

# **Land Transport Management (Time of Use Charging) Amendment Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

New Zealand's largest cities face significant traffic congestion compared to cities with similar population densities. This congestion hampers access to work, education, health services, and social activities while increasing costs for businesses, which in turn impacts economic productivity and quality of life. Time of use charging is proposed as a solution to improve traffic flow and optimise the use of the road network. By charging motorists for using specific parts of the network at certain times, the system encourages behaviour changes, such as altering travel times, routes, destinations, or modes of transport. A small reduction in vehicles on congested routes can significantly improve traffic flow, enhancing overall network productivity and delivering greater economic benefits (*The Congestion Question, Technical Report*, Ministry of Transport, 2020).

The Bill establishes a framework for implementing time of use charging schemes in New Zealand. It enables local authorities to identify areas of problematic congestion, propose indicative scheme areas, and outline potential charging zones. Other local authorities within the region may opt into the scheme before it is formally approved by the Minister. A scheme board will be responsible for developing and operating the scheme, with the New Zealand Transport Agency (NZTA) chairing the board and holding a casting vote in cases of disagreement.

Proposed schemes require public consultation and an impact assessment before they can be submitted to the Minister of Transport. The Minister, in consultation with the Minister of Finance, will assess whether the proposal meets statutory criteria. If the criteria are satisfied, the Minister may recommend that Cabinet authorise the scheme via an Order in Council. This order will define the scheme area, maximum charges, and how the maximum charge will be raised over time. Once a scheme is operational, charges within approved areas may be adjusted by a notice issued by NZTA and

registered as a land transport record with 28 days' notice. Changes to charging areas within a scheme area require public consultation before a notice and land transport record changing them can be issued by NZTA. Revenues collected from these schemes will be reinvested in land transport activities within the scheme region, guided by a framework that ensures alignment with the investment principles of a scheme.

The Bill also amends the Land Transport Management Act 2003 to establish statutory roles and responsibilities for the scheme board, NZTA, the Secretary for Transport, and the Minister of Transport. It provides processes for establishing, varying, and managing time of use charging schemes. Scheme boards are required to set measurable traffic flow targets and report annually on performance, including progress against those targets. The Minister of Transport may make direct adjustments to charges, appoint a scheme commissioner to oversee a failing scheme, or terminate schemes that fail to meet their objectives.

Additional provisions address privacy, data security, and exemptions for emergency vehicles. The NZTA is expected to provide non-statutory guidance to streamline scheme design and operation, supporting consistent implementation across regions.

Economic assessments of potential schemes suggest varied cost-benefit outcomes depending on the scope of the scheme. For example, studies of Auckland congestion pricing indicate returns ranging from \$0.70 to \$1.80 per dollar spent (*Congestion Question*, Cost benefit analysis, 2019). Potential risks, such as impacts on small businesses within inner-city zones, will be assessed through public consultation to ensure informed decision making and mitigation of adverse effects. Past reviews have identified no substantial income losses for other groups, and the Bill's requirements for impact assessments and public engagement will support equitable implementation.

The framework proposed in this Bill reflects findings from the Congestion Question study, which evaluated congestion pricing options in Auckland (Inquiry into congestion pricing in Auckland, Report of the Transport and Infrastructure Committee, 2021). The study underscores the need for well-informed public engagement and robust impact assessments to ensure the schemes are both effective and equitable.

Time of use charging represents a critical step toward improving New Zealand's transport system by addressing congestion and enhancing network productivity.

### **Departmental disclosure statement**

The Ministry of Transport is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=113>

### Regulatory impact statement

The Ministry of Transport produced a regulatory impact statement on 15 May 2024 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <https://www.transport.govt.nz/assets/Uploads/Time-of-Use-Charging-Cabinet-Material-Proactive-Release.pdf>
- <https://treasury.govt.nz/publications/informationreleases/ris>

### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause and provides that the Bill will come into force on the first anniversary of Royal assent.

## Part 1

### Amendments to Land Transport Management Act 2003

*Clause 3* provides that *Part 1* amends the Land Transport Management Act 2003 (the **principal Act**).

*Clause 4* inserts *new subpart 3* into Part 2 of the principal Act. *New subpart 3* of Part 2 of the principal Act introduces a regulatory framework for time of use charging schemes. A time of use charging scheme is a method of managing traffic flow in certain high-traffic areas by charging motor vehicles when travelling through those areas at certain times. The charges will vary by vehicle type, and may vary depending on the day and the time of day.

#### *Preliminary provisions*

*New section 65A* sets out definitions used in *new subpart 3* of Part 2 of the principal Act.

*New section 65B* sets out the purpose of time of use charging schemes, which is to improve traffic flow in order to improve network productivity.

#### *Initiation, preparation, and submission of proposed time of use charging scheme*

*New section 65C* sets out when a time of use charging scheme can be initiated. A scheme can be initiated by 1 or more local authorities by notifying the responsible Minister, the New Zealand Transport Agency (the **Agency**), and any other local authorities within the region in which the scheme is proposed to be operated.

If no local authority in a region has initiated a time of use charging scheme within 3 years within the commencement of the Bill, the responsible Minister may direct the

Agency to initiate a time of use charging scheme if satisfied that a scheme is necessary to improve traffic flow in that region.

*New section 65D* provides that the scheme board of a time of use charging scheme must develop a scheme proposal that it is satisfied would—

- improve traffic flow, being a combination of travel times and trip volumes; and
- contribute to an effective, efficient, and safe land transport system in the public interest.

*New section 65D* also sets out the matters that must be included in a scheme proposal.

*New section 65E* requires the scheme board to carry out consultation in the scheme region (including consultation with any local authority in the region that is not a member of the scheme and, if the scheme is in the Auckland region, Auckland Transport).

*New section 65F* provides that the scheme board may submit a scheme proposal to the responsible Minister. The scheme proposal must be accompanied by—

- a report on the consultation carried out in accordance with *new section 65E* (including a summary of submissions and a description of any changes made as a result of consultation); and
- the impact assessment developed under *new section 65Z* and any updates to it; and
- any other information that the responsible Minister considers necessary.

*New section 65F* also provides that the responsible Minister may request any further information about a scheme proposal that they consider necessary in order to make a decision under *new section 65G*.

#### *Minister's decisions concerning time of use charging scheme*

*New section 65G* provides that the responsible Minister, after assessing a scheme proposal submitted under *new section 65F*, may—

- recommend to the Governor-General that a time of use charging scheme be established in the manner set out in the scheme proposal; or
- refer the scheme proposal back to the scheme board, requesting it to reconsider 1 or more aspects of the scheme proposal; or
- decline to recommend that the proposed time of use charging scheme be established.

The responsible Minister may only make a recommendation that the scheme be established if they, in consultation with the Minister of Finance, are satisfied that the scheme is consistent with the purposes of the Act and *new subpart 3* of Part 2 of the Act.

*Secondary legislation relating to time of use charging scheme*

*New section 65H* provides that the Governor-General may, by Order in Council made on the recommendation of the responsible Minister, establish a time of use charging scheme. An Order in Council made under this section is secondary legislation and must be confirmed by an Act. The Order in Council must—

- specify the date from which the time of use charging scheme will apply; and
- describe the time of use scheme area; and
- set the maximum charge payable by each charging class of vehicle under the time of use charging scheme in accordance with regulations made under *new section 65ZH*; and
- set out a methodology by which the maximum charge payable under the time of use charging scheme may be increased over time; and
- specify any local authorities (and, if the scheme is in Auckland, Auckland Transport) that are an enforcement authority for the purposes of the time of use charging scheme; and
- specify the local authorities (and, if the scheme is in Auckland, Auckland Transport) that may exercise the powers described in *new section 65ZD*; and
- identify the anticipated change in service level caused by the time of use charging scheme, including a representative sample of travel times and travel volumes for trips in the scheme region affected by the scheme;
- specify an investment approach setting out the activity classes to be funded from net time of use charging scheme revenues and the principles to be applied in making funding allocations in accordance with the purpose of the Act.

*New section 65I* provides that the Agency must, by notice, describe each time of use charging area by—

- specifying the area or areas in which the time of use charging scheme will operate; and
- describing the places within each time of use charging area at which a time of use charge must be paid.

A notice made under *new section 65I* must not come into force less than 28 days before a land transport record is created in respect of the information in that notice, and the notice is secondary legislation.

*New section 65J* provides that the Agency must, by notice, set the charges payable in respect of a motor vehicle passing through a place at which a time of use charge must be paid. Those charges must not be more than the maximum charge payable by each charging class of vehicle set by an Order in Council under *new section 65H* and in accordance with regulations made under *new section 65ZH*. A notice made under *new section 65J* is secondary legislation.

*Termination and variation of time of use charging scheme*

*New section 65K* provides for a scheme board to submit a request for a time of use charging scheme to be terminated to the responsible Minister, and sets out what information must be contained in the request. The responsible Minister may, after considering the request,—

- recommend to the Governor-General that the time of use charging scheme be terminated in the manner set out in the request; or
- refer the request back to the scheme board, asking it to reconsider the request; or
- direct the Agency to continue operating the scheme as if the scheme had been initiated by the Agency under *new section 65C(2)*; or
- decline to recommend that the Governor-General terminate the time of use charging scheme.

*New section 65L* provides for a scheme board to prepare a proposal to vary a time of use charging scheme and sets out the procedural requirements before a time of use charging scheme can be varied.

*New section 65M* provides for the responsible Minister to notify certain concerns to the scheme board. The scheme board must respond within 3 months of the notification, stating what actions they have taken, or intend to take, in respect of those concerns.

*New section 65N* applies if the responsible Minister has notified their concerns under *new section 65M* but is not satisfied on reasonable grounds that the actions the scheme board has taken, or intends to take, are an adequate response to the responsible Minister's concerns. The responsible Minister may—

- direct a scheme board with respect to any time of use charging scheme to make changes to time of use charges in accordance with *new section 65J*; or
- appoint a scheme commissioner or commissioners to assume the functions, duties, and powers of the scheme board; or
- recommend that the Governor-General, by Order in Council, terminate a time of use charging scheme.

A direction issued under *new section 65N(2)(a)* is secondary legislation. A scheme commissioner appointed under *new section 65N(2)(b)* is not liable for any act done or omitted to be done by them in good faith in the performance or intended performance of their functions, responsibilities, and duties, or the exercise of their powers, as a commissioner.

*Liability to pay time of use charge*

*New section 65O*—

- provides that the registered person in relation to a motor vehicle is liable to pay a time of use charge if the vehicle travels in a time of use charging area when a

charge applies and the vehicle is not exempt from paying the time of use charge:

- provides that the registered person is not liable to pay the charge if, within 28 days after receiving notice that a charge has not been paid, they supply to the scheme board a statutory declaration that the vehicle was a stolen vehicle at the relevant time:
- sets out the ways in which the scheme board may give notice to a registered person that a charge has not been paid and sets out when a notice given by a scheme board is to be treated as having been delivered:
- provides that a time of use charge and the associated enforcement costs are recoverable in a court of competent jurisdiction as a debt due to the Agency.

*New section 65P* provides that a time of use charge is not payable in respect of a motor vehicle that is an emergency vehicle. An emergency vehicle is a vehicle that is used to attend emergencies and operated as—

- a Police vehicle:
- an ambulance service vehicle:
- a vehicle for the delivery of designated services (as defined in section 6 of the Fire and Emergency New Zealand Act 2017) by an employee, a volunteer, or a contractor of Fire and Emergency New Zealand:
- a civil defence emergency vehicle:
- a defence force emergency vehicle.

*New section 65Q* provides that a person liable to pay a time of use charge must pay the charge in accordance with any billing system developed by the Agency under *new section 65ZG(1)(a)*.

### *Offences and penalties*

*New section 65R* sets out 2 new offences:

- a person commits an offence if the person, without reasonable excuse, fails to pay a time of use charge payable by that person. This offence is a moving vehicle offence under the Land Transport Act 1998:
- a person commits an offence if, for the purpose of *new section 65O(2)*, the person gives a statutory declaration that contains information that the person knows to be false or misleading. A person who commits this offence is liable on conviction to a fine not exceeding \$500.

### *Scheme revenue*

*New section 65S* sets out how revenue from a time of use charging scheme must be used. Revenue must be first used to meet the reasonable—

- establishment costs of developing the scheme incurred by the scheme board under *new section 65D*; and

- costs of scheme operation, revenue collection, and billing by the Agency; and
- costs of the monitoring and reviewing functions of the Secretary for Transport under *new section 65T*.

The balance of revenue must be invested in land transport activities within the scheme region in a way that contributes to an effective, efficient, and safe land transport system in the public interest. The prioritisation and allocation of revenues to activities or groups of activities must be in accordance with an investment agreement reached under *new section 6X(1) or (2)*.

*Secretary must monitor and review time of use charging scheme*

*New section 65U* provides that each time of use charging scheme has a scheme board and sets out when the scheme board is created. A local authority that has not proposed a time of use charging scheme may become a member of the scheme in their region by notice in writing before the proposed scheme is approved by the Minister of Transport under *new section 65G(1)(a)*. It is the duty of the local authority members of the scheme, the Agency, and the Secretary for Transport to give reasonable assistance to each other to perform their respective functions and duties, and exercise their respective powers, under this subpart.

*New section 65V* sets out—

- how board membership will be assigned between local authority members of a time of use charging scheme and the Agency; and
- the voting rights of board members who represent the Agency and board members who represent local authorities.

The composition of a scheme board will depend on how many local authorities are members of the time of use charging scheme. The scheme board must have no more than 6 members, up to 5 of whom may represent local authority members of the scheme. The board members who are representatives of the Agency hold 50% of the voting rights in relation to decisions made by the scheme board. The chair of the scheme board must be a representative of the Agency, and holds the casting vote.

*New section 65W* sets out the responsibilities of the scheme board.

*New section 65X* provides that the local authority members of a time of use charging scheme must reach an investment agreement with the responsible Minister before a time of use charging scheme comes into operation and at least every 5 financial years afterwards. If there are no local authority members of the scheme, the Agency must reach an investment agreement with the responsible Minister.

An investment agreement must be consistent with the investment approach and investment principles set out in the time of use charging scheme and may—

- include a list of land transport activities to be funded through scheme revenue; and
- set out who is responsible for carrying out delivery of those activities.

Every local authority receiving funds under an investment agreement must operate a time of use charging disbursement account into which must be paid all money received under that investment agreement, and they must make any payments out of that account only in accordance with that investment agreement and a procurement procedure approved under section 25 of the principal Act. The Agency does not need to have a time of use charging disbursement account, but they must comply with section 96 of the principal Act and ensure that all payments are made in accordance with a procurement procedure approved under section 25 of the principal Act.

*New section 65Y* sets out the reporting obligations of scheme boards.

*New section 65Z* specifies when a scheme board must produce a time of use charging scheme impact assessment, and sets out what must be included in that impact assessment.

*New section 65ZA* requires the scheme board to make certain information available, free of charge, on its internet site.

#### *Responsibilities of territorial authorities that are not members of scheme*

*New section 65ZB* requires a territorial authority that is not a member of a scheme but operates local roads that are part of a scheme to facilitate operation of scheme collection and traffic monitoring infrastructure on behalf of the scheme board.

*New section 65ZC* requires a territorial authority that is not a member of a scheme to undertake any land transport activity investment funded by a scheme board in accordance with an investment agreement reached under *new section 65X*.

#### *Works related to time of use charging scheme*

*New section 65ZD* applies to the Agency, and any local authority (or, if the scheme is in Auckland, Auckland Transport) specified in an order made under *new section 65H* and sets out what works those entities may undertake for the purposes of implementing or operating a time of use charging scheme. This section does not apply to private roads.

*New section 65ZE* requires an entity planning to do work to give notice in writing to certain persons and sets out what information must be contained in that notice. The recipient of a notice may, within 15 days of receiving the notice, notify the entity undertaking the work of any reasonable conditions it imposes on the work. These may include requiring the entity undertaking the works to meet the reasonable costs and expenses of a local authority or other body or person having jurisdiction over a road in processing any notice given by the entity under *new section 65ZE*, or in supervising the carrying out of the work where supervision is necessary. *New section 65E(5)* sets out factors that the local authority or other body or person having jurisdiction over a road may consider when setting, varying, or revoking reasonable conditions.

### *Privacy*

*New section 65ZF* sets out how and when a scheme board or an enforcement authority may use personal information held for the purposes of a time of use charging scheme.

#### *Agency's responsibilities in respect of time of use charging schemes*

*New section 65ZG* sets out the Agency's functions and duties under *new subpart 3* of Part 2 of the principal Act, which are the following:

- to collect charges and conduct billing under a time of use charging scheme;
- to disburse funds collected to cover establishment, collection, billing, and oversight costs, and in accordance with investment agreements.

*New section 65ZG* also requires the Agency to make the details of any billing system developed for the purposes of a time of use charging scheme available, free of charge, on its internet site.

### *Regulations*

*New section 65ZH* sets out what regulations may be made for the purpose of *new subpart 3* of Part 2 of the principal Act.

## **Part 2**

### **Amendments to other enactments**

#### *Amendments to Land Transport Act 1998*

*Clauses 5 to 8* amend the Land Transport Act 1998 to—

- insert a reference to entities that enforce time of use charging schemes in accordance with an order made under *new section 65H* into the definition of enforcement authority in section 2(1) of that Act;
- insert a reference to time of use charging offences into the definition of moving vehicle offence in section 2(1) of that Act;
- insert a definition of time of use charging offence into section 2(1) of that Act;
- amend section 167 of that Act to insert a regulation-making power to set the infringement fee for a time of use charging offence;
- amend section 208 of that Act to provide that the Commissioner may appoint a person to be an enforcement officer for the purposes of *new subpart 3* of Part 2 of the Land Transport Management Act 2003.

#### *Amendment to Legislation Act 2019*

*Clauses 9 and 10* amend the Legislation Act 2019 to insert a reference to *new section 65H* of the Land Transport Management Act 2003 into Part 1 of Schedule 4 of the Legislation Act 2019.

*Hon Simeon Brown*

# **Land Transport Management (Time of Use Charging) Amendment Bill**

Government Bill

## **Contents**

		Page
1	Title	3
2	Commencement	3

### **Part 1**

#### **Amendments to Land Transport Management Act 2003**

3	Principal Act	3
4	New subpart 3 of Part 2 inserted	4

#### Subpart 3—Time of use charging

##### *Preliminary provisions*

65A	Definitions	4
65B	Purpose of time of use charging schemes	4
	<i>Initiation, preparation, and submission of proposed time of use charging scheme</i>	
65C	Initiation of proposed time of use charging scheme	5
65D	Proposed time of use charging scheme	5
65E	Consultation on scheme proposal	6
65F	Submission of scheme proposal to responsible Minister	6
	<i>Minister's decisions concerning time of use charging scheme</i>	
65G	Minister's decisions concerning time of use charging scheme	7

**Land Transport Management (Time of Use Charging)  
Amendment Bill**

<i>Secondary legislation relating to time of use charging scheme</i>		
65H	Order in Council establishing time of use charging scheme	7
65I	Notification of time of use charging area	8
65J	Notification of time of use charges	8
<i>Termination and variation of time of use charging scheme</i>		
65K	Termination of time of use charging scheme	9
65L	Proposal to vary time of use charging scheme	9
65M	Responsible Minister may notify scheme board of concerns with time of use charging scheme	10
65N	Responsible Minister may issue a direction, appoint a scheme commissioner or commissioners, or recommend terminating time of use charging scheme	10
<i>Liability to pay time of use charge</i>		
65O	Who is liable to pay time of use charge	11
65P	Who is not liable to pay time of use charge	11
65Q	How time of use charge is paid	12
<i>Offences and penalties</i>		
65R	Offences and penalties	12
<i>Scheme revenue</i>		
65S	Scheme revenue	12
<i>Secretary must monitor and review time of use charging scheme</i>		
65T	Secretary must monitor and review time of use charging scheme	13
<i>Scheme boards</i>		
65U	Scheme boards	13
65V	Scheme boards: representatives and voting rights	14
65W	Responsibilities of scheme board	14
65X	Investment agreements and disbursement accounts	15
65Y	Reporting obligations of scheme boards	15
65Z	Time of use charging scheme impact assessments	16
65ZA	Public notification of time of use charging scheme	17
<i>Responsibilities of territorial authorities that are not members of scheme</i>		
65ZB	Territorial authority that is not member of scheme: collection and billing infrastructure	17
65ZC	Territorial authority that is not member of scheme: investment	18

<i>Works related to time of use charging scheme</i>		
65ZD	What works may be done in relation to a time of use charging scheme	18
65ZE	Conditions on works	18
<i>Privacy</i>		
65ZF	Privacy	19
<i>Agency's responsibilities in respect of time of use charging schemes</i>		
65ZG	Agency's responsibilities in respect of time of use charging schemes	20
<i>Regulations</i>		
65ZH	Regulations	20

**Part 2**

**Amendments to other enactments**

*Amendments to Land Transport Act 1998*

5	Principal Act	21
6	Section 2 amended (Interpretation)	21
7	Section 167 amended (Regulations)	21
8	Section 208 amended (Appointment of enforcement officers and dangerous goods enforcement officers)	21

*Amendment to Legislation Act 2019*

9	Principal Act	22
10	Schedule 4 amended	22

**The Parliament of New Zealand enacts as follows:**

- |          |  |   |
|----------|--|---|
| <b>1</b> | <b>Title</b><br>This Act is the Land Transport Management (Time of Use Charging) Amendment Act <b>2024</b> . |   |
| <b>2</b> | <b>Commencement</b><br>This Act comes into force on the first anniversary of Royal assent.                   | 5 |

**Part 1**

**Amendments to Land Transport Management Act 2003**

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|----------|--|----|
| <b>3</b> | <b>Principal Act</b><br>This Part amends the Land Transport Management Act 2003. | 10 |
|----------|--|----|

**4 New subpart 3 of Part 2 inserted**

After section 65, insert:

Subpart 3—Time of use charging

*Preliminary provisions*

**65A Definitions**

5

In this subpart, unless the context otherwise requires,—

**charging class** means the charging class for a vehicle set out in regulations made under **section 65ZH**

**enforcement authority** means the following:

- (a) the Agency: 10
- (b) the Police:
- (c) any local authorities (and, if the scheme is in Auckland, Auckland Transport) that are specified in an Order in Council made under **section 65H** as being an enforcement authority

**registered person** means the person registered under Part 17 of the Land Transport Act 1998 in respect of the motor vehicle. 15

**scheme board** means an entity created under **section 65U(2)** that is responsible for a time of use charging scheme

**scheme region** means the region in which a time of use charging scheme operates 20

**time of use charge** is the charge payable by the registered person of a vehicle that has travelled in a time of use charging area when a charge applies

**time of use charging area** means an area within which time of use charges operate, which must be—

- (a) within a time of use scheme area; and 25
- (b) described in a notice made under **section 65I**

**time of use charging scheme** means a time of use charging scheme established in a scheme region by an Order in Council made under **section 65H**

**time of use scheme area** means an area in a scheme region within which the scheme board may impose time of use charges in accordance with an Order in Council made under **section 65H**. 30

**65B Purpose of time of use charging schemes**

The purpose of a time of use charging scheme is to improve traffic flow in order to improve network productivity.

*Initiation, preparation, and submission of proposed time of use charging scheme*

**65C Initiation of proposed time of use charging scheme**

*When proposed time of use charging scheme initiated by local authority*

- (1) A local authority (or 2 or more local authorities) may initiate a time of use charging scheme by notifying the responsible Minister, the Agency, and any other local authority within the region in which the proposed scheme will operate. 5
- (2) If no local authority in a region has initiated a time of use charging scheme within 3 years after the commencement of this subpart, the responsible Minister may direct the Agency to initiate a time of use charging scheme if satisfied that a time of use charging scheme is likely to improve traffic flow in that region. 10
- (3) If the responsible Minister directs the Agency to initiate a time of use charging scheme for a region, the Agency must notify the local authorities within the scheme region. 15
- (4) A notice under **subsection (1) or (3)** must include an outline of the proposed time of use charging scheme that identifies—
  - (a) the locations with poor traffic flow; and
  - (b) a suggested time of use scheme area; and 20
  - (c) all suggested time of use charging areas.

**65D Proposed time of use charging scheme**

- (1) The scheme board of a time of use charging scheme must develop a scheme proposal that it is satisfied would—
  - (a) improve traffic flow, being a combination of travel times and trip volumes; and 25
  - (b) contribute to an effective, efficient, and safe land transport system in the public interest.
- (2) The scheme proposal must set out—
  - (a) the proposed time of use scheme area; and 30
  - (b) the proposed time of use charging areas; and
  - (c) when—
    - (i) the proposed time of use scheme area is proposed to commence; and
    - (ii) the proposed time of use charging area or areas are proposed to commence; and 35

- (d) the maximum charges proposed for each charging class of vehicle (which must be consistent with regulations made under **section 65ZH**); and
- (e) a schedule of the operating times and charges (differentiated by charging class) that are proposed to apply to each time of use charging area; and 5
- (f) a methodology for increasing the maximum charges over time; and
- (g) a methodology or methodologies by which a charge will be triggered (such as by passing a fixed point, or by operating a motor vehicle in an area); and
- (h) the method or methods of charge collection and billing; and 10
- (i) an investment approach including the activity classes to be funded from net time of use charging scheme revenues and the principles to be applied in making funding allocations in accordance with the purpose of the Act.
- (3) For each proposed time of use charging area, the scheme proposal must identify the anticipated change in service level caused by the proposal, including a representative sample of travel times and travel volumes for trips in the scheme region affected by the scheme. 15
- 65E Consultation on scheme proposal**
- Before submitting a scheme proposal to the responsible Minister, the scheme board— 20
- (a) must carry out public consultation in the scheme region; and
- (b) must consult any local authority in the scheme region that is not a member of the scheme; and
- (c) if the scheme is in the Auckland region, must consult Auckland Transport. 25
- 65F Submission of scheme proposal to responsible Minister**
- (1) The scheme board may submit a scheme proposal to the responsible Minister.
- (2) The scheme proposal must be accompanied by— 30
- (a) a report of the consultation carried out in accordance with **section 65E**, including—
- (i) a summary of the submissions made during the consultation; and
- (ii) a description of any changes made as a result of the consultation; and
- (b) the impact assessment produced under **section 65Z(1)** and updated in accordance with **section 65Z(3)**; and 35
- (c) any other information that the responsible Minister considers necessary.

- (3) The responsible Minister may, after receiving a scheme proposal and the information required by **subsection (2)**, request any further information that the responsible Minister considers necessary in order to make a decision under **section 65G**.

*Minister's decisions concerning time of use charging scheme* 5

**65G Minister's decisions concerning time of use charging scheme**

- (1) The responsible Minister, after assessing a scheme proposal submitted under **section 65F**, may—

- (a) recommend to the Governor-General that a time of use charging scheme be established in the manner set out in the scheme proposal; or 10
- (b) refer the scheme proposal back to the scheme board, requesting it to reconsider 1 or more of the aspects of the scheme proposal; or
- (c) decline to recommend that the Governor-General establish a time of use charging scheme in the manner set out in the scheme proposal.

- (2) The responsible Minister may make a recommendation under **subsection (1)(a)** only if the responsible Minister, in consultation with the Minister of Finance, is satisfied that the scheme is consistent with the purposes of this subpart and this Act. 15

*Secondary legislation relating to time of use charging scheme*

**65H Order in Council establishing time of use charging scheme** 20

- (1) The Governor-General may, by Order in Council made on the recommendation of the responsible Minister, establish a time of use charging scheme.

- (2) An order made under **subsection (1)** must—

- (a) specify the date from which the time of use charging scheme will apply; and 25
- (b) describe the time of use scheme area; and
- (c) set the maximum charge payable by each charging class of vehicle under the time of use charging scheme in accordance with regulations made under **section 65ZH**; and
- (d) set out a methodology by which the maximum charge payable in respect of each charging class of vehicle under the time of use charging scheme may be increased over time; and 30
- (e) specify any local authorities (and, if the scheme is in Auckland, Auckland Transport) that are an enforcement authority for the purposes of the time of use charging scheme; and 35
- (f) specify the local authorities (and, if the scheme is in Auckland, Auckland Transport) that may exercise the powers described in **section 65ZD**; and

- (g) identify the anticipated change in service level caused by the time of use charging scheme, including a representative sample of travel times and travel volumes for trips in the scheme region affected by the scheme; and
- (h) specify an investment approach setting out the activity classes to be funded from net time of use charging scheme revenues and the principles to be applied in making funding allocations in accordance with the purpose of the Act. 5
- (3) An order made under this section—
- (a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and 10
- (b) must be confirmed by an Act (*see* subpart 3 of Part 5 of that Act).
- 65I Notification of time of use charging area**
- (1) The Agency must, by notice, describe each time of use charging area by—
- (a) specifying the area or areas within the time of use scheme area in which the time of use charging scheme will operate; and 15
- (b) describing the places within each time of use charging area at which a time of use charge must be paid.
- (2) The Agency may make a notice under **subsection (1)** only if satisfied that the scheme board has publicly consulted on the proposed notice (including consulting with local authorities that are not members of the scheme and, if the scheme is in Auckland, Auckland Transport). 20
- (3) A notice made under **subsection (1)** must not come into force less than 28 days before a land transport record is created in respect of the information in that notice. 25
- (4) A notice made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 65J Notification of time of use charges**
- (1) The Agency must, by notice, set the charges payable in respect of a motor vehicle passing through a place at which a time of use charge must be paid, and those charges must be— 30
- (a) not more than the maximum charge payable by each charging class of vehicle set by an Order in Council made under **section 65H**; and
- (b) in accordance with regulations made under **section 65ZH** setting out the charging classes and charging ratios for different vehicle types. 35
- (2) A notice made under **subsection (1)** must not come into force before a land transport record is created in respect of the information in that notice.
- (3) A notice made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Termination and variation of time of use charging scheme*

**65K Termination of time of use charging scheme**

- (1) A scheme board may submit a request for a time of use charging scheme to be terminated to the responsible Minister.
- (2) A request must specify— 5
  - (a) the name of the time of use charging scheme; and
  - (b) the reasons why the scheme board wants the scheme to be terminated; and
  - (c) a date by which the scheme board wants the scheme to be terminated; and 10
  - (d) any other information that the responsible Minister considers necessary.
- (3) The request must include a report by the scheme board on the views of any local authorities within the scheme region (and, if the scheme is in Auckland, Auckland Transport) that are not members of the scheme.
- (4) The responsible Minister may, in their complete discretion after considering a request for a time of use charging scheme to be terminated,— 15
  - (a) recommend to the Governor-General that the time of use charging scheme be terminated in the manner set out in the request; or
  - (b) refer the request back to the scheme board, asking it to reconsider the request; or 20
  - (c) direct the Agency to continue to operate the scheme as if the scheme had been initiated under **section 65C(2)**; or
  - (d) decline to recommend that the Governor-General terminate the time of use charging scheme.

**65L Proposal to vary time of use charging scheme** 25

- (1) A scheme board may prepare a proposal to vary a time of use charging scheme established by an Order in Council made under **section 65H**.
- (2) **Sections 65D to 65G** apply to a proposal to vary a time of use charging scheme (other than a proposal described in **subsection (3)**), subject to— 30
  - (a) any reference to a scheme proposal being read as a proposal to vary a time in use charging scheme; and
  - (b) all other necessary amendments.
- (3) **Sections 65D, 65F, and 65G** apply to a proposal to increase the maximum charges payable in respect of each charging class of vehicle in a time of use charging scheme in accordance with a methodology to increase the maximum charges payable by each charging class of vehicle set out in an Order in Council made under **section 65H**. 35

- (4) However, when preparing a proposal to vary a time of use charging scheme under **subsection (2) or (3)**, the scheme board may include only the information set out in **section 65D(2)** that is necessary or desirable to understand the proposed variation.
- (5) Nothing in this section applies to the power of the Agency to make notices under **section 65I or 65J**. 5
- 65M Responsible Minister may notify scheme board of concerns with time of use charging scheme**
- (1) This section applies if the responsible Minister is concerned that a time of use charging scheme— 10
- (a) is failing to deliver the expected benefits of the scheme as described in the scheme proposal submitted to the responsible Minister under **section 65F**; or
- (b) is not contributing to an effective, efficient, and safe land transport system in the public interest. 15
- (2) The responsible Minister must notify their concerns to the scheme board.
- (3) Within 3 months of a notification made under **subsection (2)**, the scheme board must respond to the responsible Minister’s concerns, stating what actions the scheme board has taken, or intends to take, in respect of those concerns.
- 65N Responsible Minister may issue a direction, appoint a scheme commissioner or commissioners, or recommend terminating time of use charging scheme** 20
- (1) This section applies if,—
- (a) in accordance with **section 65M(2)**, the responsible Minister has notified their concerns and advised a scheme board that it must respond; but 25
- (b) the responsible Minister is not satisfied, on reasonable grounds, that the actions the scheme board has taken or intends to take in response to the concerns notified are an adequate response to those concerns.
- (2) The responsible Minister may—
- (a) direct a scheme board with respect to any time of use charging scheme to make changes to time of use charges in accordance with **section 65J**; or 30
- (b) appoint a scheme commissioner or commissioners to assume the functions, duties, and powers of the scheme board; or
- (c) recommend that the Governor-General, by Order in Council, terminate a time of use charging scheme. 35
- (3) A direction issued under **subsection (2)(a)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

- (4) A scheme commissioner appointed under **subsection (2)(b)** is not liable for any act done or omitted to be done by them in good faith in the performance or intended performance of their functions, responsibilities, and duties, or the exercise of their powers, as a commissioner.

*Liability to pay time of use charge*

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**65O Who is liable to pay time of use charge**

- (1) The registered person of a motor vehicle is liable to pay a time of use charge if—

- (a) the vehicle travels in a time of use charging area when a charge applies; and  
(b) the vehicle is not exempt from paying the time of use charge.

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- (2) However, the registered person is not liable to pay the charge if, within 28 days after being notified by the scheme board that the charge has not been paid, the registered person supplies to the scheme board a statutory declaration that the vehicle was a stolen vehicle at the relevant time.

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- (3) The scheme board may give notice under **subsection (2)**—

- (a) by sending a notice, or a copy of it, by post addressed to the registered person at that person's last known place of residence or business or postal address; or  
(b) by electronic means of communication delivered to the registered person's electronic address in compliance with Part 4 of the Contract and Commercial Law Act 2017.

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- (4) Unless the registered person proves that through no fault of their own they did not receive the notice given under **subsection (3)**, a notice delivered by—

- (a) ordinary post is to be treated as having been delivered 5 working days after the date on which it was posted;  
(b) electronic communication is to be treated as having been delivered on the day after the date on which it was delivered to the person's electronic address.

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- (5) A time of use charge and the associated enforcement costs are recoverable in a court of competent jurisdiction as a debt due to the Agency.

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**65P Who is not liable to pay time of use charge**

- (1) A time of use charge is not payable in respect of a motor vehicle that is an emergency vehicle.

- (2) In this section, **emergency vehicle** means a vehicle that is used to attend emergencies and operated as—

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- (a) a Police vehicle;  
(b) an ambulance service vehicle:

- (c) a vehicle for the delivery of designated services (as defined in section 6 of the Fire and Emergency New Zealand Act 2017) by an employee, a volunteer, or a contractor of Fire and Emergency New Zealand:
- (d) a civil defence emergency vehicle:
- (e) a defence force emergency vehicle.

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**65Q How time of use charge is paid**

A person liable to pay a time of use charge must pay the charge in accordance with any billing system developed by the Agency under **section 65ZG(1)(a)**.

*Offences and penalties***65R Offences and penalties**

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- (1) A person commits an offence if the person, without reasonable excuse, fails to pay a time of use charge payable by that person.
- (2) An offence against **subsection (1)** is a moving vehicle offence under the Land Transport Act 1998.
- (3) A person commits an offence if, for the purpose of **section 65O(2)**, the person gives a statutory declaration that contains information that the person knows to be false or misleading.
- (4) A person who commits an offence against **subsection (3)** is liable on conviction to a fine not exceeding \$500.
- (5) **Subsection (3)** does not limit section 111 of the Crimes Act 1961.

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*Scheme revenue***65S Scheme revenue**

- (1) Revenue from a time of use charging scheme must first be applied by the Agency or the holder of a time of use disbursement account under **section 65X(5)** to meet the reasonable—
  - (a) establishment costs of developing the scheme incurred by the scheme board under **section 65D**; and
  - (b) costs of scheme operation, revenue collection, and billing by the Agency; and
  - (c) costs of the monitoring and reviewing functions of the Secretary under **section 65T**.
- (2) The balance of revenue must be invested—
  - (a) in land transport activities (such as activities involving state highways, local roads, public transport, and active transport) within the scheme region; and

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- (b) in a way that contributes to an effective, efficient, and safe land transport system in the public interest.
- (3) The prioritisation and allocation of revenues to activities or groups of activities under **subsection (2)(a)** must be in accordance with an investment agreement reached under **section 65X(1) or (2)**. 5

*Secretary must monitor and review time of use charging scheme*

**65T Secretary must monitor and review time of use charging scheme**

- (1) The Secretary, for the purpose of enabling well-informed decisions about time of use charging scheme effectiveness by the responsible Minister, must monitor and review each time of use charging scheme. 10
- (2) In monitoring and reviewing a time of use charging scheme, the Secretary must consider whether the scheme is—
- (a) achieving the service level changes identified in the scheme proposal; and
- (b) contributing to an effective, efficient, and safe land transport system in the public interest in accordance with the purposes of this subpart and this Act. 15
- (3) The Secretary must report annually to the responsible Minister on the performance of each time of use charging scheme.
- (4) All costs incurred by the Secretary in relation to a time of use charging scheme may be recovered from the revenue of the time of use charging scheme in accordance with **section 65S(1)(c)**. 20

*Scheme boards*

**65U Scheme boards**

- (1) Each time of use charging scheme has a scheme board. 25
- (2) A scheme board is created,—
- (a) if a time of use charging scheme is initiated by 1 or more local authorities under **section 65C(1)**, on the date that the Agency receives notice of the proposal from that local authority or those local authorities, or as soon as practicable afterwards; or 30
- (b) in any other case, on the date that the Agency sends notice that it is initiating a time of use charging scheme to all relevant local authorities under **section 65C(3)**, or as soon as practicable afterwards.
- (3) Before the date on which a proposed time of use charging scheme is approved by the responsible Minister under **section 65G(1)(a)**, any local authority that has not proposed a time of use charging scheme may become a member of a scheme in the region in which that local authority is located by notice in writ- 35

ing to the scheme board and is a member of that scheme from the date of that notice.	
(4) It is the duty of the local authority members of the scheme, the Agency, and the Secretary to give reasonable assistance to each other to perform their respective functions and duties, and exercise their respective powers, under this subpart.	5
<b>65V Scheme boards: representatives and voting rights</b>	
(1) The scheme board must have no more than 6 board members and consists of—	
(a) up to 5 representatives of the local authorities that have joined the time of use charging scheme, comprising—	
(i) up to 3 representatives of the local authority or local authorities that initiated the scheme under <b>section 65C</b> ; and	10
(ii) 1 additional representative for each other local authority that joins the time of use charging scheme; but	
(iii) if more than 3 local authorities have joined the time of use charging scheme, 5 representatives appointed by agreement of the local authority members of the scheme; and	15
(b) representatives of the Agency.	
(2) The board members who are representatives of the Agency hold 50% of the voting rights in relation to decisions made by the scheme board.	
(3) The board members who are representatives of local authorities collectively hold 50% of the voting rights in relation to decisions made by the scheme board, divided between them based on the share of the scheme establishment costs that each local authority has agreed to contribute.	20
(4) The chair of the scheme board must be a representative of the Agency.	
(5) The chair of the scheme board holds the casting vote.	25
<b>65W Responsibilities of scheme board</b>	
The scheme board has the following functions and duties:	
(a) preparing scheme proposals (including proposals for the variation of a time in use charging scheme under <b>section 65L</b> ):	
(b) consulting under <b>section 65E</b> :	30
(c) operating the time of use charging scheme:	
(d) investing net revenues of the time of use charging scheme in accordance with an investment agreement reached under <b>section 65X(1)</b> :	
(e) reporting on the performance of the time of use charging scheme under <b>section 65Y</b> .	35

**65X Investment agreements and disbursement accounts**

- (1) Before a time of use charging scheme comes into operation, and at least every 5 financial years afterwards, the local authority members of the scheme must reach an investment agreement with the responsible Minister.
- (2) If there are no local authority members of the scheme, the Agency must reach an investment agreement with the responsible Minister before the time of use charging scheme comes into operation and at least every 5 years afterwards. 5
- (3) An investment agreement reached under **subsection (1) or (2)** must be consistent with the investment approach and investment principles set out in the time of use charging scheme. 10
- (4) An investment agreement reached under **subsection (1) or (2)** may—
  - (a) include a list of land transport activities (such as activities involving state highways, local roads, public transport, and active transport) to be funded through scheme revenue; and
  - (b) set out whether delivery is the responsibility of— 15
    - (i) the Agency; or
    - (ii) a local authority that is a member of the scheme; or
    - (iii) a local authority that is not a member of the scheme; or
    - (iv) if the scheme is in Auckland, Auckland Transport.
- (5) Each local authority receiving funds under **subsection (4)** must— 20
  - (a) operate a time of use charging disbursement account into which must be paid all money received by the local authority under an investment agreement; and
  - (b) make any payments out of that account only in accordance with—
    - (i) the investment agreement reached under **subsection (1) or (2)**; 25  
and
    - (ii) a procurement procedure approved under section 25.
- (6) The Agency need not have a time of use charging disbursement account, but must—
  - (a) comply with section 96; and 30
  - (b) ensure that all payments are made in accordance with a procurement procedure approved under section 25.

**65Y Reporting obligations of scheme boards**

- (1) The Secretary may request, by notice in writing, any information about a time of use charging scheme from the scheme board or any members of the scheme. 35
- (2) The scheme board must respond to a request under **subsection (1)** within 20 working days.

- (3) A scheme board must provide an annual report on the time of use charging scheme to the Secretary.
- (4) The annual report must address the following topics:
- (a) the actual change in traffic flow, including a representative sample of travel times and traffic volumes, for trips affected by the scheme (including trips taking place entirely outside the scheme area and trips taking place entirely inside the scheme area), compared to the anticipated service levels set by Order in Council under **section 65H(2)(g)**: 5
  - (b) the gross revenues, the costs of operating the scheme, and net revenues from the scheme after the costs of operating the scheme have been met: 10
  - (c) a summary of allocations made under an investment agreement reached under **section 65X(1) or (2)**, including spent and unspent allocations:
  - (d) any other information requested by the Secretary.
- (5) The scheme board must make the annual report available free of charge on its Internet site. 15
- 65Z Time of use charging scheme impact assessments**
- (1) The scheme board must produce a time of use charging scheme impact assessment for—
- (a) a scheme proposal developed under **section 65D**; and
  - (b) any proposed variation to a time of use charging scheme under **section 65L**, except for a proposal to increase the maximum charges payable in respect of each charging class of vehicle in a time of use charging scheme in accordance with a methodology to increase the maximum charges payable by each charging class of vehicle set out in an Order in Council made under **section 65H**; and 20
  - (c) the purpose of public consultation on a notice made under **section 65I**. 25
- (2) The time of use charging scheme impact assessment must set out and explain the following:
- (a) the current and expected service levels within the scheme region:
  - (b) the expected impacts on the state highway network, local road network, and public transport network in the region in which the charges apply or will apply: 30
  - (c) the expected impacts on key communities of interest, including the economic, social, cultural, and environmental impacts:
  - (d) any measures in the proposal designed to address negative network and distributional impacts: 35
  - (e) the views of any local authorities in the scheme region that are not members of the scheme:

- (f) the views of Māori in the scheme region on the impacts of the scheme on their interests:
  - (g) a monetised summary of the expected costs and benefits of the scheme, including time savings, reduced vehicle operating costs, any emissions reductions, and safety improvements. 5
- (3) Following consultation carried out in accordance with **section 65E**, the time of use charging scheme impact assessment submitted to the responsible Minister under **section 65F** must be updated to take into account any measures taken in the scheme proposal or proposed variation to a time of use charging scheme in response to that consultation. 10

**65ZA Public notification of time of use charging scheme**

The scheme board must make the following available, free of charge, on its Internet site:

- (a) the impact assessment or assessments developed under **section 65Z**:
- (b) the scheme proposal developed under **section 65D**: 15
- (c) a report of the consultation carried out in accordance with **section 65E**, including—
  - (i) a summary of the submissions made during the consultation; and
  - (ii) a description of any changes made as a result of the consultation:
- (d) the scheme proposal submitted to the responsible Minister under **section 65F**: 20
- (e) the time of use charging scheme established under **section 65H** and any amendments to it:
- (f) instructions on how to pay a time of use charge under **section 65Q**:
- (g) any investment agreement made under **section 65X**: 25
- (h) any proposals to vary the time of use charging scheme developed under **section 65L**:
- (i) each notice made under **section 65I or 65J**.

*Responsibilities of territorial authorities that are not members of scheme*

**65ZB Territorial authority that is not member of scheme: collection and billing infrastructure** 30

- (1) This section applies to a territorial authority that—
  - (a) is not a member of a scheme; but
  - (b) operates local roads that are part of a time of use charging scheme.
- (2) The territorial authority must facilitate operation of scheme collection and traffic monitoring infrastructure on behalf of the scheme board. 35

**65ZC Territorial authority that is not member of scheme: investment**

- (1) This section applies to a territorial authority that is not a member of a scheme.
- (2) The territorial authority must undertake any land transport activity investment funded by a scheme board, in accordance with an investment agreement reached under **section 65X(1) or (2)**.

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*Works related to time of use charging scheme*

**65ZD What works may be done in relation to a time of use charging scheme**

- (1) This section applies to the Agency, and any local authority (or, if the scheme is in Auckland, Auckland Transport) specified in an order made under **section 65H**.
- (2) This section does not apply to a private road.
- (3) An entity to which this section applies has the powers listed in **subsections (4) to (6)**—
  - (a) for the purposes of implementing or operating a time of use charging scheme established by order under **section 65H**; and
  - (b) subject to any reasonable conditions imposed under **section 65ZF(3)**.
- (4) The entity may construct and maintain works in, on, along, across, or under any road, and for any of these purposes may—
  - (a) open or break up any road:
  - (b) alter the position of any of the following that are constructed in, on, along, over, across, or under that road:
    - (i) pipes (not being a main) for the supply of water or gas; or
    - (ii) telecommunications lines; or
    - (iii) works:
  - (c) alter, repair, or remove any of those works, or any part of those works.
- (5) The entity may connect time of use charging infrastructure to the necessary power supply (including within the meaning of the Electricity Act 1992) and necessary telecommunications services (including within the meaning of the Telecommunications Act 2001).
- (6) The entity may access any road necessary for the purposes of doing any work under **subsections (4) and (5)**.

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**65ZE Conditions on works**

- (1) Before doing any work under **section 65ZD(4) or (5)**, an entity to which **section 65ZD** applies must give notice in writing to—
  - (a) the local authority or other body or person having jurisdiction over the road to which the work relates; and

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- (b) the owner of any pipe, telecommunications line, or works that are constructed in, on, along, over, across, or under that road and that will be affected, or are likely to be affected, by the work.
- (2) The notice must specify the location of the proposed work, the nature of the work to be undertaken, and the reasons for it. 5
- (3) The recipient of a notice may, within 15 days of receiving the notice, notify the entity undertaking the work, in writing, of any reasonable conditions it imposes on the work.
- (4) Without limiting **subsection (3)**, the local authority or other body or person having jurisdiction over a road may impose a condition requiring the entity undertaking works under **section 65ZD** to meet the reasonable costs and expenses of that local authority or other body or person— 10
  - (a) in processing any notice given under **subsection (1)**; and
  - (b) in supervising the carrying out of the work, where supervision is necessary in the circumstances. 15
- (5) In setting, varying, or revoking reasonable conditions under **subsection (3)**, the local authority or other body or person having jurisdiction over a road may consider all or any of the following matters:
  - (a) the safe and efficient flow of traffic (whether pedestrian or vehicular):
  - (b) the health and safety of any person who is, or class of persons who are, likely to be directly affected by the work on the road: 20
  - (c) the need to lessen the damage that is likely to be caused to property (including structural integrity of the roads) as a result of work on the road:
  - (d) the need to lessen disruption to the local community (including businesses): 25
  - (e) co-ordinating the works with the installation of other networks:
  - (f) co-ordinating the works with road construction work by the local authority or other body or person who has jurisdiction over that road.

*Privacy* 30

**65ZF Privacy**

- (1) This section applies to personal information held or stored for the purposes of a time of use charging scheme by or on behalf of the scheme board or enforcement authority.
- (2) The scheme board or enforcement authority must not use any personal information to which this section applies except for— 35
  - (a) the purpose of collecting time of use charges; or
  - (b) the purpose of enforcing this subpart.

- (3) The disclosure of personal information to which this section applies on any of the grounds set out in information privacy principle 11 set out in section 22 of the Privacy Act 2020 is not prohibited by **subsection (2)**.
- (4) The scheme board and enforcement authority must each set out their privacy policies in a document and make the document available for inspection by the public free of charge on their Internet site. 5
- (5) Personal information to which this section applies may be retained only for as long as it is reasonably necessary to—
- (a) collect the time of use charges that the personal information relates to:
- (b) enforce the provisions of this Act in relation to unpaid time of use charges that the personal information relates to: 10
- (c) comply with any information retention requirements specified in any other enactment that relate to that personal information.
- (6) In this section, **personal information** includes any time of use charging scheme information that is linked to registration plates. 15

*Agency's responsibilities in respect of time of use charging schemes*

**65ZG Agency's responsibilities in respect of time of use charging schemes**

- (1) The Agency has the following functions and duties under this subpart:
- (a) to collect charges and conduct billing under a time of use charging scheme: 20
- (b) to disburse funds collected to cover establishment, collection, billing, and oversight costs in accordance with investment agreements.
- (2) The Agency must make the details of any billing system developed for the purposes of **subsection (1)(a)** available, free of charge, on its Internet site.

*Regulations* 25

**65ZH Regulations**

- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:
- (a) specifying any other information required to be included in a scheme proposal under **section 65D**: 30
- (b) specifying classes of vehicle for the purpose of setting time of use charges:
- (c) specifying the ratio at which charges are to be paid between different classes of vehicle:
- (d) for the purposes of operating, billing, and enforcing a time of use charging scheme, specifying which vehicle classes (within the meaning of 35

- Land Transport Rule: Vehicle Standards Compliance 2002) are within each charging class:
- (e) providing for anything that this subpart says may or must be provided for by regulations:
  - (f) providing for anything incidental that is necessary for carrying out, or giving full effect to, this subpart. 5
- (2) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

## Part 2

### Amendments to other enactments 10

#### *Amendments to Land Transport Act 1998*

#### 5 Principal Act

**Sections 6 to 8** amend the Land Transport Act 1998.

#### 6 Section 2 amended (Interpretation)

- (1) In section 2(1), definition of **enforcement authority**, after paragraph (e), insert: 15

(f) an entity that enforces a time of use charging scheme in accordance with an order made under **section 65H** of the Land Transport Management Act 2003, in the case of an infringement offence that is a time of use charging offence 20

- (2) In section 2(1), definition of **moving vehicle offence**, after paragraph (b), insert:

(c) a time of use charging offence

- (3) In section 2(1), insert in its appropriate alphabetical order:

**time of use charging offence** means an offence against **section 65R** of the Land Transport Management Act 2003 25

#### 7 Section 167 amended (Regulations)

After section 167(1)(fa), insert:

(fb) setting the infringement fee for a time of use charging offence:

#### 8 Section 208 amended (Appointment of enforcement officers and dangerous goods enforcement officers) 30

Replace section 208(3)(a)(ia) with:

(ia) **subpart 3 of Part 2** of the Land Transport Management Act 2003:

*Amendment to Legislation Act 2019*

**9 Principal Act**

Section 10 amends the Legislation Act 2019.

**10 Schedule 4 amended**

In Schedule 4, Part 1, insert in its appropriate alphabetical order:

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Land Transport Management Act 2003

**65H(1)**