

Chair  
Cabinet Economic Development Committee

## TRANSPORT SYSTEM 2019/20 RULES PROGRAMME

### Proposal

1. This paper asks Cabinet to note the proposed transport system 2019/20 rules programme and agree to transport Ministers consulting on, and making, certain rules under the programme, without further reference to Cabinet (with exceptions).

### Executive summary

2. This paper asks Cabinet to agree to the transport system 2019/20 rules programme, containing 23 rule projects and 19 policy investigations. The latter will consider the need for future rule projects. A copy of the proposed 2019/20 programme is provided in Appendix 1.
3. The rules programme provides a mechanism to give effect to the Government's priorities across the land (road and rail), aviation and maritime modes. In particular, the 2019/20 programme prioritises improving road and rail safety, protecting our environment, implementing our international obligations, and accommodating changes for innovation. The key benefits of the proposals in the 2019/20 programme are set out in Appendix 1.
4. The rules programme is an annual rolling programme of rule amendments and revocations, and developing new rules to implement new policies. Policy projects are also included. These projects are areas where the Ministry of Transport (the Ministry) and the transport agencies are currently working, or plan to undertake work, which may lead to proposed rule changes. Transport Ministers may move policy investigations onto the 2019/20 rules programme as a rule project and will notify Cabinet of any significant policy issues associated with those.
5. Transport Ministers will consult further with Cabinet colleagues where transport rules are likely to have significant impacts on other portfolios, generate public or industry interest, or impose new costs. Various rule projects in the proposed 2019/20 rules programme will need further Cabinet consideration prior to consultation on a proposal and, if Cabinet requires, prior to the making or amendment of a rule. These projects are indicated in Appendix 1.

## Background

### *Transport Ministers have authority to make rules*

6. Rules are a type of subsidiary legislation that can be delegated (see Appendix 2 for how rules fit with other types of legislation). The Minister of Transport<sup>1</sup> is empowered to make rules about land transport, civil aviation, maritime safety and marine protection, as long as these are consistent with empowering provisions, set out in primary legislation.
7. Transport rules typically contain detailed technical standards, requirements and procedures governing the construction, maintenance, licensing and operation of transport modes.
8. Transport Ministers may also instruct Parliamentary Counsel Office to draft rules that are legislative instruments and consequential amendments to offences and/or fees regulations where, due to timing, it is desirable to issue drafting instructions before Cabinet policy decisions. This authority may be triggered in 2019/20 to deliver the rules programme.
9. Under my delegation as Associate Minister of Transport, I am responsible for the majority of matters falling inside the transport system rules programme and consequential amendments to regulations. This includes land transport (road and rail), aviation safety, maritime safety, and marine protection rules. The Minister of Transport is responsible for all other civil aviation matters such as aviation security and the review of the Civil Aviation Act 1990.

### *Rolling Annual Transport System Rules Programme*

10. The transport system rules programme is managed by the Ministry. It is a rolling programme of new rules and revocations and amendments to existing rules, to implement Government priorities and new policies, and for regulatory stewardship reasons. The Transport System Rules 2018/19 Rules Programme was approved by Cabinet in July 2018 (CAB-18-Min-0354 refers).
11. Most of the policy development, consultation and drafting of rules for the programme is undertaken by the relevant transport agencies with the technical expertise.
12. The Ministry provides policy input into individual rules development and coordinates the overall programme. This is to ensure that strong processes are followed and that Government objectives are considered. There are also specific rules with which the Ministry plays a more significant policy development and leadership role.

## 2019/20 Rules Programme

13. Ministers must put before their colleagues the types of issues on which they themselves would wish to be consulted, under 5.11 of the Cabinet Manual. For this reason, I am providing the 2019/20 rules programme under my delegation as

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<sup>1</sup> Ministers of transport are empowered to make rules by the Land Transport Act 1998, Railways Act 2005, Civil Aviation Act 1990 and Maritime Transport Act 1994.

Associate Minister of Transport, and am bringing the policy content of transport rules to Cabinet for noting.

#### *Criteria for Rules Programme*

14. The proposed Transport System 2019/20 Rules Programme (Appendix 1) has been developed based on these criteria:
  - 14.1. Rolling over 2018/19 rule amendments.
  - 14.2. Giving effect to Government priorities (safety, protection of the environment).
  - 14.3. Alignment with international obligations.
  - 14.4. Implementing new policies.
  - 14.5. Ensuring rules are fit for purpose (for regulatory stewardship purposes or to support innovation) and avoiding regulatory failure.
15. We have also considered available resources in the relevant organisations to be able to progress the proposed work programme.

#### *Proposed programme*

16. Appendix 1 lists the proposed 2019/20 rules programme.
17. The rules programme includes various policy proposals that may, following completion of the policy investigation phase, result in future proposals to amend rules. By including these as a separate category in the rules programme, I am signalling to Cabinet that these may, during the year, change their status to rule projects and progress to public consultation.
18. Other policy investigation projects may, also, result in rule proposals throughout the year. These can be added to the rules programme on a case-by-case basis through their associated Cabinet papers. Examples of matters which may use this opportunity are:
  - 18.1. A vehicle fuel efficiency standard, following primary legislative amendments.
  - 18.2. Matters arising from the 2018/19 review of the New Zealand Transport Agency (NZTA).
  - 18.3. Matters arising from the Road Safety Strategy and associated Action Plan.
  - 18.4. Matters arising from the Rail Safety funding review.
  - 18.5. Matters arising from the Improving Transport Legislation Project and the 2019/20 Regulatory System (Transport) Amendment Bill. This project contains four sections:
    - a. legislative framework

- b. modern regulator powers
  - c. effective financial penalties and demerit points
  - d. improving safety by making enforcement more efficient and effective.
19. Some items on the 2018/19 policy investigation programme have not been carried over to the 2019/20 programme even though they have not been completed. This is to allow for further policy investigations as outlined below:
- 19.1. Consideration of whether commercial jet boats and commercial diving operations should be regulated as an adventure activity under the Health and Safety at Work Act 2015, instead of the Maritime Safety Rules.  
*This work has been re-prioritised. The potential to progress this investigation can be revisited during drafting of subsequent rules programmes.*
  - 19.2. Post-implementation amendments to the Maritime Operation Safety System.  
*Maritime New Zealand awaits completion of its evaluation of the programme before formally progressing.*
  - 19.3. Policy investigation: regulatory issues arising during implementation of the SeaCert system. *Maritime New Zealand is awaiting the completion of its evaluation of the programme before formally progressing.*

### **Consultation**

20. The Civil Aviation Authority, New Zealand Transport Agency, Maritime New Zealand, and New Zealand Police have been consulted on this paper and their views incorporated.
21. The Ministry has also consulted with the Ministry of Justice, Ministry for the Environment, Department of Internal Affairs, Treasury, State Services Commission, Te Puni Kokiri, Ministry of Social Development, Office of Disability Issues, Ministry for Women, Ministry of Business, Innovation and Employment (Policy) and WorkSafe. The Department of the Prime Minister and Cabinet has been informed. The Minister of Transport has also been consulted and supports this paper.

### **Financial implications**

22. There are no financial implications resulting from this paper. Any financial implications resulting from a specific rule proposal will be identified as part of the development work underpinning each proposal.

### **Human rights, gender and disability implications**

23. There are no human rights, gender or disability implications arising from this paper.

## Legislative implications

24. Consequential amendments to offences and/or fees regulations may be required to support implementing rule changes. I propose that Cabinet invites transport Ministers to instruct Parliamentary Counsel Office to draft consequential amendments to regulations where, due to timing, it is desirable to issue drafting instructions prior to Cabinet policy decisions.

## Regulatory Impact Analysis

25. A regulatory impact analysis is not required for this paper. Regulatory impact analysis is undertaken for each rule proposal. The Regulatory Quality Team at Treasury will be consulted on the rule projects.

## Publicity / Proactive Release

26. This and any associated papers will be proactively released within 30 days of Cabinet's decision. Within that time the Ministry and other agencies will also consider whether any matters should be withheld.
27. I consider that publishing these papers is low risk. Many of the rule proposals and policy projects have already been discussed with industry and other relevant stakeholders. As each rule proposal is progressed, public and stakeholder consultation will also be progressed.
28. Regulatory Impact Assessments and final rules will be publicised as required by the relevant legislative provisions. These will be available on the Ministry's website and those of the relevant transport agencies.

## Recommendations

29. I recommend that the Committee:
  1. **Note** that transport Ministers are empowered by primary legislation to make rules on matters covering land (road and rail) transport, civil aviation, maritime safety and marine protection.
  2. **Agree** to transport Ministers progressing the proposed Transport System 2019/20 Rules Programme, as set out in Appendix 1 of this paper.
  3. **Note** that the proposed Transport System 2019/20 Rules Programme contributes to the Government's priorities in the land, maritime and aviation domains.
  4. **Note** that all transport rules are publicly consulted on prior to Ministerial approval being sought, and that Cabinet will be informed of any significant risks before any public consultation occurs.
  5. **Agree** that Transport Ministers may make rules arising from the Transport System 2019/20 Rules Programme without further reference to Cabinet unless:

- 5.1. indicated otherwise
- 5.2. a significant policy issue or risk emerges during development.
6. **Note** that transport Ministers may move policy investigations projects listed in the Transport System 2019/20 Rules Programme into the rule amendment stage, and will notify Cabinet of any significant policy issues associated with the proposals.

Hon Julie Anne Genter  
**Associate Minister of Transport**

Dated:

RELEASED BY THE ASSOCIATE MINISTER OF TRANSPORT

## Transport System 2019/20 Rules Programme

### Rules Projects

\* In all cases where no future Cabinet consideration is proposed, this is dependent on whether or not significant issues arise during consultation. Where significant issues are raised, Cabinet consideration will be sought.

No.	Project name	Rationale criteria	Summary of the problem or opportunity	Future Cabinet consideration proposed? *	Estimate of when Rules will be signed	Key benefits
<b>Land (road)</b>						
1.	Light vehicle Brakes Amendment Rule	Rolling over from the 2018/19 programme. Government priority (safety).	To require new and used motorcycles entering the fleet after specified dates to have Anti-lock Breaking System (ABS) fitted.	Cabinet consideration expected to have occurred prior to the start of the 2019/20 year.	Late 2019.	<b>Safety</b>
2.	Road User and Traffic Control Devices Amendment Rules (Accessible Streets Package).	Rolling over from the 2018/19 programme. Government priority (inclusive access). Fit for purpose (changes for innovation).	A package of changes to improve safety and access for more vulnerable road users including pedestrians, cyclists, wheeled recreational device users, and the mobility impaired.	Cabinet consideration expected to have occurred prior to the start of the 2019/20 year.	Early 2020.	<b>Safety Access</b>
3.	Driver Licensing Amendment Rule.	Rolling over from the 2018/19 programme.	Aim is to enable online driver licensing renewal to improve access to digital services and streamline heavy vehicle driver licence classes to reduce regulatory burden.	Cabinet consideration expected to have occurred prior to the start of the 2019/20 year.	Late 2019.	<b>Access Reduced regulatory burden</b>
4.	Setting of Speed Limits Amendment Rule.	Rolling over from the 2018/19 programme. Government priority (safety).	To accelerate implementing the speed management guide.	Cabinet consideration expected to have occurred prior to the start of the 2019/20 year.	Late 2020.	<b>Safety</b>
5.	Omnibus Rule Amendments	Fit for purpose (regulatory stewardship).	Technical, minor, and discrete rule corrections and amendments, if required.	No.	Mid-2020.	<b>Fit for purpose</b>

No.	Project name	Rationale criteria	Summary of the problem or opportunity	Future Cabinet consideration proposed? *	Estimate of when Rules will be signed	Key benefits
6.	Traffic Control Devices Amendment Rule.	New policy. Government priority (inclusive access; safety; changes for innovation)	Enabling innovation in coloured street marking and layouts will help support the Government's expectations of safer and more liveable streets. A minor amendment to the Traffic Control Devices Rule would allow the potential trialling of these measures in low risk environments in New Zealand.  While there is value in consistency of road markings and signage, the technique of employing these types of fast, tactical and low cost changes is proven in other countries. The current level of prescription in the Traffic Control Devices Rule is a barrier to implementation.	No.	End of 2019	Access Safety Innovation
<b>Maritime</b>						
7.	Cape Town Agreement	Rolling over from the 2018/19 programme. Organisational and Government priority (safety). International obligations. Implementing new policy.	Preparation for rules to implement and allow New Zealand to become a party to the Cape Town Agreement 2012 (CTA) when it enters into force (mid 2020 or later). Becoming a party to the CTA will: - align our standards for fishing vessels with international standards; - increase the ability of our fishing vessels to operate offshore; - strengthen our position when advocating for extending the Polar Code to fishing vessels; - allow enforcement of international vessel safety standards on foreign vessels in our waters.	No. Policy has been approved by Cabinet.	From late 2020.	International obligations
8.	40 series of Maritime rules	Rolling over from the 2018/19 programme. Fit for purpose.	Review of the rules that set the standards for the design, construction and equipment of ships. The current rules impose unnecessary regulatory burden and cost on the industry and are potentially hampering innovation in the sector.	No. Policy has been approved by Cabinet.	2022/23.	Reduce regulatory burden on the industry Promote innovation
9.	Reframing Commercial Regulation Stage 1: new Rule Part One (operation of small craft)	Rolling over from the 2018/19 programme. Fit for purpose.	The current requirements for the commercial operation of small craft are spread across various maritime rules, and are inconsistent. Further, the current regulatory framework does not accommodate occasional and intermittent operation of small craft. A new rule would ensure consistency of treatment and proportionality of requirements for those operating small craft.	Yes, prior to consultation.	Mid to late-2020.	Consistency Proportional

No.	Project name	Rationale criteria	Summary of the problem or opportunity	Future Cabinet consideration proposed? *	Estimate of when Rules will be signed	Key benefits
10.	Marine Protection Rules Part 102	Rolling over from the 2018/19 programme. Authorising provision in primary legislation to take place before July 2019. Rule amendments to follow.  Government priority (protection of the environment).	The review involves a package of policy proposals to strengthen requirements on owners of offshore oil and gas installations to have insurance, or other financial assurance, for liability for pollution damage resulting from an oil spill.  Introduction of the Maritime Transport (Offshore Installations) Amendment Bill to implement some of the proposed changes will be associated with this work. Other proposals will be implemented through amendments to the Marine Protection Rules Parts 102 (relating to financial assurance requirements) and 131 (relating to marine oil spill contingency).	Yes.	September 2019.	Protect environment
11.	Marine Protection Rules Part 131	As for Marine Protection Rules 102.	As for Maritime Protection Rules 102.	Yes.	As above.	Protect environment
12.	Drugs and alcohol regime for commercial operators	Rolling over from the 2018/19 programme.	To implement new powers for the Director of Maritime NZ to test commercial operators for drugs and alcohol, following Ministerial direction. Primary legislative provisions authorising rules were introduced in December 2017. Associate Minister of Transport has agreed to a broad approach for making rules in this context.	Yes, prior to consultation.	Late 2020.	Safety
13.	Maritime International Omnibus 2019/20 Rule	International obligations.	Rule changes required to ensure NZ gives effect to international obligations	No.	Fourth quarter of 2019/20.	International obligations
14.	Maritime and Marine Protection Omnibus Rule Amendments	Fit for purpose (regulatory stewardship).	Technical rule corrections and amendments, if required.	No.	2020/21.	Fit for purpose
15.	Revoking Maritime Rules Part 81	Rolling over from the 2018/19 programme, and finalising.  Fit for purpose (regulatory stewardship).	Relocating commercial rafting regulation to the health and safety at work regulatory regime (Adventure Activities Regulations made under the Health and Safety at Work Act 2015).	No.	First quarter of 2019/20.	Fit for purpose

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No.	Project name	Rationale criteria	Summary of the problem or opportunity	Future Cabinet consideration proposed? *	Estimate of when Rules will be signed	Key benefits
<b>Aviation</b>						
16.	Mandating Automatic Dependent Surveillance – Broadcast (ADS-B) equipment for aircraft flying below 24,500 feet	Rolling over from the 2018/19 programme (from policy project list). Government priority (safety). Fit for purpose (changes for innovation).	A mandate for use of ADS-B for aircraft that operate above 24,500 feet will come into force on 31 December 2018.  This project proposes to extend the mandate for use of ADS-B in controlled airspace to aircraft that operate below 245,000 feet (which includes most smaller commercial and non-commercial aircraft). The extended requirement is proposed to come into force in 2021.  This two-phased mandate for aircraft that enter controlled airspace is required to implement the National Airspace and Air Navigation Plan approved by Government in 2014. ADS-B is scheduled to replace the existing secondary surveillance radar system, which reaches the end of its life in 2021.	Yes.	Third quarter of 2019/20.	<b>Safety</b>
17.	Medical certification standards for the private pilot licence	Rolling over from the 2018/19 programme. Fit for purpose (regulatory stewardship).	Changes to medical certification standards for the private pilot licence to implement best practice and address proportionality issues without reducing safety. This includes alternative medical certification standards.  Private pilots will be required to meet the commercial driver licence with passenger endorsement medical standards (consistent with NZTA's approach).	No.	Third quarter of 2019/20.	<b>Safety</b> <b>Fit for purpose</b>
18.	Updates to aircraft maintenance engineers licence requirements to reflect new technology and best practice	Government priority (safety). Fit for purpose (changes for innovation).	Changes to requirements for maintenance engineer licensing to better accommodate modern aircraft technology and reliability, and reflect best practice.	No.	First quarter 2019/20.	<b>Promote innovation</b> <b>Safety</b>
19.	Real-time runway surface condition reporting	Fit for purpose (regulatory stewardship).	Amendments to rule 139.103 requiring all aerodromes to provide real-time runway surface condition reporting. Twenty-six affected aerodromes are currently covered by an exemption to the rule requirement which expires on 5 <sup>th</sup> November 2020.  The rule amendments will require aerodromes, where they meet specific applicability criteria, to provide real time runway surface condition reporting using standardised reporting methods.	No.	First quarter 2020/21.	<b>Fit for purpose</b>

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No.	Project name	Rationale criteria	Summary of the problem or opportunity	Future Cabinet consideration proposed? *	Estimate of when Rules will be signed	Key benefits
20.	Updates to unmanned aircraft vehicle (UAV) i.e. drone rules	Government priority (safety). Fit for purpose (changes for innovation).	This project is considering and developing proposals to ensure that the regulatory framework for unmanned aircraft (i.e. drones) remains fit for purpose and future focussed to support future integration into the aviation system.  Issues being considered include: updates to Part 101 to improve clarity and reduce the regulatory burden where appropriate, categorisation of UAV to support a risk-based regulatory approach, pilot competency, registration of UAVs, identification of operators during flight and geo-awareness capability to allow for geo-fencing of designated zones. Early engagement is expected to take place from mid-2019.	Yes.	Subject to Budget 2019 decisions.	Fit for purpose
21.	Assorted Rules Amendment	Fit for purpose (regulatory stewardship).	Including night vision imaging systems, call signs performance-based communication and surveillance, balloon height requirements, Part 145 (maintenance organisations) rating requirements, and Part 171 documentation review and authorisation procedures. Issues may be added to or removed from this project as analysis unfolds and the impacts of any changes on industry are considered.	No.	Second quarter 2019/20.	Fit for purpose
22.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	Withheld as release of information is likely to prejudice the security of New Zealand					
23.	Omnibus Rule Amendments	Government priority (safety). Fit for purpose (changes for innovation and regulatory stewardship).	To address issues relating to abbreviations, definitions, terminology, referencing and formatting.	No.	First quarter 2019/20.	Fit for purpose

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## Policy Investigation Projects

\* In all cases where no future Cabinet consideration is proposed, this is dependent on whether or not significant issues arise during consultation. Where significant issues are raised, Cabinet consideration will be sought.

No.	Project name	Rationale criteria	Summary of the problem or opportunity	Future Cabinet consideration proposed? *	Ability to resource	Key benefits
<b>Land (road)</b>						
1.	Use of e-log books and <u>hubometers</u>	Government priority (safety).	Investigate the impacts and options for requiring commercial operators to use e-logbooks, to improve oversight of work time and logbook compliance. <u>Investigate the introduction of hubometers for heavy vehicles</u>  The reference to investigating hubodometers (referred to as hubometers) was included in error. Every vehicle over 3.5 tonnes that requires a road user charges distance licence must also be fitted with an approved hubodometer or an approved electronic distance recorder.	Yes.	NZTA and MoT both have capacity and capability to resource.	<b>Safety</b>
2.	Vehicle classification and standards	Rolling over from the 2018/19 programme. Government priority (safety).	Investigate possible changes to the vehicle classification and standards system to enable greater flexibility to ensure the system is fit for purpose and safe. This would incorporate options to: <ul style="list-style-type: none"> <li>limit damaged vehicles from entering New Zealand.</li> <li>require safer vehicle features.</li> <li>address issues about the poor crashworthiness of some vehicles in the fleet, including the potential to change in-service certification.</li> <li>allow for self-contained vehicle (campervan) certification.</li> </ul> <p>This may result in a new rule or amendments to many existing rules. The scope of this project will align with the Road Safety Strategy and will involve extensive social impact analysis.</p>	Yes.	As above.	<b>Safety</b> <b>Fit for purpose</b>
3.	Review of passenger service vehicle requirements	Rolling over from the 2018/19 programme. Government priority (safety). Fit for purpose (changes for innovation and changing societal context).	Review the Land Transport Rule: Passenger Service Vehicles 1999 to determine if it remains fit for purpose in a changing societal and technological environment.  This rule specifies the legal requirements for the design and construction of all passenger service vehicles in New Zealand. Some of the requirements in this rule are covered in other rules. Other aspects are expected to be out of date and incompatible with current technology.  This investigation also interfaces with the Road Safety Strategy.	Yes.	As above.	<b>Safety</b> <b>Innovation</b>

No.	Project name	Rationale criteria	Summary of the problem or opportunity	Future Cabinet consideration proposed? *	Ability to resource	Key benefits
4.	Road management issues	Government priority (safety).	Investigation of the need for a new rule covering road management issues, including traffic control, road construction standards, classification of roads, emergency speed limits and establishing road construction zones, for NZTA and other Road Controlling Authorities.  This investigation also interfaces with the Improving Transport Legislation project and consequential Regulatory System (Transport) Amendment Bill. This project is investigating the potential to amend authorising provisions relating to temporary road closures, followed by rule amendments.	Yes.	As above.	<b>Safety</b>
5.	Vehicle Exhaust Emissions Amendment Rule	New policy. Government priority (emissions reduction). International obligations.	Introduce updated exhaust emission requirements in line with current international emissions standards. Intention is to decrease levels of harmful vehicle emissions (petrol and diesel) from vehicles entering the New Zealand fleet.	Cabinet consideration expected to have occurred prior to the start of the 2019/20 year.	MoT has capacity and capability to resource in 2019/20.	<b>Emissions reduction</b>
<b>Land (rail)</b>						
6.	Train driver medical requirements and general fitness for duty requirements	Government priority (safety).	It is intended to investigate the utility of a rule that specifies medical requirements and/or general fitness for duty requirements for drivers. Although section 53(1)(g) and (h) of the Railways Act 2005 authorises the making of a rule for this purpose, no such rule has been developed.	Yes.	NZTA and MoT both have capacity and capability to resource in 2019/20.	<b>Safety</b>
<b>Maritime</b>						
7.	MARPOL Annex VI	Government priority (protection of the environment). International obligations.	Consider primary legislation amendments as well as new rules and/or rule amendments required to give effect to any Government decision to accede to Annex VI of MARPOL. The intention is to regulate air pollution from ships. Decision to accede by end of 2019.	Yes, prior to decision to accede.	Maritime has capacity to advance this investigation in 2019/20.	<b>Protect environment International obligations</b>
8.	Reframing Commercial Regulation Stage 2: new Rule Part Two (operation of vessels on a not-for-profit basis)	Rolling over from the 2018/19 programme. Fit for purpose.	The current requirements for the commercial operation of small craft are spread across a number of maritime rules and are inconsistent.  This project has been reframed from a rules project in 2018/19 to a policy investigation in 2019/20. This is because there needs to be further engagement with industry and the not-for-profit sector ahead of advancing a rule proposal. The issue of equity of treatment among different types of maritime vessels (commercial and non-commercial) needs to be carefully considered and consulted.	No.	As above.	<b>Fit for purpose</b>

No.	Project name	Rationale criteria	Summary of the problem or opportunity	Future Cabinet consideration proposed? *	Ability to resource	Key benefits
9.	Rule Part 90: safety risks in pilotage waters	Fit for purpose.	Safety risks in pilotage waters have been identified in intelligence analysis by Maritime New Zealand and in Transport Accident Investigation Commission reports.	No.	As above.	<b>Safety</b>
10.	Improving the workability of Rule Part 91: the navigation safety rule	Rolling over from the 2018/19 programme. Fit for purpose.	This rule is currently difficult to navigate. Issues include reserve areas, temporary speed up-liftings, permanent speed up-liftings, and the revocation process for the latter. Issues have also been identified in relation to personal flotation device requirements for some types of recreational craft.	Yes, prior to consultation and any rule being made.	As above.	<b>Fit for purpose</b>
11.	Protocol on Preparedness, Response and Cooperation to Hazardous and Noxious Substances Pollution Incidents	Rolling over from the 2018/19 programme. Government priority (protection of the environment). International obligations.	Responding to a convention setting out national systems for preparedness and response cooperation in relation to pollution events from ships involving hazardous and noxious substances.	Yes, prior to consultation and any rule being made.	MoT has no ability to resource the project in 2019/20. MNZ to progress in the meantime.	<b>Protect environment International obligations</b>
12.	Hazardous and Noxious Substances (HNS) Protocol	Rolling over from the 2018/19 programme. Government priority (protection of the environment). International obligations.	Responding to a convention proposing a framework to provide cover for damage caused by HNS accidents at sea (including a compensation fund). Becoming a party to this convention would support international protection of the marine environment, as well as increasing the ability of New Zealand operators to work offshore, as their certificates will be recognised internationally.	Yes, prior to consultation and any rule being made.	As above.	<b>Protect environment International obligations</b>
13.	Marine Protection Rules	Fit for purpose. Government priority (protection of the environment).	Review and update Marine Protection Rules to improve the efficiency and effectiveness of pollution response operations by clarifying roles and requirements.	No.	MNZ has capacity and capability to lead.	<b>Protect environment Fit for purpose</b>
14.	How commercial vessels operated for the 2021 America's Cup should be regulated	Fit for purpose	Explore the option of a new maritime rule to support commercial vessels that will be operated as part of the 2021 America's Cup event. Notably the different foreign licensing regimes and how they would equate with our Maritime licensing regime.	Yes.	MNZ has capacity to advance this investigation in 2019/20.	<b>Fit for purpose Enhancement of international reputation</b>



No.	Project name	Rationale criteria	Summary of the problem or opportunity	Future Cabinet consideration proposed? *	Ability to resource	Key benefits
19.	Assorted rule amendments: phase two	Government priority (safety)	<ul style="list-style-type: none"> <li>• Part 21 – Certification of Products and Parts: Requirement for Type Acceptance of all Products: there is a risk currently that a non-type accepted propeller or engine might be imported into New Zealand and installed on an aircraft.</li> <li>• Model rockets:               <ul style="list-style-type: none"> <li>• The rules do not currently cover operations of all model rockets which means that the CAA cannot limit or guide such operations, potentially leading to risks for other airspace users.</li> <li>• Operators of model rockets covered by Part 101 Subpart D have a different interpretation of the provisions relating to model rocket operations near aerodromes. This has resulted in confusion and could result in safety risks to other airspace users.</li> </ul> </li> <li>• Helicopter hover entry/exit: the intention is to specify requirements.</li> <li>• Part 43 - General Maintenance Rules: Part 43.113 Duplicate Inspections: there is a risk currently that an engineer may sign for work which they have not done themselves and are therefore unaware of whether or not the system or component has been assembled and locked correctly, or that it functions correctly.</li> <li>• Part 103 - Microlight Aircraft Operating Rules: Part 103.5 lacks enforceable standards:</li> </ul>	No.	As above.	Safety

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TYPE OF LEGISLATION	WHAT LEVEL IS IT SET AT?	WHAT IS IT?	WHO MAKES THE DECISION?	HOW LONG DOES IT TAKE?
<b>ACTS</b>	Primary legislation	A law made by Parliament – also known as a Bill	Goes through Parliament	About 1 year
<b>REGULATIONS</b>	Secondary legislation	Sets out specific matters in line with empowering provisions in the Act	Goes through the Executive Council and signed by the Governor General	More than 6 months
<b>RULES</b>	Secondary legislation	Rules set out requirements or technical standards under an empowering provision in the Act	Minister, but Cabinet notes ministers decision to make rule and may agree underlying policy.	Between 3 to 4 months

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