



## **SUBMISSION**

**to**

**Transport and Industrial Relations Select Committee**

**on**

**Transport Legislation Bill**

**September 2004**

### **1. Introduction**

- 1.1 The Cycling Advocates' Network (CAN) is pleased to present this submission on the Transport Legislation Bill (hereafter 'the Bill'). The executive of the group has prepared this submission. The focus of our comments is on provisions affecting land transport and in particular cycling as a mode of transport.
- 1.2 We wish to appear before the committee to speak to our submission. My daytime contact phone number is (06) 3505799 ext 2816. Contact details for Cycling Advocates' Network are included at the end of this submission.

### **2. General Comments**

- 2.1 CAN is strongly supportive of efforts to improve alignment of the objectives of the transport Crown entities with the NZTS.
- 2.2 CAN is supportive of the proposal to merge the two land transport funding programmes, the national land transport programme and the Safety Administration Programme, and to align both these with the NZTS.
- 2.3 CAN supports the intention of strengthening the role of the Ministry of Transport to lead implementation of the NZTS by transferring to the Ministry the policy functions currently undertaken by the Land Transport Safety Authority (LTSA) and Transfund.
- 2.4 CAN supports the creation of a new land transport Crown entity (Land Transport New Zealand) with an operational mandate. We note, however, that, in other areas of the state sector there are agencies with policy and operational functions (for example in the MSD following the re-integration of Work and Income and social policy). Structural change or a particular form (such as a policy-operational split) will not on its own deliver the desired integration and alignment. Instead, what is needed is organizational culture that upholds the spirit of the New Zealand

Transport Strategy and the goal of sustainable transport, and ensures meaningful consultation and partnerships with non-government stakeholders in the transport sector.

- 2.5 CAN looks forward to a more integrated and collaborative relationship between agencies in the Government transport sector and between those agencies and stakeholders. In the past stakeholders have often had to liaise with several government agencies and have experienced some incoherence and inconsistency in the approach taken within the government transport sector and likewise between the government transport sector and other parts of the state sector.
- 2.6 CAN strongly supports the requirement that in meeting its objective the new Land Transport Authority exhibit a sense of social and environmental responsibility and as part of meeting this objective the requirement for early and full consideration to land transport options and alternatives and early and full opportunities for stakeholders listed in the Bill to contribute to the development of land transport programmes.

### **3. Specific Comments**

#### **3.1 17 Matters to be taken into account in making rules**

- 3.1.1 We note that the new wording proposed for Section 164(2) of the principal Act includes "(ea) the costs of implementing measures for which the rule is being proposed:".

We wish to highlight the need for costs to be understood broadly. Therefore we recommend that the word "costs" be replaced with "a full cost-benefit analysis" or "full impact analysis".

#### **3.2 20 Functions and powers of Director**

- 3.2.1 Section 197(2) of the principal Act is amended by adding the following paragraph:

"(c) the Director must ensure regular reviews of the land transport system to promote the improvement and development of its safety."

We recommend that a broader focus to reviews be required. As well as promoting safety reviews should be comprehensive and address all objectives of the NZTS in a balanced way. For example, the transport system should be reviewed to see how it contributes to health goals. Without a balanced and comprehensive approach to reviews the Government transport sector will continue to be poorly aligned with other areas of government. Therefore, we suggest the following wording:

"(c) the Director must ensure regular reviews of the land transport system to promote the improvement and development of safety and personal security, access and mobility, public health, economic development and environmental sustainability."

### **3.3 27 Land transport programmes**

3.3.1 We recommend that the wording of subsection (1) (c) be changed as follows:

"(c) make it available to the public in print and electronic formats."

### **3.4 28 New section 12A inserted**

3.4.1 We recommend that subsection (5) be amended to include all relevant national strategies including the National Walking and Cycling Strategy and Healthy Eating-Healthy Action. The Government's sustainable development goals will not be achieved if the Government transport sector does not demonstrate integration across transport modes and integration with other sectors and the strategies that have been developed by those sectors. Therefore we recommend the following wording:

"(5) The Authority must, in preparing a land transport programme, take into account any current national land transport strategy, the National Energy Efficiency and Conservation Strategy, the New Zealand Walking and Cycling Strategy, other relevant national strategies in other sectors (especially health and sport and recreation) and any relevant regional land transport strategies.

3.4.2 We recommend that the wording of the new subsection 12A (2) (c) be changed as follows:

"(c) make it available to the public in print and electronic formats."

3.4.3 This new clause appears to give the new Authority some flexibility about funding, via its own land transport programme, construction/promotion items without requiring RCA co-funding. We view this as a useful tool for providing trial funding for innovative initiatives or to fund non-RCA agencies (e.g. cycle parking at businesses, schools, and other organisations; rail trail funding for a trust). We strongly support this flexibility.

### **3.5 30 Who must be consulted about land transport programme**

3.5.1 Section 30 (2) proposes that when preparing a land transport programme the Land Transport Authority "(b) carry out the consultation using the special consultative procedures set out in Part 2 of Schedule 2."

3.5.2 The special consultative procedures are widely recognised as a minimum form of consultation. We therefore recommend that the Bill be amended to include an amendment to Section 17 of the principal Act (the Land Transport Management Act) to specify that, in addition to the requirement to use the Special Consultative Procedures, local authorities may use any other consultation procedures in order to ensure that they uphold the principles of consultation.

We propose the following wording change:

"(b) amend Section 17 of the principal Act by adding a new subsection (3) as follows:

'(3) In addition to the requirement to use the Special Consultative Procedures, local authorities may use any other consultation procedures in order to ensure that they uphold the principles of consultation set out in Part 1 of Schedule 2.'"

### 3.6 34 Functions

3.6.1 We do not consider there is any reason to single out Transit in the following amendments to the wording of Section 78 of the principal Act as contained in the Bill:

"(ga) to co-operate with, or to provide advice and assistance to, any government agency or local government agency when requested to do so by the Minister, but only if the Minister and Transit are satisfied that the performance of Transit's functions and duties will not be compromised:".

Therefore, we recommend the following wording instead of that above:

"(ga) to co-operate with, or to provide advice and assistance to, any government agency or local government agency when requested to do so by the Minister, where such advice and assistance is consistent with the New Zealand Transport Strategy and the Authority's objective.

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The Cycling Advocates' Network of NZ (CAN) Inc is this country's national network of cycling advocate groups. It is a voice for all cyclists - recreational, commuter and touring. We work with central government and local authorities, on behalf of cyclists, for a better cycling environment. We have affiliated groups and individual members throughout the country, and links with overseas cycling organisations. In addition, several national/regional/local government authorities, transportation consultancies, and cycle industry businesses are supporting organisations.