

## Proactive Release

This document is proactively released by Te Manatū Waka the Ministry of Transport.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

Listed below are the most commonly used grounds from the OIA.

<u>Section</u>	<u>Description of ground</u>
6(a)	as release would be likely to prejudice the security or defence of New Zealand or the international relations of the New Zealand Government
6(b)	as release would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by <ul style="list-style-type: none"> <li>(i) the Government of any other country or any agency of such a Government; or</li> <li>(ii) any international organisation</li> </ul>
6(c)	prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
9(2)(a)	to protect the privacy of natural persons
9(2)(b)(ii)	to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
9(2)(ba)(i)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public
9(2)(ba)(ii)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest
9(2)(f)(ii)	to maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility
9(2)(f)(iv)	to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
9(2)(g)(i)	to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
9(2)(h)	to maintain legal professional privilege
9(2)(i)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities
9(2)(j)	to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

Office of the Minister of Transport  
Chair, Cabinet Legislation Committee

## Land Transport Rules - Setting of Speed Limits 2024 - Consequential Amendments

### Proposal

- 1 This paper proposes that the Cabinet Legislation Committee (the Committee) authorise the submission to the Executive Council of the following Orders in Council
  - 1.1 Land Transport (Register of Land Transport Records – Speed Limits) Amendment Regulations 2024 (the Transport Records Order);
  - 1.2 Land Transport Management (Regional Transport Committees) Regulations Revocation Order 2024 (the Regional Transport Committees Order), (together, the Orders).
- 2 Subject to Cabinet agreement for the submission of the Orders to the Executive Council, I also intend to sign the Land Transport (Road User) Amendment Rule 2024 (the Road User Amendment Rule).

### Executive Summary

- 3 On 28 September 2024, I signed the Land Transport Rule Setting of Speed Limits 2024 (the 2024 Speed Rule), which comes into force on 30 October 2024. The signing of the 2024 Speed Rule met the Government's commitment to sign the 2024 Speed Rule by 30 September 2024.
- 4 To assist the effective implementation of the 2024 Speed Rule consequential amendments are required to existing rules and regulations.
- 5 I am proposing to make these amendments through two Orders in Council.
- 6 The Transport Records Order will amend the Land Transport (Register of Land Transport Records – Speed Limits) Regulations 2022 to reference the 2024 Speed Rule and delete reference to the previous rule.
- 7 The Regional Transport Committees Order will revoke the Land Transport Management (Regional Transport Committees) Regulations 2022 as the Regulations are no longer required to implement the 2024 Speed Rule.
- 8 Subject to Cabinet agreement of these Orders in Council I intend to sign the Land Transport (Road User) Amendment Rule 2024 to amend the Land Transport (Road User) Rule 2004 to reference the 2024 Speed Rule and delete reference to the previous rule.

- 9 As the Land Transport Management (Regional Transport Committees) Regulations 2022 were made by Order in Council they need to be revoked by Order in Council. Ministry of Transport officials investigated with the Parliamentary Counsel Office if amendments to the Land Transport (Register of Land Transport Records – Speed Limits) Regulations 2022 could be made by the Chief Parliamentary Counsel under the editorial changes sections (Sections 86 and 87) of the Legislation Act 2019. However, the Parliamentary Counsel Office has advised that the changes are also required to be made by Order in Council.

### Policy

- 10 On 17 September 2024, the Cabinet Expenditure and Regulatory Review Committee considered the paper title *Land Transport Rule: Setting of Speed Limits 2024 – post consultation report back*. Cabinet agreed to me as Minister of Transport instructing the Parliamentary Counsel Office (PCO) to draft the consequential amendments [CAB-24-MIN-0369 refers].
- 11 The paper I am presenting today complements that proposal and seeks agreement to progress consequential amendments through two Orders in Council. These amend the Land Transport (Register of Land Transport Records – Speed Limits) Regulations 2022 and revokes the Land Transport Management (Regional Transport Committees) Regulations 2022.
- 12 Further consequential amendment is required through the Land Transport (Road User) Amendment Rule 2024 which I intend to sign subject to Cabinet agreement to progress the amendment and revocation proposed in this paper.
- 13 The amendments are minor, changing the year from 2022 to 2024 after references to the Speed Rule.
- 14 The revocation of the Land Transport Management (Regional Transport Committees) Regulations 2022 (RTC Regulations) is required as the option for Regional Transport Committees to set speed management plans has been removed from the 2024 Speed Rule following consultation as Road Controlling Authorities (RCAs) considered it more appropriate to have collaboration between neighbouring RCAs. As a result of this, the RTC Regulations are now redundant.

### Timing and the 28-day rule

- 15 The Order in Council to amend the Land Transport (Register of Land Transport Records Speed Limits) Regulations 2022 will come into force on 30 October 2024.
- 16 The Order in Council to revoke the Land Transport Management (Regional Transport Committees) Regulations 2022 will come into force on 30 October 2024.

- 17 The Land Transport (Road User) Amendment Rule 2024 (the Amendment Rule), which I intend to sign subject to Cabinet agreement regarding the Orders in Council, will come into force on 30 October 2024.
- 18 A waiver of the 28-day rule is sought for the Orders and for the Road User Amendment Rule on the basis that the Orders and the Amendment Rule have little or no effect on the public.

### **Compliance**

- 19 The regulations comply with each of the following:
  - 19.1 the principles of the Treaty of Waitangi
  - 19.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
  - 19.3 the principles and guidelines set out in the Privacy Act 2020
  - 19.4 relevant international standards and obligations
  - 19.5 the Legislation Guidelines (2021 editions), which are maintained by the Legislation Design and Advisory Committee
- 20 The Transport Records Order is made under sections 167(1) and 168AAA of the Land Transport Act 1998 on the advice and with the consent of the Executive Council.
- 21 The Regional Transport Committees Order is made under section 109 of the Land Transport Management Act 2003 on the advice and with the consent of the Executive Council and on my recommendation as Minister of Transport.

### **Regulations Review Committee**

- 22 There are no grounds for the Regulations Review Committee to draw the Orders to the attention of the House of Representative under Standing Order 327.

### **Certification by Parliamentary Counsel**

- 23 Parliamentary Counsel Office has certified the Orders as being in order for submission to the Executive Council, except that the Orders will come into force earlier than the 28th day after their notification in the Gazette.

### **Impact Analysis**

- 24 The Ministry of Transport undertook a Regulatory Impact Assessment for the 2024 Speed Rule. It was considered by the Cabinet Expenditure and Regulatory Review Committee when policy decisions were taken on the 2024 Speed Rule and consequential amendments.

## Publicity

- 25 I do not intend to announce these changes as they are administrative in nature.

## Proactive Release

- 26 I intend to proactively release this paper within 30 days of this Cabinet meeting, subject to appropriate redactions.

## Consultation

- 27 Ministerial consultation has occurred on the proposed amendments, but departmental consultation was not considered necessary given the minor nature of the consequential amendments and because full departmental consultation occurred prior to signing the 2024 Speed Rule.

## Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that in September 2024, Cabinet considered the outcomes of the public consultation on the draft Land Transport Rule: Setting of Speed Limits 2024 (the 2024 Speed Rule);
- 2 **note** that the Land Transport (Register of Land Transport Records – Speed Limits) Amendment Regulations 2024, the Land Transport Management (Regional Transport Committees) Regulations Revocation Order 2024 and the Land Transport (Road User) Amendment Rule 2024 give effect to the decision referred to in recommendation 1;
- 3 **authorise** the submission to the Executive Council of the:
  - 3.1 Land Transport (Register of Land Transport Records – Speed Limits) Amendment Regulations 2024;
  - 3.2 Land Transport Management (Regional Transport Committees) Regulations Revocation Order 2024 (together the Orders);
- 4 **agree** to waive the 28-day rule so the Orders and the Road User Amendment Rule can come into force following publication in the Gazette on 30 October 2024;
- 5 **note** that, subject to the Orders being agreed, the Minister will sign the Land Transport (Road User) Amendment Rule 2024 which will come into force on 30 October 2024.

## Authorised for lodgement.

Hon Simeon Brown

Minister for Transport

PROACTIVELY RELEASED BY  
MINISTRY OF TRANSPORT TE MANATŪ WAKA

PROACTIVELY RELEASED BY  
MINISTRY OF TRANSPORT TE MANATŪ WAKA

PROACTIVELY RELEASED BY  
MINISTRY OF TRANSPORT TE MANATŪ WAKA



PROACTIVELY RELEASED BY  
MINISTRY OF TRANSPORT TE MANATŪ WAKA



# Cabinet Legislation Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Land Transport Rules: Setting of Speed Limits 2024: Consequential Amendments

Portfolio                      Transport

On 17 October 2024, the Cabinet Legislation Committee:

- 1        **noted** that in September 2024, the Cabinet Expenditure and Regulatory Review Committee considered the outcomes of the public consultation on the draft Land Transport Rule: Setting of Speed Limits 2024 (the 2024 Speed Rule) [EXP-24-MIN-0052];
- 2        **noted** that the Land Transport (Register of Land Transport Records – Speed Limits) Amendment Regulations 2024, the Land Transport Management (Regional Transport Committees) Regulations Revocation Order 2024 and the Land Transport (Road User) Amendment Rule 2024 give effect to the decision referred to in paragraph 1 above;
- 3        **authorised** the submission to the Executive Council of the following Orders:
  - 3.1      Land Transport (Register of Land Transport Records – Speed Limits) Amendment Regulations 2024 [PCO 26737/5.0];
  - 3.2      Land Transport Management (Regional Transport Committees) Regulations Revocation Order 2024 [PCO 26738/3.0];
- 4        **agreed** to waive the 28-day rule so the Orders and the Road User Amendment Rule can come into force following publication in the Gazette on 30 October 2024;
- 5        **noted** that the Minister will sign the Land Transport (Road User) Amendment Rule 2024 which will come into force on 30 October 2024.

Tom Kelly  
Committee Secretary

**Attendance: (See over)**

**Present:**

Rt Hon Winston Peters  
Hon Chris Bishop (Chair)  
Hon Dr Shane Reti  
Hon Simeon Brown  
Hon Brooke van Velden  
Hon Paul Goldsmith  
Hon Mark Mitchell  
Hon Tama Potaka  
Hon Casey Costello  
Hon Nicole McKee  
Hon Penny Simmonds  
Hon Andrew Bayly  
Hon Scott Simpson, MP  
Jamie Arbuckle, MP  
Todd Stephenson, MP

**Officials present from:**

Officials Committee for LEG  
Leader of the House's Office

PROACTIVELY RELEASED BY  
MINISTRY OF TRANSPORT TE MANATŪ WAKA



# Cabinet

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Report of the Cabinet Legislation Committee: Period Ended 18 October 2024

On 21 October 2024, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 18 October 2024:

Out of Scope

LEG-24-MIN-0205    **Land Transport Rules: Setting of Speed Limits 2024: Consequential Amendments**    CONFIRMED  
Portfolio: Transport

Out of Scope

PROACTIVELY RELEASED BY  
MINISTRY OF TRANSPORT TE MANATŪ WAKA

Out of Scope

Rachel Hayward  
Secretary of the Cabinet

PROACTIVELY RELEASED BY  
MINISTRY OF TRANSPORT TE MANATŪ WAKA