

In Confidence

Office of the Minister of Transport
Cabinet Legislation Committee

Regulations for the Setting of Speed Limits

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the:
 - 1.1 Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022, and
 - 1.2 Land Transport Management (Regional Transport Committees) Regulations 2022.

Policy

- 2 Tackling unsafe speeds is a critical part of improving road safety. There is strong evidence that a decrease in the mean travel speed on a road is associated with a decrease in the number of crashes, as well as the severity of crashes when they do occur. We have heard from local government and other stakeholders that a better approach is needed to allow road controlling authorities (RCAs) to more easily and effectively plan and implement speed management. This is while continuing to work closely with affected communities.
- 3 In November 2019, Cabinet agreed to implement a new regulatory framework for speed management and transition to lower speed limits around schools. The new framework's intent is to create a more transparent and coordinated approach to speed management through introducing speed management plans (SMPs) and for speed limits to be set in a new register of land transport records [CAB-19-MIN-0575 refers].
- 4 This framework would replace the current approach of territorial authority RCAs setting speed limits by bylaws, with one that is regionally and nationally coordinated. Under the new approach RCAs would produce speed management plans, regional transport committees (RTCs) would review and collate RCAs' plans into regional speed management plans, and Waka Kotahi would produce a State highway speed management plan.
- 5 In September 2020, the Land Transport (NZTA) Legislation Amendment Act amended the Land Transport Act 1993 to set up the first part of the new framework. This included requiring Waka Kotahi to establish an independent committee for speed management and a register to give public notice of land transport records, notably involving registering speed limit decisions.

- 6 Te Manatū Waka - Ministry of Transport and Waka Kotahi New Zealand Transport Agency have been working with territorial authority RCAs, regional transport committees, and other stakeholders to develop a new Setting of Speed Limits Rule. The new rule will mandate the SMP process and roles of land transport regulators, and otherwise facilitate the Tackling Unsafe Speeds proposals.
- 7 However, to allow for speed limits to be included in the register of land transport records, regulations are also required to be made under the Land Transport Act and Land Transport Management Act. The regulations are routine and do not require policy approvals beyond those given by Cabinet in CAB-19-MIN-0575.

Land Transport Management (Regional Transport Committees) Regulations 2022

- 8 The first set of regulations, the Land Transport Management (Regional Transport Committees) Regulations 2022, set out a new function for Regional Transport Committees (RTCs) to prepare and review SMPs in accordance with the Setting of Speed Limits Rule currently being developed alongside the regulations.
- 9 This broadens the scope of what RTCs can do to allow for them to provide valuable input into the setting of speed limits process, the detail of which will be set out in the new Setting of Speed Limits Rule. RTCs' will have an important role under the new rule to support regional consistency in SMPs, through working collaboratively with RCAs and Waka Kotahi.

Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022

- 10 The second set of regulations, the Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022, provide that a decision to set a speed limit is a category of decision for which a land transport record can be created.
- 11 The regulations also set out the information required to create a new land transport record that sets a speed limit. For example, a record will set out what the speed limit is in kilometres per hour and the geographical area the speed limit will apply to. The regulations also provide for the Registrar's duties. For example, when the Registrar must create, amend, or revoke a land transport record for the purpose of setting speed limits.

Timing and 28-day rule

- 12 The Regulations have a proposed in-force date of 19 May 2022. No waiver of the 28-day rule is sought.

Compliance

- 13 The regulations comply with each of the following:
- 13.1 the principles of the Treaty of Waitangi;

- 13.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
- 13.3 the principles and guidelines set out in the Privacy Act 2020;
- 13.4 relevant international standards and obligations;
- 13.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 14 There are no grounds for the Regulations Review Committee to draw the regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 15 The Parliamentary Counsel Office (PCO) has certified the Regulations as being in order for submission to Cabinet.

Impact Analysis

- 16 The Regulatory Impact Analysis (RIA) requirements apply to the policy proposals which the proposed regulations support. A RIA has been prepared by Te Manatū Waka and has been provided with the Cabinet paper proposing the Tackling Unsafe Speeds package.
- 17 Te Manatū Waka's Regulatory Quality Panel has reviewed the Impact Summary: Tackling Unsafe Speeds and considers that it meets the quality assurance criteria. The panel considered that the impact summary is well-written and shows clearly that options have been carefully evaluated against appropriate criteria. This includes considering the views of stakeholders ascertained during a comprehensive and structured engagement process.
- 18 The panel noted that for some aspects of the proposals considered, costs and benefits have not been able to be monetised. It noted there is uncertainty around some costs and the actual safety benefits to be obtained from the proposals.

Publicity

- 19 The regulations will be notified in the *New Zealand Gazette*.

Proactive release

- 20 I intend to proactively release this paper within 30 business days of final decisions being taken by Cabinet, subject to any appropriate redactions consistent with the Official Information Act 1982.

Consultation

- 21 The following departments and agencies were consulted: Waka Kotahi, NZ Police, Treasury, Ministry of Social Development (including the Office for Disability Issues and the Office for Seniors), Ministry for Primary Industries (including the Rural Communities directorate), Kāinga Ora, Ministry of Housing and Urban Development, Ministry of Justice, WorkSafe, Ministry for Women, Ministry for the Environment, Ministry of Business, Innovation and Employment, Accident Compensation Corporation, Ministry of Health, Department of Internal Affairs, Department of Conservation, Ministry of Education, Department of Corrections and Te Puni Kōkiri.
- 22 The Department of the Prime Minister and Cabinet was informed.
- 23 No issues were raised during consultation.

Recommendations

- 24 I recommend that the Cabinet Legislation Committee:
- 1 **note** that on 11 November 2019, Cabinet agreed to implement a new regulatory framework for speed management [CAB-19-MIN-0575 refers]
 - 2 **note** that the Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022 and Land Transport Management (Regional Transport Committees) Regulations 2022 will give effect to the decision referred to in paragraph 1 above;
 - 3 **authorise** the submission to the Executive Council of the:
 - 3.1 Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022
 - 3.2 Land Transport Management (Regional Transport Committees) Regulations 2022;
 - 4 **note** that the Land Transport (Register of Land Transport Records: Speed Limits) Regulations 2022 come into force on 19 May 2022;
 - 5 **note** that the Land Transport Management (Regional Transport Committees) Regulations 2022 come into force on 19 May 2022;

Authorised for lodgement

Hon Michael Wood
Minister of Transport