



**Submission of
Taituarā – Local Government Professionals Aotearoa
regarding
Te Whakahounga o Te Pire Tiaki Ture (Tūnuku)
Land Transport Regulatory Systems Reform**

What is Taituarā?

Taituarā — Local Government Professionals Aotearoa thanks the Ministry of Transport (the Ministry) for the opportunity to respond to *Te Whakahounga o Te Pire Tiaki Ture (Tūnuku)* (the document).

Taituarā — Local Government Professionals Aotearoa (formerly the NZ Society of Local Government Managers) is an incorporated society of almost 1000 members drawn from local government Chief Executives, senior managers, and council staff with significant policy or operational responsibilities. We are an apolitical organisation. Our contribution lies in our wealth of knowledge of the local government sector and of the technical, practical, and managerial implications of legislation.

Our primary role is to help local authorities perform their roles and responsibilities as effectively and efficiently as possible. We have an interest in all aspects of the management of local authorities from the provision of advice to elected members, to the planning and delivery of services, to the less glamorous but equally important supporting activities such as election management and the collection of rates.

New Zealand's 67 territorial and unitary authorities own and operate more than 85 percent of the road network (by length), and to operate the network has access to the powers of a Road Controlling Authority. For many rural and provincial local authorities, road and footpaths are the single biggest expenditure item. Our members therefore have a significant interest in Land Transport legislation that operates efficiently.

A lot of the proposals are of more relevance to Waka Kotahi, than to local authorities. We limit our comments to four specific proposals:

- electronic service of documents
- automated infringement offences
- cost recovery for residents parking permits
- modernisation of the roading provisions of the Local Government Act.

Electronic Service of Documents

We support this as being consistent with the direction other legislation is taking, but also with developments in society. New Zealanders move more frequently (though Covid-19 temporarily stopped movement) both for employment (the so-called Great Resignation will only see this accelerate) and for housing (greater level of renting residential accommodation).

Automated Infringement Offences

We support this proposal including the proposed restrictions and limitations.

Cost Recovery for Residents Parking Permits

Taituarā supports the second of the options – allowing road controlling authorities to charge as they see fit. The document notes that the status quo (option 1) could effectively place many parts of a community under an obligation to subsidise the residential and transport choice of residents needing to make use of parking zones.

We also consider option 3 (effectively rolling through a variant of actual and reasonable) is subject to interpretation and therefore room for dispute. For example, a reasonable private sector operator would include indirect costs such as overheads in a fee, but this option is usually denied the public sector.

The Ministry could make rules around what is actual and reasonable. The sector would be reluctant for one agency to set rules intended to guide one less frequent use of fee-setting powers that could easily be seen as a precedent by other agencies.

We observe that a resident's parking charge could be one tool for encouraging modal choice over the long-term (albeit a small one). Raising the cost of car ownership, albeit in a small way, might encourage a move to other modes especially in central business districts.

We consider that the combination of consumer protection law (e.g. the Fair Trading Act), competition law and the control of monopoly powers and the democratic accountability of local authorities combine to provide a more than adequate check on excessive charging. In particular local authorities are required to consult on their proposed fees including public notification of a proposal and opportunities to provide feedback on a proposal.

In extremis there is also the option of requesting the intervention of the Regulations Review Committee.

Modernise Roothing Provisions

When the document uses the term 'modernise roading provisions' it is really referring to the updating of the roading provisions of the Local Government Act 1974 (LGA74), and their removal to land transport legislation. We support both.

Part 21 of the LGA74 is a mix of a powers to form, operate and stop roads, combined with a miscellany of regulation around road design, linking to the road network, and sharing of the corridor. It is a product of a time when one statute containing everything was deemed appropriate for local government (a look elsewhere in the LGA74 confirms this). It is long past time that like sat with like on the statute books and that legislation governing a function was located with the remainder of the legislation.

And, while we realise this isn't a matter for the Ministry, the movement of roading provisions leaves the local authority petrol tax and land drainage as the only parts of the legislation. We say move the petrol tax alongside fuel excise, move the land drainage provision and consign the LGA74 to the dustbin of history.

- Allowing electronic service of documents – support as something overdue and occurring in other legislation
- Automated infringement offences – agreed, a boon for speeding, hov lane enforcement?