

# MINISTRY OF TRANSPORT AMENDMENT BILL

## EXPLANATORY NOTE

THIS Bill amends the Ministry of Transport Act 1968.

*Clause 1* relates to the Short Title.

*Clause 2* re-enacts in an amended form section 3 of the principal Act, which constitutes the Ministry of Transport. The effect of the changes in the new section is that in matters relating to the administration of those Acts that are specified in Part II of the new First Schedule to the principal Act (substituted by *clause 3* of this Bill) the Ministry will be under the control of the Minister of Civil Aviation and Meteorological Services.

*Clause 3* re-enacts the First Schedule to the principal Act specifying the Acts administered by the Ministry. The new First Schedule is divided into two Parts. Part I includes all Acts administered by the Ministry, and Part II includes those Acts specified in Part I which are administered by the Ministry subject to the control of the Minister of Civil Aviation and Meteorological Services.

*Clause 4* reconstitutes the Transport Advisory Council, which is to comprise—

- (a) The Minister of Transport, who will be the Chairman.
- (b) The Secretary for Transport, who will be the Deputy Chairman.
- (c) A member representing the road transport industry.
- (d) A member representing the aviation industry.
- (e) A member representing maritime interests.
- (f) A representative of the New Zealand Federation of Labour Incorporated.
- (g) An officer of the New Zealand Government Railways Department nominated by the General Manager of that Department.

*Clause 5* inserts new sections 13I to 13L in the principal Act, relating to the Road Traffic Safety Research Council. It gives effect to a recommendation of the Road Safety Committee 1972 (Parliamentary Paper 1972, I. 17). See page 5 of that report.

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The effect of the new *sections 13i to 13L* is as follows.

*Section 13i* establishes the Road Transport Safety Research Council, having the membership set out in *subsection (2)*. The section includes the usual provisions relating to the procedure for the appointment of members, the term of office, vacation of office and filling of vacancies, the appointment of deputies, and the procedure of the Council.

*Section 13j* defines the functions of the Council. Its principal function is to inquire into all matters relating to road-traffic safety research referred to it by the Minister or by any member of the Council, and to report to the Minister on such matters. The Council has the additional functions set out in *subsection (2)*.

*Section 13k* authorises the Council to appoint subcommittees, whether members of the Council or not.

*Section 13L* provides for payment of remuneration and travelling expenses to members of the Council and of subcommittees appointed by it.

*Clause 6* provides for consequential amendments. It includes provisions substituting references to the Minister of Civil Aviation and Meteorological Services in those Acts which under the new section 3 of the principal Act (substituted by *clause 2* of this Bill) come under the control of the Minister of Civil Aviation and Meteorological Services.

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*Hon. Sir Basil Arthur*

## MINISTRY OF TRANSPORT AMENDMENT

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### ANALYSIS

Title	5. New sections (as to Road Traffic Safety Research Council) inserted
1. Short Title	"13i. Road Traffic Safety Research Council
2. Ministry of Transport	"13j. Functions of Council
3. Acts administered by Ministry	"13k. Subcommittees of Council
4. Transport Advisory Council	"13l. Remuneration and travelling expenses
	6. Consequential amendments
	Schedule

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### A BILL INTITULED

#### **An Act to amend the Ministry of Transport Act 1968**

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,  
5 as follows:

**1. Short Title**—This Act may be cited as the Ministry of Transport Amendment Act 1973, and shall be read together with and deemed part of the Ministry of Transport Act 1968\* (hereinafter referred to as the principal Act).

10 **2. Ministry of Transport**—The principal Act is hereby amended by repealing section 3, and substituting the following section:

"3. (1) There is hereby established a Department of State to be called the Ministry of Transport, which shall be charged

\*1968, No. 39

Amendments: 1971, No. 65; 1972, No. 4

with the administration of this Act and, subject to subsection (3) of this section, of the enactments specified in Part I of the First Schedule to this Act and with such other functions as may be lawfully conferred on it.

“(2) Except as provided in subsection (3) of this section, the Ministry shall be under the control of the Minister of Transport. 5

“(3) The Ministry shall, in all matters relating to the administration of the enactments specified in Part II of the First Schedule of this Act, be under the control of the Minister of Civil Aviation and Meteorological Services.” 10

**3. Acts administered by Ministry**—(1) The principal Act is hereby further amended by repealing the First Schedule, and substituting the First Schedule set out in the Schedule to this Act. 15

(2) Section 2 of the Ministry of Transport Amendment Act 1972 is hereby consequentially repealed.

**4. Transport Advisory Council**—(1) Section 10 of the principal Act is hereby amended by repealing subsection (2) (as substituted by section 5 (1) of the Ministry of Transport Amendment Act 1972), and substituting the following subsection: 20

“(2) The Council shall consist of—

“(a) The Minister of Transport, who shall be Chairman of the Council: 25

“(b) The Secretary for Transport, who shall be the Deputy Chairman of the Council:

“(c) One member, to represent the road transport industry:

“(d) One member, to represent the aviation industry:

“(e) One member, to represent maritime interests: 30

“(f) One member to represent the New Zealand Federation of Labour Incorporated:

“(g) One officer of the New Zealand Government Railways Department, to be nominated by the General Manager of that Department.” 35

(2) Section 10 of the principal Act is hereby further amended—

(a) By repealing subsection (3) (as substituted by section 5 (2) of the Ministry of Transport Amendment Act 1972): 40

- (b) By omitting from subsection (4) (as amended by section 5 (3) of the Ministry of Transport Amendment Act 1972) the words “paragraphs (c) to (l)”, and substituting the words “paragraphs (c) to (f)”:
- 5 (c) By omitting from subsection (5) the words “other than an associate member”:
- (d) By omitting from subsection (6) the words “Eight members (excluding an associate member)”, and substituting the words “Four members”.
- 10 (3) Section 5 of the Ministry of Transport Amendment Act 1972 is hereby consequentially repealed.

**5. New sections (as to Road Traffic Safety Research Council) inserted**—The principal Act is hereby further amended by inserting, after section 13H (as inserted by 15 section 2 of the Ministry of Transport Amendment Act 1971), the following heading and sections:

*“Road Traffic Safety Research Council*

“13I. **Road Traffic Safety Research Council**—(1) There is hereby established a Council, to be called the Road Traffic 20 Safety Research Council.

“ (2) The Council shall consist of—

“ (a) The Secretary for Transport, who shall be Chairman of the Council:

25 “ (b) One member, to be nominated by the National Roads Board:

“ (c) One member, to be nominated by the Accident Compensation Commission established by the Accident Compensation Act 1972:

30 “ (d) One member, to be nominated by the Traffic Accident Research Foundation—New Zealand:

“ (e) One member, to be nominated by the Minister of Science:

“ (f) One member, to be nominated by the New Zealand Automobile Association Incorporated:

35 “ (g) One member, to be nominated by the Medical Research Council of New Zealand:

“ (h) One member, to represent the road transport industry.

40 “ (3) The following provisions shall apply with respect to every member of the Council under paragraphs (b) to (h) of subsection (2) of this section, namely:

“ (a) He shall be appointed by the Governor-General on the recommendation of the Minister:

- “(b) He shall hold office for a term of 3 years, but may from time to time be reappointed, and may at any time be removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, and he may at any time resign his office by writing addressed to the Minister: 5
- “(c) If he dies, is removed from office, or resigns, the vacancy so created may be filled in the manner in which the appointment to the vacant office was originally made. Every person appointed to fill the vacancy shall be appointed for the residue of the term for which his predecessor was appointed: 10
- “(d) Unless he sooner vacates his office as provided in paragraph (b) of this subsection otherwise than by effluxion of time, he shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired. 15
- “(4) The Governor-General may, on the recommendation of the Minister, appoint any person to be the deputy of any member of the Council appointed under paragraphs (b) to (h) of subsection (1) of this section, to act, pursuant to the terms of his appointment, in the event of the absence from any meeting of the Council of the member whose deputy he is. 20 25
- “(5) In the absence from any meeting of the Council of the Secretary for Transport, any other officer of the Ministry nominated by him as his deputy may attend the meeting in his stead. While any person is attending any meeting under this subsection, he shall be deemed for all purposes to be both a member of the Council and the Chairman. 30
- “(6) The fact that any person appointed as the deputy of any member of the Council attends and acts at any meeting thereof shall be conclusive evidence of his authority so to do. 35
- “(7) In the absence of the Chairman and his deputy from any meeting of the Council, the members present shall appoint one of their number to be Chairman of that meeting.
- “(8) Five members shall form a quorum at any meeting of the Council. 40
- “(9) The Chairman of any meeting shall have a deliberative vote, and in the case of an equality of votes shall have a casting vote.

“(10) The powers of the Council shall not be affected by any vacancy in its membership.

“(11) The Council may make rules consistent with this section governing its own procedure.

5 “13J. **Functions of Council**—(1) The Council shall examine and inquire into all matters relating to road-traffic safety research referred to it from time to time by the Minister or by any member of the Council, and shall report direct to the Minister on such matters.

10 “(2) In addition to the function specified in subsection (1) of this section, the Council shall from time to time—

15 “(a) Review the needs for research related to road-traffic safety, and recommend priorities to the Minister, organisations funding road-traffic safety research, and persons and organisations engaged in road-traffic safety research:

“ (b) Review the resources available for road-traffic safety research, and recommend the allocation of such resources:

20 “(c) Review the allocation of resources applied to road-traffic safety research, and determine areas of research which are insufficiently funded:

25 “(d) Facilitate the exchange of information on research projects and co-ordinate road-traffic safety research.

“13K. **Subcommittees of Council**—(1) The Council may from time to time appoint such subcommittees as it thinks fit to investigate and report to the Council upon such matters as are from time to time referred to them by the Council.

30 “(2) It shall not be necessary that any person appointed as a member of a subcommittee under this section shall be a member of the Council.

35 “(3) The Council may at any time, and from time to time, discharge or reconstitute any subcommittee or discharge any member of a subcommittee, and, if it thinks fit, appoint another member in his stead.

“(4) Every subcommittee shall determine its own procedure.

40 “13L. **Remuneration and travelling expenses**—(1) The Council and every subcommittee of the Council are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

“(2) There shall be paid to the members of the Council or of any subcommittee of the Council, out of money appropriated by Parliament, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 5

“(3) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Superannuation Act 1956 by reason of being a member of the Council or of any subcommittee of the Council.” 10

**6. Consequential amendments**—(1) The enactments specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) The Second Schedule to the principal Act is hereby amended by repealing so much thereof as relates to the New Zealand National Airways Act 1945, to the definition of the term “Minister” in section 2 of the International Air Services Licensing Act 1947 and to section 24A of that Act, to sections 2 and 40 of the Air Services Licensing Act 1951, to subsection (1) of section 32 of the Civil Aviation Act 1964, and to section 2 of the Airport Authorities Act 1966. 15

(3) Unless the context otherwise requires, every reference to the Minister of Transport in any enactment specified in Part II of the First Schedule to the principal Act (as substituted by section 3 (1) of this Act), not being an enactment specified in Part II of the Second Schedule to this Act, or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever made or given or executed under any such first-mentioned enactment and in force at the commencement of this Act, shall, notwithstanding anything in subsection (3) of section 16 of the principal Act, be read after the commencement of this Act as a reference to the Minister of Civil Aviation and Meteorological Services. 25 30 35

(4) Every act of authority done by the Minister of Transport pursuant to any enactment specified in Part II of the First Schedule to the principal Act (as so substituted), or to

any regulation, rule, order, notice, or other authority under any such enactment, and subsisting at the commencement of this Act shall after the commencement of this Act continue and have effect as if it had been done by the Minister of Civil  
5 Aviation and Meteorological Services.

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## SCHEDULES

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### FIRST SCHEDULE

Section 3 (1)

#### NEW FIRST SCHEDULE TO PRINCIPAL ACT "FIRST SCHEDULE

##### PART I

###### ACTS ADMINISTERED BY MINISTRY OF TRANSPORT

- 1920, No. 33—The Westport Harbour Act 1920.
- 1936, No. 43—The Protection of British Shipping Act 1936.
- 1940, No. 15—The Carriage by Air Act 1940.
- 1945, No. 28—The New Zealand National Airways Act 1945.
- 1947, No. 17—The International Air Services Licensing Act 1947.
- 1950, No. 34—The Harbours Act 1950.
- 1950, No. 53—The Boilers, Lifts, and Cranes Act 1950.
- 1951, No. 25—The Air Services Licensing Act 1951.
- 1952, No. 49—The Shipping and Seamen Act 1952.
- 1962, No. 19—The Carriage by Air Act 1962.
- 1962, No. 135—The Transport Act 1962.
- 1964, No. 68—The Civil Aviation Act 1964.
- 1965, No. 4—The Taranaki Harbours Act 1965.
- 1965, No. 65—The Oil in Navigable Waters Act 1965.
- 1966, No. 5—The Submarine Cables and Pipelines Protection Act 1966.
- 1966, No. 51—The Airport Authorities Act 1966.
- 1967, No. 151—The Carriage by Air Act 1967.
- 1968, No. 140—The New Zealand Ports Authority Act 1968.
- 1971, No. 17—The Hovercraft Act 1971.

##### PART II

###### ACTS ADMINISTERED BY MINISTRY OF TRANSPORT UNDER THE CONTROL OF THE MINISTER OF CIVIL AVIATION AND METEOROLOGICAL SERVICES

- 1940, No. 15—The Carriage by Air Act 1940.
  - 1945, No. 28—The New Zealand National Airways Act 1945.
  - 1947, No. 17—The International Air Services Licensing Act 1947.
  - 1951, No. 25—The Air Services Licensing Act 1951.
  - 1962, No. 19—The Carriage by Air Act 1962.
  - 1964, No. 68—The Civil Aviation Act 1964.
  - 1966, No. 51—The Airport Authorities Act 1966.
  - 1967, No. 151—The Carriage by Air Act 1967."
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## SECOND SCHEDULE

Section 6 (1)

## ENACTMENTS AMENDED

## Part I—Amendments of Principal Act

Section Amended	Amendment
Section 2 ..... ..	By adding to the definition of the term "Council" (as substituted by section 3 (1) of the Ministry of Transport Amendment Act 1971) the following paragraph: "(c) In sections 13i to 13L of this Act, the Road Traffic Safety Research Council established by section 13i of this Act:".
Section 4 ..... ..	By omitting from paragraph (a) of subsection (2) and also from paragraph (c) the word "Minister", and substituting in each case the words "Minister of Transport or the Minister of Civil Aviation and Meteorological Services, as the case may require". By inserting in subsection (3) (as amended by section 3 (3) of the Transport Amendment Act 1971), after the words "the New Zealand Urban Public Passenger Transport Council", the words "the Road Traffic Safety Research Council". By omitting from subsection (3) the word "Minister", and substituting the words "Minister of Transport or Minister of Civil Aviation and Meteorological Services". By omitting from subsection (4) the word "Minister", and substituting the words "Minister of Transport or the Minister of Civil Aviation and Meteorological Services".
Section 8 ..... ..	By inserting in subsection (1), after the words "Minister of Transport", the words "or, as the case may be, as Minister of Civil Aviation and Meteorological Services". By inserting in subsection (2), after the words "the Minister" the words "by whom the delegation has been made".

SECOND SCHEDULE—*continued*  
 ENACTMENTS AMENDED—*continued*  
 Part I—*Amendments of Principal Act—continued*

Section Amended	Amendment
Section 8— <i>continued</i>	By omitting from subsection (3) the words “as Minister”, and substituting the words “as that Minister”.
Section 9	By adding to subsection (6) the words “by whom the delegation was made”.
Section 9	By omitting from the proviso to subsection (1) the words “the Minister without the written consent of the Minister”, and substituting the words “the Minister of Transport or the Minister of Civil Aviation and Meteorological Services without the written consent of the Minister by whom the delegation has been made”.

PART II—*Amendments of Other Enactments*

Enactment	Amendment
1945, No. 25—The New Zealand National Airways Act 1945 (1957 Reprint, Vol. 11, p. 228)	By repealing the definition of the term “Minister” in section 2 (as substituted by section 16 (1) of the Ministry of Transport Act 1968), and substituting the following definition: “Minister” means the Minister of Civil Aviation and Meteorological Services:”.
1947, No. 17—The International Air Services Licensing Act 1947 (1957 Reprint, Vol. 6, p. 655)	By repealing the definition of the term “Minister” in section 2 (as substituted by section 16 (1) of the Ministry of Transport Act 1968), and substituting the following definition: “Minister” means the Minister of Civil Aviation and Meteorological Services:”. By omitting from subsection (2) of section 24A (as inserted by section 7 (1) of the International Air Services Licensing Amendment Act 1965 and amended by section 16 (1) of the Ministry of Transport Act 1968) the words “Minister of Transport”, and substituting the words “Minister of Civil Aviation and Meteorological Services”.

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*Part II—*Amendments of Other Enactments—continued*

Enactment	Amendment
1951, No. 25—The Air Services Licensing Act 1951 (Reprinted 1967, Vol. 3, p. 1613)	By repealing the definition of the term "Minister" in section 2 (as substituted by section 16 (1) of the Ministry of Transport Act 1968), and substituting the following definition: " 'Minister' means the Minister of Civil Aviation and Meteorological Services: ".
1964, No. 68—The Civil Aviation Act 1964	By repealing paragraph (c) of section 40 (2) (as substituted by section 16 (1) of the Ministry of Transport Act 1968), and substituting the following paragraph: " (c) The Minister of Civil Aviation and Meteorological Services: ".
1966, No. 51—The Airport Authorities Act 1966	By repealing the definition of the term "Minister" in section 2 (as substituted by section 16 (1) of the Ministry of Transport Act 1968), and substituting the following definition: " 'Minister' means the Minister of Civil Aviation and Meteorological Services: ".
	By omitting from section 32 (1) (as amended by section 16 (1) of the Ministry of Transport Act 1968) the words "Minister of Transport", and substituting the words "Minister of Civil Aviation and Meteorological Services".
	By repealing the definition of the term "Minister" in section 2 (as substituted by section 16 (1) of the Ministry of Transport Act 1968), and substituting the following definition: " 'Minister' means the Minister of Civil Aviation and Meteorological Services: ".