section 87D)	21
66	Section 87F amended (Term of suspension)	21

Land Transport (NZTA) Legislation Amendment Bill

67	Section 87G amended (Effect of disqualification or suspension of transport service driver and other persons)	21
68	Section 88 amended (Demerit points to be recorded by Agency)	21
69	Section 89 amended (Notice of demerit points)	21
70	Section 90 amended (Suspension of licence or disqualification from driving under demerit points system)	21
71	Section 91 amended (Cancellation and reinstatement of demerit points)	21
72	Section 91E amended (Imposition of driver licence stop order)	21
73	Section 91F amended (Effect of driver licence stop order)	22
74	Section 91G amended (Cancellation of driver licence stop order)	22
75	Section 91H amended (Termination of driver licence stop order if traffic fine paid or resolved)	22
76	Section 92 amended (Compulsory attendance at driving improvement course or dangerous goods course)	22
77	Section 93 amended (Court may order compulsory driving test)	22
78	Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances)	22
79	Section 96A amended (Impoundment of vehicle used in transport service)	22
80	Section 99A amended (Agency may approve programmes)	22
81	Section 100 amended (Agency to remove certain disqualifications)	22
82	Section 100A amended (Agency may authorise removal of alcohol interlock device and certify that requirements of alcohol interlock sentence have been fulfilled)	23
83	Section 101 amended (Appeal to Agency against mandatory suspension of driver licence)	23
84	Section 105 amended (Court may make order authorising grant of limited licence)	23
85	Section 106 amended (General right of appeal to District Court)	23
86	Section 107 amended (Appeals against court orders relating to disqualification or grant of limited licence, and deferral of disqualification)	23
87	Section 108 amended (Appeal against Agency's refusal to remove disqualification or replace alcohol interlock licence with zero alcohol licence)	23
88	Section 109 amended (Appeal against refusal of Agency to remove suspension of driver licence)	24
89	Section 112 amended (Effect of appeal on demerit points)	24
90	New sections 112A to 112G and cross-heading inserted	24
<i>Enforceable undertakings</i>		
112A	Director may accept enforceable undertakings	24
112B	Notice of decision and reasons for decision	24
112C	When enforceable undertaking is enforceable	25

Land Transport (NZTA) Legislation Amendment Bill

	112D	Compliance with enforceable undertaking	25
	112E	Contravention of enforceable undertaking	25
	112F	Withdrawal or variation of enforceable undertaking	25
	112G	Proceedings for alleged contravention	26
91		Section 115 amended (Enforcement officers may give directions prohibiting driving of vehicles)	26
92		Section 129 amended (Vehicles may be inspected and directed to remain stopped for contravening dangerous goods rules)	26
93		Section 130 amended (Power to inspect railway lines)	26
94		Section 131 amended (Power to inspect premises used for loading and unloading of dangerous goods)	27
95		Section 134 amended (Strict liability for offences involving insecure loads and loads falling from vehicles)	27
96		Section 135 amended (Commencing proceedings, and jurisdiction, for offences)	27
97		Section 141 amended (Provisions relating to infringement fees)	27
98		Section 149 amended (Admissibility of certain statements by drivers of certain vehicles)	27
99		Section 150 amended (Evidence of certain documents)	27
100		Section 152 amended (Power of Minister to make ordinary rules)	27
101		Section 157 amended (Rules concerning roads)	28
102		Section 158 amended (Rules concerning licensing, standard-setting, etc)	28
103		Section 159 amended (Rules concerning land transport documents)	28
104		New sections 159A and 159B inserted	28
	159A	Rules concerning register of land transport records	28
	159B	Ordinary rule may require committee to be established	28
105		Section 160 amended (Other provisions concerning ordinary rules)	28
106		Section 167 amended (Regulations)	29
107		Section 168 amended (Regulations relating to fees and charges for land transport)	29
108		Section 168C amended (Piloting fees)	29
109		Section 198 amended (Inspections and audits)	29
110		New sections 200A to 200K and cross-heading inserted	29
		<i>Register of land transport records</i>	
	200A	Interpretation	29
	200B	Land transport Act may require creation of land transport record to give effect to decision or other thing	30
	200C	Register of land transport records	30
	200D	Purpose of register	30
	200E	Contents	30
	200F	Operation, access, and search of register	30
	200G	Amendments to register	31
	200H	Submitting of information	31

Land Transport (NZTA) Legislation Amendment Bill

	200I	Registrar must notify person that record created	31
	200J	Registrar may notify record or changes to register	31
	200K	Certified copy of information on register	31
111		Section 207 amended (Delegation of Minister's functions or powers to Agency)	32
112		New section 208A inserted (Agency is enforcement officer for certain infringement offences)	32
	208A	Agency is enforcement officer for certain infringement offences	32
113		Section 233 amended (Interpretation matters applying to this Part)	32
114		Section 271 amended (Appointment of Registrar)	32

Part 3

Amendments to Railways Act 2005

115		Amendments to Railways Act 2005	32
116		Section 4 amended (Interpretation)	32
117		Section 8 amended (Relationship of Act with Health and Safety at Work Act 2015)	33
118		Section 15 amended (Certain rail participants must be licensed)	33
119		Section 16 amended (Application for licence)	33
120		Section 17 amended (Grant of licences)	33
121		Section 18 amended (Transfer or assignment of licence prohibited)	33
122		Section 19 amended (Term of licence)	33
123		Section 20 amended (Register of licences)	33
124		Section 21 amended (Conditions of licences)	33
125		Section 22 amended (Agents and contractors)	33
126		Section 23 amended (Power of Agency to suspend licence or impose temporary conditions)	34
127		Section 24 amended (Power of Agency to revoke licence or impose permanent conditions)	34
128		Section 25 amended (Matters relating to action taken under section 23 or section 24)	34
129		Section 26 amended (Power of Agency to amend or revoke licences in other cases)	34
130		Section 27 amended (Rights of persons affected in relation to adverse decisions)	34
131		Cross-heading above section 28 amended	34
132		Section 28 amended (Power of Agency to prohibit operation, impose conditions, or detain or immobilise rail vehicles or railway infrastructure)	35
133		Section 30 amended (Contents of safety case)	35
134		Section 31 amended (Matters to be taken into account in considering proposed safety case)	35
135		Section 32 amended (Approval of safety case)	35

Land Transport (NZTA) Legislation Amendment Bill

136	Section 33 amended (Application to replace or vary approved safety case)	35
137	Section 34 amended (Requirement by Agency to replace or vary approved safety case)	35
138	Section 35 amended (Procedure for replacement or variation of approved safety case)	36
139	Section 36 amended (Safety improvement plans)	36
140	Section 37 amended (Ordinary and special safety assessments)	36
141	Section 39 amended (Safety assessment report)	36
142	Section 42 amended (Notification of requirement for improvements)	36
143	Section 43 amended (Report on remedial action)	36
144	Section 44 amended (Extension of time to complete remedial action)	37
145	Section 45 amended (Appointment of safety assessor)	37
146	Section 46 amended (Functions and duties of safety assessors)	37
147	Section 47 amended (Powers of safety assessors to obtain information, etc)	37
148	Section 48 amended (Powers of entry of safety assessors)	37
149	Section 53 amended (Rules concerning authorisation, standard-setting, etc)	37
150	Section 54 amended (Other provisions concerning ordinary rules)	37
151	Section 60 amended (Regulations relating to fees and charges for rail transport)	37
152	Section 67 amended (Power to prohibit or restrict persons from being involved in rail activities)	37
153	Section 68 amended (Appeal to District Court)	38
154	Section 69 amended (Procedure)	38
155	Section 70 amended (Decision of Agency to continue in force pending appeal, etc)	38
156	Section 95 amended (Who may file charging document for offence)	38
157	Section 96 amended (Evidence and proof)	38
158	Section 97 amended (Application of fees)	38
159	Section 102 amended (Appointment of enforcement officers)	38

Part 4

Consequential amendments

160	Consequential amendments	38
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Schedule

Consequential amendments to Acts

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Land Transport (NZTA) Legislation Amendment Act **2019**.

2 Commencement

This Act comes into force on **1 July 2020**.

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Part 1**Amendments to Land Transport Management Act 2003****3 Amendments to Land Transport Management Act 2003**

This Part amends the Land Transport Management Act 2003.

4 Section 5 amended (Interpretation)

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(1) In section 5(1), insert in their appropriate alphabetical order:

Director means the Director of Land Transport appointed under **section 104A**

land transport Act has the meaning given in section 2(1) of the Land Transport Act 1998

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(2) In section 5(1), definition of **statutorily independent function**, after paragraph (a), insert:

(aa) in the case of the Director, a function specified in **section 104A(5)**:

5 Section 9 amended (The Crown's authority to incur certain land transport expenses and capital expenditure)

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(1) After section 9(1), insert:

(1A) The Crown may, without further appropriation than this subsection, incur expenses or capital expenditure in a financial year up to an amount agreed between the Minister of Transport and the Minister of Finance to fund the Agency's regulatory functions and the Ministry's associated monitoring functions.

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(2) After section 9(5), insert:

(6) For the purpose of **subsection (1A)**, the Agency's regulatory functions include the following:

(a) the functions specified in **section 95(1)(b) to (h)**; and

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(b) any function of the Agency under any land transport Act (or any other Act) that relates to the functions referred to in **paragraph (a)**; and

(c) the functions of the Director under any land transport Act or any other Act.

6	Section 10 amended (National land transport fund)	
	In section 10(2)(a), after “section 9(1)”, insert “or (1A) ”.	
7	Section 92 amended (Overview)	
	Repeal section 92(2).	
8	Section 95 replaced (Functions of Agency)	5
	Replace section 95 with:	
95	Functions of Agency	
(1)	The functions of the Agency are as follows:	
	(a) to contribute to an effective, efficient, and safe land transport system in the public interest:	10
	<i>Regulatory</i>	
	(b) to contribute to the establishment, implementation, monitoring, and enforcement of a land transport regulatory system:	
	(c) to publish its regulatory strategy in accordance with section 96A :	
	(d) to appoint and oversee the performance of the Director, including by ensuring that the Director performs efficiently and effectively:	15
	(e) to issue warnings, reports, and guidance, and to comment about any regulatory matter relating to the land transport system and its participants or any other persons engaged with it:	
	(f) to manage and oversee regulatory requirements for land transport, including maintaining and preserving records and documents concerning activities within the land transport system and providing and maintaining registers:	20
	(g) to oversee the operation and delivery of public transport, including matters relating to—	25
	(i) procurement:	
	(ii) value for money:	
	(iii) standards:	
	(iv) planning:	
	(v) issuing guidelines for and monitoring the development of regional public transport plans:	30
	(h) 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):	35

	<i>Infrastructure and planning</i>	
(i)	to manage the State highway system (including its planning, funding, design, supervision, construction, maintenance and operation) in accordance with this Act and the Government Roding Powers Act 1989:	
	<i>Financial</i>	5
(j)	to manage funding of the land transport system, including—	
	(i) administering land transport revenue; and	
	(ii) auditing the performance of approved organisations in relation to activities approved by the Agency; and	
	(iii) auditing the operation of the land transport disbursement accounts of those organisations:	10
	<i>Common</i>	
(k)	to deliver or manage the delivery of activities relating to research, education, and training:	
(l)	to issue reports and guidance and to comment about any matter relating to the land transport system and its participants or any other persons engaged with it:	15
(m)	to assist, advise, and co-operate with approved organisations:	
(n)	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:	20
(o)	to provide the Minister with any advice relating to the Agency's functions that the Minister requests:	25
(p)	to carry out any other functions relating to land transport that the Minister directs in accordance with section 112 of the Crown Entities 2004:	
(q)	to carry out those functions conferred on the Agency under other provisions of this Act or any other Act.	
	<i>Statutorily independent functions</i>	30
(2)	The Agency's statutorily independent functions are to—	
	(a) determine whether particular activities should be included in a national land transport programme:	
	(b) approve activities or combinations of activities under section 20:	
	(c) approve procurement procedures.	35

9 New sections 96A and 96B inserted

After section 96, insert:

96A Agency must adopt and publish regulatory strategy

- (1) The Agency must adopt a regulatory strategy that sets out how the Agency and the Director will perform their regulatory functions—
- (a) under the land transport Acts; and
 - (b) under any other Acts that confer significant regulatory functions upon the Agency or the Director. 5
- (2) The strategy must include the following matters:
- (a) key areas of focus, including the key risks being targeted within those areas; and
 - (b) the regulatory approach to be adopted, including in relation to monitoring, enforcement, and compliance; and 10
 - (c) how performance will be assessed; and
 - (d) methods for managing any potential conflict between the Agency’s regulatory functions and its other functions, powers, and duties; and
 - (e) a summary of how the strategy will be updated and reviewed. 15
- (3) The Agency must make a copy of the strategy publicly available in accordance with section 108.

96B Delegation restrictions and other matters relating to committees that Agency is required to establish under rules

The following matters apply to a committee that the Agency is required to establish by an ordinary rule to which section **section 159B** of the Land Transport Act 1998 applies: 20

- (a) the Agency may delegate any of its functions or powers (except its general power of delegation), either generally or specifically, to the committee, but only if— 25
 - (i) the function or power relates to the purpose for which the committee was established; and
 - (ii) the delegation is within the scope specified in the rule of matters that can be delegated:
- (b) the members of the committee may regulate their own procedure except as otherwise provided in the rule: 30
- (c) the Crown Entities Act 2004 applies (or does not apply) to the committee as follows:
 - (i) sections 74 to 76 apply, with any necessary modifications, to delegations made in accordance with **paragraph (a)**; and 35
 - (ii) clause 14 of Schedule 5 does not apply; and
 - (iii) clause 15 of Schedule 5 applies to the members of the committee.

10 Section 100 amended (Statement of intent)

In section 100(1)(d), replace “95(1)(j)” with “**95(1)(p)**”.

11 New sections 104A and 104B and cross-heading inserted

After section 104, insert:

<i>Director of Land Transport</i>		5
104A Director of Land Transport		
(1)	The Agency must appoint a Director of Land Transport.	
(2)	The Director must not also hold the position of chief executive of the Agency.	
<i>Functions</i>		
(3)	The Director has—	10
(a)	the functions and powers conferred directly on the Director under the land transport Acts or any other Act; and	
(b)	the functions and powers delegated to the Director by the Agency under any land transport Act or any other Act.	
(4)	Without limiting subsection (3) , the Director’s functions and powers include—	15
(a)	providing leadership and exercising a co-ordinating role within the Agency in relation to those matters for which the Agency and the Director are responsible; and	
(b)	exercising control over entry into and exit from the land transport system through licences or other instruments; and	20
(c)	monitoring, investigating, managing, and enforcing compliance in relation to matters under the land transport Acts; and	
(d)	monitoring adherence of the land transport system to regulatory requirements in other legislation relating to—	25
(i)	safety and security, including personal security; and	
(ii)	access and mobility; and	
(iii)	public health; and	
(iv)	environmental sustainability; and	
(e)	monitoring and evaluating the performance of third parties who carry out functions within the land transport system in a regulatory capacity; and	30
(f)	ensuring regular reviews of the land transport regulatory system (including the funding system) to contribute to the achievement of the Agency’s objective; and	
(g)	providing guidance and reports and commenting on regulatory matters within the land transport system.	35

Statutorily independent functions

- (5) The Director's statutorily independent functions are to—
- (a) issue, endorse, alter, replace, renew, suspend, revoke, or impose conditions on any land transport document or other authorisation; and
 - (b) grant exemptions; and
 - (c) enforce the land transport Acts; and
 - (d) carry out enforcement responsibilities conferred on the Director under any other legislation.
- (6) In **subsection (5)**, **land transport document** means—
- (a) a land transport document within the meaning of section 2(1) of the Land Transport Act 1998; and
 - (b) a rail document with the meaning of section 4(1) of the Railways Act 2005.
- 104B Delegation of Director's functions and powers**
- (1) The Director may, either generally or particularly, delegate to any of the following persons any of the Director's functions or powers conferred on the Director under any legislation:
- (a) a specified person;
 - (b) persons of a specified class;
 - (c) the holder or holders for the time being of a specified office;
 - (d) the holder or holders for the time being of a specified class of offices.
- (2) **Subsection (1)** does not apply to—
- (a) the general power of delegation contained in this section; or
 - (b) any functions or powers specified in any legislation as not being capable of delegation; or
 - (c) any functions or powers specified in any legislation as only being capable of delegation to certain persons (for example, employees of the Agency) to the extent that the delegation exceeds the delegation's capability.
- (3) A delegation must be in writing.
- (4) A delegation to any employee of the Agency, until revoked, continues in force according to its tenor even if the Director has ceased to hold office.
- (5) A delegation to any other person—
- (a) must not be made without the written consent of the Agency; and
 - (b) must be given for a specified period; and
 - (c) may be revoked at any time by written notice.

- (6) Any person purporting to act under a delegation must, when reasonably requested to do so, produce evidence of the person’s authority to so act.
- (7) For the purposes of this section, sections 74 to 76 of the Crown Entities Act 2004 apply as if references to the board were references to the Director, with all necessary modifications. 5

12 Section 106 amended (Functions of regional transport committees)

After section 106(3), insert:

- (4) Each regional transport committee (including the regional transport committee for Auckland) must also carry out any functions conferred on a regional transport committee under any other provision in this Act or any other land transport Act. 10

Part 2 Amendments to Land Transport Act 1998

13 Amendments to Land Transport Act 1998

This Part amends the Land Transport Act 1998. 15

14 Section 2 amended (Interpretation)

- (1) In section 2(1), insert in their appropriate alphabetical order:
- Director** or **Director of Land Transport** means the Director of Land Transport appointed under **section 104A** of the Land Transport Management Act 2003 20
- land transport Act** means—
- (a) the Government Rounding Powers Act 1989; and
 - (b) the Land Transport Act 1998 (this Act); and
 - (c) the Land Transport Management Act 2003; and
 - (d) the Railways Act 2005; and 25
 - (e) the Road User Charges Act 2012
- land transport record** has the meaning given in **section 200A**
- (2) In section 2(1), definition of **approved provider**, replace “Agency” with “Director”.
- (3) In section 2(1), definition of **approved vehicle surveillance equipment**, after “approved by the”, insert “Minister or the”. 30
- (4) In section 2(1), definition of **enforcement authority**, replace paragraph (b) with:
- (b) the Agency or the Director, in the case of an infringement offence for which an infringement notice is issued by an employee of the Agency or on behalf of the Agency or the Director: 35

- (5) In section 2(1), definition of **enforcement officer**, after paragraph (c), insert:
 (d) the Agency, in the circumstances set out in **section 208A**
- (6) In section 2(1), repeal the definition of **outputs**.
- (7) In section 2(1), definition of **vehicle recovery service**, paragraph (b)(vii), replace “Agency” with “Director”. 5
- 15 Section 4 amended (General requirements for participants in land transport system)**
 In section 4(4), replace “Agency” with “Director” in each place.
- 16 Section 18 amended (Health practitioners to give Agency medical reports of persons unfit to drive)** 10
 (1) In the heading to section 18, replace “Agency” with “Director”.
 (2) In section 18(2), replace “Agency” with “Director”.
- 17 Section 19 amended (Licences of certain persons subject to Mental Health (compulsory Assessment and Treatment) Act 1992)**
 (1) In section 19(1)(a), replace “Agency” with “Director of Land Transport”. 15
 (2) In section 19(3)(a), replace “Agency” with “Director of Land Transport”.
 (3) In section 19(4), replace “Agency” with “Director of Land Transport” in each place.
 (4) In section 19(5), replace “Agency” with “Director of Land Transport” in each place. 20
 (5) In section 19(7), replace “Agency” with “Director of Land Transport” in each place.
- 18 Section 23 amended (Issue of driver licences)**
 In section 23(1) and (3), replace “Agency” with “Director”.
- 19 Section 24 amended (Agency may issue temporary driver licences)** 25
 (1) In the heading to section 24, replace “Agency” with “Director”.
 (2) In section 24(1), replace “Agency” with “Director” in each place.
 (3) In section 24(3), replace “Agency” with “Director” in each place.
- 20 Section 24A amended (Authorised persons may request driver licences for certain persons)** 30
 (1) In section 24A(1), replace “Agency” with “Director”.
 (2) In section 24A(2), replace “Agency” with “Director” in each place.
 (3) In section 24A(3), replace “Agency” with “Director”.
 (4) In section 24A(4), replace “Agency” with “Director”.

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- 21 Section 25 amended (Minimum age for driver licensing)**
In section 25(3), replace “Agency” with “Director”.
- 22 Section 26 amended (Drivers may be tested and examined)**
- (1) In section 26, replace “Agency” with “Director”.
- (2) In section 26(a) and (b), replace “Agency” with “Director”. 5
- 23 Section 27 amended (Suspension and revocation of licences)**
In section 27, replace “Agency” with “Director”.
- 24 Section 28 amended (Photographic driver licence)**
In section 28(5), replace “agency” with “Agency”.
- 25 Section 29A amended (Persons convicted of specified serious offences prohibited from holding passenger endorsement)** 10
In section 29A(3)(b), replace “Agency” with “Director”.
- 26 Section 29B amended (Passenger endorsement may be reinstated in certain cases)**
- (1) In section 29B(1), (2), (3), and (4), replace “Agency” with “Director” in each place. 15
- (2) In section 29B(3), replace “Agency’s” with “Director’s”.
- 27 Section 30 amended (Driver licences are property of Agency and are to be surrendered in certain circumstances)**
- (1) In section 30(1), after “forwarded to the Agency”, insert “or the Director”. 20
- (2) In section 30(2), after “Agency”, insert “or the Director”.
- (3) In section 30(4A)(b), after “Agency”, insert “or the Director”.
- (4) In section 30(5), replace “Agency” with “Director”.
- 28 Section 30A amended (Requirements for vehicles)** 25
In section 30A(2), (2A), and (4), replace “Agency” with “Director”.
- 29 Section 30C amended (General safety criteria)**
- (1) In section 30C(1), replace “Agency” with “Director” in each place.
- (2) In section 30C(2), replace “Agency” with “Director” in each place.
- (3) In section 30C(2)(f), replace “Agency” with “Director”.
- (4) In section 30C(3), replace “Agency” with “Director”. 30
- (5) In section 30C(4), replace “Agency” with “Director” in each place.

- 30 Section 30D amended (Additional criteria for small passenger service and vehicle recovery service)**
In section 30D, replace “Agency” with “Director” in each place.
- 31 Section 30E amended (Additional criteria for large passenger service)**
In section 30E, replace “Agency” with “Director” in each place. 5
- 32 Section 30F amended (Additional criteria for goods service)**
In section 30F, replace “Agency” with “Director” in each place.
- 33 Section 30G amended (Agency may require information for fit and proper person assessment)**
- (1) In the heading to section 30G, replace “Agency” with “Director”. 10
- (2) In section 30G, replace “Agency” with “Director”.
- (3) In section 30G(a), replace “Agency” with “Director”.
- 34 Section 30H amended (Agency’s duties concerning prejudicial information)**
- (1) In the heading to section 30H, replace “Agency’s” with “Director’s”. 15
- (2) In section 30H, replace “Agency” with “Director” in each place.
- 35 Section 30I amended (Non-disclosure by Agency of information for safety reasons)**
- (1) In the heading to section 30I, replace “Agency” with “Director”. 20
- (2) In section 30I(1), replace “Agency” with “Director”.
- (3) In section 30I(2), replace “Agency” with “Director” in each place.
- 36 Section 30L amended (Grant of licence)**
- (1) In section 30L(1), replace “Agency” with “Director” in each place.
- (2) In section 30L(1A), replace “Agency” with “Director” in each place.
- (3) In section 30L(2), replace “Agency” with “Director”. 25
- 37 Section 30M amended (Conditions of goods service licence)**
In section 30M, replace “Agency” with “Director” in each place.
- 38 Section 30O amended (Term of transport service licence)**
- (1) In section 30O(2), after “Agency”, insert “or the Director”.
- (2) In section 30O(4)(d), replace “Agency” with “Director”. 30
- 39 Section 30Q amended (Records to be kept by facilitator of facilitated cost-sharing arrangements)**
- (1) In section 30Q(2)(b), replace “Agency” with “Director”.

- (2) Replace section 30Q(3) with:
- (3) The Director may make copies of records made available under subsection (2)(b).
- 40 Section 30S amended (When Agency may revoke transport service licence)**
- (1) In the heading to section 30S, replace “Agency” with “Director”. 5
- (2) In section 30S(1), replace “Agency” with “Director” in each place.
- 41 Section 30T amended (Procedure Agency must follow before revoking transport service licence)**
- (1) In the heading to section 30T, replace “Agency” with “Director”.
- (2) In section 30T(a) and (b), replace “Agency” with “Director”. 10
- 42 Section 30U amended (Suspension of transport service licence)**
- (1) In the heading to section 30U, after “licence”, insert “or imposition of conditions”.
- (2) In section 30U(1), replace “Agency may suspend” with “Director may suspend or impose conditions on”. 15
- (3) In section 30U(1)(b), replace “small passenger” with “transport”.
- (4) In section 30U(2), replace “Agency” with “Director”.
- (5) After section 30U(2), insert:
- (2A) Any conditions imposed are immediately removed when the Director is satisfied that subsection (1)(a), (b), or (c) no longer applies. 20
- (6) After section 30U(3), insert:
- (4) Subpart 5 applies to a decision to impose conditions on a transport service licence as if the licence had been suspended and with any necessary modifications.
- 43 Section 30V amended (Interpretation)** 25
- (1) In section 30V, definition of **adverse decision**, replace “Agency” with “Director”.
- (2) In section 30V, definition of **adverse decision**, paragraph (e), after “to suspend”, insert “or impose conditions on”.
- (3) In section 30V, definition of **person on the basis of whose character the adverse decision arises**, replace “Agency” with “Director”. 30
- 44 Section 30W amended (Agency to notify proposal to make adverse decision)**
- (1) In the heading to section 30W, replace “Agency” with “Director”.
- (2) In section 30W(1), replace “Agency” with “Director” in each place. 35

- (3) In section 30W(1)(c), (d), and (e), replace “Agency” with “Director”.
- (4) In section 30W(2), replace “Agency” with “Director” in each place.
- (5) In section 30W(2)(a)(ii), replace “Agency” with “Director”.
- 45 Section 30X amended (Procedure for consideration of information)**
- (1) In section 30X(a), replace “Agency” with “Director” in each place. 5
- (2) In section 30X(b), replace “Agency” with “Director” in each place.
- (3) In section 30X(c), replace “Agency” with “Director”.
- 46 Section 30Y amended (Agency’s determination)**
- (1) In the heading to section 30Y, replace “Agency’s” with “Director’s”.
- (2) In section 30Y, replace “Agency” with “Director”. 10
- (3) In section 30Y(b)(i), replace “Agency’s” with “Director’s”.
- 47 Section 30ZA amended (Agency may grant exemptions or approve alternative fatigue management schemes)**
- (1) In the heading to section 30ZA, replace “Agency” with “Director”.
- (2) In section 30ZA(1), replace “Agency” with “Director” in each place. 15
- (3) In section 30ZA(2), replace “Agency” with “Director”.
- (4) In section 30ZA(3), replace “Agency” with “Director” in each place.
- (5) In section 30ZA(4), replace “Agency” with “Director”.
- 48 Section 30ZG amended (Agency may approve or revoke alternative means of recording matters)** 20
- (1) In the heading to section 30ZG, replace “Agency” with “Director”.
- (2) In section 30ZG, replace “Agency” with “Director”.
- 49 Section 32 amended (Contravention of section 5(1)(c))**
- In section 32(2)(a), replace “Agency” with “Director” in each place.
- 50 Section 65 amended (Mandatory disqualification and assessment for repeat offences)** 25
- In section 65(2) and (4), replace “Agency” with “Director”.
- 51 Section 65AK amended (Effect of other subsequent offences on alcohol interlock licence)**
- In section 65AK(4), replace “Agency” with “Director”. 30
- 52 Section 65B amended (Mandatory zero alcohol requirements for repeat offences and certain first offences)**
- In section 65B(3)(b), replace “Agency” with “Director”.

53	Section 79A amended (Offence to carry on transport service without licence)	
(1)	In section 79A(3), replace “Agency” with “Director”.	
(2)	In section 79A(8), replace “Agency” with “Director” in each place.	
54	Section 79B amended (Provision of incorrect information)	5
	In section 79B, replace “Agency” with “Director”.	
55	Section 79C amended (Failure to present vehicle for inspection)	
	In section 79C(1) and (1A), replace “Agency” with “Director”.	
56	Section 79O amended (Failure to comply with prescribed work time restrictions or rest time requirements)	10
	In section 79O(a)(ii), replace “Agency” with “Director”.	
57	Section 82A amended (Application for reinstatement if suspended for any period (other than under section 95), or disqualified for period not exceeding 12 months)	
	In section 82A(2)(a) and (b), replace “Agency” with “Director”.	15
58	Section 82C amended (Application for reinstatement following expiry of alcohol interlock licence or zero alcohol licence)	
	In section 82C(2)(a) and (b), replace “Agency” with “Director”.	
59	Section 83 amended (Holder to undergo approved tests or courses if disqualified for more than 1 year)	20
(1)	In section 83(1)(a)(i) and (ii) and (b), replace “Agency” with “Director”.	
(2)	In section 83(1A), replace “Agency” with “Director”.	
60	Section 84 amended (New licence to be issued if disqualified driver qualifies for specified vehicle classes)	
(1)	In section 84(1)(b)(ii)(A) and (B), replace “Agency” with “Director”.	25
(2)	In section 84(2), replace “Agency” with “Director”.	
61	Section 87 amended (Particulars of certain court orders to be sent to Agency and offender)	
(1)	In the heading to section 87, replace “Agency” with “Director”.	
(2)	In section 87(2), replace “Agency” with “Director”.	30
62	Section 87A amended (Disqualification of transport service driver)	
	In section 87A, replace “Agency” with “Director” in each place.	

- 63 Section 87B amended (Disqualification of holder of transport service licence from holding transport service licence)**
In section 87B, replace “Agency” with “Director” in each place.
- 64 Section 87D amended (Immediate suspension of transport service driver and other persons in interests of public safety)** 5
(1) In section 87D(1), replace “Agency” with “Director”.
(2) In section 87D(2)(a), replace “Agency” with “Director”.
- 65 Section 87E amended (Procedure for suspending persons under section 87D)** 10
(1) In section 87E(1), replace “Agency” with “Director”.
(2) In section 87E(1)(b)(ii), replace “Agency and notify the person of the” with “Director and that the person has a”.
(3) In section 87E(2), replace “Agency” with “Director”.
- 66 Section 87F amended (Term of suspension)** 15
In section 87F(1) and (2), replace “Agency” with “Director”.
- 67 Section 87G amended (Effect of disqualification or suspension of transport service driver and other persons)**
(1) In section 87G(1), replace “Agency” with “Director” in each place.
(2) In section 87G(2), replace “Agency” with “Director”.
- 68 Section 88 amended (Demerit points to be recorded by Agency)** 20
(1) In the heading to section 88, replace “Agency” with “Director”.
(2) In section 88(1) and (2), replace “Agency” with “Director”.
- 69 Section 89 amended (Notice of demerit points)**
In section 89(1), replace “Agency” with “Director”.
- 70 Section 90 amended (Suspension of licence or disqualification from driving under demerit points system)** 25
(1) In section 90(1) and (1A), replace “Agency” with “Director”.
(2) In section 90(2)(a) and (b), replace “Agency” with “Director”.
(3) In section 90(3)(b), replace “Agency” with “Director” in each place.
- 71 Section 91 amended (Cancellation and reinstatement of demerit points)** 30
In section 91(2), (3), and (4), replace “Agency” with “Director”.
- 72 Section 91E amended (Imposition of driver licence stop order)**
In section 91E(3)(g)(ii), replace “Agency” with “Director”.

- 73 Section 91F amended (Effect of driver licence stop order)**
In section 91F(4), replace “Agency” with “Director”.
- 74 Section 91G amended (Cancellation of driver licence stop order)**
- (1) In section 91G(3), replace “Agency” with “Director”.
 - (2) In section 91G(5), replace “Agency” with “Director” in each place. 5
 - (3) In section 91G(6), replace “Agency” with “Director”.
- 75 Section 91H amended (Termination of driver licence stop order if traffic fine paid or resolved)**
- (1) In section 91H(2), replace “Agency” with “Director”.
 - (2) In section 91H(4), replace “Agency” with “Director” in each place. 10
 - (3) In section 91H(5), replace “Agency” with “Director”.
- 76 Section 92 amended (Compulsory attendance at driving improvement course or dangerous goods course)**
In section 92(1), (2), (3), and (5), replace “Agency” with “Director”.
- 77 Section 93 amended (Court may order compulsory driving test) 15**
- (1) In section 93(1) and (2), replace “Agency” with “Director”.
 - (2) In section 93(3)(a) and (b), replace “Agency” with “Director”.
 - (3) In section 93(6), replace “Agency” with “Director”.
- 78 Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances) 20**
- (1) In section 96(8)(a), replace “he or she” with “the person”.
 - (2) In section 96(8)(b), replace “his or her” with “the person’s”.
 - (3) In section 96(8)(b)(i), replace “Agency” with “Director”.
- 79 Section 96A amended (Impoundment of vehicle used in transport service) 25**
In section 96A(6)(a), replace “Agency” with “Director”.
- 80 Section 99A amended (Agency may approve programmes)**
- (1) In the heading to section 99A, replace “Agency” with “Director”.
 - (2) In section 99A(1), replace “Agency” with “Director”.
 - (3) In section 99A(2), replace “Agency” with “Director” in each place.
- 81 Section 100 amended (Agency to remove certain disqualifications) 30**
- (1) In the heading to section 100, replace “Agency” with “Director”.
 - (2) In section 100(1), replace “Agency” with “Director”.
 - (3) In section 100(1)(a)(i) and (ii), replace “Agency” with “Director”.

- (4) In section 100(2), replace “Agency” with “Director”.
- (5) In section 100(4), replace “Agency” with “Director” in each place.
- 82 Section 100A amended (Agency may authorise removal of alcohol interlock device and certify that requirements of alcohol interlock sentence have been fulfilled)** 5
- (1) In the heading to section 100A, replace “Agency” with “Director”.
- (2) In section 100A(1) and (2), replace “Agency” with “Director”.
- (3) In section 100A(3), replace “Agency” with “Director” in each place.
- 83 Section 101 amended (Appeal to Agency against mandatory suspension of driver licence)** 10
- (1) In the heading to section 101, replace “Agency” with “Director”.
- (2) In section 101(1) and (3), replace “Agency” with “Director”.
- (3) In section 101(4), replace “and the Agency” with “and the Director”.
- (4) In section 101(5), replace “Agency” with “Director”.
- 84 Section 105 amended (Court may make order authorising grant of limited licence)** 15
- (1) In section 105(6), replace “Agency” with “Director”.
- (2) In section 105(6A), replace “Agency” with “Director” in each place.
- (3) Replace section 105(8) with:
- (8) A person who holds a limited licence that is revoked under subsection (7) must immediately surrender their photographic driver licence to the court by which the person was convicted, to an enforcement officer, or at an office of the Agency (whether or not demand is made on the person). 20
- 85 Section 106 amended (General right of appeal to District Court)**
- In section 106(1), (3), and (4), replace “Agency” with “Director”. 25
- 86 Section 107 amended (Appeals against court orders relating to disqualification or grant of limited licence, and deferral of disqualification)**
- In section 107(5), replace “Agency” with “Director”.
- 87 Section 108 amended (Appeal against Agency’s refusal to remove disqualification or replace alcohol interlock licence with zero alcohol licence)** 30
- (1) In the heading to section 108, replace “Agency’s” with “Director’s”.
- (2) In section 108(1), replace “Agency” with “Director”.
- (3) In section 108(2)(a), replace “Agency” with “Director”. 35

88 Section 109 amended (Appeal against refusal of Agency to remove suspension of driver licence)

- (1) In the heading to section 109, replace “Agency” with “Director”.
- (2) In section 109(1), replace “Agency” with “Director”.
- (3) In section 109(3)(a), replace “Agency” with “Director”. 5

89 Section 112 amended (Effect of appeal on demerit points)

In section 112(2) and (3), replace “Agency” with “Director”.

90 New sections 112A to 112G and cross-heading inserted

After section 112, insert:

Enforceable undertakings 10

112A Director may accept enforceable undertakings

- (1) The Director may accept an enforceable undertaking given by a person in writing in connection with a matter relating to a contravention or an alleged contravention by the person under any land transport Act.
- (2) However, the Director may refuse to accept the undertaking if it does not provide for the reimbursement of any costs and expenses of the Agency and the Director incurred in relation to— 15
 - (a) the undertaking; and
 - (b) the contravention or alleged contravention.
- (3) The Director must not accept an undertaking if the Director believes that the contravention or alleged contravention would amount to an offence against any of sections 36AA, 38, 39, 61, or 62 of this Act. 20
- (4) The giving of an undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention or alleged contravention to which the undertaking relates. 25
- (5) To avoid doubt, the costs and expenses of the Agency or the Director include any costs or expenses incurred in relation to an employee, agent, or contractor of the Agency or Director.

Compare: 2015 No 70 s 123

112B Notice of decision and reasons for decision 30

- (1) The Director must give the person seeking to make an enforceable undertaking written notice of—
 - (a) the Director’s decision to accept or reject the undertaking; and
 - (b) the reasons for the decision.

- (2) The Director must publish, on the Agency’s Internet site, notice of a decision to accept an enforceable undertaking and the reasons for that decision.

Compare: 2015 No 70 s 124

112C When enforceable undertaking is enforceable

An enforceable undertaking takes effect and becomes enforceable when the Director’s decision to accept the undertaking is given to the person who made the undertaking, or at any later date specified by the Director. 5

Compare: 2015 No 70 s 125

112D Compliance with enforceable undertaking

- (1) A person must not contravene an enforceable undertaking given by that person that is in force. 10

- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction,—

(a) for an individual, to a fine not exceeding \$20,000:

(b) for any other person, to a fine not exceeding \$100,000. 15

Compare: 2015 No 70 s 126

112E Contravention of enforceable undertaking

- (1) The Director may apply to the District Court for an order if a person contravenes an enforceable undertaking.

- (2) If the court is satisfied that the person who made the enforceable undertaking has contravened the undertaking, the court may make either or both of the following orders: 20

(a) an order directing the person to comply with the undertaking:

(b) an order discharging the undertaking.

- (3) In addition to the orders referred to in subsection (2), the court may make any other order that the court considers appropriate in the circumstances, including orders directing the person to pay to the Director— 25

(a) the costs of the proceedings; and

(b) the reasonable costs of the Director in monitoring compliance with the enforceable undertaking in the future. 30

- (4) This section does not prevent proceedings being brought for the contravention or alleged contravention of the land transport Act to which the enforceable undertaking relates.

Compare: 2015 No 70 s 127

112F Withdrawal or variation of enforceable undertaking

- (1) A person who has given an enforceable undertaking may at any time, with the written agreement of the Director,— 35

- (a) withdraw the undertaking; or
 (b) vary the undertaking.
- (2) However, the provisions of the undertaking cannot be varied to provide for a different alleged contravention under the relevant land transport Act.
- (3) The Director must publish on the Agency’s Internet site notice of the withdrawal or variation of an enforceable undertaking. 5
 Compare: 2015 No 70 s 128
- 112G Proceedings for alleged contravention**
- (1) Subject to this section, no proceedings (whether civil or criminal) for a contravention or an alleged contravention under any land transport Act may be brought against a person if an enforceable undertaking is in effect in relation to that contravention. 10
- (2) No proceedings may be brought for a contravention or an alleged contravention under any land transport Act against a person who—
- (a) has made an enforceable undertaking in relation to that contravention; and 15
 (b) has completely discharged the enforceable undertaking.
- (3) The Director may accept an enforceable undertaking in relation to a contravention or an alleged contravention before proceedings in relation to that contravention have been completed. 20
- (4) If the Director accepts an enforceable undertaking before the proceedings are completed, the Director must take all reasonable steps to have the proceedings discontinued as soon as practicable.
 Compare: 2015 No 70 s 129
- 91 Section 115 amended (Enforcement officers may give directions prohibiting driving of vehicles) 25**
- (1) In section 115(2)(a) and (c), replace “Agency” with “Director”.
 (2) In section 115(3)(b), replace “Agency” with “Director”.
 (3) In section 115(3)(b)(i) and (iii), replace “Agency” with “Director”.
- 92 Section 129 amended (Vehicles may be inspected and directed to remain stopped for contravening dangerous goods rules) 30**
 In section 129(2C), replace “Agency” with “Director”.
- 93 Section 130 amended (Power to inspect railway lines)**
 In section 130(5), replace “Agency” with “Director”.

- 94 Section 131 amended (Power to inspect premises used for loading and unloading of dangerous goods)**
In section 131(4), replace “Agency” with “Director”.
- 95 Section 134 amended (Strict liability for offences involving insecure loads and loads falling from vehicles)** 5
In section 134(4)(a), after “Agency”, insert “or the Director”.
- 96 Section 135 amended (Commencing proceedings, and jurisdiction, for offences)**
In section 135(1A), replace “Agency” with “Director”.
- 97 Section 141 amended (Provisions relating to infringement fees)** 10
In section 141(4), after “Agency”, insert “, the Director,”.
- 98 Section 149 amended (Admissibility of certain statements by drivers of certain vehicles)**
- (1) In section 149(1), replace “to an employee of the Agency authorised for the purpose by the Agency, to the effect described in subsection (2) may be given in evidence by that officer or employee” with “to a person authorised for that purpose by the Agency or the Director, to the effect described in subsection (2) may be given in evidence by that officer or person”. 15
- (2) In section 149(2)(b), replace “to an employee of the Agency authorised for the purpose by the Agency” with “to a person authorised for that purpose by the Agency or the Director”. 20
- 99 Section 150 amended (Evidence of certain documents)**
- (1) In section 150(1)(a), replace “an employee of the Agency who is authorised by the Agency for the purpose” with “a person authorised for that purpose by the Agency or the Director”. 25
- (2) In section 150(1)(b), replace “an employee of the Agency authorised by the Agency for the purpose” with “a person authorised for that purpose by the Agency or the Director”.
- (3) In section 150(1)(b), replace “employee to notify” with “authorised person to notify”. 30
- (4) In section 150(2), replace “An employee of the Agency” with “A person authorised by the Agency or the Director”.
- 100 Section 152 amended (Power of Minister to make ordinary rules)**
After section 152(g)(iv), insert:
- (v) the Director’s functions under **section 104A** of the Land Transport Management Act: 35

- 101 Section 157 amended (Rules concerning roads)**
In section 157(e), after “empower”, insert “or require”.
- 102 Section 158 amended (Rules concerning licensing, standard-setting, etc)**
In section 158(b)(viii) and (ix), after “Agency”, insert “or the Director”.
- 103 Section 159 amended (Rules concerning land transport documents)** 5
(1) In section 159(3), replace “Agency” with “Director”.
(2) In section 159(5), replace “Agency” with “Director” in each place.
- 104 New sections 159A and 159B inserted**
After section 159, insert:
- 159A Rules concerning register of land transport records** 10
Without limiting the general power to make rules under section 152, ordinary rules may provide for any matter necessary to establish, maintain, and operate the register of land transport records established under **section 200C**.
- 159B Ordinary rule may require committee to be established**
(1) An ordinary rule may require the Agency to establish a committee and, if it does, the rule must set out— 15
(a) the purpose for which the committee is to be established; and
(b) the functions, duties, and powers conferred on the committee; and
(c) which of the Minister, the Secretary, and the Agency is authorised to appoint the members of the committee (and the term for which they are appointed); and 20
(d) the date on which the committee is to be dissolved or a process by which that date is determined.
- (2) The rule may set out any other matter relating to the establishment and operation of the committee. 25
(3) A person must not be appointed as a member of a committee unless, before appointment, they disclose to the relevant person referred to in **subsection (1)(c)** the details of any interest they may have if they were a member of the committee.
- 105 Section 160 amended (Other provisions concerning ordinary rules)** 30
Replace section 160(4)(a) with:
(a) require or provide for a matter to be determined, undertaken, or approved by the Agency, the Director, or any other person:
(aa) empower the Agency, the Director, or any other person to impose requirements or conditions as to the performance of activities: 35

- 106 Section 167 amended (Regulations)**
- (1) In section 167(1)(ib), replace “Agency” with “Director”.
- (2) In section 167(1)(j), replace “enactment concerning land transport” with “land transport Act”.
- 107 Section 168 amended (Regulations relating to fees and charges for land transport)** 5
- (1) In section 168(1)(a), replace “the Railways Act 2005, the Government Roothing Powers Act 1989, the Land Transport Management Act 2003, this Act, or any other enactment relating to land transport” with “this Act or any other land transport Act”. 10
- (2) Replace section 168(1)(b) with:
- (b) to meet, or assist in meeting, the costs and expenses incurred by the Agency, the Director, or the Crown in the exercise of functions or powers, the performance of duties, or the provision of services under any legislation specified in paragraph (a): 15
- 108 Section 168C amended (Piloting fees)**
- In section 168C(1), after “Agency”, insert “or the Director” in each place.
- 109 Section 198 amended (Inspections and audits)**
- In section 198(1), (2), and (3), replace “Agency” with “Director” in each place.
- 110 New sections 200A to 200K and cross-heading inserted** 20
- After section 200, insert:
- Register of land transport records*
- 200A Interpretation**
- In **sections 200B to 200K**,—
- land transport record** means a record of a decision or any other thing— 25
- (a) that is required under **section 200B** to be included in the register; and
- (b) that is included in the register
- register** means the register of land transport records established by **section 200C**
- Registrar** means the Agency 30
- rules** means rules made for the purposes of **section 159A** (if any).

200B Land transport Act may require creation of land transport record to give effect to decision or other thing	
(1) A land transport Act may require that a land transport record be created for a decision or any other thing to be done under that Act (for example, the setting of a speed limit or the designation of a cycle path).	5
(2) The decision or other thing has effect only on and from the day after the date on which its land transport record is created, unless any later date is specified in the record, in which case it has effect on and from that later date.	
200C Register of land transport records	
(1) A register called the register of land transport records is established.	10
(2) The Registrar must keep and operate the register in accordance with—	
(a) sections 200D to 200K ; and	
(b) the rules.	
200D Purpose of register	
The purpose of the register is—	15
(a) to provide a public record of land transport records; and	
(b) to enable any person to get copies of land transport records; and	
(c) to assist any person—	
(i) in the exercise of the person’s powers under this Act or any other land transport Act; or	20
(ii) in the performance of the person’s functions or duties under this Act or any other land transport Act.	
200E Contents	
The Registrar must record in the register the following information for each land transport record:	25
(a) the name or other description of the decision or other thing that is recorded:	
(b) the land transport Act under which the decision or other thing is made:	
(c) the information prescribed in the rules, to the extent that the information is relevant.	30
200F Operation, access, and search of register	
(1) The register may be kept in any manner that the Registrar thinks fit provided it permits the contents to be readily accessed or reproduced in usable form.	
(2) The register must be operated at all times unless—	
(a) the Registrar suspends its operation (in whole or in part); or	35
(b) the rules provide otherwise.	

- (3) The Registrar may suspend its operation—
- (a) for maintenance purposes; or
 - (b) in response to technical difficulties; or
 - (c) to ensure the security or integrity of the register.
- (4) Any person may search the register. 5
- 200G Amendments to register**
- (1) The Registrar may amend the register if the Registrar is satisfied at any time that the register contains a typographical error or a mistake or omits information that is required or permitted to be included in the register.
- (2) The Registrar must amend the register if the rules require the Registrar to do so in circumstances specified by them. 10
- 200H Submitting of information**
- (1) Information required for creating a land transport record must be submitted to the Registrar in the manner specified by the Registrar.
- (2) For the purposes of **subsection (1)**, the Registrar may— 15
- (a) specify what information must be provided and how it must be provided; and
 - (b) require the person submitting the information to indicate that any requirements of the land transport Act under which the decision or thing to be done for which the record is required have been satisfied (for example, that a resolution has been made or consultation has been completed). 20
- 200I Registrar must notify person that record created**
- Once a land transport record is created, the Registrar must notify the person that submitted the information in relation to the record of that fact. 25
- 200J Registrar may notify record or changes to register**
- (1) The Registrar may give notice to any person or class of persons or to the public generally—
- (a) that a land transport record has been created;
 - (b) of any changes in the information kept in the register. 30
- (2) The Registrar may do so in any manner that the Registrar thinks fit.
- 200K Certified copy of information on register**
- (1) The Registrar must provide a copy, or a certified copy, of any information on the register to any person who applies for it and pays the fee (if any) prescribed in regulations. 35

- (2) A certified copy of information on the register purporting to be signed by the Registrar is conclusive evidence for all purposes that the information in the certified copy has been entered in the register.

111 Section 207 amended (Delegation of Minister’s functions or powers to Agency) 5

- (1) In the heading to section 207, after “**Agency**”, insert “**or Director**”.
- (2) In section 207(1), after “Agency”, insert “or Director”.
- (3) In section 207(5) and (6), after “Agency”, insert “or Director” in each place.

112 New section 208A inserted (Agency is enforcement officer for certain infringement offences) 10

After section 208, insert:

208A Agency is enforcement officer for certain infringement offences

For the purposes of issuing an infringement notice under section 139, the Agency is an enforcement officer where—

- (a) the infringement offence to which the notice relates is a moving vehicle offence; and 15
- (b) the alleged offence was detected by approved vehicle surveillance equipment (whether the equipment is owned or operated by the Agency or some other person).

113 Section 233 amended (Interpretation matters applying to this Part) 20

In section 233(1), definition of **enforcement authority**, replace paragraph (b) with:

- (b) the Agency or the Director, if an infringement notice is issued by an employee of the Agency or by a person acting on behalf of the Agency or the Director: 25

114 Section 271 amended (Appointment of Registrar)

In section 271, after “Agency”, insert “or the Director”.

Part 3

Amendments to Railways Act 2005

115 Amendments to Railways Act 2005 30

This Part amends the Railways Act 2005.

116 Section 4 amended (Interpretation)

- (1) In section 4(1), definition of **approved safety case**, replace “Agency” with “Director”.

- (2) In section 4(1), definition of **ordinary safety assessment**, replace “Agency” with “Director”.
- (3) In section 4(1), definition of **special safety assessment**, replace “Agency” with “Director”.
- (4) In section 4(1), definition of **special safety assessment**, paragraph (b), replace “Agency” with “Director”. 5
- 117 Section 8 amended (Relationship of Act with Health and Safety at Work Act 2015)**
In section 8(2), after “Agency”, insert “or the Director”.
- 118 Section 15 amended (Certain rail participants must be licensed)** 10
In section 15(3), replace “Agency” with “Director” in each place.
- 119 Section 16 amended (Application for licence)**
(1) In section 16(1)(a), replace “Agency” with “Director” in each place.
(2) In section 16(1)(b), replace “Agency” with “Director”.
- 120 Section 17 amended (Grant of licences)** 15
(1) In section 17(1), replace “Agency” with “Director” in each place.
(2) In section 17(2), replace “Agency” with “Director”.
- 121 Section 18 amended (Transfer or assignment of licence prohibited)**
In section 18, replace “Agency” with “Director”.
- 122 Section 19 amended (Term of licence)** 20
In section 19(2), replace “Agency” with “Director”.
- 123 Section 20 amended (Register of licences)**
In section 20(2)(h), replace “Agency” with “Director”.
- 124 Section 21 amended (Conditions of licences)**
(1) In section 21(1)(a), replace “Agency” with “Director”. 25
(2) In section 21(2)(a), replace “Agency” with “Director”.
(3) In section 21(2)(c), replace “Agency” with “Director” in each place.
(4) In section 21(3)(b) and (d), replace “Agency” with “Director”.
(5) In section 21(4)(b) and (d), replace “Agency” with “Director”.
(6) In section 21(5), replace “Agency” with “Director”. 30
- 125 Section 22 amended (Agents and contractors)**
(1) In section 22(1), replace “Agency” with “Director”.

- (2) In section 22(2)(b), replace “Agency” with “Director”.
- 126 Section 23 amended (Power of Agency to suspend licence or impose temporary conditions)**
- (1) In the heading to section 23, replace “Agency” with “Director”.
- (2) In section 23(1), replace “Agency” with “Director” in each place. 5
- (3) In section 23(3), replace “Agency” with “Director”.
- 127 Section 24 amended (Power of Agency to revoke licence or impose permanent conditions)**
- (1) In the heading to section 24, replace “Agency” with “Director”.
- (2) In section 24(1), replace “Agency” with “Director” in each place. 10
- 128 Section 25 amended (Matters relating to action taken under section 23 or section 24)**
- (1) In section 25(1), replace “Agency” with “Director”.
- (2) In section 25(2), replace “Agency” with “Director” in each place.
- (3) In section 25(3), replace “Agency” with “Director” in each place. 15
- 129 Section 26 amended (Power of Agency to amend or revoke licences in other cases)**
- (1) In the heading to section 26, replace “Agency” with “Director”.
- (2) In section 26(1), replace “Agency” with “Director”.
- (3) In section 26(2), replace “Agency” with “Director”. 20
- 130 Section 27 amended (Rights of persons affected in relation to adverse decisions)**
- (1) In section 27(1), replace “Agency” with “Director” in each place.
- (2) In section 27(1)(c) and (e), replace “Agency” with “Director”.
- (3) In section 27(2), replace “Agency” with “Director” in each place. 25
- (4) In section 27(2)(a), replace “Agency” with “Director”.
- (5) In section 27(4)(a), (b), and (c), replace “Agency” with “Director” in each place.
- (6) In section 27(5), replace “Agency” with “Director”.
- (7) In section 27(6), definition of **adverse decision**, replace “Agency” with “Director”. 30
- 131 Cross-heading above section 28 amended**
- In the cross-heading above section 28, replace “Agency” with “Director”.

- 132 Section 28 amended (Power of Agency to prohibit operation, impose conditions, or detain or immobilise rail vehicles or railway infrastructure)**
- (1) In the heading to section 28, replace “Agency” with “Director”.
 - (2) In section 28(1), replace “Agency” with “Director” in each place.
 - (3) In section 28(1)(b), replace “Agency” with “Director”. 5
 - (4) In section 28(2), replace “Agency” with “Director”.
 - (5) In section 28(3)(b), replace “Agency” with “Director” in each place.
- 133 Section 30 amended (Contents of safety case)**
- (1) In section 30(1)(h)(ii) and (iv), replace “Agency” with “Director”.
 - (2) In section 30(1)(i), replace “Agency” with “Director”. 10
 - (3) In section 30(1)(n), replace “Agency” with “Director”.
- 134 Section 31 amended (Matters to be taken into account in considering proposed safety case)**
- (1) In section 31(1), replace “Agency” with “Director” in each place.
 - (2) In section 31(1)(f), replace “Agency” with “Director”. 15
 - (3) In section 31(2), replace “Agency” with “Director”.
 - (4) In section 31(2)(e), replace “Agency” with “Director” in each place.
- 135 Section 32 amended (Approval of safety case)**
- (1) In section 32(1), replace “Agency” with “Director”.
 - (2) In section 32(1)(b), replace “Agency” with “Director”. 20
 - (3) In section 32(2), replace “Agency” with “Director”.
 - (4) In section 32(3), replace “Agency” with “Director”.
 - (5) In section 32(3), replace “Agency’s” with “Director’s”.
 - (6) In section 32(4), (5), (6), and (7), replace “Agency” with “Director”.
- 136 Section 33 amended (Application to replace or vary approved safety case) 25**
- In section 33(1) and (3), replace “Agency” with “Director”.
- 137 Section 34 amended (Requirement by Agency to replace or vary approved safety case)**
- (1) In the heading to section 34, replace “Agency” with “Director”.
 - (2) In section 34(1), replace “Agency” with “Director” in each place. 30
 - (3) In section 34(2), replace “Agency” with “Director”.
 - (4) In section 34(2)(b), replace “Agency” with “Director”.
 - (5) In section 34(3), replace “Agency” with “Director”.

- 138 Section 35 amended (Procedure for replacement or variation of approved safety case)**
- (1) In section 35(1), replace “Agency” with “Director” in each place.
 - (2) In section 35(2), replace “Agency” with “Director”.
 - (3) In section 35(2)(b), replace “Agency’s” with “Director’s”. 5
 - (4) In section 35(3), replace “Agency” with “Director” in each place.
 - (5) In section 35(4), replace “Agency” with “Director” in each place.
- 139 Section 36 amended (Safety improvement plans)**
- (1) In section 36(1), replace “Agency” with “Director” in each place.
 - (2) In section 36(2), replace “Agency” with “Director”. 10
 - (3) In section 36(2)(a), replace “Agency” with “Director”.
 - (4) In section 36(2)(b), replace “Agency” with “Director” in each place.
 - (5) In section 36(3), replace “Agency” with “Director”.
 - (6) In section 36(3), replace “Agency’s” with “Director’s”.
 - (7) In section 36(4), replace “Agency” with “Director”. 15
 - (8) In section 36(4)(b), replace “Agency” with “Director”.
 - (9) In section 36(4)(c), replace “Agency’s” with “Director’s”.
- 140 Section 37 amended (Ordinary and special safety assessments)**
- (1) In section 37(1), replace “Agency” with “Director”.
 - (2) In section 37(2), replace “Agency” with “Director”. 20
 - (3) In section 37(2)(b), (c), (h), (i), and (j), replace “Agency” with “Director”.
- 141 Section 39 amended (Safety assessment report)**
- In section 39(a), replace “Agency” with “Director”.
- 142 Section 42 amended (Notification of requirement for improvements)**
- (1) In section 42(1), replace “Agency” with “Director” in each place. 25
 - (2) In section 42(2), replace “Agency” with “Director”.
 - (3) In section 42(3), replace “Agency” with “Director”.
 - (4) In section 42(4), replace “Agency” with “Director” in each place.
 - (5) In section 42(6), replace “Agency” with “Director” in each place.
- 143 Section 43 amended (Report on remedial action) 30**
- (1) In section 43(1), replace “Agency” with “Director” in each place.
 - (2) In section 43(2), replace “Agency’s” with “Director’s”.
 - (3) In section 43(2), replace “Agency” with “Director” in each place.

- (4) In section 43(3), replace “Agency” with “Director”.
- 144 Section 44 amended (Extension of time to complete remedial action)**
- (1) In section 44(1), replace “Agency” with “Director” in each place.
- (2) In section 44(2), replace “Agency” with “Director”.
- 145 Section 45 amended (Appointment of safety assessor) 5**
- (1) In section 45(1), replace “Agency” with “Director”.
- (2) In section 45(4), replace “Agency” with “Director”.
- 146 Section 46 amended (Functions and duties of safety assessors)**
- (1) In section 46, replace “Agency” with “Director”.
- (2) In section 46(a), replace “Agency” with “Director”. 10
- 147 Section 47 amended (Powers of safety assessors to obtain information, etc)**
In section 47(3), replace “Agency” with “Director”.
- 148 Section 48 amended (Powers of entry of safety assessors)**
- (1) In section 48(5), replace “Agency” with “Director”.
- (2) In section 48(5)(b), replace “Agency” with “Director”. 15
- 149 Section 53 amended (Rules concerning authorisation, standard-setting, etc)**
- (1) In section 53(3)(b), replace “Agency” with “Director”.
- (2) In section 53(4), replace “Agency” with “Director” in each place.
- 150 Section 54 amended (Other provisions concerning ordinary rules) 20**
In section 54(4)(a), replace “Agency, Agency,” with “Agency, the Director,” in each place.
- 151 Section 60 amended (Regulations relating to fees and charges for rail transport)**
- (1) In section 60(1), after “by the Agency”, insert “, the Director,”. 25
- (2) In section 60(1)(a), after “Agency”, insert “or a person authorised by the Director”.
- 152 Section 67 amended (Power to prohibit or restrict persons from being involved in rail activities)**
- (1) In section 67(1), replace “Agency” with “Director”. 30
- (2) In section 67(2)(b), replace “Agency” with “Director”.

- 153 Section 68 amended (Appeal to District Court)**
- (1) In section 68(1), after “Agency”, insert “or the Director”.
- (2) In section 68(2), after “Agency”, insert “or the Director”.
- 154 Section 69 amended (Procedure)**
- (1) In section 69(2)(b)(i), after “Agency”, insert “or the Director (as the case may be)”. 5
- (2) In section 69(2)(b)(ii), after “Agency”, insert “or the Director (as the case may be)”.
- 155 Section 70 amended (Decision of Agency to continue in force pending appeal, etc)** 10
- (1) In the heading to section 70, after “Agency”, insert “or Director”.
- (2) In section 70, after “Agency”, insert “or the Director”.
- 156 Section 95 amended (Who may file charging document for offence)**
- In section 95, replace “Agency” with “Director”.
- 157 Section 96 amended (Evidence and proof)** 15
- In section 96(a), (b), (c), and (d), replace “an officer of the Agency authorised in that capacity by the Agency” with “a person authorised in that capacity by the Agency or the Director”.
- 158 Section 97 amended (Application of fees)**
- In section 97, replace “Authority” with “Agency”. 20
- 159 Section 102 amended (Appointment of enforcement officers)**
- In section 102, replace “the Agency may,” with “the Director may,”.

Part 4

Consequential amendments

- 160 Consequential amendments** 25
- Amend the Acts specified in the **Schedule** as set out in that schedule.

Schedule
Consequential amendments to Acts

s 160

Criminal Procedure Act 2011 (2011 No 81)

In section 358(1)(g), replace “New Zealand Transport Agency” with “Director of Land Transport”. 5

Hazardous Substances and New Organisms Act 1996 (1996 No 130)

In section 97(1)(c) and (d), after “New Zealand Transport Agency”, insert “or the Director of Land Transport”.

Oranga Tamariki Act 1989 (1989 No 24)

10

In section 294(b), replace “New Zealand Transport Agency” with “Director of Land Transport”.

Sentencing Act 2002 (2002 No 9)

In section 126(f), replace “New Zealand Transport Agency” with “Director of Land Transport”. 15