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# BILLS DIGEST

Digest No. 1738

## Infrastructure Bill 2009 (2009 No 63-2)

<b>Date of Introduction:</b>	05 August 2009
<b>Portfolio:</b>	Infrastructure
<b>First reading:</b>	25 August 2009
<b>Select Committee:</b>	Transport and Industrial Relations
<b>Date report presented:</b>	10 November 2009
<b>Published: 02 February 2010</b>  Prepared by <b>John McSoriley</b> BA LL.B, Barrister  Legislative Analyst  P: (04) 471-9626 (Ext. 9626)  F: (04) 471-1250	Caution: This Digest was prepared to assist consideration of the Bill by members of Parliament. It has no official status.  Although every effort has been made to ensure accuracy, it should not be taken as a complete or authoritative guide to the Bill. Other sources should be consulted to determine the subsequent official status of the Bill.

### Purpose

The aim of this Bill is to amend eight Acts and repeal one Act " ... to facilitate infrastructure development by removing unnecessary barriers and improving the consistency of regulatory arrangements"<sup>1</sup>.

*The Bill as introduced is described in [Bills Digest No 1705](#).*

### Main changes to the Bill

#### Corridor manager and railway land

The Bill as introduced provides that the term "corridor manager", in relation to a railway line, means the licensed access provider who controls access to the line.

<sup>1</sup> Infrastructure Bill, 2009 No 63-1, Explanatory note, General policy statement, p. 1.

The Select Committee has recommended the insertion in the Bill of a new definition, that of "railway land" to cover adjacent land that is held or used in connection with operating a railway on a railway line and the land on which the line is built. The definition of "corridor manager" in relation to railway land would then be " ... the licensed access provider who controls access to the land". A consequential drafting amendment is recommended to the definition of "transport corridor" (*Part 1, Clause 4, amending paragraph (c) of the definition of "corridor manager" and the definition of "transport corridor" and inserting a new definition, that of "railway land"*).

## The Code

The Bill as introduced provides that a utility operator is not required to comply with the Code in carrying out work in a transport corridor when non-compliance is agreed between the corridor manager and affected operators. The Select Committee has recommended that it be made clear in the Bill that such an agreement does not affect corridor managers' or utility operators' obligations under any enactment, or under any standard with which they are obliged to comply.

The Select Committee has also recommended other amendments relating to the enforceability of the Code in the District Court, what must be set out in the Code in order to achieve its purpose and provisions relating to consultation when a code is being developed

The Select Committee has also recommended that where the Code refers to standards, guidelines, or other documents that are not set out in the Code, the Code must specify how those standards, guidelines, or other documents (including any amendments and replacements) may be viewed and how copies may be obtained and which edition or version of the standard, guidelines, or other document is referred to and whether the reference includes subsequent amendments or replacements (*Part 1, Clause 6, inserting new subclause (3A); Clause 7, amending subclause (1); Clause 10, amending subclause (1); Clause 12 amending subclauses (1) and (2)*).

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