

Land Transport Management Amendment Bill

Government Bill

Explanatory note

General policy statement

The Land Transport Management Amendment Bill (the **Bill**) has 3 main components. First, it proposes changes to the planning and funding framework that channels around \$3 billion of central government funding annually towards land transport activities, including roading, public transport, and road safety. Secondly, it proposes changes to streamline the framework for assessing toll road schemes. Thirdly, it seeks to establish in legislation a new policy framework for building a long-term partnership between regional councils and public transport operators, known as the public transport operating model.

Planning and funding

The Bill will amend the Land Transport Management Act 2003 (the **Act**) to simplify the planning and funding framework and repeal the Act's regional fuel tax provisions.

The funding framework will be refined to focus on the effectiveness and efficiency of public expenditure. This will be reflected in a new purpose and streamlined decision-making criteria that will emphasise effectiveness, efficiency, and safety.

The current inconsistencies and ambiguities in the purpose and decision-making criteria create uncertainty and encourage needless bureaucracy. The Bill proposes changes to the purpose and decision-making criteria that will make the application of the Act simpler, clearer, and easier to understand and interpret, reduce compliance costs, and simplify processes. With public investment in the land transport system worth \$3 billion annually, such streamlining has the potential to yield significant gains over time.

The Bill also proposes that land transport revenue be used to meet the costs of activities related to the protection of the land transport revenue base and the maintenance of the integrity of the revenue system, subject to ministerial approval.

In order to better align national and regional planning and decision making, planning documents will be combined. The regional land transport strategy and regional land transport programme will be consolidated into a new planning document, the regional land transport plan. This new document will set out each region's land transport objectives, policies, and measures for at least a 10-year period. The national land transport strategy and government policy statement will also be merged into a single government policy statement on land transport. This will be used to set central government's outcomes, objectives, and impacts for the land transport sector for at least 10 years. These reforms have the potential to reduce process costs without any adverse effect on outcomes.

As part of improving the approach to regional planning, the duty to include non-voting representatives of a prescribed list of interests as members of regional transport committees will be removed. This will result in smaller committees and provide an improved basis for decision making. The smaller committees will have the flexibility to decide who they need to hear from rather than have their engagement predetermined through legislation.

The Bill will also enable borrowing to be used by the New Zealand Transport Agency to fund future land transport projects, subject to the agreement of the Minister of Transport and the Minister of Finance. Currently, borrowing can only be used to manage the cash flow of the national land transport programme.

Finally, the regional fuel tax provisions will be repealed. This will avoid the likely costs of such a tax in a single region being spread across all regions within our nationwide fuel market, and will ensure

that the additional costs of a refund system for non-transport fuel use are not imposed on productive areas of the economy.

Tolling and concession agreements

The Bill simplifies the process for approving road tolling schemes. It will replace a number of existing statutory tests, many of which are duplicated elsewhere in the Act, with a high-level test requiring tolling proposals to be efficient and effective. The consultation provisions, in particular, will be simplified to eliminate duplication between tolling and other funding decisions.

No change is proposed to the requirement that a toll road scheme must relate to a new road, or an existing road that is integral to a new road. There will also still need to be a feasible untolled alternative route.

The requirement that a tolling scheme must include 1 method of payment that does not collect personal information will be removed as an entirely anonymous, yet cost-effective, method is impractical. The Act will instead rely upon the Privacy Act 1993, and the availability of an untolled route, to safeguard privacy.

The Bill will additionally enable the existing toll road at Tauranga (Route K) to be brought under the Act's toll road regime so that there is consistency between Route K and other toll roads (such as the Northern Gateway toll road north of Auckland) in the setting, collecting, and enforcing of tolls. The Tauranga District Council (Route K Toll) Empowering Act 2000 will be consequentially repealed.

The special concession agreement procedure for dealing with public-private partnerships involving tolling will be replaced by standard approved procurement procedures. Ministerial approval will also be required before land may be leased, or road management powers may be delegated, for tolling purposes under a public-private partnership.

Public transport operating model

The Bill will establish a new policy framework for planning and contracting public transport, known as the public transport operating model. The model was developed following a review of the Public Transport Management Act 2008. The review found there was little incentive for operators to invest in public transport services or for them to come up with innovative ways of improving services.

The Bill will require all bus, ferry, and rail services in a region to be segmented into units and provided under exclusive contract to the regional council. Services that do not form part of a region's core urban public transport network will be exempt from operating under contracts and will be identified as exempt services in a register held by the relevant regional council.

Regional councils will be required to identify in their regional public transport plans the units, the policies on procuring units, and the public transport services, taxis, and shuttles that the regional councils intend to assist financially.

The Bill will also repeal the Public Transport Management Act 2008, carrying over its provisions, as modified by the Bill, and thereby improving accessibility for users of land transport management legislation.

Regulatory impact statement

The Ministry of Transport produced regulatory impact statements in May 2011, October 2011, March 2012, and April 2012 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- <http://www.transport.govt.nz/about/functions/Documents/RIS%20Proposed%20Amendments%20to%20LTMA.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris/pdfs/ris-transport-iltm-nov11.pdf>
- http://www.transport.govt.nz/ourwork/Land/Documents/PTOM_RIS_FINAL_website.pdf
- <http://www.treasury.govt.nz/publications/informationreleases/ris/pdfs/ris-transport-npf-mar12.pdf>
- <http://www.transport.govt.nz/about/functions/Documents/Regulatory-Impact-Statement-Review-of-Motor-Vehicle-Registration-and-Licensing-and-Road-User-Charges-Admin-Fees.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris/pdfs/ris-transport-mvr-jun12.pdf>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 relates to commencement. It provides that *clauses 42 and 70(2)* come into force on a date provided by Order in Council to enable a seamless transition from the tolling arrangements in place under the Tauranga District Council (Route K Toll) Empowering Act 2000, which the Bill is to repeal, to the tolling arrangements provided for in this Bill. *Clause 66* comes into force on 1 May 2013. The rest of this Bill comes into force on 1 April 2013.

Clause 3 provides that the Bill amends the Land Transport Management Act 2003 (the **principal Act**).

Part 1 Amendments to Land Transport Management Act 2003

Clause 4 replaces section 3, which relates to the purpose of the Land Transport Management Act 2003.

Clause 5 amends section 4, which relates to the Treaty of Waitangi. The amendment removes several cross-references.

Clause 6 amends section 5, which relates to interpretation. The amendments insert, replace, and repeal definitions.

Clause 7 amends section 7A, which concerns the application of the principal Act to the Chatham Islands. The amendments provide that sections 13 to 18H of the principal Act apply to the Chatham Islands Council as if that council were a unitary authority, except that the council, rather than a regional transport committee, prepares and consults on a regional land transport plan for the Chatham Islands.

Clause 8 amends section 9, which concerns the Crown's authority to incur certain land transport expenses and capital expenditure. The amendments modify the Crown's authority.

Clause 9 amends section 10, which concerns the national land transport fund. The amendments refine the reference to cashflow and provide that inflows of the national land transport fund include, in certain circumstances, toll revenue collected in respect of a road tolling scheme.

Clause 10 amends section 11, which concerns the annual report on the national land transport fund. The amendment changes a reference

to any national land transport strategy or the relevant government policy statement (**GPS**) to a reference to the relevant GPS on land transport.

Clause 11 amends the cross-heading above section 12. The amendment replaces a reference to regional land transport programmes with a reference to regional land transport plans.

Clause 12 repeals section 12.

Clause 13 amends section 13, which concerns responsibility for preparing and approving regional land transport programmes (which the Bill renames as regional land transport plans). The amendments extend the relevant period of time from 3 to 6 financial years, repeal section 13(4) and (5), and replace references to regional land transport programmes with references to regional land transport plans.

Clause 14 replaces section 14. The replacement sets out the core requirements of regional land transport plans.

Clause 15 repeals section 15.

Clause 16 replaces section 16. *New section 16* specifies the form and content of regional land transport plans.

Clause 17 repeals section 17.

Clause 18 amends section 18, which concerns consultation requirements. The amendment provides that, when preparing a regional land transport plan, a regional transport committee must consult in accordance with the consultation principles specified in section 82 of the Local Government Act 2002 and may use the special consultative procedure specified in section 83 of that Act.

Clause 19 amends section 18A, which concerns consultation principles. The amendments adjust the heading to the section and several cross-references, and replace references to regional land transport programmes with references to regional land transport plans.

Clause 20 amends section 18B, which sets out the process for approving regional land transport programmes prepared by regional transport committees. The amendments replace references to regional land transport programmes with references to regional land transport plans.

Clause 21 replaces section 18C with *new sections 18C and 18CA*. *New section 18C* provides that Auckland Transport must give reasons for not including in its regional land transport plan activities proposed

by the Agency or the Auckland Council. *New section 18CA* provides for the review of regional land transport plans.

Clause 22 amends section 18D, which concerns the variation of regional land transport programmes. The amendments provide that a regional transport committee may prepare a variation to its regional land transport plan in certain circumstances, and replace references to regional land transport programmes with references to regional land transport plans.

Clause 23 amends section 18E, which concerns changes to certain activities or combinations of activities. The amendments replace references to regional land transport programmes with references to regional land transport plans.

Clause 24 amends section 18F, which concerns the availability of regional land transport programmes. The amendments replace references to regional land transport programmes with references to regional land transport plans.

Clause 25 amends section 18G, which concerns separate consultation with Māori on particular activities. The amendments replace references to the approved organisation or the Agency with references to the approved organisation, the Auckland Council, or the Agency.

Clause 26 amends section 18J, which sets out the requirements that must be met before recommending Police activities. The amendments modify the requirements.

Clause 27 repeals section 19.

Clause 28 amends section 19A, which concerns the responsibility for preparing and adopting the national land transport programme. The amendments provide that the Agency must adopt a national land transport programme before 1 September of the first financial year to which it applies.

Clause 29 amends section 19B, which concerns the core requirements for the national land transport programme. The amendments modify the core requirements.

Clause 30 amends section 19C, which concerns the content of the national land transport programme. The amendments replace a reference to the relevant GPS with a reference to the GPS on land transport, and replace a reference to a regional land transport programme with a reference to a regional land transport plan.

Clause 31 amends section 19D, which concerns notification about a decision not to include activities in a national land transport programme. The amendment replaces a reference to a regional land transport programme with a reference to a regional land transport plan.

Clause 32 amends section 19E, which concerns variation of the national land transport programme. The amendment replaces section 19E(3). *New section 19E(3)* provides that the Agency must vary the national land transport programme if the GPS on land transport is amended.

Clause 33 amends section 20, which concerns the approval of activities. The amendments modify the relevant criteria.

Clause 34 amends section 22, which concerns funding for Māori roadways. The amendment replaces a reference to a regional land transport programme with a reference to a regional land transport plan.

Clause 35 amends section 26, which concerns payments that are exempt from the procurement procedure. The amendment replaces section 26(e) with a provision that provides that section 25 does not apply in relation to any payment made in respect of any public transport service identified in a regional public transport plan in relation to any 12-month period that follows the withdrawal or proposed withdrawal of the operator from the provision of the service.

Clause 36 amends section 35, which provides that the needs of the transport-disadvantaged must be considered. The amendments modify the heading to the section and replace a reference to a regional land transport programme with a reference to a regional land transport plan.

Clause 37 repeals section 38A.

Clause 38 repeals section 40.

Clause 39 amends the heading to subpart 2 of Part 2 by deleting the phrase “and concession agreements”.

Clause 40 amends section 46, which sets out the authority to establish road tolling schemes. The amendment provides that an order made to establish a road tolling scheme may specify certain activities for which toll revenue inflow may be used.

Clause 41 amends section 48, which concerns the procedure for making an order to establish a road tolling scheme. The amendment modifies the procedure.

Clause 42 inserts *new sections 48A and 48B*. *New section 48A* sets out the authority to establish a road tolling scheme for Route K. *New section 48B* provides for when the tolling power is exercisable for Route K.

Clause 43 repeals section 49.

Clause 44 repeals section 51(3).

Clause 45 amends section 52, which concerns who is liable to pay a toll. The amendments modify the provisions regarding notice and provide that tolls are not payable in respect of any motor vehicle that is an emergency vehicle or is exempt by an order made under section 46(1).

Clause 46 amends section 54, which concerns offences and penalties. The amendment deletes the words “refuses or” in section 54(1).

Clause 47 replaces the cross-heading above section 56 to reflect removal of provisions regarding concessionaires.

Clause 48 repeals sections 56 to 60, which concern concession agreements.

Clause 49 amends section 61, which concerns the delegation of roading functions and powers. The amendments remove the references to concessionaires.

Clause 50 amends section 62, which concerns the effect of delegation under section 61. The amendments remove the reference to concession agreement.

Clause 51 amends section 63, which concerns leasing. The amendment provides that a road controlling authority may, under certain circumstances, grant a lease for a term not longer than 49 years over any land under the control of the road controlling authority. The amendments also remove references to concession agreements.

Clause 52 amends section 65, which provides that Part 2 and other land transport legislation are enforceable in relation to toll roads. The amendments remove references to concession roads and clarify the phrasing of section 65(2)(a).

Clause 53 repeals subpart 3 of Part 2.

Clause 54 replaces sections 66 to 71 and the cross-heading above section 66. *New section 66* provides that the Minister must issue a GPS on land transport. *New section 67* concerns the preparation or review of the GPS on land transport. *New section 68* deals with the content of the GPS on land transport. *New section 69* concerns the status of the GPS on land transport. *New section 70* requires the Agency to give effect to the GPS on land transport when performing its function under subpart 1 of Part 2 in respect of land transport planning and funding. *New section 71* concerns the availability of the GPS on land transport.

Clause 55 repeals sections 72 to 89.

Clause 56 replaces section 90. *New section 90* provides for amending the GPS on land transport.

Clause 57 amends section 91, which concerns the availability of the GPS. The amendments replace the references to the GPS with references to the GPS on land transport.

Clause 58 amends section 92, which provides an overview of subpart 1 of Part 4. The amendments modify the overview.

Clause 59 amends section 94, which sets out the objective of the Agency. The amendment modifies the objective of the Agency.

Clause 60 amends section 95, which sets out the functions of the Agency. The amendments refine the functions of the Agency.

Clause 61 amends section 96, which sets out the operating principles of the Agency. The amendments modify the principles, and replace references to regional land transport programmes with references to regional land transport plans.

Clause 62 amends section 100, which concerns the statement of intent of the Agency. The amendment replaces a reference to the GPS with a reference to the GPS on land transport.

Clause 63 amends section 101, which provides that the Secretary must monitor and review specified activities and procedures. The amendments make the provision discretionary by changing “must” to “may”.

Clause 64 amends section 102, which concerns the monitoring and reporting on delivery of approved Police activities or combinations of Police activities. The amendments give the Agency sole responsibility for this by removing references to the Secretary.

Clause 65 amends section 103, which provides that the Secretary may declare State highways. The amendments change this by providing that the Agency, with the consent of the Secretary, may declare State highways.

Clause 66 amends section 105, which concerns the establishment and representational composition of regional transport committees. The amendments refine the representational composition provisions.

Clause 67 replaces section 106. *New section 106* sets out the functions of regional transport committees.

Clause 68 amends section 107, which concerns the procedure of regional transport committees. The amendments repeal section 107(1) and insert *new section 107(4)*, which provides that, in the case of the regional transport committee for Auckland, the representative of the Agency has the same voting rights as that representative would have as a member of any other regional transport committee.

Clause 69 inserts *new Part 5*, which concerns the regulation of public transport, and *new Part 6*, which sets out transitional and savings provisions.

New section 114 provides for the application of certain provisions of the Local Government Act 2002 to Auckland Transport.

New section 115 provides that any public transport service operated in a region must be provided under contract with a regional council unless it is an exempt service.

Subpart 1 of new Part 5, which consists of *new sections 116 to 128*, sets out the purpose of and requirements for regional public transport plans.

Subpart 2 of new Part 5, which consists of *new sections 129 to 138*, provides for the registration of exempt services.

Subpart 3 of new Part 5 sets out various miscellaneous provisions. *New sections 139 to 144* concern appeals to the Environment Court, the District Court, the High Court, and the Court of Appeal. *New section 145* sets out an offence for operating an unregistered exempt service (a fine not exceeding \$30,000 for a first offence and \$60,000 for second and subsequent offences). *New section 146* sets out an offence for operating a bus service or a ferry service that is not exempt and not provided under contract to a regional council (a fine not exceeding \$30,000 for a first offence and \$60,000 for second and subsequent offences). *New section 147* sets out an offence for vary-

ing a registered exempt service without giving the required notice (a fine not exceeding \$30,000 for a first offence and \$60,000 for second and subsequent offences). *New section 148* provides a power to inspect records. *New section 149* provides for the making of regulations specifying that a public transport service is an exempt service for the purposes of *new Part 5*, and requiring an exempt service to be provided under contract. *New sections 150 to 156* set out transitional and savings provisions.

Part 2

Miscellaneous

Clause 70 repeals the Public Transport Management Act 2008 and the Tauranga District Council (Route K Toll) Empowering Act 2000.

Clause 71 provides that certain Acts, regulations, and rules are consequentially amended in the manner indicated in the *Schedule*.

The *Schedule* specifies consequential amendments to certain Acts, regulations, and rules.

Hon Gerry Brownlee

Land Transport Management Amendment Bill

Government Bill

Contents

		Page
1	Title	6
2	Commencement	7
3	Principal Act	7

Part 1

Amendments to Land Transport Management Act 2003

4	Section 3 replaced (Purpose)	7
	3 Purpose	7
5	Section 4 amended (Treaty of Waitangi)	7
6	Section 5 amended (Interpretation)	7
7	Section 7A amended (Application of Act to Chatham Islands)	12
8	Section 9 amended (The Crown's authority to incur certain land transport expenses and capital expenditure)	12
9	Section 10 amended (National land transport fund)	13
10	Section 11 amended (Annual report on national land transport fund)	13
11	Cross-heading above section 12 amended	14
12	Section 12 repealed (Overview of regional land transport programmes)	14
13	Section 13 amended (Responsibility for preparing and approving regional land transport programmes)	14

**Land Transport Management
Amendment Bill**

14	Section 14 replaced (Core requirements of regional land transport programmes prepared by regional transport committees)	14
	14 Core requirements of regional land transport plans	14
15	Section 15 repealed (Core requirements of regional land transport programmes prepared by Auckland Transport)	15
16	Section 16 replaced (Form and content of regional land transport programmes (for regions other than Auckland))	15
	16 Form and content of regional land transport plans	15
17	Section 17 repealed (Form and content of Auckland Transport's regional land transport programmes)	17
18	Section 18 amended (Consultation requirements)	17
19	Section 18A amended (Consultation principles)	18
20	Section 18B amended (Process for approving regional land transport programmes prepared by regional transport committees)	18
21	Section 18C replaced (Reasons for not including activities in Auckland's regional land transport plan)	18
	18C Reasons for not including activities in Auckland's regional land transport plan	18
	18CA Review of regional land transport plans	19
22	Section 18D amended (Variation of regional land transport programmes)	19
23	Section 18E amended (Changes to certain activities or combinations of activities)	19
24	Section 18F amended (Availability of regional land transport programmes)	20
25	Section 18G amended (Separate consultation with Māori on particular activities)	20
26	Section 18J amended (Requirements before recommending Police activities or combinations of Police activities)	20
27	Section 19 repealed (Overview of national land transport programme)	20
28	Section 19A amended (Responsibility for preparing and adopting national land transport programme)	20
29	Section 19B amended (Core requirements for national land transport programme)	21
30	Section 19C amended (Content of national land transport programme)	21
31	Section 19D amended (Notification about decision not to include activities in national land transport programme)	21

**Land Transport Management
Amendment Bill**

32	Section 19E amended (Variation of national land transport programme)	21
33	Section 20 amended (Approval of activities and combinations of activities)	21
34	Section 22 amended (Funding for Māori roadways)	22
35	Section 26 amended (Payments exempt from procurement procedure)	22
36	Section 35 amended (Needs of transport disadvantaged must be considered)	22
37	Section 38A repealed (Good reasons for refusing to supply requested information)	23
38	Section 40 repealed (Apportionment of excise duty and excise-equivalent duty)	23
39	Subpart 2 heading in Part 2 amended	23
40	Section 46 amended (Authority to establish road tolling scheme)	23
41	Section 48 amended (Procedure for recommending making of order under section 46)	23
42	New sections 48A and 48B inserted	24
	48A Authority to establish road tolling scheme for Route K	24
	48B When tolling power is exercisable for Route K	24
43	Section 49 repealed (Consultation requirements)	24
44	Section 51 amended (Payment of tolls)	24
45	Section 52 amended (Who is liable to pay toll)	24
46	Section 54 amended (Offences and penalties)	25
47	Cross-heading above section 56 replaced	25
48	Sections 56 to 60 repealed	25
49	Section 61 amended (Delegation of roading functions and powers to concessionaires)	25
50	Section 62 amended (Effect of delegation under section 61)	26
51	Section 63 amended (Leasing)	26
52	Section 65 amended (This Part and other land legislation enforceable in relation to concession roads and toll roads)	27
53	Subpart 3 of Part 2 repealed	27
54	Sections 66 to 71 and cross-heading above section 66 replaced	27
	66 Minister must issue GPS on land transport	27
	67 Preparation or review of GPS on land transport	27
	68 Content of GPS on land transport	28
	69 Status of GPS on land transport	30

**Land Transport Management
Amendment Bill**

	70	Agency to give effect to GPS on land transport in respect of funding of land transport system	30
	71	Availability of GPS on land transport	30
55		Sections 72 to 89 and related cross-headings repealed	30
56		Section 90 replaced (Amending current GPS)	31
	90	Amending GPS on land transport	31
57		Section 91 amended (Availability of GPS)	31
58		Section 92 amended (Overview)	31
59		Section 94 amended (Objective of Agency)	32
60		Section 95 amended (Functions of Agency)	32
61		Section 96 amended (Operating principles)	32
62		Section 100 amended (Statement of intent)	32
63		Section 101 amended (Secretary must monitor and review specified activities and procedures)	32
64		Section 102 amended (Monitoring and reporting on delivery of approved Police activities or combinations of Police activities)	32
65		Section 103 amended (Secretary may declare State highways)	33
66		Section 105 amended (Regional transport committees)	33
67		Section 106 replaced (Functions of regional transport committee)	35
	106	Functions of regional transport committees	35
68		Section 107 amended (Procedure of committee)	35
69		New Parts 5 and 6 inserted	36

Part 5

Regulation of public transport

	114	Application of certain provisions of Local Government Act 2002 to Auckland Transport	36
	115	Public transport services must be provided under contract	36
		Subpart 1—Regional public transport plan	
116		Purpose of regional public transport plans	36
117		Validity of regional public transport plans not affected by certain events	36
		<i>General requirements</i>	
118		Adoption of regional public transport plans	37
119		Contents of regional public transport plans	38
120		Notification and provision of copies of plans	40
121		When regional public transport plans take effect	41

**Land Transport Management
Amendment Bill**

122	General exclusion of regional councils from liability to pay compensation	41
123	Matters to take into account when adopting regional public transport plans	41
124	Consultation requirements for regional public transport plans	42
125	Currency and variation of regional public transport plans	43
126	Power to require information from operators of public transport services	44
127	Power to require information from regional councils and Auckland Transport	45
128	Disclosure of information received under sections 126 and 127	45
	Subpart 2—Registration of exempt services	
	<i>Register of exempt services</i>	
129	All exempt services to be registered	48
130	Register of exempt services	48
131	Contents of register to be made available to public	49
132	Notification of proposal to operate or vary exempt services	49
133	Grounds for declining registration or variation of exempt services	50
134	Process for declining registrations or variations of exempt services	51
135	Registration of and variation to exempt services	51
136	Deregistration of exempt services and removing details of variations	52
137	Process for deregistering exempt services or removing details of variations	52
138	Withdrawal of exempt services	54
	Subpart 3—Miscellaneous	
	<i>Appeals</i>	
139	Right to appeal to Environment Court	54
140	Appeals to District Court	55
141	Procedure for appeals to District Court	55
142	Decisions of regional councils to continue in force pending appeals, etc	56
143	Appeals to High Court on questions of law	56
144	Further appeals to Court of Appeal	56

**Land Transport Management
Amendment Bill**

<i>Offences</i>		
145	Operating unregistered exempt services	57
146	Operating public transport services that are not exempt or contracted	57
147	Varying registered exempt services without giving notice required by section 132	57
148	Power to inspect records	58
<i>Regulations</i>		
149	Regulations	58
Part 6		
Transitional and savings provisions		
150	Transitional provisions for existing registered services	59
151	Transitional provisions for bus services registered under Public Transport Management Act 2008	60
152	Transitional provisions for notifications received but not processed before commencement of Act	60
153	Transitional provisions for certain existing documents or activities	61
154	Transitional provision for existing contracted public transport services	62
155	Savings provisions	62
156	Transitional regulations	64
Part 2		
Miscellaneous		
70	Repeals	64
71	Consequential amendments	64
Schedule		
Consequential amendments		

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Land Transport Management Amendment Act **2012**.

2 Commencement

- (1) **Sections 42 and 70(2)** come into force on a date appointed by the Governor-General by Order in Council.
- (2) **Section 66** comes into force on **1 May 2013**.
- (3) The rest of this Act comes into force on **1 April 2013**. 5

3 Principal Act

This Act amends the Land Transport Management Act 2003 (the **principal Act**).

Part 1
Amendments to Land Transport Management Act 2003 10

4 Section 3 replaced (Purpose)

Replace section 3 with:

“3 Purpose

The purpose of this Act is to contribute to an effective, efficient, and safe land transport system that supports the public interest.” 15

5 Section 4 amended (Treaty of Waitangi)

In section 4, replace “49, 59, 65H, 65I, 78, and 100(1)(f) and clause 6 of Schedule 7” with “and 100(1)(f)”. 20

6 Section 5 amended (Interpretation)

- (1) In section 5(1), replace the definition of **Auckland Council** with:

“**Auckland Council** means the governing body of the Auckland Council”. 25

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

“**bus service**—

“(a) means a service for the carriage of passengers for hire or reward by means of—

“(i) a large passenger service vehicle; or 30

“(ii) a small passenger service vehicle; but

“(b) does not include—

“(i) a shuttle service:

- “(ii) a service—
- “(A) that is contracted or funded by the Ministry of Education for the purpose of transporting school children to and from school:
 - “(B) that carries passengers and that is operated to transport all those passengers to or from a predetermined event: 5
 - “(C) that is operated primarily for the purpose of tourism, rather than for transporting people from place to place: 10
 - “(D) that does not run to a schedule:
 - “(E) that carries passengers and that is not available to the public generally
- “**commercial public transport service**—
- “(a) means a public transport service that is not supplied under contract with the regional council; and 15
 - “(b) includes, to the extent that the regional council has not contracted for the supply of only a part of the service, only that part
- “**company** has the same meaning as in section 2(1) of the Companies Act 1993 20
- “**event** includes a sporting, cultural, religious, or entertainment event, conference, meeting, convention, or exhibition
- “**exempt service** means a public transport service that is exempt under **section 129(2)** 25
- “**GPS on land transport** means the government policy statement on land transport issued under **section 66**; and includes any amendments made to the statement under **section 90**
- “**large passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998 30
- “**listed company** means a company whose shares are quoted on an official list of a recognised exchange
- “**New Zealand Railways Corporation** means the corporation constituted under section 4 of the New Zealand Railways Corporation Act 1981 35
- “**notify** means to notify in writing or electronically; and **notification** has a corresponding meaning

“**passenger service** has the same meaning as in section 2(1) of the Land Transport Act 1998

“**rail vehicle** has the same meaning as in section 4(1) of the Railways Act 2005

“**Route K** has the same meaning as in section 3 of the Tau- 5
ranga District Council (Route K Toll) Empowering Act 2000
(despite the repeal of that Act or any subsequent renaming of
the road)

“**service** includes an operation carried out on 1 occasion only

“**shuttle service** means a passenger service carried on by 10
means of a shuttle or shuttles

“**small passenger service vehicle** has the same meaning as in
section 2(1) of the Land Transport Act 1998

“**taxi service** has the same meaning as in section 2(1) of the
Land Transport Act 1998 15

“**toll payment point** means the point at which a vehicle enters
a tolling area of a road described in an Order in Council made
under section 46 or **48A** as a road that may be tolled

“**traffic management**, in relation to a public transport service,
includes— 20

“(a) the capacity of transport infrastructure to accommodate
the vehicles or other modes of transport operated as part
of the service; and

“(b) the compatibility of the transport infrastructure in-
tended to support the service with vehicles or other 25
modes of transport operated as part of the service

“**transport-disadvantaged** means people whom the regional
council has reasonable grounds to believe are the least able to
travel to basic community activities and services (for example,
work, education, health care, welfare, and shopping) 30

“**unit** means a public transport service, or group of public
transport services, that—

“(a) a regional council identifies in its regional public trans-
port plan; and

“(b) operates, or will operate, on the entire length of 1 or 35
more routes specified in the regional public transport
plan; and

- “(c) includes all of the public transport services operating to a timetable on the route or routes
- “**working day** has the same meaning as in section 5(1) of the Local Government Act 2002”.
- (3) In section 5(1), replace the definition of **public transport service** with: 5
- “**public transport service**—
- “(a) means, subject to **paragraph (b)**, the carriage of passengers for hire or reward by means of—
- “(i) a large passenger service vehicle; or 10
- “(ii) a small passenger service vehicle; or
- “(iii) a ferry; or
- “(iv) a hovercraft; or
- “(v) a rail vehicle; or
- “(vi) any other mode of transport (other than air transport) that carries passengers but is not available to the public generally; but, 15
- “(b) in relation to **Part 5**, does not include—
- “(i) a shuttle service:
- “(ii) a service— 20
- “(A) that is contracted or funded by the Ministry of Education for the purpose of transporting school children to and from school:
- “(B) that carries passengers and that is operated to transport all those passengers to or from a predetermined event: 25
- “(C) that is operated primarily for the purpose of tourism, rather than for transporting people from place to place:
- “(D) that does not run to a schedule”. 30
- (4) In section 5(1), replace the definition of **regional council** with:
- “**regional council**—
- “(a) means a regional council within the meaning of section 5(1) of the Local Government Act 2002; but
- “(b) when used in— 35
- “(i) Parts 2 and 4, includes a unitary authority except the Auckland Council:
- “(ii) Part 3, includes a unitary authority:

- “(iii) **Part 5**, includes Auckland Transport, a unitary authority except the Auckland Council, and any territorial authority to which the regional council has transferred the functions, powers, and duties of a regional council under that Part”. 5
- (5) In section 5(1), replace the definition of **regional land transport programme** with:
 “**regional land transport plan** means a regional land transport plan prepared under Part 2, as from time to time amended or varied”. 10
- (6) In section 5(1), replace the definition of **regional public transport plan** with:
 “**regional public transport plan** means a regional public transport plan adopted under **section 118**, and includes any variations to, or renewals of, the plan made under **section 118**”. 15
- (7) In section 5(1), replace the definition of **regional transport committee** with:
 “**regional transport committee** means—
 “(a) a regional transport committee established under section 105; or 20
 “(b) in the case of Auckland,—
 “(i) the governing body of Auckland Transport; or
 “(ii) a joint regional transport committee that includes Auckland Transport as a member”. 25
- (8) In section 5(1), replace the definition of **road** with:
 “**road**—
 “(a) means a road as defined in section 2(1) of the Government Roding Powers Act 1989; and
 “(b) despite the terms of that definition, includes a motorway as defined in that section; and 30
 “(c) includes toll booths and other toll-related infrastructure on a road”.
- (9) In section 5(1), repeal the definitions of **affected community**, **concession agreement**, **concession road**, **concessionaire**, **GPS**, **national land transport strategy**, **regional land transport strategy**, and **registered service**. 35

- (10) In section 5(1), definition of **State highway**, paragraph (c), replace “programmes” with “plans”.
- (11) After section 5(5), insert:
- “(6) All references to a regional land transport programme in any other Act, or in any regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, declaration, or other document are, unless inconsistent with the context or with the provisions of this Act, to be read as references to a regional land transport plan.”
- 7 Section 7A amended (Application of Act to Chatham Islands)**
- (1) Replace section 7A(2) with:
- “(2) Sections 13 to 18H (which relate to regional land transport plans) apply with the necessary modifications to the Chatham Islands Council as if that council were a unitary authority to which paragraph (b)(i) of the definition of regional council in section 5(1) applies, except that the Chatham Islands Council, rather than a regional transport committee, prepares and consults on a regional land transport plan for the Chatham Islands.”
- (2) Repeal section 7A(3).
- 8 Section 9 amended (The Crown’s authority to incur certain land transport expenses and capital expenditure)**
- Replace section 9(2) with:
- “(2) The Crown may utilise land transport revenue to fund—
- “(a) Police activities or combinations of Police activities up to the amount approved by the responsible Minister under section 18L:
- “(b) activities carried out by the Ministry or the Agency that are related to the protection of the land transport revenue base and the maintenance of the integrity of the revenue system (up to the amount approved by the responsible Minister and the Minister of Finance), including—
- “(i) the management of—

- “(A) fuel excise duty refunds under section 41 of this Act:
 - “(B) road user charges refunds under sections 30 to 33 of the Road User Charges Act 2012: 5
 - “(ii) the assessment of unpaid road user charges under Part 3 of the Road User Charges Act 2012 (including administrative and legal work associated with the independent review of, and appeal against, assessments of unpaid road user charges): 10
 - “(iii) forecasting of land transport revenue:
 - “(iv) land transport revenue-related strategy and policy activities:
 - “(v) monitoring the performance of the land transport revenue system.” 15
- 9 Section 10 amended (National land transport fund)**
- (1) In section 10(1)(b), replace “cashflow for the national land transport programme” with “the national land transport programme, including (but not limited to) its cashflow,”. 20
 - (2) After section 10(2)(b), insert:
 - “(ba) any toll revenue collected in respect of a road tolling scheme if—
 - “(i) the Minister has approved that toll revenue in-flow in writing; and 25
 - “(ii) the activities to be funded by that toll revenue in-flow are specified, in accordance with **section 46(3)(g)**, in an Order in Council made under section 46(1)(a):”.
 - (3) Repeal section 10(6). 30
- 10 Section 11 amended (Annual report on national land transport fund)**
- In section 11(2)(f), replace “any national land transport strategy or the relevant GPS:” with “the relevant GPS on land transport:”. 35

- 11 Cross-heading above section 12 amended**
In the cross-heading above section 12, replace “*programmes*” with “*plans*”.
- 12 Section 12 repealed (Overview of regional land transport programmes)** 5
Repeal section 12.
- 13 Section 13 amended (Responsibility for preparing and approving regional land transport programmes)**
- (1) In the heading to section 13, replace “**programmes**” with “**plans**”. 10
- (2) In section 13(1) and (2), replace “3” with “6”.
- (3) In section 13(1)(a) and (b) and (2)(a) and (b), replace “programme” with “plan”.
- (4) Repeal section 13(4) and (5).
- 14 Section 14 replaced (Core requirements of regional land transport programmes prepared by regional transport committees)** 15
Replace section 14 with:
- “14 Core requirements of regional land transport plans** 20
Before a regional transport committee submits a regional land transport plan to a regional council or Auckland Transport (as the case may be) for approval, the regional transport committee must—
- “(a) be satisfied that the regional land transport plan— 25
- “(i) contributes to the purpose of this Act; and
- “(ii) is consistent with the GPS on land transport; and
- “(b) have considered—
- “(i) alternative regional land transport objectives that would contribute to the purpose of this Act; and
- “(ii) the feasibility and affordability of those alternative objectives; and 30
- “(c) have taken into account any—
- “(i) national energy efficiency and conservation strategy; and

- “(ii) relevant national policy statements and any relevant regional policy statements or plans that are for the time being in force under the Resource Management Act 1991; and
- “(iii) likely funding from any source.”

5

15 Section 15 repealed (Core requirements of regional land transport programmes prepared by Auckland Transport)
Repeal section 15.

16 Section 16 replaced (Form and content of regional land transport programmes (for regions other than Auckland)) 10
Replace section 16 with:

“16 Form and content of regional land transport plans

- “(1) A regional land transport plan must set out the region’s land transport objectives, policies, and measures for at least 10 financial years from the start of the regional land transport plan. 15
- “(2) A regional land transport plan must include—
 - “(a) a statement of transport priorities for the region for the 10 financial years from the start of the regional land transport plan; and
 - “(b) a financial forecast of anticipated revenue and expenditure on activities for the 10 financial years from the start of the regional land transport plan; and 20
 - “(c) all regionally significant expenditure on land transport activities to be funded from sources other than the national land transport fund during the 6 financial years from the start of the regional land transport plan; and 25
 - “(d) an identification of those activities (if any) that have inter-regional significance.
- “(3) For the purpose of seeking payment from the national land transport fund, a regional land transport plan must contain, for the first 6 financial years to which the plan relates,— 30
 - “(a) for regions other than Auckland, activities proposed by approved organisations in the region relating to local road maintenance, local road renewals, local road minor capital works, and existing public transport services; 35
 - and

- “(b) in the case of Auckland, activities proposed by Auckland Transport; and
- “(c) the following activities that the regional transport committee decides to include in the regional land transport plan: 5
- “(i) activities proposed by approved organisations in the region or, in the case of Auckland, by the Auckland Council, other than those activities specified in **paragraphs (a) and (b)**; and
- “(ii) activities relating to State highways in the region that are proposed by the Agency; and 10
- “(iii) activities, other than those relating to State highways, that the Agency may propose for the region and that the Agency wishes to see included in the regional land transport plan; and 15
- “(d) the order of priority of the significant activities that a regional transport committee includes in the regional land transport plan under **paragraphs (a), (b), and (c)**; and
- “(e) an assessment of each activity prepared by the organisation that proposes the activity under **paragraph (a), (b), or (c)** that includes— 20
- “(i) the objective or policy to which the activity will contribute; and
- “(ii) an estimate of the total cost and the cost for each year; and 25
- “(iii) the expected duration of the activity; and
- “(iv) any proposed sources of funding other than the national land transport fund (including, but not limited to, tolls, funding from approved organisations, and contributions from other parties); and 30
- “(v) any other relevant information; and
- “(f) the measures that will be used to monitor the performance of the activities.
- “(4) An organisation may only propose an activity for inclusion in the regional land transport plan if that organisation accepts financial responsibility for the activity. 35
- “(5) For the purpose of the inclusion of activities in a national land transport programme,—

- “(a) a regional land transport plan must be in the form and contain the detail that the Agency may prescribe in writing to regional transport committees; and
- “(b) the assessment under **subsection (3)(e)** must be in a form and contain the detail required by the regional transport committee, taking account of any prescription made by the Agency under **paragraph (a)**. 5
- “(6) A regional land transport plan must also include—
- “(a) an assessment of how the plan complies with **section 14**; and 10
- “(b) an assessment of the relationship of Police activities to the regional land transport plan; and
- “(c) a list of activities that has been approved under section 20 but is not yet completed; and
- “(d) an explanation of the proposed action, if it is proposed that an activity be varied, suspended, or abandoned; and 15
- “(e) a description of how monitoring will be undertaken to assess implementation of the regional land transport plan; and
- “(f) a summary of the consultation carried out in the preparation of the regional land transport plan; and 20
- “(g) a summary of the policy relating to significance adopted by the regional transport committee under **section 106(2)**; and
- “(h) any other relevant matters. 25
- “(7) For the purposes of this section, **existing public transport services** means the level of public transport services in place in the financial year before the commencement of the regional land transport plan, and any minor changes to those services.”
- 17 Section 17 repealed (Form and content of Auckland Transport’s regional land transport programmes) 30**
Repeal section 17.
- 18 Section 18 amended (Consultation requirements)**
Replace section 18(1) with:
- “(1) When preparing a regional land transport plan, a regional transport committee— 35

- “(a) must consult in accordance with the consultation principles specified in section 82 of the Local Government Act 2002; and
“(b) may use the special consultative procedure specified in section 83 of the Local Government Act 2002.” 5
- 19 Section 18A amended (Consultation principles)**
- (1) Replace the heading to section 18A with “**Combining consultation processes**”.
- (2) Repeal section 18A(1).
- (3) In section 18A(2),— 10
(a) replace “subsection (1)” with “**section 18(1)**”; and
(b) replace “programme” with “plan”.
- (4) In section 18A(3),—
(a) replace “subsection (1)” with “**section 18(1)**”; and
(b) replace “programme” with “plan”. 15
- (5) In section 18A(4), replace “consult, under section 18 and this section, any organisation or person referred to in section 18” with “consult any organisation or person”.
- 20 Section 18B amended (Process for approving regional land transport programmes prepared by regional transport committees)** 20
- (1) In the heading to section 18B, replace “**programmes prepared by regional transport committees**” with “**plans prepared for regional councils**”.
- (2) In section 18B, replace “programme” with “plan” in each place. 25
- 21 Section 18C replaced (Reasons for not including activities in Auckland’s regional land transport plan)**
- Replace section 18C with:
- “**18C Reasons for not including activities in Auckland’s regional land transport plan** 30
If Auckland Transport decides not to include in its regional land transport plan an activity proposed by the Auckland Council or the Agency, Auckland Transport must, when forwarding its plan to the Agency, give the Auckland Council 35

or the Agency (as the case may require) written advice of the decision and the reasons for the decision.

“18CA Review of regional land transport plans

- “(1) A regional transport committee must complete a review of the regional land transport plan during the 6-month period immediately before the expiry of the third year of the plan. 5
- “(2) In carrying out the review, the regional transport committee must have regard to the views of representative groups of land transport users and providers.”

22 Section 18D amended (Variation of regional land transport programmes) 10

- (1) In the heading to section 18D, replace “**programmes**” with “**plans**”.
- (2) Replace section 18D(1) with:
 - “(1) A regional transport committee may prepare a variation to its regional land transport plan during the 6 years to which it applies if— 15
 - “(a) the variation addresses an issue raised by a review carried out under **section 18CA**; or
 - “(b) good reason exists for making the variation.” 20
- (3) In section 18D(3)(a), after “the Agency”, insert “or the Auckland Council”.
- (4) In section 18D(5), (6), (7), and (8), replace “programme” with “plan” in each place.
- (5) In section 18D(6), delete “or Auckland Transport”. 25

23 Section 18E amended (Changes to certain activities or combinations of activities)

- (1) In section 18E(1), replace “section 16(1)(a)” with “**section 16(3)(a)**”.
- (2) In section 18E(1) and (6), replace “programme” with “plan” 30 in each place.

- 24 Section 18F amended (Availability of regional land transport programmes)**
- (1) In the heading to section 18F, replace “programmes” with “plans”.
- (2) After section 18F(1)(a)(iv), insert: 5
“(v) in the case of Auckland, the Auckland Council; and”.
- (3) In section 18F(1) and (2), replace “programme” with “plan” in each place.
- 25 Section 18G amended (Separate consultation with Māori on particular activities)** 10
- (1) In section 18G(1), replace “approved organisation or the Agency”, with “approved organisation, the Auckland Council, or the Agency” in each place.
- (2) In section 18G(2), replace “approved organisation or the Agency”, with “approved organisation, the Auckland Council, or the Agency”. 15
- 26 Section 18J amended (Requirements before recommending Police activities or combinations of Police activities)** 20
- (1) Replace section 18J(2)(a)(i) and (ii) with:
“(i) contribute to the purpose of this Act; and
“(ii) are consistent with the GPS on land transport.”
- (2) Repeal section 18J(2)(b) and (c).
- 27 Section 19 repealed (Overview of national land transport programme)** 25
Repeal section 19.
- 28 Section 19A amended (Responsibility for preparing and adopting national land transport programme)**
- (1) In section 19A(2), replace “the start” with “1 September”. 30
- (2) Repeal section 19A(3).
- (3) In section 19A(4), replace “subsection (3)” with “this section”.

- 29 Section 19B amended (Core requirements for national land transport programme)**
- (1) Replace section 19B(a)(i) with:
 “(i) contributes to the purpose of this Act; and”.
- (2) Repeal section 19B(a)(ii). 5
- (3) In section 19B(a)(iii), replace “relevant GPS” with “GPS on land transport”.
- (4) Repeal section 19B(b)(i), (ii), and (vi).
- (5) In section 19B(b)(iii), replace “programmes” with “plans”.
- 30 Section 19C amended (Content of national land transport programme)** 10
- (1) In section 19C(c), replace “relevant GPS” with “GPS on land transport”.
- (2) In section 19C(f)(i), replace “programme” with “plan”.
- 31 Section 19D amended (Notification about decision not to include activities in national land transport programme)** 15
- In section 19D(1)(b), replace “regional land transport programme” with “regional land transport plan”.
- 32 Section 19E amended (Variation of national land transport programme)** 20
- Replace section 19E(3) with:
- “(3) If the GPS on land transport is amended under **section 90(1)**, the Agency must vary the national land transport programme as soon as practicable if necessary to give effect to the amendment.” 25
- 33 Section 20 amended (Approval of activities and combinations of activities)**
- (1) Replace section 20(2)(c) with:
 “(c) the activity or combination of activities is—
 “(i) consistent with the GPS on land transport; and 30
 “(ii) efficient and effective; and”.
- (2) Replace section 20(2)(d) with:

- “(d) the activity or combination of activities contributes to the Agency’s objective; and”.
- (3) Replace section 20(3) with:
- “(3) In approving a proposed activity or combination of activities, the Agency must— 5
- “(a) take into account—
- “(i) any national energy efficiency and conservation strategy; and
- “(ii) any relevant national policy statements and relevant regional policy statements that are for the time being in force under the Resource Management Act 1991; and 10
- “(b) act in accordance with its operating principles.”
- (4) In section 20(5)(a), replace “relevant GPS” with “GPS on land transport”. 15
- (5) In section 20(5)(b)(iii), replace “relevant GPS” with “GPS on land transport”.
- 34 Section 22 amended (Funding for Māori roadways)**
In section 22(3), replace “programme” with “plan”.
- 35 Section 26 amended (Payments exempt from procurement procedure) 20**
Replace section 26(e) with:
- “(e) made in respect of any public transport service identified in a regional public transport plan in relation to any 12-month period that follows the withdrawal or proposed withdrawal of the operator from the provision of the service; or” 25
- 36 Section 35 amended (Needs of transport disadvantaged must be considered)**
- (1) In the heading to section 35, replace “**transport disadvantaged**” with “**transport-disadvantaged**”. 30
- (2) In section 35, after “programme”, insert “or plan”.
- (3) In section 35, replace “transport disadvantaged” with “transport-disadvantaged”.

- 37 Section 38A repealed (Good reasons for refusing to supply requested information)**
Repeal section 38A.
- 38 Section 40 repealed (Apportionment of excise duty and excise-equivalent duty)** 5
Repeal section 40.
- 39 Subpart 2 heading in Part 2 amended**
In the subpart 2 heading in Part 2, delete “and concession agreements”.
- 40 Section 46 amended (Authority to establish road tolling scheme)** 10
Replace section 46(3)(g) with:
“(g) specify, in relation to a new road, the purposes under subsection (1) for which toll revenue inflow may be used (including reimbursement of the costs related to the new road):” 15
- 41 Section 48 amended (Procedure for recommending making of order under section 46)**
(1) Replace section 48(1) with:
“(1) The Minister must not recommend the making of an Order in Council under section 46(1) unless he or she is satisfied— 20
“(a) that the relevant public road controlling authority or authorities have carried out adequate consultation on the proposed tolling scheme; and
“(b) with the level of community support for the proposed tolling scheme in the relevant region or regions; and 25
“(c) that the requirement in subsection (2) (if applicable) is met; and
“(d) that a feasible, untolled, alternative route is available to road users; and 30
“(e) that the proposed tolling scheme is efficient and effective.”
(2) Repeal section 48(3) and (5).

42 New sections 48A and 48B inserted

After section 48, insert:

“48A Authority to establish road tolling scheme for Route K

Despite section 46(1), the Governor-General may, by Order in Council made on the recommendation of the Minister, establish a road tolling scheme for Route K as if it were a new road and sections 46 and 50 to 55 apply with the necessary modifications.

“48B When tolling power is exercisable for Route K

“(1) The power of a public road controlling authority or toll operator to begin tolling a road or part of it in accordance with an Order in Council made under **section 48A** is exercisable from the date that the order commences.

“(2) The power of a public road controlling authority or toll operator to continue tolling a road or part of it in accordance with an order made under **section 48A** is exercisable—

“(a) during the period specified for the purpose in the order; or

“(b) if no period is specified in the order, while the toll-setting provisions of the order remain in force.”

43 Section 49 repealed (Consultation requirements)

Repeal section 49.

44 Section 51 amended (Payment of tolls)

Repeal section 51(3).

45 Section 52 amended (Who is liable to pay toll)

(1) After section 52(3), insert:

“(3A) Notice under subsection (3) may be given by—

“(a) ordinary post delivered to the street address of the registered person’s usual or last known place of business or residence:

“(b) electronic means of communication delivered to the registered person’s electronic address if the toll operator complies with the Electronic Transactions Act 2002.

- “(3B) Unless the registered person proves that the registered person did not (through no fault of the registered person) receive the notice given under subsection (3), a notice delivered by—
- “(a) ordinary post is to be treated as having been delivered 5 working days after the date on which it was posted: 5
 - “(b) electronic means of communication is to be treated as having been delivered on the day after the date on which it was delivered to the person’s electronic address.”
- (2) Replace section 52(5) with:
- “(5) Tolls are not payable in respect of any motor vehicle that— 10
- “(a) is an emergency vehicle; or
 - “(b) is exempt by virtue of an Order in Council made under section 46(1).
- “(6) For the purposes of **subsection (5), emergency vehicle** means a vehicle that is used for attendance at emergencies 15 and operated—
- “(a) as a police vehicle;
 - “(b) as an ambulance service vehicle;
 - “(c) as a fire service vehicle.”
- 46 Section 54 amended (Offences and penalties) 20**
In section 54(1), delete “refuses or”.
- 47 Cross-heading above section 56 replaced**
Replace the cross-heading above section 56 with:
“Delegation”.
- 48 Sections 56 to 60 repealed 25**
Repeal sections 56 to 60.
- 49 Section 61 amended (Delegation of roading functions and powers to concessionaires)**
- (1) In the heading to section 61, delete “to concessionaires”.
 - (2) Replace section 61(1) with: 30
- “(1) For the purpose of enabling another person to construct or operate a toll road, a road controlling authority may, with the prior approval of the Minister, delegate in writing to that person all or any of its functions and powers under—

- “(a) Part 21 of the Local Government Act 1974; or
“(b) Part 4 of the Government Roothing Powers Act 1989, other than the power under section 61(3) of that Act to make bylaws or the power under section 62 of that Act to delegate.” 5
- (3) In section 61(2), replace “a concessionaire” with “another person”.
- (4) In section 61(2)(a), replace “concessionaire” with “person”.
- (5) In section 61(2)(b), replace “concessionaire” with “person”.
- (6) In section 61(3), replace “concessionaire” with “person”. 10
- (7) After section 61(4), insert:
“(5) For the purposes of this section, **person** includes (but is not limited to) any private sector person that has entered into a written agreement with the Crown to construct or operate a new toll road.” 15
- 50 Section 62 amended (Effect of delegation under section 61)**
In section 62(4), replace “on the terms and conditions agreed in the relevant concession agreement” with “at any time”.
- 51 Section 63 amended (Leasing)**
- (1) Replace 63(1) with: 20
“(1) A road controlling authority may, for the purpose of enabling another person to construct or operate a toll road and with the prior written approval of the Minister, grant a lease for a term not longer than 49 years over any land under the control of the road controlling authority.” 25
- (2) Repeal section 63(2).
- (3) Repeal section 63(4)(a).
- (4) In section 63(4)(b), replace “concession” with “written”.
- (5) In section 63(5), replace “concession” with “written agreement”. 30
- (6) After section 63(7), insert:
“(8) For the purposes of this section, **written agreement** includes (but is not limited to) a written agreement that a private sector person has entered into with the Crown to construct or operate a new toll road.” 35

- 52 Section 65 amended (This Part and other land legislation enforceable in relation to concession roads and toll roads)**
- (1) In the heading to section 65, delete “**concession roads and**”.
 - (2) In section 65(2), delete “concession road or”.
 - (3) In section 65(2)(a), replace “who are constables and enforcement officers who are a Police employee who is not a constable” with “who are not constables but who are Police employees”.
 - (4) In section 65(2)(b), after “section 208(1)”, insert “or **(3)(a)(iii)**”.
 - (5) In section 65(3), delete “concession road or”.
- 53 Subpart 3 of Part 2 repealed**
Repeal subpart 3 of Part 2.
- 54 Sections 66 to 71 and cross-heading above section 66 replaced**
- Replace sections 66 to 71 and the cross-heading above section 66 with:
- “GPS on land transport*
- “66 Minister must issue GPS on land transport**
- “(1) The Minister must issue a GPS on land transport—**
 - “(a) before the start of the first financial year to which it applies; and**
 - “(b) that covers a period of six financial years.**
 - “(2) The Minister must issue a replacement GPS on land transport under **subsection (1)** before the current GPS on land transport expires.**
 - “(3) If a GPS on land transport that is issued under **subsection (1)** is replaced, the GPS on land transport that is replaced expires on the date that it is replaced.**
- “67 Preparation or review of GPS on land transport**
- “(1) When preparing or reviewing a GPS on land transport, the Minister must—**
 - “(a) be satisfied that the GPS on land transport contributes to the purpose of this Act; and**

- “(b) take into account—
- “(i) any national energy efficiency and conservation strategy; and
- “(ii) any relevant national policy statement that is in force under the Resource Management Act 1991; and
- “(c) have regard to the views of Local Government New Zealand and representative groups of land transport users and providers.
- “(2) For the purposes of **subsection (1)**, the Minister must, at least once in every period of 3 financial years, review the Crown’s land transport investment strategy required under **section 68(1)(b)**.
- “(3) To avoid doubt, nothing in **subsection (2)** limits **section 90(1)**.
- “(4) Before issuing a GPS on land transport, the Minister must consult the Agency about the proposed GPS on land transport.
- “**68 Content of GPS on land transport**
- “(1) The GPS on land transport must include—
- “(a) the results that the Crown wishes to achieve from the allocation of funding from the national land transport fund over a period of at least 10 consecutive financial years; and
- “(b) the Crown’s land transport investment strategy; and
- “(c) the Crown’s policy on borrowing for the purpose of managing the national land transport programme.
- “(2) The Crown’s land transport investment strategy—
- “(a) must link the amount of revenue raised from road users with the planned levels of expenditure from the national land transport fund; and
- “(b) must, for the first 6 financial years of the GPS on land transport and any subsequent years that the Minister considers relevant, address the following matters:
- “(i) the short-term to medium-term results that the Crown wishes to achieve through the allocation of funding from the national land transport fund;
- “(ii) the activity classes to be funded from the national land transport fund:

- “(iii) likely revenue, including changes to the duties, fees, and charges paid into the national land transport fund:
- “(iv) the identification of an expenditure target for the national land transport programme for each year: 5
- “(v) a maximum and a minimum level of expenditure for the national land transport programme for each year (subject to the ability to carry forward funds from the closing balance of the national land transport fund for a financial year to a future financial year): 10
- “(vi) an allowable variation between expenses and capital expenditure incurred under the national land transport programme and the inflows received by the national land transport fund: 15
- “(vii) funding ranges for each activity class:
- “(viii) the allowable reasons for varying the expenditure target identified under **subparagraph (iv)** when making funding allocation decisions:
- “(ix) a statement of the Minister’s expectations of how the Agency gives effect to the GPS on land transport; and 20
- “(c) must specify the forecast funding ranges for each activity class for the period of 4 financial years following the first 6 financial years of the GPS on land transport; and 25
- “(d) must state the overall investment likely to be made in the land transport sector over a period of 10 financial years and the likely or proposed funding sources.
- “(3) The GPS on land transport may include the following:
 - “(a) the background of the GPS on land transport, including any relevant land transport policies: 30
 - “(b) any relevant funding policy:
 - “(c) subject to the Public Finance Act 1989, any additional expected funding for land transport activities, including (but not limited to) any money that Parliament may appropriate for the purpose: 35
 - “(d) any other relevant matters.

“69 Status of GPS on land transport

To avoid doubt, a GPS on land transport is not—

- “(a) a direction for the purposes of Part 3 of the Crown Entities Act 2004; or
- “(b) a regulation for the purposes of the Acts and Regulations Publication Act 1989; or 5
- “(c) a regulation for the purposes of the Regulations (Disallowance) Act 1989.

“70 Agency to give effect to GPS on land transport in respect of funding of land transport system

10

“(1) The Agency must give effect to the GPS on land transport when performing its functions under subpart 1 of Part 2 in respect of land transport planning and funding.

“(2) To avoid doubt, the GPS on land transport may not impose an obligation on the Agency to approve or decline funding for a particular activity or any combination of activities under section 20. 15

“71 Availability of GPS on land transport

As soon as practicable after issuing a GPS on land transport, the Minister must— 20

- “(a) present a copy of the GPS on land transport to the House of Representatives; and
- “(b) arrange for a copy of the GPS on land transport to be given to each of the following: 25
 - “(i) the Secretary:
 - “(ii) the Agency:
 - “(iii) the Commissioner:
 - “(iv) every approved organisation:
 - “(v) the Auckland Council; and
- “(c) make a copy of the GPS on land transport publicly available in accordance with section 108.” 30

55 Sections 72 to 89 and related cross-headings repealed

Repeal sections 72 to 89 and the cross-headings above sections 73 and 84.

56 Section 90 replaced (Amending current GPS)

Replace section 90 with:

“90 Amending GPS on land transport

- “(1) The Minister may amend the GPS on land transport at any time. 5
- “(2) The provisions of this Act regarding the preparation and availability of a GPS on land transport—
- “(a) apply with the necessary modifications to an amendment to the GPS on land transport; but
 - “(b) do not apply if the amendment to the GPS on land transport is not significant.” 10

57 Section 91 amended (Availability of GPS)

- (1) In the heading to section 91, replace “GPS” with “**amended GPS on land transport**”.
- (2) In section 91, replace “a GPS” with “an amended GPS on land transport”.
- (3) In section 91(a) to (c), replace “the GPS” with “the amended GPS on land transport”.
- (4) Replace section 91(b)(iv) with:
- “(iv) every approved organisation: 20
 - “(v) the Auckland Council; and”.

58 Section 92 amended (Overview)

- (1) Replace section 92(2)(b) with:
- “(b) section 16, which concerns the form and content of regional land transport plans, and includes procedures for the Agency to propose activities for inclusion in a plan; and” 25
- (2) Replace section 92(2)(e) with:
- “(e) **section 70**, which concerns the requirement for the Agency to give effect to the GPS on land transport when exercising its functions under subpart 1 of Part 2; and” 30

- 59 Section 94 amended (Objective of Agency)**
In section 94, replace “an affordable, integrated, safe, responsive, and sustainable land transport system” with “the purpose of this Act”.
- 60 Section 95 amended (Functions of Agency)** 5
(1) Replace section 95(1)(a) with:
“(a) to promote an efficient, effective, and safe land transport system that supports the public interest:”
(2) Replace section 95(1)(d) with:
“(d) to deliver or manage the delivery of its other activities, including (but not limited to) those relating to research, education, and training:” 10
(3) In section 95(1)(e)(i), delete “and regional fuel taxes”.
- 61 Section 96 amended (Operating principles)**
Replace section 96(1)(a) with: 15
“(a) exhibit a sense of social and environmental responsibility; and”.
- 62 Section 100 amended (Statement of intent)**
In section 100(1)(a), replace “GPS” with “GPS on land transport”. 20
- 63 Section 101 amended (Secretary must monitor and review specified activities and procedures)**
(1) In the heading to section 101, replace “**must**” with “**may**”.
(2) In section 101(1), replace “must” with “may”.
- 64 Section 102 amended (Monitoring and reporting on delivery of approved Police activities or combinations of Police activities)** 25
(1) In section 102(1), replace “The Secretary, or the Agency if designated for the purpose by the Secretary,” with “The Agency”.
(2) In section 102(3), replace “The Secretary must provide the Minister and the Agency” with “The Agency must provide the Minister”. 30

- (3) Repeal section 102(4) and (5).

65 Section 103 amended (Secretary may declare State highways)

- (1) In the heading to section 103, replace “Secretary” with “Agency”. 5
- (2) Replace section 103(1) with:
- “(1) The Agency, with the consent of the Secretary,—
- “(a) may, by notice in the *Gazette*, declare a road to be a State highway; and
- “(b) must, by the same or a subsequent notice, define the route of the State highway by town, road name, or route position.” 10
- (3) In section 103(3), replace “Secretary” with “Agency” in each place.
- (4) In section 103(4), replace “Secretary” with “Agency”. 15
- (5) Replace section 103(8) with:
- “(8) Before making a declaration under **subsection (1)** or varying or revoking a declaration under subsection (4), the Agency must consult any regional council or territorial authority that may be affected by the proposed declaration, variation, or revocation and, if the road concerned is within Auckland, the Agency must also consult Auckland Transport and the Auckland Council.” 20

66 Section 105 amended (Regional transport committees)

- (1) Repeal section 105(2)(d) to (i). 25
- (2) Replace section 105(3)(a) with:
- “(a) 4 persons to represent the unitary authority; and”.
- (3) Repeal section 105(3)(c) to (h).
- (4) Repeal section 105(5) and (8).
- (5) Replace section 105(9) with: 30
- “(9) Despite subsections (1) to (3), 2 or more adjoining regional councils or Auckland Transport and 1 or more adjoining regional councils may agree in writing to establish a joint regional transport committee and prepare a regional land trans-

- port plan, in which case subsections (4), (6), and (7) apply with all necessary modifications.
- “(9A) Despite subsections (1) to (3), the parties to a joint regional transport committee established under **subsection (9)** must appoint to the committee— 5
- “(a) 2 persons to represent each regional council that is a party to the agreement:
- “(b) 1 person to represent each territorial authority in the region of each regional council that is a party to the agreement: 10
- “(c) 1 person to represent the Agency:
- “(d) 2 persons to represent Auckland Transport if Auckland Transport is a party to the agreement.
- “(9B) The agreement to establish a joint regional transport committee must specify the procedure for appointing the chair and deputy chair of the committee. 15
- “(9C) The chair and deputy chair of a joint regional transport committee established under **subsection (9)** must,—
- “(a) in the case of a joint regional transport committee made up of adjoining regional councils, both be persons who 20 represent a regional council:
- “(b) in the case of a joint regional transport committee made up of Auckland Transport and adjoining regional councils, both be persons who represent Auckland Transport or a regional council.” 25
- (6) After section 105(10), insert:
- “(10A) If Auckland Transport establishes a joint regional transport committee with 1 or more adjoining regional councils under **subsection (9)**, any reference to a regional council in Part 2 must be treated as a reference to Auckland Transport and each 30 of those adjoining regional councils.
- “(10B) If a joint regional transport committee is established under **subsection (9)**, references to a region in Part 2 must be treated as references to each of the regions that are represented on the joint regional transport committee.” 35
- (7) Repeal section 105(13).

67 Section 106 replaced (Functions of regional transport committee)

Replace section 106 with:

“106 Functions of regional transport committees

“(1) The functions of each regional transport committee (other than the regional transport committee for Auckland) are— 5

“(a) to prepare a regional land transport plan, or any variation to the plan, for the approval of the relevant regional council; and

“(b) to provide the regional council with any advice and assistance the regional council may request in relation to its transport responsibilities. 10

“(2) Each regional transport committee, including the regional transport committee for Auckland, must adopt a policy that determines significance in respect of— 15

“(a) variations made to regional land transport plans under section 18D; and

“(b) the activities that are included in the regional land transport plan under **section 16**. 20

“(3) A joint regional transport committee established under **section 105(9)** must— 20

“(a) prepare the joint regional land transport plan in accordance with **sections 14 and 16**; and

“(b) consult in accordance with sections 18 and 18A; and

“(c) lodge the joint regional land transport plan with the relevant regional councils or Auckland Transport (as the case may be) in accordance with section 18B.” 25

68 Section 107 amended (Procedure of committee)

(1) Repeal section 107(1).

(2) After section 107(3), insert: 30

“(4) Despite section 43(2)(b) of the Local Government (Auckland Council) Act 2009, in the case of the regional transport committee for Auckland, the representative of the Agency has the same voting rights as that representative would have as a member of any other regional transport committee, including (but not limited to) voting rights for the purpose of preparing a regional land transport plan.” 35

69 New Parts 5 and 6 inserted

After Part 4, insert:

“Part 5**“Regulation of public transport****“114 Application of certain provisions of Local Government Act 2002 to Auckland Transport 5**

For the purposes of this Act, sections 76 to 83A, 87, and 89 of the Local Government Act 2002 apply, with any necessary modifications, to Auckland Transport as if it were a local authority.

10

“115 Public transport services must be provided under contract

“(1) Any public transport service operated in a region must be provided under contract with a regional council as part of a unit unless it is an exempt service.

“(2) A regional council must contract for the provision of every unit on an exclusive basis. 15

“Subpart 1—Regional public transport plan**“116 Purpose of regional public transport plans**

The purpose of a regional public transport plan is to—

“(a) specify the public transport services that the regional council proposes to be provided in the region in a manner that is consistent with the regional land transport plan; and 20

“(b) encourage co-operation and co-ordination between regional councils, operators, and territorial authorities to provide services that are better value for money and that support passenger growth; and 25

“(c) establish a fair basis upon which a competitive and efficient market for public transport services can grow.

“117 Validity of regional public transport plans not affected by certain events 30

A regional public transport plan is not invalid merely because the regional council—

- “(a) has failed to complete the review of the regional public transport plan within the time required by **section 125(1)(b)**; or
- “(b) has included any matter that is not referred to in the regional land transport plan so long as the included matter is consistent with the regional land transport plan. 5

“General requirements

“118 Adoption of regional public transport plans

- “(1) A regional council must, by resolution on or before 1 July 2015, adopt a regional public transport plan unless it does not intend to— 10
 - “(a) enter into any contract for the supply of any public transport service:
 - “(b) provide any financial assistance to any operator or user of— 15
 - “(i) a taxi service:
 - “(ii) a shuttle service.
- “(2) A regional council may, by resolution at any time, vary or renew a regional public transport plan previously adopted by it. 20
- “(3) The production in proceedings of a copy of a regional public transport plan purporting to have been adopted, varied, or renewed by a regional council under this section is, in the absence of evidence to the contrary, sufficient evidence of the plan and of the fact that it has been adopted, varied, or renewed in accordance with this section. 25
- “(4) A regional council (or a territorial authority to which the responsibility is transferred under the Local Government Act 2002) may not delegate the responsibility for adopting, varying, or renewing a regional public transport plan to a committee or other subordinate decision-making body, or a member or an officer of the council (or territorial authority, as the case may be), or any other person. 30
- “(5) If a territorial authority has joined a regional transport committee under section 105(11), the plan applying in the region of the regional transport committee applies to the entire area of the territorial authority. 35

“119 Contents of regional public transport plans

- “(1) A regional council, in a regional public transport plan,—
- “(a) must specify any objectives and policies that are to apply to public transport services described in the plan, and to any services referred to in **paragraph (c)(viii)**, in a manner that is consistent with the public transport components of the regional land transport plan that applies to the region; and 5
 - “(b) must specify the classes of services to which the objectives and policies apply; and 10
 - “(c) must—
 - “(i) describe how the regional council will implement its public transport policies; and
 - “(ii) describe the network of public transport services (excluding exempt services) that the regional council proposes to provide; and 15
 - “(iii) specify the routes, capacities, times, and frequencies of the public transport services referred to in **subparagraph (ii)**; and
 - “(iv) arrange all of the public transport services (excluding exempt services) into units; and 20
 - “(v) indicate the date by which any public transport service is expected to start operating as a unit or part of a unit; and
 - “(vi) indicate the date by which any public transport service that is not an exempt service and is not included in a unit in the plan is to be deregistered; and 25
 - “(vii) identify any public transport services for which the regional council intends to provide financial assistance; and 30
 - “(viii) identify any taxi services or shuttle services for which the regional council intends to provide financial assistance; and
 - “(ix) describe how the network of public transport services and the services referred to in **subparagraph (viii)** will assist the transport-disadvantaged; and 35

- “(d) may state or describe any other matters that the regional council thinks fit.
- “(2) Without limiting **subsection (1)(a)**, a regional council—
- “(a) must, in relation to any public transport services (other than exempt services), include in a regional public transport plan policies on—
- “(i) the information that the operators must supply to the regional council and the Agency for public transport planning, contracting, and monitoring purposes; and
- “(ii) accessibility standards, quality standards, and performance standards; and
- “(iii) fares and the method or formula or other bases for setting and reviewing those fares; and
- “(iv) the process for establishing units; and
- “(v) the contracting procedure that will be used to procure the delivery of the service or services in a unit; and
- “(vi) how the procurement of units will be phased in over time; and
- “(vii) managing, monitoring, and evaluating the performance of units; and
- “(b) may include in a regional public transport plan—
- “(i) policies on providing or promoting an integrated public transport system:
- “(ii) any other policies that the regional council thinks fit.
- “(3) The contracting procedure specified in **subsection (2)(a)(v)** must,—
- “(a) in relation to any public transport service for which the regional council intends to provide financial assistance, be an approved procurement procedure under section 25; and
- “(b) in relation to any public transport service for which the regional council does not intend to provide financial assistance, be approved by the Agency.
- “(4) A regional public transport plan must set out the policy the regional council will apply in determining whether a proposed

variation to the regional public transport plan is significant for the purpose of **section 125(6)**.

- “(5) A regional public transport plan may—
- “(a) provide that an action described in the plan must or may be done by a regional council or a committee or other subordinate decision-making body or a member or officer of the regional council; and
 - “(b) specify conditions that apply to that action.
- “(6) **Subsection (5)** does not limit or affect anything in the Local Government Act 2002.

“**120 Notification and provision of copies of plans**

- “(1) If a regional council adopts or varies a regional public transport plan, the regional council must—
- “(a) ensure that notice is given, as soon as practicable, in the relevant newspaper circulating in the region of the adoption or variation of the plan and its availability for inspection and purchase; and
 - “(b) give, as soon as practicable, to the operator of every public transport service in the region, and to every person who has notified the regional council of a proposal to operate an exempt service in the region, written or electronic notice of the adoption and a copy of the plan (or variation); and
 - “(c) within 20 working days of adopting or varying a regional public transport plan,—
 - “(i) notify, in writing or electronically, each of the following of the regional public transport plan or variation:
 - “(A) the Agency:
 - “(B) the Secretary:
 - “(C) the Minister of Education:
 - “(D) the New Zealand Railways Corporation:
 - “(E) territorial authorities in the region:
 - “(F) the relevant regional transport committee:
 - “(G) in the case of a plan or a variation adopted by Auckland Transport, the Auckland Council; and
 - “(ii) ensure that—

- “(A) copies of the plan or variation are kept at the regional council’s principal office and such other places that the regional council appoints and made available for public inspection, free of charge, and for purchase at a reasonable price; and 5
- “(B) a copy of the plan or variation is made available on the regional council’s Internet site.
- “(2) A regional council may publish a regional public transport plan and a regional land transport plan as a single document. 10
- “121 When regional public transport plans take effect**
A regional public transport plan takes effect on the day that is 20 working days after the date on which the regional council adopts the plan. 15
- “122 General exclusion of regional councils from liability to pay compensation**
- “(1) Nothing included in a regional public transport plan makes a regional council liable to pay compensation to any person.
- “(2) Nothing makes a regional council liable to pay compensation to any person for anything that is done by the regional council in— 20
- “(a) removing an exempt service from the register; or
- “(b) removing details of a variation to an exempt service from the register; or 25
- “(c) declining to register an exempt service; or
- “(d) declining to record a variation to an exempt service in the register.
- “123 Matters to take into account when adopting regional public transport plans** 30
A regional council must, before adopting a regional public transport plan,—
- “(a) be satisfied that the plan—
- “(i) is consistent with the public transport service components of the regional land transport plan; 35
and

- “(ii) contributes to the purpose of this Act; and
- “(iii) is consistent with the GPS on land transport; and
- “(b) take into account—
 - “(i) any national energy efficiency and conservation strategy; and 5
 - “(ii) any relevant regional policy statement, regional plan, district plan, or proposed regional plan or district plan under the Resource Management Act 1991; and
 - “(iii) the public transport funding likely to be available within the region; and 10
 - “(iv) the need to obtain the best value for money, having regard to the desirability of encouraging a competitive and efficient market for public transport services; and 15
 - “(v) the views of public transport operators in the region; and
 - “(vi) any guidelines that the Agency has issued for the purposes of developing regional public transport plans; and 20
- “(c) consider the needs of persons who are transport-disadvantaged.

“124 Consultation requirements for regional public transport plans

- “(1) When preparing a draft regional public transport plan, a regional council must consult— 25
 - “(a) the relevant regional transport committee (and, in the case of Auckland Transport, the Auckland Council and each affected local board of the Auckland Council); and
 - “(b) the Agency; and 30
 - “(c) every operator of a public transport service in the region; and
 - “(d) every person who has notified the regional council of a proposal to operate an exempt service in the region; and
 - “(e) the Minister of Education; and 35
 - “(f) the territorial authorities in the region; and
 - “(g) the New Zealand Railways Corporation.

- “(2) Before adopting a regional public transport plan, a regional council or Auckland Transport (as the case may be)—
- “(a) must consult in accordance with the consultative principles specified in section 82 of the Local Government Act 2002; and 5
- “(b) may use the special consultative procedure specified in sections 83, 87, and 89 of the Local Government Act 2002, and those sections apply for the purposes of this section with the necessary modifications.
- “(3) A regional council that is preparing a regional public transport plan may request any information from any territorial authority within its region that the regional council considers necessary to perform its functions under this Act in relation to that plan, and the territorial authority must promptly comply with that request. 10
15
- “(4) A regional council may carry out consultation on a proposal to adopt a regional public transport plan in conjunction with the relevant regional transport committee’s consultation on its regional land transport plan under this Act.
- “125 Currency and variation of regional public transport plans 20**
- “(1) A regional public transport plan adopted under **section 118**—
- “(a) must, at all times, be kept current for a period of not less than 3 years in advance, but not more than 10 years in advance; and
- “(b) may be reviewed by the regional council from time to time, but must be reviewed and, if necessary, renewed or varied at the same time as, or as soon as practicable after, the public transport service components of a regional land transport plan are approved or varied. 25
- “(2) The purpose of a review of a regional public transport plan is to consider whether the plan will continue to be consistent with the public transport service components of the relevant regional land transport plan. 30
- “(3) If the regional council is—
- “(a) reasonably satisfied that the plan does the thing specified in **subsection (2)**, it must give public notice of that decision: 35

- “(b) not reasonably satisfied that the plan does the thing specified in **subsection (2)**, it must vary or renew the plan in accordance with this Act.
- “(4) Subject to **subsections (6) and (7)**, the provisions of this Act that apply to the adoption of a regional public transport plan apply with the necessary modifications to a variation or renewal of a regional public transport plan. 5
- “(5) A variation forms part of the regional public transport plan it varies.
- “(6) **Section 124(1)** does not apply in respect of a proposed variation to a regional public transport plan if the variation is not significant, in which case, for the purposes of **section 124(2)(a)**, the persons who will or may be affected by, or have an interest in, the proposed variation include public transport operators and those persons who have notified the regional council of a proposal to operate a public transport service in the region. 10 15
- “(7) **Subsection (6)** does not apply to a variation that would alter the policy that the regional council applies in determining whether a proposed variation to a regional public transport plan is significant. 20
- “(8) A regional council may, by resolution publicly notified, correct minor errors in a regional public transport plan but only if the correction does not affect an existing right, interest, or duty of any person or organisation that is affected by or has an interest in the regional public transport plan. 25
- “**126 Power to require information from operators of public transport services**
- “(1) A regional council—
- “(a) may require an operator of a unit to provide the regional council with revenue and patronage data for the unit for the preceding 3 or more financial years; and 30
- “(b) must publish the patronage data for the unit; and
- “(c) may disclose, in accordance with the contracting procedure described in **section 119(2)(a)(v)**, the revenue data for the unit to potential bidders when tendering for the provision of the unit. 35

“(2) A regional council may require the information required under **subsection (1)** to be provided to the regional council in any specified form in which, having regard to the manner in which the information is kept by the operator, it is reasonable to expect the operator to provide it. 5

“**127 Power to require information from regional councils and Auckland Transport**

“(1) The Agency may require a regional council to provide it with information related to public transport planning, contracting, and monitoring that is necessary to enable the Agency to perform its functions under this Act, including information provided to the regional council under **section 126**. 10

“(2) If the Agency requires the regional council to provide information under **subsection (1)**, the regional council must provide the information as soon as is reasonably practicable. 15

“(3) The Auckland Council may require Auckland Transport to provide it with any information related to the preparation of Auckland Transport’s regional public transport plan that is necessary to enable the Auckland Council to perform its function of providing funds to Auckland Transport for land transport purposes under the Local Government (Auckland Council) Act 2009, including information provided to Auckland Transport under **section 126**. 20

“(4) If the Auckland Council requires Auckland Transport to provide any information under **subsection (3)**, Auckland Transport must provide the information as soon as is reasonably practicable. 25

“**128 Disclosure of information received under sections 126 and 127**

“(1) If a regional council or the Auckland Council (an **organisation**) receives under **section 126 or 127** revenue data that may, in the organisation’s opinion, be withheld under section 7(2)(b) of the Local Government Official Information and Meetings Act 1987 or that has been described by the operator of the unit that provided it as commercially sensitive, the organisation must not disclose the revenue data without the operator’s consent except— 30 35

- “(a) to potential bidders under **section 126(1)(c)**; or
- “(b) to the organisation’s professional advisers; or
- “(c) in the case of information received by an organisation that is a regional council, to those persons or entities engaged by the regional council to carry out public transport planning, contracting, or monitoring; or 5
- “(d) to the Agency, in accordance with **section 127(2)**; or
- “(e) in the case of information received by Auckland Transport, to the Auckland Council, in accordance with **section 127(4)**; or 10
- “(f) subject to **subsection (2)**, in response to a request made under the Local Government Official Information and Meetings Act 1987; or
- “(g) where the revenue data was provided to the organisation 5 years or more before the date of the disclosure; or 15
- “(h) where—
- “(i) the operator of the unit (the **former operator**) no longer exists; and
- “(ii) the former operator’s public transport business has not been disposed of as a going concern to any other person. 20
- “(2) If an organisation receives a request under the Local Government Official Information and Meetings Act 1987 to release any information described in **subsection (1)**,—
- “(a) the organisation must make all reasonable efforts to notify immediately the person who provided the information to the organisation that a request to release the information has been received; and 25
- “(b) the person must, within 10 working days after receiving the notice, advise the organisation whether that person believes the information should be withheld under section 7(2)(b) of the Local Government Official Information and Meetings Act 1987 and give reasons for that belief; and 30
- “(c) the organisation may release the information after the expiry of the period specified in **paragraph (b)** if, having complied with its obligations under this subsection and having regard to the person’s response (if any), the organisation cannot identify any reason for withholding 35

the information under the Local Government Official Information and Meetings Act 1987.

- “(3) If the Agency receives under **section 127(1)** revenue data that was provided to a regional council under **section 126** and that may, in the Agency’s opinion, be withheld under section 9(2)(b) of the Official Information Act 1982 or has been described by the operator of the unit that provided it as commercially sensitive, the Agency must not disclose that information without the operator’s consent except—
- “(a) to the Agency’s professional advisers; or
 - “(b) subject to **subsection (4)**, in response to a request made under the Official Information Act 1982; or
 - “(c) where the information received from the regional council was provided to the regional council 5 years or more before the date of the Agency’s disclosure; or
 - “(d) where—
 - “(i) the operator of the unit (the **former operator**) no longer exists; and
 - “(ii) the former operator’s public transport business has not been disposed of as a going concern to any other person.
- “(4) If the Agency receives a request under the Official Information Act 1982 to release any information described in **subsection (3)**,—
- “(a) the Agency must make all reasonable efforts to notify immediately the person who provided the information to the regional council that a request to release the information has been received by the Agency; and
 - “(b) the person must, within 10 working days after receiving the notice, advise the Agency whether that person believes the information should be withheld under section 9(2)(b) of the Official Information Act 1982 and give reasons for that belief; and
 - “(c) the Agency may release the information after the expiry of the period specified in **paragraph (b)** if, having complied with its obligations under this subsection and having regard to the person’s response (if any), the Agency cannot identify any reason for withholding the information under the Official Information Act 1982.

“Subpart 2—Registration of exempt services

“*Register of exempt services*“**129 All exempt services to be registered**

- “(1) No person may operate an exempt service specified in **sub-section (2)** in a region unless, at the time it is operated, the service is registered with the regional council of that region. 5
- “(2) The following public transport services are exempt services:
- “**(a)** an inter-regional public transport service:
- “**(b)** a ferry service registered with the regional council as a commercial public transport service under the Public Transport Management Act 2008 on **30 June 2011**: 10
- “**(c)** a bus service registered with the regional council as a commercial public transport service under the Public Transport Management Act 2008 on **30 June 2011** that, as of that date, did not offer fares in accordance with the fare schedule published by the regional council: 15
- “**(d)** a public transport service that began operating after **30 June 2011** that—
- “**(i)** is not identified in the regional council’s regional public transport plan; and 20
- “**(ii)** operates without a subsidy for the provision of the service:
- “**(e)** a public transport service that is specified as an exempt service by an Order in Council made under **section 149**. 25

“**130 Register of exempt services**

- “(1) A regional council must keep a current register of all public transport services that are exempt services.
- “(2) A regional council must record in the register— 30
- “**(a)** the name of the operator of the exempt service; and
- “**(b)** if the operator is a company that is not a listed company, the name of each shareholder of the operator (or, if the operator is a subsidiary within the meaning of section 5 of the Companies Act 1993, the name of its ultimate holding company); and 35

- “(c) the contact details of the operator of the exempt service, including the operator’s business address, telephone number, email address (if any), and Internet site (if any); and
- “(d) the routes of the exempt service; and 5
- “(e) the date the exempt service is intended to begin.
- “(3) Despite **subsection (1)**, a public transport service that was operating as a registered exempt service before it was identified in the regional council’s regional public transport plan must remain on the register and may continue operating as if it were an exempt service until it is deregistered under **section 136**. 10
- “**131 Contents of register to be made available to public**
- A regional council that keeps a register of exempt services under this subpart must ensure that— 15
- “(a) the information on the register is reasonably readily available for public inspection, whether in written or electronic form, free of charge and during normal office hours; and
- “(b) a copy of the information that is on the register can be made available for purchase by the public at a reasonable price. 20
- “**132 Notification of proposal to operate or vary exempt services**
- “(1) In accordance with the applicable period referred to in **subsection (4)**, a person who proposes to— 25
- “(a) operate an exempt service must notify every regional council in whose region the proposed service is to operate of—
- “(i) the name of the operator; and
- “(ii) the name of each shareholder of the operator (or, if the operator is a subsidiary within the meaning of section 5 of the Companies Act 1993, the name of its ultimate holding company) if the operator is a company that is not a listed company; and 30
- “(iii) the contact details of the operator (including the operator’s business address, telephone number, 35

- email address, and Internet site address (if any));
and
- “(iv) the proposed route or routes of the service; and
“(v) the date the service is intended to commence:
- “(b) vary any of the details of an exempt service notified to a regional council under **paragraphs (a)(i) to (iv)** must notify that regional council of—
- “(i) the variation; and
“(ii) the date the variation is intended to take effect; and
“(iii) the intended duration of the variation.
- “(2) With the consent of the regional council concerned, any notice required by this section to be given by any person may—
- “(a) be given by an organisation on behalf of the person; and
“(b) relate to any number of exempt services.
- “(3) The regional council may, with the agreement of the operator, reduce or waive the period of notice required by **subsection (1)** if it is satisfied that the public would not be unreasonably disadvantaged by the earlier commencement or variation of the exempt service.
- “(4) For the purposes of **subsection (1)**, **applicable period** means not less than 15 working days before the exempt service or variation is intended to commence.
- “**133 Grounds for declining registration or variation of exempt services**
- “(1) A regional council may, on the grounds set out in **subsection (2)**, decline to—
- “(a) register an exempt service; or
“(b) record in the register a variation of the route or routes of an exempt service.
- “(2) The grounds are that the exempt service, or the variation of the route or routes, is—
- “(a) likely to have a material adverse effect on the financial viability of any public transport service provided under contract with the regional council; or
“(b) likely to increase the net cost to the regional council of any public transport service provided under contract with the regional council; or

- “(c) contrary to sound traffic management or any environmental factor identified by the regional council as important to its region.

“**134 Process for declining registrations or variations of exempt services** 5

If a regional council declines to register an exempt service or record in the register a variation of a route of an exempt service under **section 133**, it must, within 15 working days (or such longer period as the regional council and operator may agree) of receiving notice under **section 132(1)**, give written notice 10 to the operator of—

- “(a) the decision; and
- “(b) the reasons for the decision and a summary of the information supporting the decision; and
- “(c) the operator’s right under **section 140** to appeal 15 against the decision.

“**135 Registration of and variation to exempt services**

“(1) Within 15 working days (or such longer period as the regional council and operator may agree) of receiving a notice under **section 132(1)**, a regional council must— 20

- “(a) register the exempt service to which the notice relates, unless the regional council declines to register the service under **section 133**; and
- “(b) record in the register the variation of the details of the exempt service to which the notice relates, unless the 25 variation relates to the route or routes of the exempt service and is declined by the regional council under **section 133**.

“(2) The registration of an exempt service or the variation of an exempt service under this section remains in effect until the 30 service is deregistered in accordance with **section 136(1) or 138(3)**.

“136 Deregistration of exempt services and removing details of variations

- “(1) A regional council may, at any time, deregister all or part of an exempt service if the regional council is satisfied that the operator— 5
- “(a) has persistently failed to operate the exempt service or part of the exempt service; or
 - “(b) has failed to commence operating the exempt service within 90 days after the registration of the exempt service. 10
- “(2) A regional council may, at any time, remove the details of a variation to the route or routes of an exempt service from the register, if the regional council is satisfied that the exempt service has failed to commence operating in accordance with the variation within 90 days after the regional council records the details of the variation in the register. 15
- “(3) A regional council may not deregister all or part of an exempt service under **subsection (1)** or remove the details of a variation under **subsection (2)** if the operator has failed to operate the exempt service owing to circumstances beyond the reasonable control of the operator. 20
- “(4) A regional council must, on the date specified by the regional council in a notice to the operator, deregister a public transport service that was operating as an exempt service before it was identified in the regional council’s regional public transport plan. 25

“137 Process for deregistering exempt services or removing details of variations

- “(1) A regional council may not deregister all or part of an exempt service or remove the details of a variation to an exempt service from the register under **section 136** unless it has first— 30
- “(a) notified the operator of the service of its intention to deregister all or part of the service or remove the details of the variation to the service from the register, and of—
 - “(i) the reasons for its intention and a summary of the information supporting those reasons; and 35
 - “(ii) the procedure to be followed in making a final decision; and

- “(iii) the operator’s right under **section 140** to appeal against a final decision; and
- “(b) given the operator the opportunity to make written submissions and, if the operator wishes, be heard within 30 working days after receiving the notice from the regional council (or such longer period as the regional council and operator may agree). 5
- “(2) If the operator requests a hearing, the regional council must—
- “(a) appoint a time and place for the hearing and give reasonable notice of this to the operator; and 10
- “(b) hear the matter in public, unless permitted to do otherwise by the Local Government Official Information and Meetings Act 1987; and
- “(c) establish a procedure for hearing the matter that is appropriate and fair in the circumstances. 15
- “(3) In determining an appropriate procedure for a hearing, the regional council must—
- “(a) avoid any unnecessary formality; and
- “(b) not permit anyone other than the chairperson or a member of the regional council to question the operator; and 20
- “(c) permit the operator to be heard (either in person or by a representative) and submit evidence; and
- “(d) permit an officer of the council to present advice and reports; and
- “(e) not permit any other person to be heard at the hearing except by agreement with the operator. 25
- “(4) If the regional council makes a final decision to deregister an exempt service or remove from the register the details of a variation to an exempt service, the regional council must give written notice to the operator of— 30
- “(a) the decision; and
- “(b) the reasons for the decision and a summary of the information supporting the decision; and
- “(c) the date on which the deregistration or the removal of the details of the variation takes effect (which may not be earlier than the date of notification); and 35
- “(d) the operator’s right under **section 140** to appeal against the decision.

“(5) This section does not apply to the deregistration of a public transport service under **section 136(4)**.

“**138 Withdrawal of exempt services**

“(1) The operator of an exempt service who proposes to withdraw from providing the exempt service must notify the regional council in whose region the exempt service is registered of that proposal not less than 15 working days before the exempt service is to cease operating. 5

“(2) The regional council may reduce or waive the period of notice required by **subsection (1)**, if it is satisfied that the public would not be unreasonably disadvantaged by the earlier withdrawal of the exempt service. 10

“(3) The regional council must remove the withdrawn exempt service from the register of exempt services within 15 working days after the date that the exempt service ceases to operate. 15

“Subpart 3—Miscellaneous

“*Appeals*

“**139 Right to appeal to Environment Court**

“(1) An operator of a unit or proposed exempt service affected by a decision of a regional council to adopt a regional public transport plan may appeal to the Environment Court against the plan. 20

“(2) An operator of a unit or proposed exempt service who wishes to appeal must lodge a notice of appeal with the Environment Court within 15 working days after receiving notice of the adoption and a copy of the plan under **section 120(1)(b)** or a longer time that the court allows. 25

“(3) An operator of a unit or proposed exempt service who lodges a notice of appeal with the Environment Court under **subsection (2)** must serve a copy of the notice on the regional council and every other operator of a unit or proposed exempt service in the region within 5 working days after the appeal is lodged. 30

“(4) The New Zealand Transport Agency has the right to appear and be heard during any appeal under this section.

- “(5) The court must hear the appeal on the merits of the case and do 1 or more of the following:
- “(a) dismiss the appeal:
 - “(b) refer the plan back to the regional council to modify in accordance with any directions of the court. 5
- “(6) The court may not direct a regional council to modify a plan in a manner that would impose an additional financial obligation on the regional council or any other person, unless the regional council or other person consents to that modification of the plan. 10
- “(7) Part 11 of the Resource Management Act 1991, and any regulations made under that Act that relate to that Part, apply to an appeal under this section with all necessary modifications.
- “(8) A notice of appeal must state any matters that regulations made under the Resource Management Act 1991 require to be stated in the case of an appeal under section 120 of that Act. 15
- “**140 Appeals to District Court**
- “(1) A person may appeal to a District Court against an adverse decision relating to that person if the person is an operator of an exempt service or a proposed exempt service that is the subject of the decision. 20
- “(2) For the purposes of **subsection (1)**, **adverse decision** means a decision of a regional council to—
- “(a) decline to register an exempt service under **section 133**; or 25
 - “(b) decline to record in the register a variation of the route or routes of an exempt service under **section 133**; or
 - “(c) deregister an exempt service under **section 136**; or
 - “(d) remove the details of a variation of the route or routes of an exempt service from the register under **section 136**. 30
- “**141 Procedure for appeals to District Court**
- “(1) An appeal under **section 140** must be brought, in accordance with the procedure under Part 14 of the District Courts Rules 2009, no later than 20 working days after the date on which the appellant was notified under this Act of the decision appealed 35

against or within any further period that the District Court may allow.

“(2) Subject to **subsection (1)**, an appeal must be made and determined in accordance with Part 5 of the District Courts Act 1947 and the rules of the District Court made under that Act. 5

“(3) Subject to **sections 143 and 144**, the decision of the District Court on an appeal under **section 140** is final.

“**142 Decisions of regional councils to continue in force pending appeals, etc**

“(1) Subject to **subsection (2)**, a decision of a regional council appealed against under **section 140, 143, or 144** continues in force pending the determination of the appeal, and no person is excused from complying with a provision of this Act on the grounds that an appeal is pending. 10

“(2) Pending the outcome of an appeal, a District Court may suspend the regional council’s decision if the court is satisfied that public safety would not be compromised. 15

“**143 Appeals to High Court on questions of law**

“(1) A party to an appeal under **section 140** who is dissatisfied with the decision of the District Court on the ground that it is erroneous in law may appeal to the High Court on that question of law. 20

“(2) The High Court Rules and sections 74 to 78 of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under section 72 of that Act. 25

“**144 Further appeals to Court of Appeal**

“(1) A party to an appeal under **section 143** who is dissatisfied with the decision of the High Court in respect of the appeal may, with the leave of the High Court or (if that leave is declined) with special leave of the Court of Appeal, appeal to the Court of Appeal on that question of law. 30

“(2) The Court of Appeal may make any order or determination that it thinks fit in relation to the appeal.

- “(3) Except as provided in this section, the procedure in respect of an appeal under this section must be in accordance with the applicable provisions of the High Court Rules or the Court of Appeal Rules, as the case may be.

“Offences

5

“**145 Operating unregistered exempt services**

- “(1) A person who, without reasonable excuse, operates, in a region, an exempt service that is not registered under **section 135** in that region commits an offence and is liable on summary conviction to a fine not exceeding—

10

“(a) \$30,000, in the case of a first offence against this section; and

“(b) \$60,000, in the case of a second or subsequent offence against this section.

- “(2) The operator of a public transport service has a defence to an offence under **subsection (1)** if **section 130(3), 150(2), or 151(2)** applies.

15

“**146 Operating public transport services that are not exempt or contracted**

- “(1) A person who, without reasonable excuse, operates, in a region, a public transport service that is not an exempt service and is not provided under contract with the regional council commits an offence and is liable on summary conviction to a fine not exceeding—

20

“(a) \$30,000, in the case of a first offence against this section; and

25

“(b) \$60,000, in the case of a second or subsequent offence against this section.

- “(2) The operator of a public transport service has a defence to an offence under **subsection (1)** if **section 130(3), 150(2), or 151(2)** applies.

30

“**147 Varying registered exempt services without giving notice required by section 132**

A person who, without reasonable excuse, operates, in a region, a registered exempt service and varies the route or routes

35

of the registered exempt service without giving the notice required under **section 132** commits an offence and is liable on summary conviction to a fine not exceeding—

- “(a) \$30,000, in the case of a first offence against this section; and
- “(b) \$60,000, in the case of a second or subsequent offence against this section.

5

“148 Power to inspect records

- “(1) For the purpose of ascertaining whether the provisions of this Part have been or are being complied with by any person to whom this Part applies, any enforcement officer in uniform or in possession of a warrant or other evidence of his or her authority as an enforcement officer may require that person to produce for inspection any relevant documents, books, or records in that person’s possession or over which that person has control (whether written or electronic), including (but not limited to) logbooks, financial records relating to revenue or expenditure, vehicle maintenance records, and driver roster and time records.
- “(2) The enforcement officer may take extracts from or make copies of any documents, books, or records so produced.

10

15

20

“Regulations

“149 Regulations

- “(1) The Governor-General may, by Order in Council, on the recommendation of the Minister, make regulations—
 - “(a) specifying that a public transport service is an exempt service for the purposes of this Part;
 - “(b) requiring an exempt service to be provided under contract.
- “(2) Before recommending the making of an Order in Council under **subsection (1)(a)**, the Minister—
 - “(a) must consult, or be satisfied that the Secretary has consulted, the Agency; and
 - “(b) must be satisfied that—

25

30

- “(i) the Agency has consulted the relevant regional council and the affected operator of the public transport service; and
- “(ii) the public transport service, while operating as an exempt service, will not— 5
 - “(A) receive a subsidy for the provision of the service; and
 - “(B) be an integral part of the relevant region’s public transport network; and
 - “(C) need its fares to be regulated. 10
- “(3) Before recommending the making of an Order in Council under **subsection (1)(b)**, the Minister must—
 - “(a) consult, or be satisfied that the Secretary has consulted, the Agency; and
 - “(b) be satisfied that— 15
 - “(i) the Agency has consulted the relevant regional council and the affected operator of the exempt service; and
 - “(ii) the public transport service—
 - “(A) is an integral part of the relevant region’s public transport network; and
 - “(B) needs its fares to be regulated. 20

“Part 6

“Transitional and savings provisions

- “**150 Transitional provisions for existing registered services** 25
- “(1) This section applies to a public transport service that, before the commencement of this section,—
 - “(a) was a registered commercial public transport service under the Public Transport Management Act 2008; or
 - “(b) was treated as a registered commercial public transport service under the Public Transport Management Act 2008. 30
- “(2) A public transport service to which this section applies that falls within the definition of an exempt service is to be treated as an exempt service that has been registered under **section 135**. 35

“151 Transitional provisions for bus services registered under Public Transport Management Act 2008

- “(1) This section applies to a bus service that, on **30 June 2011**, was a registered commercial public transport service under the Public Transport Management Act 2008 and offered fares in accordance with the fare schedule published by the regional council of the region in which the service operated. 5
- “(2) Despite **section 115**, a bus service to which this section applies may continue operating without a contract with the regional council as if it were a registered exempt service until the date specified by the regional council in a notice to the operator. 10
- “(3) The regional public transport plan must indicate the date by which any bus service to which this section applies is expected to stop operating. 15

“152 Transitional provisions for notifications received but not processed before commencement of Act

- “(1) This section applies to notice of a proposal—
- “(a) to start operating a commercial public transport service under section 32 of the Public Transport Management Act 2008; or 20
- “(b) to vary a commercial public transport service under section 36(1)(a), (b), (c), or (d) of the Public Transport Management Act 2008; or
- “(c) to withdraw a commercial public transport service under section 46 of the Public Transport Management Act 2008. 25
- “(2) A notice of a proposal to which this section applies is to be treated as a notification received under **section 132 or 138** of this Act, as the case may require, if— 30
- “(a) it has been received by a regional council but not determined before the commencement of this section; and
- “(b) the commercial public transport service to which it relates falls within the definition of an exempt service.

“153 Transitional provisions for certain existing documents or activities

- “(1) Any regional public transport plan in existence immediately before this section commences—
- “(a) continues in existence until whichever is the earlier of the following: 5
 - “(i) a regional public transport plan is adopted under **section 118**;
 - “(ii) the close of **30 June 2015**; and
 - “(b) may be varied during the period beginning with the commencement of this section and ending with the close of **30 June 2015** in accordance with this Act (as amended by the Land Transport Management Amendment Act **2012**). 10
- “(2) The regional public transport plan that is adopted or varied on or before **30 June 2015** must take the public transport components of the relevant regional land transport strategy into account and be consistent with the relevant regional land transport programme. 15
- “(3) Any regional land transport programme in existence immediately before this section commences— 20
- “(a) is to continue in existence until the close of **30 June 2015**; and
 - “(b) is deemed to expire on the close of **30 June 2015**; and
 - “(c) may be varied during the period beginning with the commencement of this section and ending with the close of **30 June 2015** in accordance with this Act (as amended by the Land Transport Management Amendment Act **2012**) as if it were a regional land transport plan. 25 30
- “(4) Any regional land transport strategy in existence immediately before this section commences—
- “(a) is to continue in existence until the close of **30 June 2015**; and
 - “(b) is deemed to expire on the close of **30 June 2015**; and
 - “(c) may not be varied during the period beginning with the commencement of this section and ending with the close of **30 June 2015**. 35

- “(5) A GPS in existence immediately before this section commences—
- “(a) is to be treated as a GPS on land transport issued under **section 66(1)**; and
 - “(b) expires on **1 July 2015**; and 5
 - “(c) may be amended in accordance with this Act (as amended by the Land Transport Management Amendment Act **2012**).
- “(6) Despite anything in **section 66**, the Minister may, at any time before **1 July 2015**, replace a GPS specified in **subsection (5)** with a GPS on land transport issued under **section 66** that is to take effect on **1 July 2015**. 10
- “**154 Transitional provision for existing contracted public transport services** 15
- A public transport service provided under contract to the regional council before the commencement of this section may continue operating until the time that it is replaced by a unit, or part of a unit, in accordance with the regional public transport plan.
- “**155 Savings provisions** 20
- “(1) Despite the repeal or amendment of the provisions specified in **subsection (2)**, those provisions continue to apply (as if those sections had not been repealed or amended by the Land Transport Management Amendment Act **2012**) during the period beginning with the commencement of this section and ending with the close of **30 June 2015**. 25
- “(2) The specified provisions referred to in **subsection (1)** are—
- “(a) sections 26(2)(b) and 27(1)(c) of the Canterbury Earthquake Recovery Act 2011; and
 - “(b) sections 7A(2)(b), 13(5), 18J(2)(c)(ii), 19B(b)(ii), 20(3)(c), 48(1)(c)(i) (in so far as it relates to taking regional land transport strategies into account), 82, and 105(13) of this Act (immediately before being amended or repealed by the Land Transport Management Amendment Act **2012**); and 30 35

- “(c) sections 64(1)(d), 65(1)(d)(ii), and 82(3) of the Local Government (Auckland Transitional Provisions) Act 2010.
- “(3) A person who, immediately before the commencement of **section 70(2)** of the Land Transport Management Amendment Act **2012**, was liable under the Tauranga District Council (Route K Toll) Empowering Act 2000 to pay a toll under that Act remains liable to pay the toll as if that Act were still in force. 5
- “(4) A person who fails to pay a toll that the person was liable to pay under the Tauranga District Council (Route K Toll) Empowering Act 2000 may be proceeded against under that Act as if that Act were still in force. 10
- “(5) A proceeding commenced, before the commencement of **section 70(2)** of the Land Transport Management Amendment Act **2012**, under the Tauranga District Council (Route K Toll) Empowering Act 2000 may continue under that Act as if that Act were still in force. 15
- “(6) A toll collected, before the commencement of **section 70(2)** of the Land Transport Management Amendment Act **2012**, under the Tauranga District Council (Route K Toll) Empowering Act 2000 may only be applied for the purposes specified in that Act as if that Act were still in force. 20
- “(7) Any contract entered into by the Tauranga City Council under section 18 of the Tauranga District Council (Route K Toll) Empowering Act 2000 is terminated on the date that **section 70(2)** of the Land Transport Management Amendment Act **2012** comes into force. 25
- “(8) Despite **subsection (7)**,—
- “(a) a person who, immediately before the commencement of **section 70(2)** of the Land Transport Management Amendment Act **2012**, was liable under a contract entered into by the Tauranga City Council to pay a toll under the Tauranga District Council (Route K Toll) Empowering Act 2000 remains liable to pay the toll as if that Act were still in force: 30 35
- “(b) the Tauranga City Council must refund any unused pre-payment or transponder hire.

“156 Transitional regulations

“(1) The Governor-General may, by Order in Council, make regulations that—

“(a) prescribe transitional and savings provisions concerning the coming into force of this Act that may be in addition to, or in place of, the transitional and savings provisions in this Act: 5

“(b) provide that, during a specified transitional period and subject to any specified conditions,—

“(i) specified provisions of this Act (including definitions) do not apply: 10

“(ii) specified terms have the meaning given to them by the regulations:

“(iii) specified provisions repealed or amended or revoked by this Act are to continue to apply. 15

“(2) Any regulations made under this section are revoked on the close of **30 June 2015**.

“(3) This section is repealed on **1 July 2015**.”

Part 2**Miscellaneous**

20

70 Repeals

(1) The Public Transport Management Act 2008 (2008 No 87) is repealed.

(2) The Tauranga District Council (Route K Toll) Empowering Act 2000 (2000 No 1) is repealed. 25

71 Consequential amendments

The enactments specified in the **Schedule** are consequentially amended in the manner indicated in that schedule.

Schedule

s 71

Consequential amendments

Part 1

Acts consequentially amended

Canterbury Earthquake Recovery Act 2011 (2011 No 12)

Replace section 26(2)(b) with: 5

“(b) regional land transport plans under the Land Transport Management Act 2003:”.

Replace section 26(2)(d) with:

“(d) regional public transport plans adopted under **section 118** of the Land Transport Management Act 2003 or section 9 of the Public Transport Management Act 2008:”.

Replace section 27(1)(c) with:

“(c) a regional land transport plan under the Land Transport Management Act 2003:”.

Criminal Procedure Act 2011 (2011 No 81)

In Schedule 3, item relating to the Land Transport Management Act 2003, repeal the items relating to section 65ZD(3) and (4).

In Schedule 3, repeal the item relating to the Public Transport Management Act 2008. 20

Government Roding Powers Act 1989 (1989 No 75)

In section 44, replace “1953, and all roads outside urban areas declared as State highways under this Act,” with “1953, all roads outside urban areas declared as State highways under this Act, and all roads outside urban areas declared as State highways under the Land Transport Management Act 2003,”. 25

In section 62(2), replace “programme” with “plan” in each place.

In section 93(1), replace “District Land Registrar by the Minister at the request of” with “Registrar-General of Lands by”.

Replace section 93(2)(a) with: 30

“(a) the refusal of the Agency to issue a notice under subsection (1); or”.

Part 1—*continued***Land Transport Act 1998 (1998 No 110)**

In section 2(1), repeal the definition of **commercial public transport service**.

In section 79M(3), replace “section 4 of the Public Transport Management Act 2008” with “section 5 of the Land Transport Management Act 2003”. 5

In section 113(1)(a), delete “the Public Transport Management Act 2008.”.

In section 168(1)(c), replace “commercial public transport services under the Public Transport Management Act 2008” with “exempt services under the Land Transport Management Act 2003”. 10

Replace section 208(1)(a)(iii) with:

“(iii) **Part 5** of the Land Transport Management Act 2003; or”.

Replace section 208(3)(a)(ii) with: 15

“(ii) **Part 5** of the Land Transport Management Act 2003:

“(iii) any provision in the Land Transport Management Act 2003 relating to tolls; or”.

Land Transport Management Amendment Act 2008 (2008 No 47) 20

In Schedule 2, repeal clauses 2 to 11, 13, 15 to 17, 19 to 25, 27, 30, 33 to 35, 39, and 43.

In Schedule 2, clause 14(1), item relating to Wellington Land Transport, replace “163,000,000” with “91,951,000”. 25

In Schedule 2, clause 14(1), item relating to Wellington Land Transport (Western Corridor), replace “640,000,000” with “625,152,000”.

In Schedule 2, clause 14(1), item relating to Wellington Land Transport (Western Corridor), paragraph (b), replace “235,000,000” with “220,152,000”. 30

In Schedule 2, repeal the cross-heading above clause 25.

Local Government (Auckland Council) Act 2009 (2009 No 32)

In section 37(1), definition of **Auckland transport system**, paragraph (a)(ii), replace “section 4 of the Public Transport Management

Part 1—*continued*

Local Government (Auckland Council) Act 2009 (2009 No 32)—*continued*

Act 2008” with “section 5(1) of the Land Transport Management Act 2003”.

In section 37(2), replace “**programme**” with “**plan**”.

In section 39, replace “effective and efficient land transport system to support Auckland’s social, economic, environmental, and cultural well-being” with “efficient, effective, and safe land transport system that supports the public interest in Auckland”. 5

In section 45(a), replace “programme” with “plan”.

In section 46(1)(i), delete “and concession agreements”.

In section 46(1)(j), replace “the Public Transport Management Act 2008” with “**Part 5** of the Land Transport Management Act 2003”. 10

In section 54(1)(a), replace “regional land transport programme under the Land Transport Management Act 2003 and the regional public transport plan under the Public Transport Management Act 2008” with “regional land transport plan and the regional public transport plan under the Land Transport Management Act 2003”. 15

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37)

Repeal section 64(1)(d).

Repeal section 65(1)(d)(ii). 20

In section 82(3)(b), replace “30 June 2016” with “30 June 2015”.

New Zealand Railways Corporation Act 1981 (1981 No 119)

In section 119A, delete “the Public Transport Management Act 2008.”.

Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (2010 No 119) 25

Repeal section 17(14).

Part 1—*continued*

Privacy Act 1993 (1993 No 28)

In Schedule 5, item relating to Police records, item relating to wanted persons, paragraph (b), replace “Authority by section 69(1)” with “Agency by section 95(1)”.

In Schedule 5, item relating to Police records, item relating to wanted persons, paragraph (c), replace “Authority” with “Agency”. 5

In Schedule 5, item relating to Registrar of Motor Vehicles records, item relating to motor vehicles register, replace “Authority” with “Agency”.

In Schedule 5, item relating to Registrar of Motor Vehicles records, item relating to motor vehicles register, paragraph (a), replace “section 69(1)” with “section 95(1)”. 10

In Schedule 5, item relating to Ministry of Transport records, item relating to road user charges, replace “Authority” with “Agency”.

In Schedule 5, item relating to Ministry of Transport records, item relating to road user charges, paragraph (a), replace “section 69(1)” with “section 95(1)”. 15

Rugby World Cup 2011 (Empowering) Act 2010 (2010 No 123)

Repeal section 5(4)(f).

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (2010 No 24) 20

Repeal section 16(14).

Part 2

Regulations consequentially amended

Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005 (SR 2005/92) 25

In clause 12(b), replace “the that” with “the” in each place.

War Pensions Regulations 1956 (SR 1956/7)

In regulation 43B(c)(i), replace “section 4 of the Public Transport Management Act 2008” with “section 5(1) of the Land Transport Management Act 2003”. 30

Part 3

Rule consequentially amended

Land Transport Rule: Operator Licensing 2007

In Part 2, definition of **dial-a-driver service**, replace “made” with “facilitated”.

5