

**Date:** Wednesday 26 April 2023  
**Time:** 1.00pm  
**Meeting Room:** Waiheke Local Board office  
**Venue:** 10 Belgium Street  
Ostend  
Waiheke

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## Waiheke Local Board

# OPEN MINUTE ITEM ATTACHMENTS

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# Waiheke Local Board feedback on Land Transport Management (Regulation of Public Transport) Amendment Bill

File No.: CP2023/04858

## Te take mō te pūrongo Purpose of the report

1. To provide Waiheke Local Board the opportunity to provide feedback for inclusion in Auckland Council's submission on the Land Transport Management (Regulation of Public Transport) Amendment Bill.

## Whakarāpopototanga matua Executive summary

2. The Land Transport Management (Regulation of Public Transport) Amendment Bill establishes the Sustainable Public Transport Framework (SPTF), which will replace the Public Transport Operating Model. The SPTF is a new framework for the planning, procurement, and delivery of public transport services, which addresses systemic issues affecting the sector. Legislative changes are also necessary to remove barriers to decarbonisation, and to clarify and improve the regulation and administration of some public transport services.
3. As summarised in the Bill's [explanatory note](#), the key changes are:
  - New objectives for planning, procurement, and delivery of services.
    - *'The SPTF is underpinned by new objectives prioritising mode-shift, fair and equitable treatment of employees, and improved environment and health outcomes.'*
  - Enabling regional councils to operate public transport services.
    - *'The Bill enables regional councils to operate public transport services in-house or to continue to outsource the operation of services.'*
  - Enabling different asset ownership arrangements.
    - *'The Bill removes the requirement for a local authority's interests in public transport services to be held in a council-controlled trading organisation.'*
  - Supporting benchmarking of different service delivery models.
    - *'The Bill establishes a new requirement for public transport services to be planned, procured, and operated in an open and transparent manner.'*
  - Encouraging greater collaboration between regional councils and territorial authorities.
    - *'The Bill establishes a requirement for regional councils and territorial authorities to prepare regional public transport plans (RPTPs) in collaboration.'*
  - Improving framework for exempt services.
    - *'The Bill makes several changes to the framework for exempt services, including increasing the minimum notice period to withdraw exempt services that have been identified as integral... [and] amending the criteria to add or remove an exemption to better align with the SPTF objectives.'*
  - Clarifying treatment of on-demand public transport services.
    - *'The Bill expands the definition of public transport to include unscheduled (on-demand) public transport services and shuttle services.'*

4. Note that some of these provisions will not directly impact Auckland due to its status as a unitary authority and its unique governance structure. Further assessment of the Bill's implications for Auckland will be undertaken as part of the preparation of a submission.
5. More information on the Land Transport Management (Regulation of Public Transport) Amendment Bill can be found [here](#).
6. There was a Transport and Infrastructure committee meeting on 20 April 2023 to seek approval for a group of Transport and Infrastructure Committee members, including the Chair and Deputy Chair and any other nominated member(s), to be delegated authority to approve Auckland Council's submission on the Land Transport Management (Regulation of Public Transport) Amendment Bill before the submission deadline of 28 April 2023.
7. Local boards have been given the opportunity to provide feedback on Land Transport Management (Regulation of Public Transport) Amendment Bill. The consultation closes on 28 April 2023 and formal feedback from local boards needs to be received by 26 April 2023 in order to be appended to the council's submission.
8. The Waiheke Local Board has opportunity to provide feedback.

## Ngā tūtohunga Recommendation/s

That the Waiheke Local Board:

- a) provides feedback on the Land Transport Management (Regulation of Public Transport) Amendment Bill.

## Ngā tāpirihanga Attachments

There are no attachments for this report.

## Ngā kaihaina Signatories

Authors	Lorraine Gropper - Democracy Advisor
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## Waiheke Local Board feedback to the Land Transport Management (Regulation of Public Transport) Amendment Bill

### Introduction

1. The Waiheke Local Board made submission to the June 2021 Ministry of Transport - Review of the public transport operating model (PTOM). That submission is available in the papers of the 21 July 2021 Waiheke Local Board Business Meeting  
[https://infocouncil.aucklandcouncil.govt.nz/Open/2021/07/WHK\\_20210721\\_AGN\\_10024\\_AT\\_WEB.htm](https://infocouncil.aucklandcouncil.govt.nz/Open/2021/07/WHK_20210721_AGN_10024_AT_WEB.htm)
2. The focus of the 2021 submission was built on years of local board advocacy and lobbying around the inherent inequality of public transport service provision through the exempt services nature of the Mātiatia / Downtown Auckland passenger ferry service.
3. The Waiheke Local Board, with aligned support from Auckland Transport, has continued to actively make the case to the Minister of Transport for the removal of exempt service status for the Mātiatia / Downtown Auckland passenger ferry services to Waiheke under the current Transport Act due to the services being integral to the public transport network and the need for fare regulation.
4. The Mātiatia / Downtown Auckland passenger ferry services to and from Waiheke need to be removed from their current exempt status. Those services and any other future passenger ferry services to and from Waiheke need to be recognised as a public transport service and operated under the new framework as a non-exempt service.
5. The current Waiheke passenger ferry service meets the public transport criteria of the amended bill, and if not identified as an exempt service by Order of Council initiated by the Minister whilst operations are still under the PTOM model, the services should automatically be identified as a non-exempt service on the adoption of this Amendment Bill.
6. All passenger ferry services that meet public transport criteria should automatically be identified as non-exempt services.

### New objectives for planning, procurement, and delivery of services

7. The local board is encouraged with the directions of the Land Transport Management (Regulation of Public Transport) Amendment Bill and supports the establishment of the Sustainable Public Transport Framework.
8. The local board supports shifting from a commercially driven model to a principle-based approach with holistic sustainability at the centre including employment being fairer and more equitable, transport being decarbonised and user focussed, and planning and infrastructure delivery being integrated along with greater flexibility of operating models.
9. The local board identifies that the reliance using fossil fuelled ferry travel means residents and visitors to Waiheke have a large carbon footprint. The local board supports efforts through the Amendment Bill to better enable and encourage integrated local public transport, in particular supporting business

models that may accelerate lower carbon emissions through hybrid, electric, hydrogen, or other alternative powered ferry vessels.

10. The Amendment Bill needs to ensure that practices such as differential charging can be applied to fares for the public transport system including the establishment of a price or benefit differential between resident/public transport users and visitor charges or concessions.
11. The Waiheke ferry route is a core public transport service for its residents for commuter, public service access and community purposes. However non-resident visitors also make use of the connection, including international travellers. To assist with revenue generation or subsidy reduction, legislation should allow for regional transport operators to be able to establish resident versus non-resident visitor user charge differentials.
12. The legislation should be enabling to provide opportunity for out of the region tourism visitors to be levied or for residents to receive additional benefit in charges. An intent of this is to assist in reducing the subsidy fare burden on Waka Kotahi and the local government entity.
13. With electronic ticketing, there are already examples of Student Fares and Gold Card concessions. With respect to tourist versus resident benefits, these already exist with services such as Auckland Museum entry and for ferry journeys differential pricing is common practice elsewhere in the world.

#### Improving framework for exempt services

14. The local board endorses the Bill's specific attention to improving the framework for exempt services.
15. The explanatory notes of the Bill say:

*The Bill makes several changes to the framework for exempt services, including—*

- *increasing the minimum notice period to withdraw exempt services that have been identified as integral in a regional public transport plan—to give regional councils an opportunity to establish a replacement service;*
  - *clarifying that the Agency should undertake the process to inform a decision to add or remove an exemption if the Minister or regional council requests this;*
  - *amending the criteria to add or remove an exemption to better align with the SPTF objectives.*
16. The local board expresses disappointment in that the Bill does not in fact appear to improve the framework for exempt services with regard to the regional council (Auckland Transport) being able to request removing an exemption.
  17. The local board identifies that the Amendment Bill needs to specifically enable removing an exemption to more readily occur, and in a timelier manner.
  18. As identified in the Waiheke Local Board's 2021 submission the abrupt removal of services is an area of risk for ferry operations on the Mātiatia – Downtown Auckland unit of the public transport network.
  19. The local board endorses the extension of the notification requirements for an operator of an exempt service who intends to withdraw from providing the service. However the Amendment Bill proposes a minimum notice period of 60 working days before the exempt service is to cease operating, which is considered too short a timeframe for the practical and logistical arrangements for a substitute service

to be established. The local board supports Auckland Councils' notice period of 120 to 180 days to ensure opportunity for a feasible transition.

20. Despite the local board repeatedly making the case within the current PTOM regulations to the Ministers of Transport of the time to initiate an Order in Council for an exempt service to become non-exempt, this has not occurred.
21. Under current legislation the local board and Auckland Transport have both identified that the conditions of ongoing exempt status have not been met due to the service;
  - a. clearly being part of the regional public transport network, and
  - b. that there has been a need for the fares to be regulated,

The local board has made direct requests for a change in status of the service from exempt to non-exempt with no significant success.

22. The Amendment Bill does not give any clear insight to how status of a service will be able to be adjusted should conditions change over time with planning, market forces, operator delivery and service quality.
23. The process for initiating a change from exempt to non-exempt status of a service needs to be clearly outlined and made easier to implement in the final iteration of the Amendment Bill.

#### [Supporting benchmarking of different service delivery models – Workforce conditions](#)

24. Since New Zealand removed Covid -19 restrictions, island residents have experienced ongoing service disruptions with the ferry passenger service due to identified staffing shortages among other factors.
25. The local board supports the aim of ensuring resilience in the labour force and the proposed Bill principle Section 115(1)(c) that fair and equitable employment or engagement of people in all modes of the public transport workforce, so as to ensure that there is a sufficiently robust labour market to sustain and expand public transport services to meet current and future need.