



## ANALYSIS

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1992, No. 69

**An Act to amend the Transport Services Licensing Act 1989** [30 June 1992]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Transport Services Licensing Amendment Act (No. 2) 1992, and shall be read together with and deemed part of the Transport Services Licensing Act 1989 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1992.

**2. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by omitting from the definition of the term “enforcement officer” the words “member of the Police”, and substituting the word “constable”.

(2) Section 2 (1) of the principal Act is hereby amended by adding to the definition of the term “regional council” the words “; and includes any territorial authority within the meaning of that Act that has the functions, duties, and powers of a regional council under this Act.”

**3. Interpretation**—(1) Section 47 (1) of the principal Act is hereby amended by repealing the definition of the term “regional passenger transport plan” (as substituted by section 4 (1) of the Transport Services Licensing Amendment Act 1990), and substituting the following definition:

“ ‘Regional passenger transport plan’ means a plan (identified as a regional passenger transport plan)—

“(a) Prepared by a regional council or a territorial authority that has the functions, powers, and duties of a regional council under this Act; and

“(b) Prepared in consultation with the public and the constituent authorities (if any) in the region concerned; and

“(c) Made available to the public; and

“(d) Specifying the passenger services the regional council or territorial authority proposes to be provided in its region or district, both generally and in respect of the transport disadvantaged.”

(2) Section 47 (2) of the principal Act (as added by section 4 (2) of the Transport Services Licensing Amendment Act 1990) is hereby amended—

(a) By omitting the expression “paragraph (b)”, and substituting the expression “paragraph (d)”;

(b) By inserting in paragraph (a), and also in paragraph (c), after the words “regional council”, the words “or territorial authority”.

**4. Regional councils to consider contracting out functions under Act**—The principal Act is hereby amended by inserting, after section 53, the following section:

“53A. (1) Every regional council and every territorial authority that has the functions, powers, and duties of a regional council under this Act shall, in the course of performing its functions, powers, and duties under this Act, consider whether it could most efficiently and effectively perform those functions, powers, and duties by means of its own operations or by contracting out those operations to appropriate persons selected after an appropriate competitive process.

“(2) Where a regional council or such a territorial authority considers that other persons can more efficiently and effectively perform any of its functions, powers, and duties under this Act, the council or authority—

“(a) Shall invite tenders for the performance of such functions; and

“(b) If a tender is successful, shall enter into an agreement setting out the terms on which those functions, powers, and duties are to be performed by the other person.

“(3) Every regional council and every such territorial authority shall have and may exercise all such powers as are necessary or reasonably expedient to enable it to perform its duties under this section, and such powers and duties are in addition to, and not in substitution for, powers and duties conferred on regional councils and such territorial authorities by any other Act.

“(4) Where a regional council or territorial authority invites tenders under subsection (2) of this section, any other regional council or territorial authority may submit a tender and, if successful, enter into an agreement under that subsection.”

**5. Repeals**—Sections 54 to 58 of the principal Act, and the headings above sections 54 and 56 of that Act, are hereby repealed.

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This Act is administered in the Ministry of Transport.

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