



# Cabinet Legislation Committee

## Minute of Decision

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### Land Transport Rule – COVID-19 Response (No 1) Amendment 2020

Portfolio                      Transport

On 28 July 2020, the Cabinet Legislation Committee:

- 1        **noted** that on 7 April 2020, the group of Ministers with Power to Act on COVID-19 matters agreed to a temporary extension of some expired transport documents through:
  - 1.1      the Land Transport Rule – COVID-19 Response (No 1) (the Rule);
  - 1.2      the Land Transport (Motor Vehicle Registration and Licensing) (COVID-19—Extension of Duration of Motor Vehicle Licences) Amendment Regulations 2020 (the Amendment Regulations);
- 2        **noted** that under the Rule, the following documents were deemed valid from 10 April 2020 for a period of up to six months:
  - 2.1      Warrants of Fitness and Certificates of Fitness, and driver licences that expired on or after 1 January 2020;
  - 2.2      other vehicle certifications which expired on or after 1 January 2020 (including alternative fuel inspection certificates, permits authorising use of vehicles with conditions, and heavy vehicle specialist certifications);
  - 2.3      driver licences that expired on or after 1 January 2020 and endorsements that expired on or after 1 March 2020 (including for drivers of small and large passenger services, and dangerous goods endorsements held by some truck drivers);
- 3        **noted** that under the Amendment Regulations, the requirement to display valid vehicle licences was also temporarily suspended, if the vehicle licence expired on or after 1 January 2020;
- 4        **noted** that in May 2020, the Regulations Review Committee raised concerns that the flexibility in the legislation creates uncertainty, and is an unauthorised sub-delegation of power to Waka Kotahi NZ Transport Agency (Waka Kotahi);
- 5        **noted** that to address these concerns, the Minister of Transport agreed to amend the Rule to provide certainty around dates for re-compliance, and to remove Waka Kotahi's role in setting dates;

- 6 **noted** that of the vehicles due for an inspection between 1 January and 22 June 2020, 71 per cent had been inspected by 22 June 2020, and the rate of delivery in the week ending 22 June 2020 exceeds the weekly average of the busiest month in 2019 by 8 percent
- 7 **noted** that Waka Kotahi and NZ Police will continue monitor the outcomes of these extensions to assess whether road safety outcomes are affected;
- 8 **agreed** to make amendments to the Rule via Order in Council to:
- 8.1 remove Waka Kotahi's delegated authority to set dates;
- 8.2 confirm 10 October 2020 as the cut-off date by which all expired documents affected by the Rule must be renewed;

### Land Transport Rule: COVID-19 Response (No 1) Amendment 2020

- 9 **noted** that the Land Transport Rule: COVID-19 Response (No 1) Amendment 2020 (the Amendment Rule) gives effect to paragraph 8;
- 10 **noted** that under section 152A of the Land Transport Act 1998 (LTA) ordinary land transport rules may be made, amended or revoked by the Governor-General by Order in Council, on the recommendation of the Minister of Transport;
- 11 **noted** that section 152A(2) of the LTA requires that the responsible Minister have regard to the criteria specified in [section 164\(2\)](#) of that Act before recommending the amendment to a rule, by Order in Council, under section 152A(1);
- 12 **noted** the advice of the Minister of Transport that this requirement has been met;
- 13 **authorised** the submission to the Executive Council of the Land Transport Rule: COVID-19 Response (No 1) Amendment 2020;
- 14 **noted** that the Amendment Rule will come into force on 7 September 2020.

Gerrard Carter  
Committee Secretary

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**Present:**

Rt Hon Winston Peters  
Hon Phil Twyford  
Hon Dr Megan Woods  
Hon Chris Hipkins (Chair)  
Hon Andrew Little (part of item)  
Hon Stuart Nash  
Hon Damien O'Connor  
Hon Ron Mark  
Hon Tracey Martin  
Hon Poto Williams  
Hon James Shaw  
Hon Julie Ann Genter (part of item)  
Hon Eugenie Sage  
Michael Wood MP (Senior Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG