

Land Transport Regulatory Work Programme pg 1



Regulatory Systems (Transport) Amendment Bill Two (RSTA 2 Bill)

Short-term legislative maintenance to increase consistency in the rule consultation process, enable the e-service of documents, and provide modern enforcement tools.

Changes since last update: Received approval from Ministers for final policy decisions and to issue drafting instructions to the Parliamentary Counsel Office (PCO). Four proposals have been removed from the RSTA 2 Bill, and will be progressed through a separate Land Transport (Road Safety) Amendment Bill, which is tracking to faster timeframes.

Current Stage: Legislative drafting.

Next Steps: Issuing drafting instructions to Parliamentary Counsel Office so they may commence drafting the Bill. We now intend to introduce RSTA 2 Bill to the House after the election.

Criminal Activity Intervention Bill

A joint Bill with the Ministry of Justice (MoJ) and NZ Police that will provide NZ Police with wider powers to deal with gang-related harm. Transport specific proposals will widen the circumstances under which Police can impound vehicles for 28 days.

Changes since last update: Te Manatū Waka supported MoJ and NZ Police in shepherding this work through the Select Committee process. There was interest from the Committee in how the proposals would be implemented, given the known issues with the towage and storage regime.

Current stage: Committee of the Whole.

Next steps: Third reading. Te Manatū Waka is currently supporting the Ministry of Justice as the Bill works through the final House stages.

Land Transport (Road Safety) Amendment Bill

This work is aiming to increase penalties for fleeing drivers, strengthening enforcement tools to assist with post-event identification, enabling the removal of vehicles for offences committed during convoys and deterring intimidation offences using vehicles.

Changes since last update: Te Manatū Waka provided further advice on the implementation of six-month impoundment and is awaiting decisions. A further draft of the Bill has been received for feedback.

Current stage: Legislative drafting.

Updating the Vehicle Exhaust Emissions Rule 2007 updates to align with Euro 6/VI

This project seeks to require more stringent harmful emissions standards through amendment to the Vehicle Exhaust Emissions Rule. Stringent emissions standards will substantially reduce the economic health and social burden of rising harmful emissions in New Zealand.

Changes since last update: The Minister has written to the industry with a proposal for timeframes for changes in the Rule.

Current Stage: A Cabinet paper seeking approval to publicly consult, and consultation material have been drafted and provided to the Office. The Ministers' Office are further considering the content of the Rule and will advise when the paper can go to Cabinet.

Next Steps: Seek Cabinet approval to consult on draft Amendment Rule.

Clean Vehicles Programme Regulations

Reducing the emissions profile of New Zealand's light vehicle fleet by introducing a Clean Car Standard and Discount.

Changes since last update: All items including emergency legislative change to the *Land Transport Act 1998* LTA for a delayed charging in relation to the Standard are completed.

Current Stage: Act and regulation changes complete.

Next Steps: This is now complete. This programme will be removed for next reporting period and a new item for Clean Car Discount and the review of the Clean Car Standard will be included.

Sustainable Biofuels Obligation

This project progresses development of a biofuels obligation to reduce greenhouse gas emissions from New Zealand's liquid transport fossil fuels through the deployment of sustainable liquid transport biofuels. Note: although this is a joint initiative between the Ministry of Business, Innovation and Employment (MBIE) and Te Manatū Waka, MBIE is leading the Regulations and legislative drafting process.

Changes since last update: Bill deprioritised by the Prime Minister on 7 February 2023.

Next Steps: The Select Committee will report back on the Bill and the House will vote on it being discharged.

s 9(2)(f)(iv)

Review of Road User Charges (RUC)

A review of the RUC regime that could, among other things: enable the extension of the end date of road user charges (RUC), exemptions for heavy electric vehicles (EVs), enable exemption of low-emissions vehicles from RUC, and create the ability to set partial RUC rates for certain types of low emission vehicles.

Other amendments seek to reduce compliance costs, improve RUC enforcement capability, simplify the RUC system, and improve the regulatory functions of Waka Kotahi in relation to the RUC Act.

Changes since last update: s 9(2)(f)(iv)

Public Transport Operating Model Review Phase Two

Policy and legislative review, including an assessment of how barriers to the decarbonisation of the bus fleet can be minimised.

Change since last update: Cabinet approved the Bill for introduction on 13 March 2023. The Bill was introduced on Thursday 16 March 2023.

Current stage: Expect First Reading in the week ending 31 March 2023.

Next steps: Bill before select committee. Expected report back in August 2023.

Auckland Light Rail (ALR)

The public service delivery of Light Rail in Auckland connecting Auckland Airport. Māngere and Auckland CBD.

s 9(2)(g)(i)

s 9(2)(f)(iv)

Current stage: Work continues clarifying the nature, implications and sequencing of decisions required by ALRL and the role of Sponsors/Ministers/Cabinet and Governing Body in decision making. Significant decisions are approaching on route alignment and station location in s 9(2)(f). Continuing to engage Mana Whenua Sponsor representatives to provide onboarding and determine levels of support. s 9(2)(i)

Ongoing policy work in relation to governance, s 9(2)(j) funding and finance, future operating arrangements and business case assurance.

Next steps: Further policy work to determine the parameters and sequencing of decision making associated with the Final Investment Decision, and the coordination of decision making with other Auckland initiatives such as the Additional Waitematā Harbour Crossing. s 9(2)(f)(iv)

Railways Legislation

(Previously Railway Rules Identification) The National Rail Industry Advisory Forum has identified 24 safety focused initiatives to progress. The focus of these initiatives include, among other things, the promotion of safety systems, standards, and interoperability.

Changes since last update: Same as previous update. Meeting with Te Manatū Waka to align rail with changes to other licensing systems in terms of powers and license expiry. Discussions with Te Manatū Waka on investigative powers part of RSTA 2.

Current Stage: Scoping – assessing issues.

Next Steps: The Forum is working to prioritise its work areas which may lead to the development of Rules under the *Railways Act 2005*.

Land Transport Management (Regional Fuel Tax Scheme – Auckland) Amendment Order (the Order)

Auckland Council submitted the proposal to vary the Regional Fuel Tax scheme that the Order gives effect to.

Change since last update: N/A

Current stage: Completed drafting for amendment of the Order in Council.

s 9(2)(f)(iv)

*NB the timeframes referred to here are for public consultation on the rule change, not the timeframe for the rule coming into effect.

Key

- New item
- Updated
- No significant update
- Placed on hold
- Complete
- Removed
- Associate Minister Portfolio

Automated Vehicles (AVs): liability for level 3+ vehicles

Te Manatū Wakas Long Term Insights Briefing was released in August 2022 and drew attention to a number of regulatory issues related to AVs. In December 2022, Te Manatū Waka recommend to the Minister that issues concerning a liability regime for highly automated (L3+) vehicles should be taken forward for further policy development.

Changes since last update: The Minister agreed to a formal recommendation that Te Manatū Waka should develop an issues paper on a liability regime for AVs.

Current Stage: Drafting.

Next Steps: Te Manatū Waka will provide a draft issues paper on AV liability to the Minister for review by the end of May 2023.

Vehicle Lighting (VL) Rule – Transport Instrument Pilot

This project will put in place the first transport instrument in the land regulatory regime. The VL Rule has been identified as a suitable candidate.

Changes since last update: No further update since previous.

Current Stage: Same update as previous. Policy development. Developing an amendment for the VL Rule to allow for the making of transport instruments (TIs).Identified those components of the current VL Rule that could become TIs.This project may be impacted by the vehicle standards work.

Next Steps: Policy development continues. Utilising the learnings from the maritime pilot before progressing to consultation.

Digital Identity Licensing

Assess the impact of the Digital Identity work, being led out of DIA on driver licences.

Changes since last update: No change since previous update.

Current Stage: On hold

s 9(2)(f)(iv)

Key

New item

Updated

No significant update

Associate Minister Portfolio

Placed on hold

Complete

Removed

Road to Zero Strategy (RtZ)

s 9(2)(f)(iv)

Road Safety Penalties Review

A review of road safety penalties will prioritise high-risk offences where the penalty does not align with the risk of harm. s 9(2)(f)(iv)

Changes since last update: Te Manatū Waka has provided further advice on phased options for this project to the Ministers office. s 9(2)(f)(iv)

Access to Driver Licensing

A regulatory review of the graduated driver licensing system (GDLS), which aims to reduce barriers to entry and progression through the system while maintaining road safety outcomes. This work also includes the Land Transport (Driver Licensing) Amendment Rule 2019 to improve licensing for the commercial sector and reduce the frequency of eyesight testing.

Changes since last update: No real changes since last update.

Current Stage: The GDLS review work programme is mostly on hold until the Waka Kotahi Driver Licensing Improvement Programme has made recommendations for changes (including any legislative changes) required to the licensing system. We are working to provide final advice to the Minister of Transport around the practicality of changing the wording of the learner licence to permit.

Next Steps: Waka Kotahi is seeking to prioritise an operational review to enable the package to presented to the Minister of Transport.

Motorcycle Licensing

A review of the motorcycle licensing system intended to improve road safety outcomes for motorcyclists.

Changes since last update: Te Manatū Waka have completed a draft literature review.

Current Stage: Waka Kotahi working to finalise scope of review of current licensing system before sharing with Te Manatū Waka. Following the completion of the status quo review, policy analysis will be undertaken.

Next Steps: Same as previous update. Review of whether the current graduated motorcycle licencing system is fit for purpose being undertaken. Following this review a briefing to be provided to the Minister with recommendations.

Commercial driver work-time and logbooks requirements review

Reviewing work-time limits and logbook requirements for commercial drivers (under the LTA and associated Rules), with a view to reducing fatigue and associated deaths, and serious injuries. Advising on other possible solutions including monitoring systems and telematics technology.

Changes since last update: Scoping complete.

Current Stage: Funding has been secured to establish the partnership between government agencies (ACC, Te Manatū Waka, NZ Police and WorkSafe), drivers' unions and private sector organisations to support best practice for work-related road safety.

Next Steps: Once the partnership is established, commence engagement on the issues arising from the current worktime rules.

Accessible Streets

Improve safety for footpath users, encourage active modes of transport (such as walking or cycling), and support the creation of more liveable and vibrant towns and cities. s 9(2)(f)(iv)

Current Stage: Paper with the Ministers office.

Next Steps: Following final policy decisions from Cabinet, Te Manatū Waka and Waka Kotahi will work on the regulatory amendments.

Vehicle Fleet Safety and Standards Package

This work programme aims to improve the safety of New Zealand's vehicle fleet. Many unsafe vehicles are also poor emissions performers. s 9(2)(f)(iv)

Designating Waka Kotahi as a Health and Safety at Work Act 2015 (HSWA) regulator

A project to determine the scope and appropriateness of Waka Kotahi being potentially designated as a HSWA regulator, including determining the "defined industry, sector or type of work or circumstance" as per section 191 of HSWA and assessing cost implications.

Changes since last update: Same as previous update. Further refined policy analysis components including problem definition, objective, criteria, designation options, and sector engagement approach.

Current Stage: Same as previous update. Te Manatū Waka and MBIE are leading work with a wider inter-agency group (Waka Kotahi, Worksafe, NZ Police) to determine designation scope options and draft initial advice to the Minister.

Next Steps: Advice to Ministers on options.

Parking Regulation Workstreams

Regulatory Stewardship
Amendments to Parking
Requirements

A regulatory stewardship review and potential amendment of parking requirements in the Land Transport (Road User) Rule 2004.

s 9(2)(f)(iv)

Regulated Towage and Storage

Reviewing and revising the framework for road controlling authority- (RCA) and Police-ordered towage and storage.

Changes since last update: Proposed consultation on new fee levels for regulated towage and storage has been placed on hold following ministerial decisions.

Current Stage: On hold.

Next Steps: On hold.

Waka Kotahi Funding Review
(Waka Kotahi-led)

A funding review of Waka Kotahi to develop funding proposals that sustain the strengthened regulatory function.

Changes since last update: Cabinet paper drafting

Current Stage: Draft Cabinet paper. Departmental consultation expected to be completed February 24. Cost Recovery Impact Statement finalised.

Next Steps: s 9(2)(f)(iv)

Regulatory System Transport
Amendment Rules

As part of our ongoing regulatory stewardship work, this project will contain a range of Amendment Rules to support an effective and efficient land transport system.

Changes since last update: A near final list of proposals has been prepared.

Current Stage: Drafting a discussion document and Land Transport Amendment Rule.

s 9(2)(f)(iv)

Reshaping Streets

Regulatory changes to make it simpler and quicker for RCAs to make street changes that support public transport, active modes, and placemaking.

Changes since last update: Policy proposals revised in light of submissions and further analysis; Cabinet package prepared.

s 9(2)(f)(iv)

Transport Service Licence
Review Preparation

Preparing for a review of the regulatory framework associated with land transport service licensing.

Changes since last update: Continued work on problem exploration paper, including data collection, and overseas comparisons.

Current Stage: Waka Kotahi is researching the status quo and ideal future state for commercial road transport regulation, prior to Te Manatū Waka leading a first principles review when resource allows.

Next Steps: Provide Te Manatū Waka with data and analysis to inform proposed options.

Bilingual Signage

Amending the Traffic Control Devices Rule to allow for bilingual signage where appropriate.

s 9(2)(f)(iv)

Key

New item

Updated

No significant update

Placed on hold

Complete

Removed

Associate Minister
Portfolio

Traffic Control Devices (TCD) Rule Review

This highly detailed Rule would benefit from a content and structural review. This review could include the use of transport instruments and alignment with the work under Reshaping Streets (e.g. enable trials of TCDs as part of street pilots of experimental traffic orders). This is also the Rule that would need changing to allow for signs in Te Reo Māori.

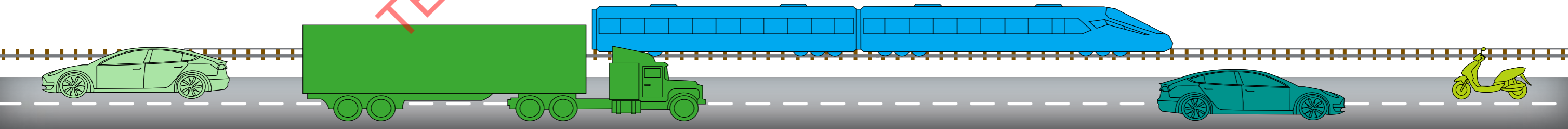
Current stage: Exploring options about how to progress this work most effectively.

Next steps: Explore options for new structure and how to enable trials of new and innovative street markings, and layouts (mode shift initiative).

Entry to and exit from the Land Transport System

Review entry and exit provisions in the land transport regulatory system, including fit and proper person test and vehicle classification work. First initiative as part of this work is to investigate vehicle classifications. This will be subsumed into broader vehicle standards work.

Current stage: Paused however discussion between Te Manatū Waka and Waka Kotahi planned to address requirements/ next steps.



Maritime Transport Regulatory Work Programme

Regulatory Systems (Transport) Amendment Bill Two

Seeks to amend the Maritime Transport Act 1994 to improve the effectiveness of the monitoring and enforcement regime for maritime transport.

Changes since last update: Received approval from Ministers for final policy decisions and to issue drafting instructions to the Parliamentary Counsel Office.

Current Stage: Legislative drafting.

Next Steps: Issuing drafting instructions to Parliamentary Counsel Office so they may commence drafting the Bill. We now intend to introduce RSTA 2 Bill to the House after the election.

Maritime Transport Act Review

This review will provide the opportunity to modernise the legislation and ensure the regulatory framework is fit-for-purpose for Maritime NZ to effectively perform its role as the national maritime regulatory, compliance, and response agency.

Changes since last update: A Steering Group has been established and has had its first meeting.

Current Stage: Te Manatū Waka scoping and then sharing with Maritime NZ.

Next Steps: Project planning and scoping continue. A strategic session will be held with Te Manatū Waka and Maritime NZ to identify key areas of work.

MARPOL Annex VI Rules and Regulations

New Marine Protection Rules, and amendments to the Marine Protection (Offences) Regulations to implement obligations arising from accession to MARPOL Annex VI.

Changes since last update: Rule amendments completed and implemented. Will be removed from the programme next quarter.

Current Stage: Implementation.

Next Steps: This piece of work will be removed from programme reporting next quarter.

40 Series Reform Project

Reform the Rules that set design, construction, and equipment standards for New Zealand domestic commercial ships, implementing an outcomes-based approach to setting standards.

Changes since last update: Initial draft of Fire Rules and Transport Instruments complete. Completed early engagement on Stability Drainage and Freeboard proposals and working towards early external engagement on proposals for Watertight and Weathertight, and Main Machinery, with stakeholder engagement planned for April – May 2023.

Current Stage: Policy development of the content and early drafting for the new rules and transport instruments. This is being done subject by subject. Continuing to develop proposals for anchors and cables, accommodation and egress (including disabled access). Progressed analysis to develop proposals for navigation, radio communications, lifting appliances and aligning with the Cape Town Agreement Rules.

Next Steps: s 9(2)(f)(iv)

Maritime/Marine Offences Regulations

The Maritime/Marine Offences Regulations need to be reviewed and updated to ensure the enforcement system is fit for purpose.

Changes since last update: Cabinet has authorised drafting instructions.

Current Stage: Policy development.

Next Steps: Provided the Minister with an update on this work, along with the Regulatory Systems (Transport) Amendment Bill, on 19 October 2022.

Amendments to Rule Parts 53 and 23 to improve safety and international alignment

These Rules are being amended to align with international safety requirements. The change will also provide greater certainty than is currently provided by the general exemption that was issued for Maritime Rule 53.4(2)(a). The Amendment Rule will replace the exemption.

Changes since last update: Complete.

Current Stage: Complete.

Next Steps: This piece of work will be removed from programme reporting next quarter.

Omnibus (Various Amendments)

Implementing International Maritime Organisation obligations that were adopted from 2018 to 2022, amending minor/technical issues in Rules, and implementing Maritime Labour Convention amendments.

Current Stage: Policy development.

Next Steps: s 9(2)(f)(iv)

Cape Town Agreement Rules

New Rule to support New Zealand's accession to the Cape Town Agreement, which sets minimum safety standards for fishing vessels.

Changes since last update: Consultation underway.

Current Stage: Completed 2022. Gazette suspended until the required number of parties and vessels are met. New Zealand to accede early 2023.

Next Steps: s 9(2)(f)(iv)

Small Craft Identification

Investigating voluntary and mandatory measures to increase use of Automatic Identification Systems (AIS) by small craft (New Zealander registered craft under 300 gross tonnes not currently required to carry and operate AIS equipment).

Current stage: No additional update for this quarter.

Maritime Rule Part 91 - Navigation Safety Rules

Issues have been identified with the workability of the Navigation Safety Rules; includes consideration of changes to the Rules regarding personal flotation devices.

s 9(2)(f)(iv)

Maritime Drug and Alcohol Regime for Commercial Operators

This project will enable the Director of Maritime NZ to conduct drug and/or alcohol testing of safety-sensitive workers.

Current Stage: Drafting.

Next Steps: Drafting will commence once the scope of the draft Rules has been confirmed.

Key

New item

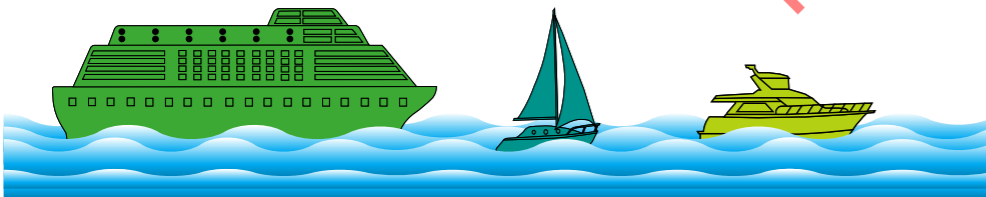
Updated

No significant update

Placed on hold

Complete

Removed



Aviation Regulatory Work Programme [RESTRICTED]



s 6(a)

AVSEC & CAA Funding Review

Cabinet has lifted the moratorium on funding reviews set in 2020 during the COVID-19 pandemic border closures and directed CAA to undertake a funding review to return to a financial sustainable position.

s 9(2)(f)(iv)

Air Navigation Services Regulatory Framework

A review of Rule Parts regarding provision of air navigation services and associated information, with the aim of putting in place a more modern and performance-based Rules framework.

Changes since last update: Regulatory framework completed.

Current Stage: Policy development. A regulatory framework has been completed for this project and is now undergoing internal review.

Next Steps: Policy approval on framework. Run some internal workshops before starting options analysis paper. This will remain in policy development for some time.

Mapping Appendix A.9 of Part 91

Identify how best to address an issue with existing civil aviation rules related to how technical standards for navigation and communication equipment are prescribed.

Current Stage: Project Information Document (PID) development.

Next Steps: Policy analysis.

Upset Prevention Recovery Training (UPRT)

In flight loss of control is a leading cause of fatalities in the global commercial air transport sector. Though relatively rare, accidents involving loss of control in flight are often fatal, with few survivors. Mitigating the risks of in-flight loss of control is one of ICAO's highest safety priorities. New Zealand has not implemented the ICAO's Standards and Recommended Practices (SARPs) related to UPRT.

Current Stage: Policy development. Seeking approval to hire a contractor to help develop guidance material. Working on policy alongside this. Scanned other jurisdictions to determine how other countries are managing this. We closely align with Canada's approach.

Next Steps: Gain approval for contractor.

ICAO Alignment (including Part 139)

Amendments to New Zealand Civil Aviation Rules to align them with International Civil Aviation Organisation (ICAO) Standards and Recommended Practices (SARPs).

Changes since last update: Regulatory Impact Assessment (RIA) is underway.

Current Stage: Developing a RIA-lite.

Next Steps: s 9(2)(f)(iv)

Runway condition reporting

Rule change to require aerodromes (when specified) to provide standardised runway condition reporting.

Changes since last update: Consultation closed on 30 November. Have worked through submissions made and are making changes to the rules. Waiting on SME input before starting approval process.

Current Stage: Finalising rules based on consultation feedback.

Next Steps: Approval process.

Alternate Propulsion

A scan of all Civil Aviation Rules to identify rules that may need to be reviewed or created to support the introduction of alternative propulsion systems (electric aircraft, hydrogen, sustainable aviation fuels) into New Zealand's civil aviation system. This is high priority because parts of the sector are planning to introduce aircraft with alternative propulsion systems during the next four to ten years and it aligns with Governments desire to grow the emerging aviation technology sector and reduce emissions within the transport sector. Recent Cabinet decisions on funding of the Emerging Technology Programme underlined the urgency of work in this area.

Current Stage: Desktop scan of rules completed. PID document underway.

Next Steps: Complete PID and get internal approval to continue.

Civil Aviation Bill and Implementation

Civil Aviation Bill (CAB)

A complete rewrite of the Civil Aviation Act, and review of related policy. The Bill replaces the Civil Aviation Act 1990 and the Airport Authorities Act 1966.

Changes since last update: We provided Minister McAnulty with several briefings on the Bill and its implementation last quarter (OC220595, OC220734, OC220851)

Current Stage: The Bill is awaiting second reading.

Next Steps: Planning of a significant implementation programme is ongoing.

Rule Changes associated with the Civil Aviation Bill

The Civil Aviation Bill requires that all Civil Aviation Rules must be remade. New rules will also be required to give effect to new policy in the Bill.

Changes since last update: The Civil Aviation Inter-agency Steering Group has endorsed the first phase of the Rules Making Project Plan and agreed that Work Package 1 should be progressed now.

Current Stage: Early work underway.

Next Steps: Testing the agreed approach by way of starting the first tranche of minor adjustments.

Civil Aviation Regulations

All secondary legislation, unless specified, needs to be remade under the new Act. There will also be new Regulations required to give effect to new policy.

Changes since last update: A high-level draft project plan has been prepared for each work stream. Work to develop these plans and stand up the necessary project 'teams' is ongoing.

Current Stage: Scoping work is underway.

Next Steps: More detailed project planning is needed, we are aiming to complete this before the Bill is enacted.

Assorted Issues Rule Amendment

Necessary minor updates to Rules framework to ensure the system is fit for purpose.

Current Stage: In the queue for drafting. Will not progress until Runway Condition Reporting completed.

Next Steps: Drafting.

Drone Regulatory Programme

Project to update current drone Rules and introduce new requirements to ensure the regulatory framework is fit for purpose. This is Budget dependent.

Current Stage: Post-consultation..

Next Steps: s 9(2)(f)(iv)

No additional update this quarter.

Key

New item

Updated

No significant update

Placed on hold

Complete

Removed

