

Appendix 1 - Christchurch City Council detailed submission on the Land Transport Management (Time of Use Charging) Amendment Bill

Clause	Topic	Submission	Discussion and relief sought (if applicable)
65C(1)	Initiation of proposed time of use charging scheme	Amend	The Bill provides the ability for local authorities to initiate time of use charging schemes in their region/s. Whether through legislation or operational policy, we see that it would be beneficial to add quantifiable congestion metrics as a suggestion to indicate to local authorities when a scheme may be the appropriate intervention.
65C(2)	Initiation of proposed time of use charging scheme	Amend	<p>The Bill provides the ability for the Minister to direct the initiation of a time of use charging scheme, if no local authority in a region has initiated a scheme within 3 years after the commencement.</p> <p>The decision to initiate a time of use charging scheme proposal should remain with local authorities, even after the three-year period specified.</p> <p>If the clause remains, our secondary request is that quantifiable congestion metrics are included that would trigger Ministerial intervention.</p>
65G	Minister's decisions concerning time of use charging scheme	Amend	For efficiency, Council requests that the clause is amended to prescribe a maximum timeframe of 3 months from the date the Minister receives the scheme proposal, for the Minister to make a decision under 65G.
65G(1)(b) and (c)	Minister's decisions concerning time of use charging	Amend	<p>The responsible Minister, after considering a scheme proposal may, recommend the scheme be established, refer the scheme proposal back to the scheme board, requesting it to reconsider one or more of the aspects of the scheme proposal or decline to recommend the scheme be established.</p> <p>To enable fair and transparent decision-making under 65G, we request a criterion is included that the Minister must consider and apply when making their decision. This would help to ensure scheme boards are able to align with the Minister's expectations and reduce the risk of contradictory schemes being developed over time.</p>

			Additionally, we request that when making a decision(s) under 65G that the Minister must provide reasons for their decision. By the Minister having to clearly articulate the rationale for their decisions, it not only ensures greater transparency but also provides clear documentation as to why decisions were made.
65K	Termination of time of use charging scheme	Amend	Council seeks that as part of terminating a scheme, public consultation must be required. The public are consulted on the initiation of the scheme and therefore it is appropriate that the public have an opportunity to comment on the termination of any time of use charging scheme if it is proposed to end.
65P	Who is not liable to pay time of use charges	Amend	Exemptions are an integral element of any time of use charging scheme. People with disabilities, low-income households and essential workers often lack the flexibility necessary to avoid the time of use charge (cycling, work from home, delayed travel etc.). We recommend the development of exemption criteria that utilises existing government welfare process to identify exemptions that contribute positively to the implementation of a successful scheme. Potential criteria to determine exemption qualification could come from programmes such as supported living payment, community services card and the accommodation supplement. We also request that the Bill is amended to provide for exemptions for scheduled public transport services operated by the relevant local authority.
65S	Scheme revenue	Clarify	The balance of the revenue must be invested in land transport activities in the 'scheme region'. Given that the definition of 'scheme region' reads to encompass the geographic region (i.e. Canterbury), clarification is sought as to whether the scheme revenue will be spent within the regions who are members of the scheme board.
65S	Scheme revenue	Clarify and amend	This section assumes that schemes will have a balance of revenue to be distributed. We request clarification of who will pay for scheme elements if the costs to implement, operate and maintain a scheme are not covered by the revenue collected from the scheme.
65U	Scheme boards	Amend and Clarify	Clarification is sought as to whether the local authority representatives on the scheme boards are elected members or council officers – this is not specified in the Bill. We recommend that local authority representatives on scheme boards should consist of elected members rather than council officers or independent experts. We

			<p>see this as necessary to ensure continued accountability to the communities represented by council.</p> <p>We also seek clarification as to whether under 65U(3), approval is needed from existing scheme board members or whether once notice is given, that local authority automatically becomes a member of the scheme board.</p>
65V	Scheme boards: representatives and voting rights	Amend	<p>The Bill sets out the membership and voting rights of scheme board. Please see appendix 2 for a detailed description of the Council's preference for the membership, voting rights and role of a scheme board.</p> <p>The scheme board composition should reflect the local leadership required for successful implementation of time in use charges.</p> <p>We recommend a joint governance model with equal voting rights between the scheme board members. We also recommend delegating the ability to make changes to the charging area and charges payable (within the OIC) to the scheme board.</p> <p>Final approval and termination of schemes would remain with the Minister however, they would not be able to direct changes, instead set their expectations.</p>
65X	Investment agreements and disbursement accounts	Amend	<p>Council supports 65X(4)(b) to 65X(6)(b) as drafted. However, Council request the removal of 65X(1) to 65X(4)(a). Scheme revenue should be invested in projects and services as set out in Regional Land Transport Plans and Regional Public Transport Plans. Supplementary investment agreements risk not being aligned with regional priorities and create extra work for scheme boards. This has the potential to result in unnecessary complexity and confusion in funding priorities.</p> <p>As drafted, the Minister has effective control of how the scheme revenue is invested with 50% of the scheme board vote plus the casting vote. If the investment agreement approach remains, we request a joint governance process for the investment agreement as laid out in our feedback to 65V.</p>

65Z(2)	Time of use charging scheme impact assessments	Amend	<p>We support the requirement for impact assessments in the scheme development process.</p> <p>We recommend an additional element to the assessment – “the congestion alleviating interventions that have already been implemented in the scheme region (e.g. public transport, traffic signal optimisation) be included.</p>
65Z(2)(d)	Time of use charging scheme impact assessments	Amend	<p>We support the criteria on negative network and distributional impacts, however, seek that this is expanded to potential economic distributional impacts to ensure business and investment activity is benefited equally across regions within a scheme.</p>