

14 June 2022

Via Website

To whom it may concern,

FEEDBACK ON MINISTRY OF TRANSPORT LAND PROPOSALS – TE WHAKAHOUNGA O TE PIRE TIAKI TURE (TUNUKU) - REGULATORY SYSTEMS (TRANSPORT) AMENDMENT BILL

Thank you for providing the Queenstown Lakes District Council (QLDC) with the opportunity to provide feedback in relation to the five proposals outlined in the Land Proposals – Te Whakahounga o Te Pire Tiaki Ture (Tunuku) – Regulatory Systems (Transport) Amendment Bill).

Regulatory System Amendment Bills address regulatory duplication, gaps, errors, and inconsistencies within and between different pieces of legislation and aim to remove unnecessary costs of compliance and doing business. They do not include significant changes of policy, rather they seek to address minor matters to ensure that legislation remains effective and fit-for-purpose

QLDC in general supports system changes within this proposal to give effect to the intended purpose of the legislation and its provisions and keep the regulatory system fit-for-purpose

QLDC has several points of clarification and recommendations to ensure the proposed changes meet the needs of local communities.

QLDC would like to thank the Ministry of Transport for the opportunity to put forward our submission.

This submission outlines key points, recommendations, and specific responses to the consultation questions in Annex A.

QLDC does not need to be heard at any hearings that result from this consultation process.

Yours sincerely,



Carrie Edgerton
Regulatory Support,
Animal Control and Parking Team Leader

Approval



Date: 22/6/22
Stewart Burns
Finance, Legal and Regulatory
General Manager

FEEDBACK ON MINISTRY OF TRANSPORT LAND PROPOSALS – TE WHAKAHOUNGA O TE PIRE TIAKI TURE (TUNUKU) - REGULATORY SYSTEMS (TRANSPORT) AMENDMENT BILL

1. OBJECTIVE 1: IMPROVING THE EFFECTIVE USE OF TECHNOLOGY

1.1 Enable electronic service of documents and electronic signatures (Regulatory)

Ministry of Transport propose to include a provision in the both the LTA and the MTA that allows the regulator discretion to use traditional means of service or electronic service. Provisions would be modelled on Part 4 of the Contract and Commercial Law Act 2017.

These provisions were taken from the Electronic Transactions Act 2002 which was itself modelled on the Model Law on Electronic Commerce adopted by the United Nations Commission on International Trade Law on 16 December 1996 and provides a well-tested and internationally recognised set of rules on these matters.

Regulatory notices that could be served electronically could include those that:

Inform a person that they have committed an infringement offence (where a person has contravened the LTA or a provision made under it via a land transport rule or regulation), and associated reminder notices (e.g. where a fee has failed to be paid in the time specified) inform a person that their licence (or a transport service licence) has been cancelled, suspended, revoked, or has expired, or is otherwise subject to new conditions require a person to follow the direction given by an enforcement officer (e.g. to not operate a vehicle until a particular requirement has been met) inform a person of demerit points accrued against their licence (e.g. where a person has accrued 50 demerit points, or 100 demerit points) require a person to undergo a medical examination or attend a driving improvement course or satisfy some other requirement as a condition on their licence.

Consequential amendments to sections 113 and 118 of the LTA would include the requirement to provide and update electronic addresses, where available. This would encompass interactions with both NZ Police and Waka Kotahi.

The use of electronic service will also be supported by operational changes at Waka Kotahi and NZ Police.

1.2 Clarify the enforcement of point to point camera speed offences

N/A

1.3 Provide for the future use of automated infringement offences (Regulatory)

This proposal has been classified under this objective because it will enable the use of modern technology to strengthen the position of both Waka Kotahi and Road Controlling Authorities (RCAs) as modern and efficient regulators, as well as enable potential cost-savings.

Some current law is drafted on the assumption all infringement notices are issued by individual enforcement officers. With developments in technology, a range of methods for the detection of traffic offences could be employed without requiring current levels of human involvement. Currently infringement notices (following the committing of an offence) are issued by enforcement officers. The term 'enforcement officer' is defined as a being a Police officer, a warranted person or Waka Kotahi.

2. OBJECTIVE TWO: CLARIFYING REGULATORY ROLES, RESPONSIBILITIES AND REQUIREMENTS IN THE REGULATORY SYSTEM.

2.1 Remove Road Controlling Authorities' restrictions on cost recovery charging for resident parking (infrastructure)

Ministry of Transport are seeking views and feedback on three options. We are consulting on two proposals that would, in two separate approaches, consider removing the restriction on cost-recovery when RCAs set up resident parking schemes. In practice this would remove a legislative barrier, and allow RCAs to continue to consider factors such as land use, and the availability of on-street and off-street parking within roads under their control. These proposals are outcome neutral in the sense there is not an expectation resident parking fees would increase, but that the prescriptive limitation is removed.

Option 1 – status quo (no changes) This would leave the LTA section unchanged. This would not cause significant risks in the medium-term, but would perpetuate the inequity of some neighbourhoods enjoying cost-reduced parking subsidised indirectly by ratepayers elsewhere.

Option 2 – remove the cost recovery restriction in the LTA

This option would remove the cost recovery restriction in the LTA. This would allow RCAs to charge a cost it deems appropriate for resident parking.

Option 3 (preferred) – remove the cost recovery restriction and replace it with reasonable costs

This option would remove the cost-recovery restriction in the LTA (as option 2), but would make the cost of resident parking limited to a 'reasonable' amount. This would be achieved by explicitly making this bylaw-making power subject to section 150(3) of the Local Government Act 2002.

Section 150(4) of the Local Government Act 2002 reads:

'The fees [set by the bylaw for residents parking] must not provide for the local authority to recover more than the reasonable costs incurred by the local authority for the matter for which the fee is charged.'

2.2 Allow Waka Kotahi to proactively close parts of the state highway network to address safety concerns (infrastructure)

MoT are proposing to amend the GRPA to provide broader powers for Waka Kotahi to close parts of the State highway to address safety concerns or carry out proactive traffic management. Broadening Waka Kotahi road closure powers will align its powers with other RCAs, contributing to overall system coherence.

2.3 Clarify pedestrians access to approved areas within motorway corridors

N/A

3. OBJECTIVE THREE: MAINTAINING SAFETY THROUGH RESPONSIVE REGULATORY ACTION

3.1 Introduce reactive investigation powers under the Railways Act 2005 (Infrastructure)

Ministry of Transport are proposing to introduce a new section in the Railways Act that includes specific powers for Waka Kotahi to:

- freeze a scene to preserve and collect evidence
- access sites to investigate or carry out verification inspections
- request materials to be supplied for examination
- interview personnel involved in a safety occurrence
- require identified failings to be remediated by the rail participant.

3.2 Modernise the enforcement regime for Transport Service Licences (Infrastructure)

Ministry of Transport are proposing four measures to modernise the enforcement regime around the TSL system.

Creation of an offence for transferring, assigning or leasing a TSL

There is currently a prohibition on transferring, assigning or leasing a TSL in section 30N of the LTA. However, the terms 'transferring', 'assigning', and 'leasing' are not defined in the LTA, and there is no corresponding offence for transferring, assigning or leasing a TSL. This creates a situation that has been exploited by operators to loan out TSLs. Those then operating a service under the loaned TSL have not met the regulatory requirements set out in the LTA. This can have a detrimental impact on public safety and increases risk.

We propose to introduce fines for offences under section 30N for transferring, assigning or leasing a TSL of:

- up to \$30,000 for individuals
- up to \$100,000 for businesses or undertakings.

The proposed fees and fines have been assessed against the Ministry's Effective Financial Penalties Framework and Tool (the Tool). The Tool references 'special regulated individuals', which is defined as an individual in a position of responsibility, usually acting in a professional capacity e.g. commercial passenger service drivers or holders of dangerous goods endorsements. This is a new category of offenders and further work will need to occur at a later date to apply this across transport legislation. At this stage, a TSL holder would be considered a 'special regulated individual' as these individuals have gone through an application process in order to be granted this licence type. There is little to no risk of non-licensed parties carrying out this offence; use of the Tool means the offence has been targeted towards the appropriate group of regulated individuals.

Ability to audit someone purporting to operate a land transport service.

A TSL is a land transport document allowing for regulatory oversight by Waka Kotahi, using powers to audit and inspect an operator holding a document (section 198 of the LTA). It is an offence not to display a current TSL or to provide information to Waka Kotahi when required. However, Waka Kotahi have limited oversight over operators that purport to offer a transport service without holding a TSL. We are proposing expanding the ability of Waka Kotahi to audit someone purporting to operate a transport service but doing so without a licence.

Extend the power to suspend a TSL for health and safety concerns – section 30U(1)

This would enable Waka Kotahi to suspend a TSL immediately when significant concerns surrounding health and safety are recognised or reported.

Waka Kotahi could be notified by NZ Police, through roadside inspections, that an operator's fleet was being used with significant vehicle maintenance issues, or that an operator was knowingly

encouraging employees to flout worktime requirements. Waka Kotahi often becomes aware of health and safety shortcomings through the auditing process. Tools available in this situation are limited to further inspecting the company and vehicles in question. However, operators in question are still able to operate during the audit and investigation process.

Audits can take anywhere from 6 weeks to 6 months, with the final regulatory decision of a full suspension referred to a Waka Kotahi compliance panel. A final decision can take months due to the necessarily extensive decision-making processes involved in suspending a TSL following an investigation.

Requiring a fit and proper check when a new person in control added – section 30C

This proposal would require any new PIC to undergo a fit and proper check. Currently a PIC subsequently added to a TSL is not subject to the requirement of passing the fit and proper check. This undermines the integrity of the system and allows for unchecked persons, or previously revoked or declined persons, to in effect bypass the regulatory requirements of holding a TSL. This proposal seeks to remedy this gap in the system.

3.3 Strengthen and clarify requirements around limited access roads (Land Development engineers)

N/A

4. ADDRESSING INCONSISTENCIES, IMPROVING SYSTEM EFFICIENCIES AND REMOVING DUPLICATION

4.1 Remove time constraints in rail safety case application

N/A

4.2 Simplify the Rule consultation process to increase consistency

N/A

EFFECTIVE TRANSPORT FINANCIAL PENALTIES FRAMEWORK AND TOOL (NO SUBMISSION REQUIRED)

As the regulator, Maritime NZ's compliance approach is designed to achieve outcomes like safety, security and marine protection. Offences and subsequent penalties are tools that Maritime NZ and other entities that enforce maritime legislation can use when someone does not comply with the Rules or requirements under the regulatory framework.

Te Manatū Waka undertook an initial regulatory stewardship assessment of the MTA, prompted by operational feedback from Maritime NZ. The assessment involved reviewing the offences and penalties for the MTA, the Maritime (Offences) Regulations 1998 and the Marine Protection (Offences) Regulations 1998 (together, the Regulations). The penalties in the MTA and most of the penalties in the Regulations have not been updated since the 1990s. This creates several anomalies which affect the coherence of the penalties or create inequities. These include that:

- penalties do not reflect the potential or actual severity and likelihood of harm that could or has occurred (for example, a serious injury or death)
- some penalty levels are well below levels applied for similar offending in more modern legislation such as the Health and Safety at Work Act 2015 (HSWA)
- offences can create inequities between domestic commercial ships and domestic

recreational ships

- some offences do not provide for infringements when infringement offences would be a suitable enforcement tool

- Some requirements in Rules had no corresponding offence, making enforcement difficult.

Considering the above, the offences and penalties throughout the MTA and the Regulations were assessed using the Ministry's Effective Transport Financial Penalties Framework (the Framework) and its accompanying Tool (the Tool). The Framework is a systematic and principles-based framework that provides a guide to setting financial penalty levels in primary and secondary transport legislation. The Tool helps to apply

the framework to offences. The Framework was developed in consultation with other ministries including the Ministry of Justice and has been refined over time, including while developing the offences under the Civil Aviation Bill currently before Parliament.

The Framework involves a process to determine financial penalty levels by considering four principles:

- Respond to the severity of the offence:

This involves assessing the type of harm an offence is likely to result in, or has caused, and its associated severity. This will also take into account the likelihood of the harm if an offence happens (low, medium or high). The Framework identifies three harm types:

- System – this is harm to the transport regulatory system itself by breaching a requirement, but it does not constitute an inherent or tangible harm to people, the environment or property.

For example, not having the required maritime document doesn't harm anyone but it does undermine the requirement in the system to keep people safe. All offences constitute some level of system harm.

- Safety – this is an actual harm, or risk of harm, to people. For example, actions that may cause injury or death like operating a ship recklessly while under the influence of alcohol.

- Environmental and property – this is an actual harm, or risk of harm, to the environment or property. For example, discharging hazardous substances into the marine environment or crashing a vessel.

- Act as a deterrent to undesirable behaviour: Penalties should be at levels that make the negative consequences of incurring a penalty greater than the perceived benefits of committing the offence.

- Be proportionate: Penalty levels should be proportionate to the actual or potential for harm, as assessed in principle 1. This proportionality should also be consistent for penalties within and across transport modes and with relevant external regulatory frameworks.

- Consider the responsibilities and financial capacity of the person or entity in the system: Penalty levels should reflect the different expectations and additional responsibilities these groups have in the maritime system, to distinguish, for example the difference between a recreational boater and a professional skipper or ship's master.

The Tool contains a number of steps to determine the penalty:

- Step 1.** Consider the offence's design, use and associated data (such as the harms that have resulted from breaches, or how often the offence is used).
- Step 2.** Assess the offence's severity. This includes documenting the potential consequences of the offence including the three harm types listed above.
- Step 3.** Identify the type of offender the penalty would apply to such as an individual, a 'special regulated individual' or a business or undertaking.
- Step 4.** Use the tool to assign an initial penalty level, including for the different types of offenders. Also consider whether infringement fees are appropriate.
- Step 5.** Check the initial penalty against the two remaining Framework principles, deterring undesirable behaviour, and being proportionate (including whether it is consistent with other offences and whether it is fair).
- Step 6.** Refine the financial penalty including considering whether adjustments are necessary to increase deterrence or increase proportionality.

Following these six steps the penalties undergo an independent moderation process. More information about the Framework can be found on the Ministry's website at www.transport.govt.nz.

5. MODERNISING TRANSPORT LEGISLATION TO ENSURE IT IS FIT FOR PURPOSE

5.1 Modernise roading provisions and consequential drafting improvements (Infrastructure)

In order to improve the overall framework of roading legislation, we propose a two-step process. As a first step, the proposal would see the transfer of the existing sections 315 to 361 (Part 21) and Schedule 10 of the LGA74 into the GRPA. A second step would be to make minor and technical amendments to make sure no inconsistencies occur and to make minor adjustments to sections to make them fit into the GRPA better. The title of the GRPA may need to be reconsidered as a consequential amendment. Examples of proposed minor and technical amendments include:

- updating references from 'Chief Surveyor' to 'Surveyor General and Chief Executive of LINZ'
- renumbering and removing repealed sections
- amending 'united council' to 'unitary authority'.

5.2 Include Waka Kotahi in the New Zealand Transport Agency's name in legislation (All QLDC)

We are seeking views on whether this formal name change via legislation is supported. The final decision on which form the name of Waka Kotahi will take will be reserved for a Cabinet decision.

5.3 Review Director's emergency powers in the land transport system (Regulatory - could have comment, but we can choose not to enforce already so no need for submission)

This proposal has been classified under this objective because it will provide Waka Kotahi with greater responsive regulatory powers to help maintain land transport safety, and improve administrative efficiency.

The Director of Land Transport (the Director) is a role that was established in April 2021, through the Land Transport (NZTA) Legislation Amendment Act 2020. The role is intended to provide a greater focus on regulatory delivery and drive more accountability for regulatory outcomes and decision making. To enable this, the role was provided with certain functions, powers and duties in relation to land transport regulatory matters (that were previously held by Waka Kotahi). These functions include monitoring how the land transport system complies with a variety of legislation, as well as for the provision of powers that could be suitable for use in emergencies, such as exemptions.

At this stage, we are not in a position to consult on concrete policy proposals to address this discrepancy, but we are looking to understand the public's views in order to shape our approach to this issue, and whether we should amend the Director's powers. We are interested in your thoughts on both the situations in which these powers could be used, but also how these powers are put into action.

We need to consider what constraints exist on the Director to act in an 'emergency or other time-critical safety event' under the current framework, and whether extending the Director's powers would be useful within the context of the land transport regulatory system. A change to the Director's current powers could range from being:

- minor technical improvements to the Director's current powers (e.g. designating which requirements the Director can exempt people from in relevant regulations, and making amendments to limiting provisions on the exercise of these powers), to
- similar to that of Ministers (e.g. giving the Director the ability to recall land transport-related products in the event of a safety risk).

The term 'emergency or other time-critical safety event' could be wide ranging in scope, and account for:

- technological developments, such as risks posed by autonomous vehicles (e.g. a software malfunction causes the brakes on autonomous vehicles to fail)
- future localised emergencies, such as floods or earthquakes (e.g. a flood closes a number of key access routes to a town)
- another global event, such as a pandemic (e.g. a national lockdown means people are unable to renew their required land transport documents).

This term would cover events that are emergencies, where there is a direct risk of injury or loss of life, as well as events that are time-critical, where there is an indirect risk of injury or loss of life, or the risk is to the clear and effective administration of the regulatory system.

Dependent on the scope of these powers, they could be:

- time-restricted, meaning they are only able to be applied when there is an emergency or other time-critical safety event (e.g. if the Prime Minister declares that there is a national emergency that this automatically triggers the Director's powers)
- subject to approval by, or consultation with, another actor in the land transport regulatory system (e.g. the Ministry of Transport Chief Executive, the Waka Kotahi Board).

The purpose of any change would be to allow for the seamless use of powers by the Director during an emergency or other time-critical safety event, without the need to progress legislative change (such as the Rule used to respond to COVID-19), which necessarily takes time. These powers would not enable the Director to make permanent changes to the land transport regulatory framework. Permanent changes would continue to be subject to both Cabinet and public scrutiny.

However, there is a trade-off between the Director having powers that enable them to move swiftly in response to an emergency or time-critical event, and having an appropriate level of oversight and accountability for the use of such powers.

5.4 Increase the maximum level of fines and infringement fees (Regulatory)

Section 167 of the Land Transport Act 1998 (the LTA) provides the Governor-General with powers to make regulations with respect to prescribing the level of infringement fees, and fines (on conviction before a court).

The legislation prescribes limits on both fines applied by a court (fines) and infringement fees (fees). In the case of fines, the Governor-General can prescribe the penalty for each offence in the rules, to the following limits:

- in the case of an individual, a fine not exceeding \$10,000
- in the case of any other person (i.e. a body corporate), a fine not exceeding \$50,000.

Similarly, for fees, the Governor-General can prescribe the penalty for each offence in the rules to the following limits:

- in the case of an individual, a fee not exceeding \$2,000
- in the case of any other person (i.e. a body corporate), a fee not exceeding \$12,000.

To bring the legislation into alignment with the Framework and Tool, we propose amending section 167 of the LTA. This means that the maximum penalties that can be applied will be:

- in the case of an individual, a fee (applicable to infringement notices) not exceeding \$3,000 and a fine (applicable to prosecutions) not exceeding \$15,000
- in the case of any other person (i.e. a body corporate), the penalty limits would remain unchanged.

This proposal does not automatically amend any penalties; penalties will be reviewed when and if needed.

ANNEX A: SUBMISSION

1.

1.1 Do you agree with the proposal to serve regulatory notices electronically?

Yes, QLDC support the move toward the ability to send parking and waterway infringement notices electronically. This will allow QLDC to recoup infringement fees faster, for example emailing rental car companies when an infringement has been issued. It will also remove issues with returned mail.

QLDC is also wary of the need to ensure an email address and register is error free to ensure delivery of the notices to the defendant.

QLDC would additionally like to see the register contain phone numbers to allow us to contact people via phone when there is an urgent matter.

1.2 Do you agree with the changes to support enforcement of point-to-point camera offences?

N/A

1.3 Do you agree with the proposed changes to support automated infringement offences?

Yes, QLDC support this proposal, however QLDC would likely always use a warranted officer to check an infringement has actually taken place, QLDC do support this move to new technology and could possibly use this in future with LPR vehicle implementation and ticketing.

2.

2.1 Which of the proposed options do you think offers the best solution? Why? Which of the proposed options do you think would not offer a good solution? Why?

in your answer, you may wish to consider commenting on:

- **Whether you think there are alternative options to these issues that are not outlined above.**
- **Whether there are any changes you believe should be made to the proposed options.**

QLDC supports Option 2 to simply remove the cost recovery restriction in the LTA. However, this not only applies to Section 22AB(1)(o)(iii)(B) of the LTA but also section 150(4) which is effectively the same restriction.

The issue is that residential parking permits are not just provided to allow residents to park where time restrictions are in place to limit the parking of other users. Within the Queenstown Lakes District we are already seeing the situation where there is competition between residents for on street parking – that is, there is a value to residents to have access to on street parking. The National Policy Statement on Urban Development is likely to exasperate this issue as District Plans no longer require developers to provide private parking, which in turn will put more pressure on on-street parking, making it even more valuable. One method of limiting the demand for on-street parking is to value it at a price so it is only desired by a few.

Setting a high price for residential parking will also help council's, and in turn the Ministry of Transport, address the Government Policy Statement on Land Transport strategic policy to develop Better Travel Options. By setting appropriate levels of pricing for residential parking, other options will become more attractive, and demand for them will grow. More demand will further help justify more projects that to enable councils to provide these Better Travel Options.

2.2 Do you agree with the proposal to provide broader powers for Waka Kotahi to close parts of the state highway?

QLDC does not support the proposal to provide broader powers for Waka Kotahi to close parts of the state highway for three reasons:

- *Waka Kotahi has a narrow view of safety to just those using a section of state highway. However the police will have a broader view of all issues in an area and can make a better decision regarding the closure of road versus other dangers facing people. For example, an earthquake may make a section of a state highway to be deemed unsafe by Waka Kotahi, but from a wider safety perspective allowing people to use the road maybe the only way to get them out of greater danger – that is the relative safety or people can be taken into account by Police.*
- *The stated reason for proposing this change is to “improve system efficiency and land transport safety”. However, if the closure of the state highway means traffic is diverted onto local roads the efficiency of the local road system can be compromised, and the safety on the local roads can deteriorate. For example, the traffic levels on a local road maybe low enough to allow traffic in adverse conditions. However, a closure on the state highway may push too much traffic onto the local roads, creating more damage to them, especially due to heavy vehicles, and reduce the safe operation of the local roads. If safety becomes an issue then the local road may also need to be closed further reducing system efficiency. As discussed above, the Police will be in the best position to decide whether the closing of the state highway will create greater issues for other routes, or otherwise.*
- *Despite good intentions, there will be occasions where closing a road is easier than developing alternatives such as creating one lane for traffic and providing pilot vehicles to allow traffic to pass. Retaining the current requirement to obtain agreement from the Police will ensure other options are discussed with another agency rather than keeping decisions internal to Waka Kotahi and its contractors.*

2.3 The proposed change would clarify that pedestrians can use approved areas and infrastructure (such as shared paths and bus stops) within motorway corridors. Do you agree with this proposed clarification?

N/A

3.

3.1 Do you agree with the proposal to provide Waka Kotahi with reactive powers for railway investigations?

QLDC agrees with the proposal to ensure rail incidents or accidents are appropriately investigated by Waka Kotahi through reactive powers. QLDC's only railway within the District, currently operated as the Kingston Flyer, is operated sporadically and therefore has a greater potential for incidents as conditions change.

However, a definition of an incident that would require closure would need to be defined to ensure minor incidents do not lead to the freezing of a scene – and operations – that would not only be damaging to a tourist venture, but also affect the ability of tourists using the train to undertake other activities.

3.2 Do you agree with the proposals to create a new offence, introduce the ability to audit, extend the powers to suspend a TSL, and require fit and proper person checks when a new person in control is added?

QLDC agrees with this proposal regarding Waka Kotahi's power to manage and enforce TSLs. TSLs are an important tool to ensure road users, especially professional drivers, have the appropriate training and knowledge to operate on QLDC's roads.

3.3 Do you agree with the proposals to require crossing place notices to be registered on property titles, enable better enforcement of offences related to LARs and crossing places, and improvements to the administration of crossing place notices between Waka Kotahi and territorial authorities?

N/A

4.

4.1 Do you agree with the proposal to include a 'stop-the-clock' provision when further information is needed from an applicant?

N/A

4.2 Do you agree with the proposal to amend section 161(2)(c) of the LTA to remove duplication and improve consistency across transport legislation?

N/A

5.

5.1 Do you agree with the two-step process to transfer Part 21 of the LGA74 to the GRPA?

QLDC supports the proposed changes to streamline the number of pieces of primary legislation governing roads.

5.2 Do you agree with the proposal to include 'Waka Kotahi' as a legally recognised name for the New Zealand Transport Agency in legislation?

QLDC supports the use of 'Waka Kotahi' as a legally recognised name for the New Zealand Transport Agency in line with the QLDC Vision Beyond 2050¹ "Embracing the Māori world" and encourages the use of Te Reo.

- 5.3 What are your views, in principle, around extending the Director of Land Transport's powers to respond to an emergency or other time-critical event?**

N/A

- 5.3 Should these powers only cover 'emergency' events, where there is a direct risk of injury or loss of life, or be widened to include 'time-critical' events where risks may be less direct?**

N/A

- 5.3 How important is it to you that we are able to move quickly to respond to emergency or time-critical safety events such as those discussed above?**

It is possibly more important for the community clarity than for TA's. QLDC only deal with warrant of fitness and registrations, and therefore can have the ability to use discretion and not ticket in an emergency situation.

- 5.3 In your view, would it be appropriate for the Director of Land Transport to have powers similar to those of a Minister during emergency or time-critical events?**

N/A

- 5.4 Do you agree with the proposal to recognise in legislation the increased level of penalties (fees and fines) that can be applied to special regulated individuals?**

Yes.

QLDC have additionally been keen to endorse the increase of Road User Rule offenses, that would be in line with this and the need to increase all penalties to ensure levels of compliance are achieved through more meaningful penalties.

¹ [Our Vision and Mission - QLDC](#)