

URBAN TRANSPORT BILL

EXPLANATORY NOTE

THIS Bill is based on the 1977 White Paper entitled "Urban Transport in New Zealand".

The White Paper stated as follows:

"The inter-relationships between urban transport and land use, between public and private transport, between particular modes of transport, and between economic, financial, and social costs and benefits are so extensive and complex that the first requirement is to ensure that urban transport is viewed as a total system which is a central part of the whole urban pattern. Only then can the problem be tackled on a level at which effective action is possible.

"The basic objectives thus need to be stated very broadly:

"To ensure that all sections of the urban community enjoy an acceptable degree of mobility:

"To ensure that the urban transport system helps to preserve or create a desirable urban environment.

"Also, the basic constraint on the shape of the urban transport system needs to be stated in economic terms since there are so many inter-related costs and benefits bestowed, often in a non-monetary form, in different areas of the system by developments in one area. The aims should thus be expressed in terms of meeting the basic objectives in the most economic manner."—

and proposed the following principles:

- Urban transport is basically the responsibility of the region and the organisation which deals with it should therefore be regional:
- In each major urban area, the planning, implementation, and provision of all components of the urban transport system, including roading and N.Z.R. suburban passenger services, should be undertaken on a co-ordinated basis:
- The planning of the urban transport system for each major urban area should be integrated with land use planning for the area:
- The urban transport system in each major urban area should be developed on the basis of a comprehensive rolling programme:
- Biases in expenditure choices within urban transport, and between urban transport and other sectors of local government activity, should be minimised:

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—The financial burden of the urban transport system should be shared more equitably both within the region where service is received, and between regional residents and taxpayers nationally.

To give effect to these principles the White Paper proposed as follows:

—Urban transport authorities should be established in Auckland, Hamilton, Wellington, Christchurch, and Dunedin. Where possible, existing organisations, and those in the process of being formed, should be designated as such authorities. There should be provision for the timing of the establishment of urban transport authorities to vary from centre to centre and for urban transport authorities to be established in centres other than those mentioned above. Each urban transport authority should have rating powers and the usual borrowing powers. In addition, the authorities would receive revenue from their transport activities:

—Each urban transport authority should have an officials consultative group consisting of representatives from the Urban Transport Council, the National Roads Board, and where appropriate the Railways Department. This group would work with the urban transport authority in the preparation of transport plans, programmes, and budgets and would provide a channel of consultation between the authority and central government agencies:

—The Urban Public Passenger Transport Council should be recast as the Urban Transport Council, which would be responsible for co-ordinating central government involvement in urban transport and for advising the Government on national objectives for urban transport. The Urban Transport Council should have an advisory and supportive role in relation to the urban transport authorities and should be the agency for administering Government assistance, both financial and advisory. The membership of the Urban Transport Council should consist of representatives from independent bodies, local authorities, Government departments, and the National Roads Board:

—Urban transport authorities should be responsible for preparing overall transport plans for their areas. These plans would set out the desired future transport system showing, for example, new motorways, bridges, and bus routes. The plans would be prepared in consultation with the Urban Transport Council, the National Roads Board, and where appropriate the Railways Department, and would be required to conform with the land use plan for the area:

—Each urban transport authority should prepare each year a rolling programme based on the master plan and covering the next 3 years. The programmes would be submitted to the Urban Transport Council, the National Roads Board, and where appropriate the Railways Department. At the national level, financial programmes should be presented to the Government each year by the Urban Transport Council, the National Roads Board, and the Railways Department, based on the programmes submitted by the urban transport authorities. The 3 financial programmes should be co-ordinated at both local and national level so that the Government will need to resolve outstanding issues only and determine the overall level of funding. The Urban Transport Council should incorporate in its programme any projects which it considers should be supported in areas where urban transport authorities have not been established. Local authorities would be required to make submissions on behalf of private operators in their areas as well as for their own projects.

The provisions of the Bill are as follows.

Clause 1 relates to the Short Title and commencement. The Bill is to come into force on a date to be fixed by the Governor-General by Order in Council.

Clause 2 relates to interpretation.

Clause 3 provides that the Act binds the Crown.

PART I

URBAN TRANSPORT AUTHORITIES

Clause 4 provides that the following regional councils or united councils shall, from the respective dates specified by the Governor-General by Order in Council, be urban transport authorities:

- (a) The Auckland Regional Authority;
- (b) Any regional council or united council having within its region the City of Wellington;
- (c) The Canterbury United Council;
- (d) Any regional council or united council having within its region the City of Dunedin;
- (e) Any regional council or united council having within its region the City of Hamilton.

Clause 5 provides for any other regional council or united council to become an urban transport authority if it so requests and the Urban Transport Council agrees.

The clause also provides that section 260 of the Local Government Act 1974 (which provides that a united council shall not undertake a function unless 2 or more of the constituent authorities have consented to the united council undertaking that function) shall apply with respect to the making of a request under this section by a united council. Where a constituent authority refuses its consent to the making of such a request, no part of the district of the constituent authority shall be included in the urban transport area unless the constituent authority agrees.

Urban Transport Areas

Clause 6 provides that every urban transport authority shall as soon as practicable propose an area as its urban transport area, that a territorial authority may object to the Local Government Commission in respect of the proposed area, and that the Commission may, after consultation with the Urban Transport Council, amend the proposed area.

Clause 7 provides that the boundaries of an urban transport area need not be the same as those of a region under the Local Government Act 1974.

Clause 8 provides for the alteration of urban transport areas by urban transport authorities. The clause also provides that a territorial authority may request an urban transport authority to alter its urban transport

area, and that if the urban transport authority fails to alter the area the territorial authority may object to the Local Government Commission in respect of the area. If the Commission considers the objection justified, it may alter the area.

Funding of Net Expenditure of Urban Transport Authorities

Clause 9 relates to the funding of the net urban transport expenditure of united councils. The clause provides that the expenditure shall be met in the same way as all other net expenditure of the council is met pursuant to the Local Government Act 1974, except that the basis on which the expenditure is apportioned among the constituent authorities shall be determined by resolution of the united council.

The clause also provides that any such determination shall fairly reflect the benefits received by the respective constituent authorities, and that the constituent authorities may object to the Local Government Commission against the determination in the same way as they can object to alterations to apportionment of expenditure under the Local Government Act 1974.

The clause provides that no territorial authority shall be required to contribute to the net urban transport expenditure of a united council that is an urban transport authority if the district of the territorial authority is outside the region of the united council, unless the territorial authority has agreed to so contribute.

Clause 10 relates to the funding of the net urban transport expenditure of regional councils. The clause provides that a regional council that is an urban transport authority may, for the purposes of meeting its net urban transport expenditure, levy an urban transport rate in the same way as a works and services rate is levied pursuant to the Local Government Act 1974. The clause also provides that an urban transport rate shall fairly reflect the benefits received by the respective localities and, for this purpose, may be different in different parts of the urban transport area.

The clause provides that a regional council shall not levy an urban transport rate on any rateable property that is outside the region of the regional council, unless the territorial authority for the district in which the property is situated has agreed to such a rate being levied in respect of its district.

Objectives, Duties, and Powers of Urban Transport Authorities

Clause 11 provides that the primary objective of every urban transport authority shall be to ascertain the most appropriate and efficient urban transport system for its urban transport area, and to promote the establishment and maintenance thereof; and states the matters that the authority shall have regard to in pursuing its primary objective.

Clause 12 provides that the principal duties of an urban transport authority shall be—

- (a) To provide and maintain an urban transport scheme for its urban transport area in accordance with Part III of the Bill;
- (b) To ensure the implementation of its urban transport scheme by performing the duties, and (where necessary) exercising the powers, specified in Part IV of the Bill; and

- (c) To give as much publicity as practicable to its proposals, decisions, and acts, and to encourage and consider submissions and comments thereon from the public.

Clause 13 provides that an urban transport authority shall, for the purpose of performing its duties as an urban transport authority, have—

- (a) All such powers, rights, and authorities that it has as a regional council or united council, as the case may be; and
 (b) All such other powers, rights, and authorities as are granted to it by *clause 35* of the Bill or as may be reasonably necessary to enable it to perform its duties.

Urban Transport Committees

Clause 14 provides that every urban transport authority shall establish an urban transport committee, and prescribes the membership and duties thereof.

PART II

URBAN TRANSPORT COUNCIL

Clause 15 establishes the Urban Transport Council. This Council replaces the New Zealand Urban Public Passenger Transport Council which is abolished by *clause 59* of the Bill.

Clause 16 specifies the membership of the Council.

Clause 17 provides that the primary objective of the Council shall be to promote the development of appropriate national policies for urban transport, the establishment and maintenance of appropriate and efficient urban transport systems, and the co-ordination of Government assistance to, and involvement in, urban transport.

Clause 18 provides that the functions of the Council shall be—

- (a) To advise the Minister of Transport, urban transport authorities, and territorial authorities on urban transport matters; and to advise and otherwise assist urban transport authorities in the preparation of their urban transport schemes and regional implementation programmes;
 (b) To prepare each year a national implementation programme in accordance with *clause 40* of the Bill;
 (c) To give financial assistance to urban transport authorities and other bodies or persons in accordance with *clause 42* of the Bill;
 (d) To consider objections to operational plans; and
 (e) To conduct or sponsor research and demonstration projects concerning urban transport.

Clause 19 provides that in the exercise of its functions, duties, and powers the Council shall have regard to the policy of the Government in relation to urban transport, and shall comply with any general directions relating to that policy given to it in writing signed by the Minister of Transport.

The clause also provides that, as soon as practicable after any such direction is given, the Minister shall publish in the *Gazette* and lay before Parliament a copy of the direction.

Clause 20 provides that the Council shall each year prepare a report of its activities and a statement of accounts and, within 10 days after the completion of the audit of the accounts by the Audit Office, shall submit its report and the accounts to the Minister of Transport for laying before Parliament.

Clause 21 provides that the Schedule to the Bill shall have effect as to the constitution and proceedings of the Council and other matters relating thereto. The Schedule to the Bill comprises 11 clauses which contain provisions—

- (a) Relating to the term of office of members of the Council;
- (b) Relating to deputies of members of the Council;
- (c) Empowering the Council to appoint advisory and technical committees;
- (d) Applying certain provisions of the Local Authorities (Members' Interests) Act 1968 to the Council;
- (e) Limiting the liability of members of the Council;
- (f) Limiting the application of certain Acts to members of the Council;
- (g) Relating to meetings of the Council;
- (h) Empowering the Council to co-opt specialist advice;
- (i) Relating to the delegation of powers by the Council;
- (j) Relating to staff of the Council; and
- (k) Relating to fees, travelling allowances, and expenses of the Council.

PART III

URBAN TRANSPORT PLANNING

Clause 22 requires an urban transport authority to prepare an urban transport scheme for its area. An urban transport scheme will usually consist of a structural plan and an operational plan.

Clause 23 provides that an urban transport scheme that relates to an area outside the region of the council that prepared the scheme shall, insofar as it relates to that area, be consistent with any regional planning scheme relating thereto.

Structural Plans

Clause 24 provides that a structural plan shall be prepared as part of or as a change to, and shall form part of, the regional planning scheme prepared by the council preparing the plan, and the Town and Country Planning Act 1977 shall apply in respect of the plan accordingly.

Clause 25 outlines the contents of structural plans.

Operational Plans

Clause 26 outlines the contents of operational plans. The clause also provides that a matter that relates to an urban transport service that benefits or will benefit the district of one territorial authority only shall not be included in an operational plan unless the territorial authority agrees.

Clause 27 provides that an operational plan shall be consistent with any structural plan for the same area.

The clause also provides that, for the purposes of section 37 of the Town and Country Planning Act 1977 (which provides that regional planning schemes shall prevail over district schemes and provides for the resolution of disputes as to conflict between such schemes), an approved operational plan shall be deemed to be part of the approved regional planning scheme prepared by the council that prepared the operational plan.

Clause 28 provides for the preparation, and public notification, of draft operational plans.

Clause 29 provides that any body or person affected by a draft operational plan may object to the Urban Transport Council in respect of the plan. Where the Urban Transport Council considers an objection justified, it may, after consulting with the urban transport authority, make such amendments to the plan as it considers necessary.

Clause 30 provides for the approval of operational plans by the Minister of Transport. If the Minister considers that an operational plan contains a provision that is of national importance or that has significance beyond the boundaries of the area or that affects the revenue or expenditure of the Crown, he may refuse to approve the plan and, in that event, the urban transport authority shall make such amendments to the plan as are necessary in order to obtain the approval of the Minister.

Clause 31 requires an urban transport authority to review its operational plan at certain times, and also empowers the authority to replace or change the plan at any time.

Clause 32 provides that an alteration to the boundaries of an urban transport area shall not of itself require anything that has already been done towards the preparation of an operational plan for that area to be done again.

Clause 33 requires the Crown and every local authority and public authority to adhere to the provisions of an approved operational plan, and to take account of the provisions of any draft operational plan.

PART IV

IMPLEMENTATION OF URBAN TRANSPORT SCHEMES

Urban Transport Authorities and Local Authorities to Give Effect to Urban Transport Schemes

Clause 34 provides that it shall be the duty of the urban transport authority and every other public body and local authority having jurisdiction within an urban transport area to give effect to, observe, and enforce the observance of, the provisions of the urban transport scheme for the area to the extent of its powers and authority, and to consult with the other authorities and bodies as to the means of doing so.

Clause 35 specifies the powers that an urban transport authority has for the purposes of implementing its urban transport scheme. The powers include—

- (a) The power to enter into an agreement with any person or body regarding the provision of any urban transport service;

- (b) The power to give financial assistance to any person or body for the provision of any urban transport service; and
- (c) Subject to certain limitations specified in the clause, all powers, rights, and authorities that a territorial authority has in respect of urban transport services under the Local Government Act 1974.

The clause provides that nothing therein shall apply in respect of an urban transport service for which a goods-service licence is required under the Transport Act 1962.

Clause 36 provides that where an urban transport authority proposes to give financial assistance to support the operation of an urban transport service for which a transport licence is required, it shall first offer the assistance to any body or person that is operating the service at that time. The clause also provides that the body or person who is offered the assistance pursuant to this clause may apply to the Secretary for Transport to determine the type and extent of assistance to be given, and may appeal against the Secretary's determination to the Charges Appeal Authority.

Clause 37 provides that where the effect of an urban transport scheme is to prohibit the continuation of an existing licensed service, or to adversely alter the conditions under which an existing licensed service is carried on, the urban transport authority shall give the licensee such assistance (including financial assistance) as it considers appropriate to alleviate the effect of the scheme on the licensee. The clause also provides that the licensee may apply to the Secretary for Transport to determine the type and extent of assistance to be given, and appeal against the Secretary's determination to the Charges Appeal Authority. The clause further provides that an urban transport authority may avoid giving assistance to such a licensee by withdrawing or modifying the provisions of the urban transport scheme that gave rise to the right to assistance.

Implementation Programmes

Clause 38 requires every urban transport authority to prepare, not later than 1 October in each year, a regional implementation programme in respect of the period of 3 years commencing on the following 1 April. The programme is to be prepared in consultation with the Urban Transport Council, the National Roads Board, the Government Railways, local authorities, and operators of urban transport services, and is to be sent to the Urban Transport Council, the National Roads Board, and the Government Railways.

Clause 39 specifies the contents of regional implementation programmes.

Clause 40 requires the Urban Transport Council to prepare and send to the Minister of Transport, not later than 31 October in each year, a national implementation programme in respect of the period of 3 years commencing on the following 1 April, and specifies the contents thereof. Among other things the programme is to contain the regional implementation programmes recommended by the Council, and state both the total amount of financial assistance that the Council considers should be given by it during the period and the total amount that should be contributed for urban transport purposes by the National Roads Board and the Government Railways during the period.

Financial Assistance for Urban Transport Purposes

Clause 41 provides that the Minister of Transport may, pursuant to **clause 19 of the Bill**, give to the Urban Transport Council general directions relating to the Government's financial policy in regard to urban transport and, in particular, the Government's policy in regard to—

- (a) The means of avoiding distortions in the planning and provision of urban transport services, that arise from different financial arrangements for different types of services; and
- (b) The proportion of the total costs of the urban transport services included in a regional implementation programme that should be borne by the urban transport authority and local authorities in the urban transport area.

Clause 42 provides that the Urban Transport Council may give financial assistance to any body or person if an application is made therefor by an urban transport authority, or a territorial authority whose district does not form part of an urban transport area. An application may be made by an authority on its own behalf or on behalf of a body or person that provides urban transport services in the area.

Clause 43 provides that all financial assistance given by the Urban Transport Council shall be payable out of money appropriated by Parliament for the purpose.

PART V

MISCELLANEOUS PROVISIONS

Clause 44 empowers the making of regulations providing for such matters as are contemplated by the Bill.

Clause 45 makes a consequential amendment to the Local Authorities Loans Act 1956.

Clause 46 provides that in the event of any conflict between the Bill and the Local Government Act 1974, the Bill shall prevail.

Clause 47 makes various consequential amendments to the Local Government Act 1974.

Clause 48 adds new subsections (3) and (4) to section 10 of the National Roads Act 1953, which relates to the submission of recommendations and estimates to the National Roads Board by District Roads Councils.

The new subsection (3) provides that, when submitting to the Board a recommendation that relates to an urban transport area, a District Roads Council shall advise the Board of the urban transport authority's opinion on the recommendation and the reasons for that opinion.

The new subsection (4) provides that when considering a District Roads Council's recommendation that relates to an urban transport area, the Board shall have regard to the urban transport authority's opinion on the recommendation.

Clause 49 amends the Auckland Regional Authority Act 1963.

Subclause (1) makes a consequential amendment to section 25 of the Act, which empowers the Authority to appoint officers and servants.

Subclause (2) inserts a new section 61A in the Act. The new section provides that, from the date the Authority becomes an urban transport authority, the net urban transport expenditure thereof shall be assessed and charged to the local authorities in the same way as all other net expenditure of the Authority is assessed and charged. Subject to paragraphs (a) and (d) of section 61 (7) of the Act, the basis on which the net urban transport expenditure of the Authority shall be apportioned among local authorities shall be determined by resolution of the Authority, after consultation with the local authorities, and shall fairly reflect the benefits received by the local authorities. Any local authority may object to the Local Government Commission against such a resolution, and the Commission may review and alter the apportionment.

The new section 61A also provides, by applying sections 125 and 125A of the Local Government Act 1974, that the Authority may alter the basis of apportionment and that any local authority may object to the Local Government Commission against any such alteration.

Amendments to Transport Act 1962

Clause 50 inserts new definitions in the Transport Act 1962.

Clauses 51, 53, and 55 to 57 amend the following provisions of the Transport Act 1962:

- (a) Section 119, which specifies the matters to be considered by a Licensing Authority before determining an application for a passenger-service licence or harbour-ferry service licence;
- (b) Section 121, which specifies the matters to be considered by a Licensing Authority before determining an application for a taxicab-service licence;
- (c) Section 127, which empowers a Licensing Authority to prescribe the terms and conditions of a transport licence;
- (d) Section 134, which relates to the review of taxicab services; and
- (e) Section 179, which specifies additional matters to be considered by a Licensing Authority and any other person or body dealing with an application or matter relating to a passenger-service licence, a harbour-ferry service licence, or a taxicab-service licence.

The effect of the amendments is to require Licensing Authorities and other persons who deal with passenger-service, harbour-ferry service, and taxicab-service licences, to give effect to the provisions of any applicable approved urban transport scheme.

Clause 52 repeals section 120A of the Transport Act 1962, which provides for the establishment of Regional Transport Licensing Authorities. The clause also provides that, until there is an approved urban transport scheme for the urban transport area of the Auckland Regional Authority, section 120A shall continue to have effect in respect of applications relating to licences operated within the district of the Auckland Regional Authority.

Clause 54 inserts a new section 126A in the Transport Act 1962. The new section provides that it shall be a condition of every passenger-service licence, harbour-ferry service licence, and taxicab-service licence that the service to which the licence relates shall be carried on in conformity with the provisions of any approved urban transport scheme relating to the area in which the service is carried on.

Clause 58 repeals section 185B of the Transport Act 1962, which empowers the making of grants to licensees of urban passenger services and which has been redundant since 1 April 1978.

Amendments to Ministry of Transport Act 1968

Clause 59 abolishes the New Zealand Urban Public Passenger Transport Council.

Clause 60 makes repeals and amendments that are consequential upon the abolition of the New Zealand Urban Public Passenger Transport Council.

Hon. Mr McLachlan

URBAN TRANSPORT

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A BILL INTITULED

An Act to promote the establishment and maintenance within New Zealand of appropriate and efficient urban transport systems; and for that purpose to require the preparation and implementation of urban transport schemes by certain regional councils and united councils, and to establish an Urban Transport Council to co-ordinate, advise on, and give financial assistance for, the preparation and implementation of such schemes

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

1. Short Title and commencement—(1) This Act may be cited as the Urban Transport Act 1979.

(2) This Act shall come into force on a date to be fixed by the Governor-General by Order in Council.

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2. Interpretation—(1) In this Act, unless the context otherwise requires,—

10 “Appointed member”, in relation to the Urban Transport Council, means a member of the Council appointed pursuant to any of paragraphs (a) to (e) of section 16 of this Act:

“Approved operational plan” means an operational plan that has been approved by the Minister pursuant to section 30 of this Act:

15 “Approved structural plan” means a structural plan that has been approved by the Governor-General by Order in Council pursuant to section 15 of the Town and Country Planning Act 1977:

20 “Approved urban transport scheme” means an urban transport scheme comprising—

(a) Where pursuant to the proviso to section 22 (3) of this Act an urban transport scheme consists of a structural plan only, an approved structural plan; and

25 (b) In any other case, an approved structural plan and an approved operational plan:

“Auckland Regional Authority” means the Auckland Regional Authority constituted by the Auckland Regional Authority Act 1963:

30 “Constituent authority” has the same meaning as in the Local Government Act 1974:

“Financial assistance” includes a grant or loan of money:

35 “Government Railways” means the New Zealand Government Railways Department:

“Local Government Commission” means the Local Government Commission established under the Local Government Act 1974:

40 “Local authority” has the same meaning as in section 2 (1) of the Town and Country Planning Act 1977:

“Minister” means the Minister of Transport:

45 “National implementation programme” or “national programme” means a programme prepared by the Urban Transport Council pursuant to section 40 of this Act:

- “National Roads Board” means the National Roads Board established by the National Roads Act 1953:
- “Operational plan” means an operational plan prepared pursuant to Part III of this Act:
- “Parking place” has the same meaning as in section 591 (6) of the Local Government Act 1974 (as inserted by section 2 of the Local Government Amendment Act 1979): 5
- “Rail service” does not include any tramway to which the Tramways Act 1908 applies: 10
- “Region” means a region constituted under the Local Government Act 1974, and includes the regional district of the Auckland Regional Authority: 10
- “Regional council” means a regional council constituted under the Local Government Act 1974; and (except in section 10 of this Act) includes the Auckland Regional Authority: 15
- “Regional implementation programme” means a programme prepared by an urban transport authority pursuant to section 38 of this Act: 20
- “Structural plan” means a structural plan prepared pursuant to Part III of this Act: 20
- “Territorial authority” has the same meaning as in the Local Government Act 1974:
- “Transport station” has the same meaning as in section 591 (6) of the Local Government Act 1974 (as inserted by section 2 of the Local Government Amendment Act 1979): 25
- “United council” means a united council constituted under the Local Government Act 1974:
- “Urban transport area” means an area that has been notified in the *Gazette* as an urban transport area pursuant to section 6 or section 8 of this Act: 30
- “Urban transport authority” means a regional council or united council that by virtue of section 4 or section 5 of this Act is an urban transport authority: 35
- “Urban transport committee” means an urban transport committee established pursuant to section 14 of this Act:

“Urban Transport Council” or “Council” means the Urban Transport Council established by section 15 of this Act:

5 “Urban transport scheme” means an urban transport scheme prepared pursuant to Part III of this Act:

10 “Urban transport service” means any service, equipment, or facility, engaged or used in the movement of people or goods (or both) insofar as it operates or is within an urban transport area; and, without limiting the generality of the foregoing provisions of this definition, includes a road service or rail service carrying passengers or goods (or both), a taxicab service, a harbour-ferry service, a motor vehicle, a parking place, a road, a tramway, a transport station, and any scheme or arrangement for moving people or goods (or both), insofar as it operates or is within an urban transport area:

15 “Urban transport system” has the meaning specified in section 11 (3) of this Act.

20 (2) For the purposes of this Act, a harbour-ferry service that is operated, or intended to be operated, between termini all of which are within or in the close vicinity of the boundaries of an urban transport area shall be deemed to be operated, or be intended to be operated, within that area.

25 **3. Act to bind the Crown**—This Act binds the Crown.

PART I

URBAN TRANSPORT AUTHORITIES

4. Certain regional and united councils to be urban transport authorities—(1) The following regional councils or
30 united councils shall, from the date specified by the Governor-General by Order in Council, be urban transport authorities:

- (a) The Auckland Regional Authority:
- 35 (b) Any regional council or united council having within its region the City of Wellington:
- (c) The Canterbury United Council:
- (d) Any regional council or united council having within its region the City of Dunedin:
- 40 (e) Any regional council or united council having within its region the City of Hamilton.

(2) For the purposes of subsection (1) of this section, the Governor-General may specify different dates in respect of different regional councils or united councils.

5. Other regional and united councils may become urban transport authorities—(1) The Governor-General may by Order in Council, in accordance with the recommendation of the Minister, designate a regional council or united council as an urban transport authority; and that council shall, from the date specified in the order, be an urban transport authority. 5
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(2) The Minister shall not make a recommendation for the purposes of subsection (1) of this section unless he is requested to do so by the regional council or the united council, as the case may be, with the approval of the Urban Transport Council. 15

(3) Subsections (1) to (4) of section 260 of the Local Government Act 1974 shall apply with respect to the making of a request under subsection (2) of this section by a united council as if the making of such a request were the undertaking of a function under that Act by the united council. 20

(4) Where, pursuant to section 260 (4) of the Local Government Act 1974 (as applied by subsection (3) of this section), a constituent authority has refused its consent to the making of a request under subsection (2) of this section, no part of the district of the constituent authority shall be included in any urban transport area unless the constituent authority has agreed, by resolution, to its district being so included. An agreement given for the purposes of this subsection may not be revoked unless the united council agrees to the revocation. 25
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(5) Nothing in this section shall apply in respect of the regional councils and united councils specified in section 4 (1) of this Act.

Urban Transport Areas

6. Determination of urban transport areas—(1) Every urban transport authority shall, as soon as practicable after becoming such an authority, and after consultation with all territorial authorities whose districts or part thereof form part of the proposed area, determine the boundaries of the area within which it considers it should carry out and exercise its duties and powers as an urban transport authority. 35
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(2) As soon as practicable after determining an area for the purposes of subsection (1) of this section the authority shall—

5 (a) Advise the Local Government Commission, and all territorial authorities specified in subsection (1) of this section, of the determination; and

(b) Insert in a newspaper circulating in the area a notice stating the boundaries of the proposed area and the effect of subsection (3) of this section.

10 (3) Any territorial authority may, within 2 months of the date of publication of a notice specified in subsection (2) (b) of this section, make written objection to the Local Government Commission in respect of the proposed area. The territorial authority shall send a copy of the objection
15 to the urban transport authority and to all other territorial authorities whose districts or part thereof form part of the proposed area.

(4) Where no objections to a proposed area are made to the Local Government Commission within the time specified
20 in subsection (3) of this section, the proposed area shall be the urban transport area of the urban transport authority.

(5) Where objections to a proposed area are made to the Local Government Commission in accordance with subsection (3) of this section, the Commission shall consider the objec-
25 tions, and all submissions from the urban transport authority or other territorial authorities relating to the objections; and, where it considers an objection justified, it may, after consulting with the Urban Transport Council and the urban transport authority, make such amendments to the proposed
30 area as it considers necessary to satisfy the objection. The proposed area, with any amendments thereto made by the Commission, shall be the urban transport area of the urban transport authority.

(6) For the purposes of considering objections pursuant
35 to subsection (5) of this section, the Local Government Commission may convene meetings, whether public or otherwise and jointly or separately, with all or any authorities who have made such objections or submissions relating thereto:

40 Provided that, notwithstanding this subsection or any rule of law, the Commission shall not be required to convene such a meeting or hold any hearing.

(7) As soon as practicable after an urban transport area has been determined pursuant to subsection (4) or subsection (5) of this section, the Local Government Commission shall notify the area in the *Gazette*.

7. Boundaries of urban transport areas may be different from boundaries of regions—The boundaries of an urban transport area need not be the same as the boundaries of a region constituted under the Local Government Act 1974, and accordingly an urban transport area may comprise the whole of one region, or any part or parts of one or more regions, or both. 5
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8. Alteration of urban transport areas—(1) An urban transport area may be altered by an urban transport authority at any time; and section 6 of this Act shall, as far as it is applicable and with all necessary modifications, apply in respect of an alteration of an urban transport area as if the alteration were the determination of a new urban transport area. 15

(2) Any territorial authority may request an urban transport authority to alter its urban transport area. If the urban transport authority fails to alter the area within 6 months of being so requested, the territorial authority may, not later than 8 months after the date of the request, make written objection to the Local Government Commission in respect of the urban transport area. The territorial authority shall send a copy of the objection to the urban transport authority and to all other territorial authorities whose districts or part thereof form part of the urban transport area. Subsections (5) to (7) of section 6 of this Act shall, with all necessary modifications, apply in respect of an objection to an urban transport area under this subsection as if— 20
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(a) The reference in that subsection (5) to a proposed area were a reference to an urban transport area; and

(b) The reference in that subsection (5) to subsection (3) of that section were a reference to this subsection. 35

Funding of Net Expenditure of Urban Transport Authorities

9. Funding of net urban transport expenditure of united councils—(1) Subject to subsections (2) and (3) of this section, the net urban transport expenditure of a united council that is an urban transport authority shall be met in the same way as all other net expenditure of the council is met pursuant to Part VIII and any other appropriate provisions of the Local Government Act 1974; and those provisions shall, as far as they are applicable and with all necessary modifications, apply accordingly as if—

- (a) Any part of the urban transport area that is outside the region of the united council were an out-district of the region; and
- (b) Any part of the region of the united council that is outside the urban transport area were outside the region.

(2) Section 123 (2) of the Local Government Act 1974 shall not apply in respect of the net urban transport expenditure of a united council that is an urban transport authority. The basis on which such expenditure shall be apportioned among the constituent authorities and territorial authorities shall be determined by resolution of the united council, after consultation with the constituent authorities and territorial authorities, and shall fairly reflect the benefits received by the respective districts of those authorities; and section 125 (2) and subsections (1), (2), and (4) to (9) of section 125A of the Local Government Act 1974 shall, as far as they are applicable and with all necessary modifications, apply in respect of such a determination as if it were an alteration of the basis on which net expenditure of the council is apportioned pursuant to section 125 (1) of the Local Government Act 1974.

(3) No territorial authority shall be required to contribute to the net urban transport expenditure of a united council that is an urban transport authority if the district of the territorial authority is outside the council's region, unless the territorial authority has by resolution agreed to so contribute. An agreement given for the purposes of this subsection may not be revoked unless the united council agrees to the revocation.

10. Funding of net urban transport expenditure of regional councils—(1) Notwithstanding the Local Government Act 1974 or any Order in Council giving effect to a final scheme

under that Act, but subject to subsections (2) and (3) of this section, a regional council that is an urban transport authority may, for the purposes of meeting its net urban transport expenditure, make and levy an urban transport rate in the same way as a works and services rate is made and levied pursuant to section 140 and any other appropriate provisions of the Local Government Act 1974; and those provisions shall, as far as they are applicable and with all necessary modifications, apply accordingly as if—

- (a) Any part of the urban transport area that is outside the region of the regional council were an out-district of the region; and
- (b) Any part of the region of the regional council that is outside the urban transport area were outside the region.

(2) An urban transport rate shall fairly reflect the benefits received by the respective localities in which the rateable properties are situate; and, for this purpose, may be made and levied as a uniform rate in the dollar on every rateable property—

- (a) Within the region and out-districts; or
- (b) Within the part or parts of the region or out-districts so benefiting; or
- (c) Within each constituent district or out-district or part thereof, or within each constituent district or out-district or part thereof so benefiting, so that the rate made and levied in any one or more of the constituent districts or out-districts or parts thereof may vary from that in another or others.

(3) A regional council that is an urban transport authority shall not make and levy an urban transport rate on any rateable property that is outside its region unless the territorial authority for the district in which the property is situate has by resolution agreed to such a rate being made and levied in respect of its district. An agreement given for the purposes of this subsection may not be revoked unless the regional council agrees to the revocation.

Objectives, Duties, and Powers of Urban Transport Authorities

11. Primary objective of urban transport authorities—

(1) The primary objective of every urban transport authority shall be to ascertain the most appropriate and efficient urban transport system for its urban transport area, and to promote the establishment and maintenance thereof.

(2) In pursuing its primary objective an urban transport authority shall have regard to—

- 5 (a) The need to provide everyone in the urban transport area with reasonable access to the employment, housing, shopping, and commercial areas, and the community and recreational facilities, within and outside the area;
- (b) The need to promote the efficient movement of people and goods;
- 10 (c) The need to create or preserve a desirable urban environment;
- (d) National, regional, and local interests; and
- (e) The need to ensure the most economic use of the resources available.

15 (3) In this Act, the term “urban transport system”, in relation to an urban transport area, means all persons, facilities, equipment, and other resources that are engaged in the movement of people or goods (or both) within the area (whether or not as part of a publicly owned urban transport
20 service).

12. Principal duties of urban transport authorities—In pursuing its primary objective, an urban transport authority shall perform the following principal duties:

- 25 (a) It shall provide and maintain an urban transport scheme for its urban transport area in accordance with Part III of this Act:
- (b) It shall ensure the implementation of its urban transport scheme by performing the duties, and (where necessary) exercising the powers, specified in Part
30 IV of this Act:
- (c) It shall give as much publicity as is practicable in the circumstances to its proposals, decisions, and acts, and shall encourage and consider submissions and comments thereon from members of the public.

35 **13. General powers of urban transport authorities**—A regional council or united council that is an urban transport authority shall, for the purpose of performing its duties as an urban transport authority, have the following powers, rights, and authorities in respect of its urban transport
40 area (including any part thereof that is outside the council’s region):

- (a) All such powers, rights, and authorities that it has as a regional council or united council in respect of its region, pursuant to the Local Government Act 1974, the Town and Country Planning Act 1977, or any other enactment; 5
- (b) All such powers, rights, and authorities as are granted to it by section 35 or any other provision of this Act or any other enactment; and
- (c) All such other powers, rights, and authorities as may be reasonably necessary to enable it to perform its 10 duties as an urban transport authority.

Urban Transport Committees

14. Urban transport committees—(1) Every regional council or united council that is an urban transport authority shall, as soon as practicable after becoming an urban transport authority, establish an urban transport committee, which shall be a committee of the regional council or united council, as the case may be. 15

- (2) An urban transport committee shall consist of—
 - (a) Not less than 4 members of the regional council or 20 united council, as the case may be, of whom a majority shall be—
 - (i) In the case of a regional council, persons elected to the council by the electors of constituencies each of which is wholly or predominantly 25 within the urban transport area; or
 - (ii) In the case of a united council, persons appointed to the council by constituent authorities each of whose districts is wholly or predominantly 30 within the urban transport area;
 - (b) A person appointed by the Chairman of the Urban Transport Council;
 - (c) A person appointed by the Chairman of the National Roads Board;
 - (d) A person appointed by the General Manager of 35 Railways;
 - (e) Where the urban transport area includes part of the region of another regional council or united council, a person appointed by that other regional council or united council; and 40
 - (f) Any person or persons appointed pursuant to sub-section (3) of this section.

(3) A regional council or united council may appoint to its urban transport committee any person who—

- 5 (a) Is a member of a territorial authority whose district or part thereof forms part of the urban transport area; or
 (b) In the opinion of the council, can assist the work of the committee.

(4) One of the members appointed to an urban transport committee pursuant to subsection (2) (a) of this section
 10 shall be appointed Chairman of the committee by the regional council or united council, as the case may be.

(5) Subject to subsection (6) of this section, the duties of an urban transport committee shall be—

- 15 (a) To advise and make recommendations to the regional council or united council, as the case may be, in respect of the council's duties and powers as an urban transport authority; and
 (b) To perform such other duties as may be delegated to it by the regional council or united council,
 20 as the case may be.

(6) If a regional council or united council that is an urban transport authority so directs, the duties specified in subsection (5) of this section shall, insofar as they relate to the preparation of a structural plan, be those of the
 25 regional planning committee of the council and not those of the urban transport committee. When a regional planning committee is considering matters, or performing duties, relating to the preparation of a structural plan, the membership of the committee shall include the persons specified
 30 in paragraphs (b) to (f) of subsection (2) of this section.

(7) Section 8 of the Town and Country Planning Act 1977 (which relates to the appointment of subcommittees) shall, as far as it is applicable and with all necessary modifications, apply in respect of an urban transport committee
 35 as if an urban transport committee were a regional planning committee.

PART II

URBAN TRANSPORT COUNCIL

40 **15. Urban Transport Council**—(1) There is hereby established a Council to be called the Urban Transport Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal, and shall be capable of

acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may do and suffer.

(3) The common seal of the Council shall be judicially noticed in all Courts and for all purposes. 5

16. Membership of Council—The Council shall consist of 12 members being—

- (a) One person to be appointed by the Governor-General on the recommendation of the Minister, who shall be the Chairman of the Council; 10
- (b) Three persons to be appointed by the Governor-General on the recommendation of the Minister, being persons recommended for such appointment by all urban transport authorities jointly; 15
- (c) One person to be appointed by the Governor-General on the recommendation of the Minister, being a person recommended for such appointment by the Municipal Association of New Zealand Incorporated and the New Zealand Counties Association Incorporated jointly; 20
- (d) One person to be appointed by the Governor-General on the recommendation of the Minister, being a person recommended for such appointment by the President of The Federated Road Transport Organisations of New Zealand (Inc.); 25
- (e) One person to be appointed by the Governor-General on the recommendation of the Minister, being a person recommended for such appointment by the Federation of Labour; 30
- (f) The Chairman of the National Roads Board, or any person nominated from time to time by him;
- (g) The General Manager of Railways, or any other officer of the Government Railways nominated from time to time by him; 35
- (h) The Secretary for Transport, or any other officer of the Ministry of Transport nominated from time to time by him;
- (i) The Secretary to the Treasury, or any other officer of the Treasury nominated from time to time by him; and 40
- (j) The Secretary for Local Government, or any other officer of the Department of Internal Affairs nominated from time to time by him.

17. **Primary objective of Council**—The primary objective of the Urban Transport Council shall be to promote—

- (a) The development of appropriate national policies for urban transport;
- 5 (b) The establishment and maintenance within New Zealand of appropriate and efficient urban transport systems; and
- (c) The co-ordination of Government assistance to, and involvement in, urban transport.

10 18. **Functions and powers of Council**—(1) The functions of the Council shall be—

- (a) To advise urban transport authorities in regard to their duties and powers under this Act;
- 15 (b) To advise territorial authorities (other than those whose districts form part of an urban transport area) on urban transport matters;
- (c) After consultation with the National Roads Board and the Government Railways where appropriate, to advise the Minister on matters related to urban transport;
- 20 (d) After consultation with the National Roads Board and the Government Railways where appropriate, to advise and otherwise assist urban transport authorities in the preparation of their urban transport schemes and regional implementation programmes;
- 25 (e) To prepare each year a national implementation programme in accordance with section 40 of this Act;
- 30 (f) To give financial assistance to urban transport authorities and other bodies or persons in accordance with section 42 of this Act;
- (g) To consider objections to operational plans in accordance with section 29 of this Act;
- 35 (h) To conduct, or engage persons to conduct, research and demonstration projects concerning urban transport and associated matters, and to encourage, advise, and otherwise assist (whether financially or otherwise) any research or project of such a nature; and
- 40 (i) To perform any other functions conferred on it by or under this Act or any other enactment.

(2) The Council shall have all such powers, rights, and authorities as are conferred upon it by or under this Act or any other enactment or as may be reasonably necessary to enable it to carry out its functions.

19. Council to comply with directions—In the exercise of its functions, duties, and powers under this Act the Council shall have regard to the policy of the Government in relation to urban transport, and shall comply with any general directions relating to that policy given to it in writing signed by the Minister. As soon as practicable after any such direction is given, the Minister shall publish in the *Gazette* and lay before Parliament a copy of that direction.

20. Annual report and accounts—(1) As soon as practicable after the end of each year ending with the 31st day of March, the Council shall prepare—

(a) A report of its activities and operations for that year; and

(b) A statement of accounts of the Council for that year.

(2) Every statement of accounts prepared under this section shall be in such form and contain such particulars as are necessary to fairly reflect the financial position of the Council and the financial results of its operations during that year, and shall be audited and reported on by the Audit Office.

(3) The Council shall submit its report, together with the statement of accounts for that year and the Audit Office report thereon, to the Minister within 10 days after the completion of the audit of the accounts by the Audit Office. The Minister shall lay a copy of the report, statement of accounts, and Audit Office report before Parliament not later than the 16th sitting day of Parliament after the day he received them.

21. Other provisions relating to Council in Schedule to this Act—The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of the Council and other matters relating thereto.

PART III

URBAN TRANSPORT PLANNING

22. **Urban transport schemes to be prepared by urban transport authorities**—(1) Every urban transport authority shall, within 12 months of its urban transport area being notified in the *Gazette* pursuant to section 6 (7) of this Act or as soon as practicable thereafter, prepare an urban transport scheme for its urban transport area in accordance with this Act.

(2) In preparing an urban transport scheme an urban transport authority shall have regard to its primary objective, as specified in section 11 of this Act.

(3) An urban transport scheme shall consist of a structural plan and an operational plan:

Provided that, if the matters specified in section 26 (1) of this Act are included in the structural plan for an urban transport area, the urban transport scheme for the area may consist of the structural plan only.

23. **Urban transport schemes relating to more than one region**—An urban transport scheme shall, insofar as it relates to a part of an urban transport area that is outside the region of the council that is the urban transport authority for the area, be consistent with any regional planning scheme relating to that part of the area.

Structural Plans

24. **Structural plans to form part of regional planning scheme**—(1) A structural plan shall be prepared as part of or as a change to, and shall form part of, the regional planning scheme being prepared or that has been prepared by the council preparing the plan, and Part I of the Town and Country Planning Act 1977 and all other relevant provisions of that Act or regulations made thereunder shall apply in respect of the plan accordingly.

(2) The term “local authority” in the Town and Country Planning Act 1977 and regulations made thereunder shall, whenever that Act or those regulations are applied in respect of a structural plan, include the Urban Transport Council.

25. Contents of structural plans—Every structural plan shall identify the transport services required in the urban transport area to structure and support the pattern of development of the area and to provide access to the employment, housing, shopping, and commercial areas, and the community and recreational facilities, within and outside the area, and in particular shall— 5

- (a) Identify the level and type of urban transport services likely to be required in the area, and the extent to which existing resources are likely to be able to provide those services, having regard, in particular, to planned or likely land use; and 10
- (b) State objectives and policies for the future development of the urban transport system in the area; and, where appropriate, the means by which they can be implemented and the implications for land use; and 15
- (c) Where practicable, state, in respect of each service, object, or policy included in the plan, the reasons for the inclusion thereof including the alternatives available and a comparison of the cost effectiveness of the various alternatives. 20

Operational Plans

26. Contents of operational plans—(1) Subject to subsections (2) and (3) of this section, every operational plan shall— 25

- (a) Specify administrative and operational matters relating to the existing or proposed urban transport system in the area, including matters relating to public transport, traffic management, parking, and policies relating to fares and charges (other than charges for the carriage of goods); and 30
 - (b) Where practicable, state, in respect of each matter included in the plan, the reasons for the inclusion thereof including the alternatives available and a comparison of the cost effectiveness of the various alternatives. 35
- (2) A matter that relates to an urban transport service that benefits or will benefit the district of one territorial authority only shall not be included in an operational plan unless the territorial authority agrees. An agreement given for the purposes of this subsection may not be revoked unless the urban transport authority agrees to the revocation. 40

(3) A matter shall not be included in an operational plan if regulations made under this Act provide that matters of that kind shall not be so included.

27. Conflict between operational plan and structural plan or district scheme—(1) An operational plan shall be consistent with any structural plan for the same area. If there is any conflict between an approved structural plan and an approved operational plan, the approved structural plan shall prevail.

10 (2) For the purposes of section 37 of the Town and Country Planning Act 1977 (which provides that regional planning schemes shall prevail over district schemes and provides for the resolution of disputes as to conflict between such schemes), an approved operational plan shall be deemed to
15 be part of the approved regional planning scheme prepared by the council that prepared the operational plan; and that section shall, as far as it is applicable and with all necessary modifications, apply accordingly as if the reference in sub-
20 section (4) of that section to section 20 of that Act were a reference to section 31 of this Act.

28. Preparation of operational plans—(1) An operational plan shall be prepared—

25 (a) In consultation with all territorial authorities whose districts or part thereof form part of the urban transport area and with any other bodies or persons that, in the opinion of the urban transport authority, are affected by the plan; and

(b) In accordance with any regulations in force under this Act as apply to it.

30 (2) After completing a draft operational plan, the urban transport authority shall, by notice to each of the bodies and persons specified in subsection (1) (a) of this section and also in a newspaper circulating in the area, notify the place or places at which the plan can be inspected and invite any
35 interested body or person to send to the authority, within such time as may be stated in the notice, submissions on the plan.

40 (3) The urban transport authority shall consider all submissions received following notification of an operational plan in accordance with subsection (2) of this section, and may for that purpose convene meetings, whether public or otherwise and jointly or separately, with all or any bodies and persons who have sent such submissions to the authority:

Provided that, notwithstanding this subsection or any rule of law, an urban transport authority shall not be required to convene such a meeting or hold any hearing.

(4) After considering all submissions in accordance with subsection (3) of this section and making such amendments to the plan as it considers necessary, the urban transport authority shall— 5

(a) Send a copy of the plan to the Urban Transport Council; and

(b) Insert in a newspaper circulating in the area a notice stating— 10

(i) That the plan has been sent to the Urban Transport Council;

(ii) That objections can be made thereto in accordance with section 29 of this Act; 15

(iii) If the plan differs from the draft plan notified in accordance with subsection (2) of this section, a summary of the differences; and

(iv) The place or places at which the plan can be inspected. 20

29. Objections to operational plans—(1) Any body or person affected by an operational plan may, within 2 months of the date of publication of a notice specified in section 28 (4) of this Act, make written objection to the Urban Transport Council in respect of the plan. The body or person shall send a copy of the objection to the urban transport authority that prepared the plan. 25

(2) The Urban Transport Council shall consider all objections received by it in respect of an operational plan, and all submissions from the urban transport authority relating to the objections; and, where it considers an objection justified, it may, after consulting with the authority, make such amendments to the plan as it considers necessary to satisfy the objection. 30

(3) The Urban Transport Council may convene meetings, whether public or otherwise and jointly or separately, for the purpose of considering objections to an operational plan: 35

Provided that, notwithstanding this subsection or any rule of law, the Council shall not be required to convene such a meeting or hold any hearing. 40

30. Approval of operational plans—(1) As soon as practicable after the Urban Transport Council has completed its consideration, and (where necessary) amendment, of an operational plan pursuant to section 29 (2) of this Act, the
 5 urban transport authority that prepared the plan shall send to the Minister for his approval a copy thereof incorporating all amendments made by the Council.

(2) Subject to subsection (3) of this section, as soon as practicable after receiving an operational plan pursuant to
 10 this section the Minister shall approve the plan by notice in the *Gazette*.

(3) If the Minister considers that an operational plan sent to him pursuant to this section contains a provision that is
 15 of national importance or that has significance beyond the boundaries of the urban transport area or that affects the revenue or expenditure of the Crown, he may refuse to approve the plan and, in that event, shall return the plan to the urban transport authority, together with his reasons for not approving the plan. The authority shall thereupon make
 20 such amendments to the plan as are necessary in order to obtain the approval of the Minister, and shall send the amended plan to the Minister for his approval.

31. Review and change of approved operational plans—

(1) Every operational plan shall be reviewed by the urban
 25 transport authority for the area to which it relates whenever the authority considers a review to be necessary and, without limiting the foregoing provisions of this subsection, shall be so reviewed—

30 (a) Whenever any provision of it has been in force for 5 years without review; and

(b) Whenever the structural plan for the area is reviewed.

(2) Subject to subsection (3) of this section, an approved operational plan may be replaced or changed at any time by
 the urban transport authority.

35 (3) Sections 28 to 30 of this Act shall apply, with all necessary modifications, in respect of any replacement or change of an operational plan as if the replacement or change were the preparation of a new operational plan.

32. Effect of alteration of boundaries of area—An alteration of the boundaries of an urban transport area shall not of itself require anything that has already been done in or towards the preparation or approval of an operational plan for that area to be done again; and, where any such alteration involves an addition to the area after progress has been made with the operational plan, the plan may be prepared in sections. 5

33. Crown and local authorities to adhere to operational plan—(1) The Crown and every local authority and public authority shall adhere to the provisions of an approved operational plan. 10

(2) In respect of any area for which there is no approved operational plan but for which a draft plan has been prepared, the Crown and every local authority and public authority shall take into account the provisions of the draft plan in determining any matter that affects urban transport in the area. 15

PART IV

IMPLEMENTATION OF URBAN TRANSPORT SCHEMES 20

Urban Transport Authorities and Local Authorities to Give Effect to Urban Transport Schemes

34. Urban transport authority and local authorities to give effect to urban transport scheme—It shall be the duty of the urban transport authority and every other public body and local authority having jurisdiction within an urban transport area, to— 25

- (a) Give effect to, observe, and enforce the observance of, the requirements and provisions of the urban transport scheme for the area, to the extent of its powers and authority; and 30
- (b) Consult with the other authorities and bodies to whom this section applies as to the means of performing, and the authority or body that should be primarily responsible for performing, the duties specified in paragraph (a) of this section— 35

and, for the purposes of any Court proceedings relating to this section, the duty of every authority or body under this section shall be deemed to be a duty owed to every other such authority or body having jurisdiction within the urban transport area. 40

35. Powers of urban transport authority—(1) An urban transport authority may, for the purposes of implementing its urban transport scheme,—

- 5 (a) Enter into agreements with—
 (i) The National Roads Board regarding the provision of roads;
 (ii) The Government Railways regarding the provision of rail services; and
 10 (iii) Any body or person regarding the provision of any other urban transport service;
- (b) Subject to section 36 of this Act, give financial assistance to any body or person for the provision of any urban transport service; and enter into agreements in respect thereof;
- 15 (c) Apply for passenger-service licences and harbour-ferry service licences under the Transport Act 1962;
- (d) Undertake or arrange for research into matters related to the urban transport system in the urban transport area; and conduct demonstration projects; and
- 20 (e) Publish information regarding the urban transport system in the area.

25 (2) An urban transport authority shall, for the purpose of implementing its urban transport scheme, have the same powers, rights, and authorities in respect of urban transport services as a territorial authority has in respect thereof under the Local Government Act 1974:

Provided that—

- 30 (a) This subsection shall not apply in respect of a rail service or a road (other than a regional road):
- (b) Where an existing or proposed urban transport service in an urban transport area benefits, or will benefit, the district of one territorial authority only,
 35 an urban transport authority shall not exercise any such power, right, or authority in respect of that service unless the territorial authority for the district agrees. An agreement given for the purposes of this paragraph may not be revoked unless the urban
 40 transport authority agrees to the revocation:

(c) An urban transport authority shall not exercise any such power, right, or authority for any purpose unless it considers, after proper inquiry, that the purpose cannot be as satisfactorily achieved in any other way, or by any other person or body that is prepared to do so. 5

(3) Nothing in this section shall apply in respect of an urban transport service for which a goods-service licence is required under the Transport Act 1962.

(4) Nothing in this section shall limit any powers, rights, 10 or authorities that an urban transport authority has pursuant to section 13 or any other provision of this Act or any other enactment.

36. Financial assistance by urban transport authority to be offered to existing operators first—(1) Where an urban 15 transport authority proposes to give financial assistance to support the operation of an urban transport service for which a transport licence is required under the Transport Act 1962, it shall first offer the assistance to any body or person that is operating the service at that time. 20

(2) The amount of any financial assistance offered or given by an urban transport authority to support the operation of an urban transport service shall not exceed the amount necessary to support the operation of an efficient and economic 25 service of that kind.

(3) If a body or person considers that the assistance offered by an authority pursuant to subsection (1) of this section is not sufficient it or he may, within 30 days of receiving the authority's offer of assistance, apply to the Secretary for Transport to determine the type and extent of assistance to 30 be given, and the Secretary for Transport shall determine the matter having regard to the provisions of subsection (2) of this section.

(4) If a body or person considers that the determination of the Secretary for Transport under subsection (3) of this 35 section is not satisfactory, it or he may, within 21 days of being notified of the determination, appeal to the Charges Appeal Authority from the determination or any part thereof.

(5) Sections 147, 149, 158, 163 to 165, 169, 170, and 172 to 176 of the Transport Act 1962 shall, as far as they are applicable and with the necessary modifications, apply in respect of every determination of the Secretary for Transport, and every appeal to the Charges Appeal Authority, under this section as if—

(a) The determination were an order of the Secretary for Transport prescribing charges for the carriage of passengers; and

(b) The appeal were an appeal against such an order.

(6) A determination pursuant to subsection (3) or subsection (4) of this section shall be binding on the urban transport authority.

(7) If a body or person does not accept an offer made pursuant to this section within 30 days of receiving the offer (or, if it or he applies to the Secretary for Transport to determine the matter, within 30 days of the final determination of the matter in accordance with this section), the urban transport authority may offer the same assistance to any other body or person.

37. Urban transport authority to give assistance for licensed services prohibited or altered by urban transport scheme—

(1) In any case where, by virtue of section 126A of the Transport Act 1962 (which provides that it shall be a condition of every passenger-service licence, harbour-ferry service licence, and taxicab-service licence that the service shall be carried on in conformity with the urban transport scheme), the effect of an urban transport scheme is to—

(a) Prohibit the continuation of an existing service; or

(b) Alter, in such a way as to adversely affect the licensee, the conditions under which an existing service may be carried on—

the urban transport authority that prepared the scheme shall give the licensee such assistance, including financial assistance (if any), as it considers appropriate to alleviate the effect of the scheme on the licensee.

(2) If the licensee considers that the assistance offered or given by the authority pursuant to subsection (1) of this section is not sufficient it or he may, within 30 days of receiving the authority's offer of assistance, apply to the Secretary for Transport to determine the type and extent of

assistance to be given, and the Secretary for Transport shall determine the matter, and, subject to subsection (3) of this section, his determination shall have effect as if it were a contract entered into by the licensee and the authority.

(3) If a licensee considers that the determination of the Secretary for Transport under subsection (2) of this section is not satisfactory, it or he may, within 21 days of being notified of the determination, appeal to the Charges Appeal Authority from the determination or any part thereof.

(4) Sections 147, 149, 158, 163 to 165, 169, 170, and 172 to 176 of the Transport Act 1962 shall, as far as they are applicable and with the necessary modifications, apply in respect of every determination of the Secretary for Transport, and every appeal to the Charges Appeal Authority, under this section as if—

(a) The determination were an order of the Secretary for Transport prescribing charges for the carriage of passengers; and

(b) The appeal were an appeal against such an order.

(5) Notwithstanding section 126A of the Transport Act 1962, an existing service to which this section applies may be carried on until one month after the date the amount of assistance to be given to the licensee pursuant to this section is finally determined in accordance with this section.

(6) An urban transport authority may at any time within one month after the date of a determination under subsection (2) or subsection (3) of this section give notice to the licensee of its intention to withdraw or modify the provisions of the urban transport scheme that gave rise to the right to assistance under this section. Where any such notice is given—

(a) The urban transport authority need not comply with the determination;

(b) The urban transport authority shall amend the scheme accordingly as soon as practicable;

(c) Until the scheme is so amended, the provisions of the scheme that gave rise to the right to assistance shall be deemed to be excluded from the scheme; and

(d) The urban transport authority shall pay the costs incurred by the licensee in exercising his rights under this section.

Implementation Programmes

38. Urban transport authorities to prepare annual regional implementation programmes—(1) Every urban transport authority shall, not later than the 1st day of October in each year, prepare a regional implementation programme in respect of the period of 3 years commencing on the following 1st day of April.

(2) Every regional implementation programme shall be in such form as the Urban Transport Council requires and shall be prepared in consultation with the Urban Transport Council, the National Roads Board, the Government Railways, and all local authorities and operators of urban transport services that, in the opinion of the urban transport authority, are likely to be affected.

(3) Every regional implementation programme shall be sent to the Urban Transport Council, the National Roads Board, and the Government Railways forthwith after being completed.

39. Contents of regional implementation programmes—

(1) Subject to subsection (2) of this section, every regional implementation programme shall specify—

(a) The urban transport services that the urban transport authority considers should be provided in the urban transport area during each of the 3 years (being services for which financial assistance will be provided by the Urban Transport Council, the National Roads Board, the Government Railways, the urban transport authority, or a territorial authority); and the estimated total cost of each such service for each year;

(b) The degree of priority that the urban transport authority considers each of the services specified in the programme should have;

(c) Any demonstration project that it is proposed to put into effect during each of the 3 years, and the estimated cost thereof for each year;

(d) The estimated planning and other administrative expenses of the urban transport authority for each year;

(e) An estimate of the amount of fares and other charges that it is proposed will be payable by the public for each urban transport service specified in the programme;

- (f) An estimate of the amount of financial assistance that it is proposed will be given by the urban transport authority, or a territorial authority, for each urban transport service specified in the programme;
 - (g) The amount that the urban transport authority considers should be contributed by the Urban Transport Council, the National Roads Board, or the Government Railways, as the case may be, towards the costs of each urban transport service specified in the programme; 5
 - (h) The extent to which any approved urban transport scheme for the urban transport area has been implemented; and, where there is no approved urban transport scheme for the urban transport area, the progress made towards completion of such a scheme; and 10
 - (i) Such other matters as the urban transport authority thinks fit or as are required to be specified therein by regulations made under this Act.
- (2) Every regional implementation programme shall be consistent with any approved urban transport scheme for the area. 15

40. Urban Transport Council to prepare annual national implementation programme—(1) The Urban Transport Council shall, not later than the 31st day of October in each year, prepare and send to the Minister a national implementation programme in respect of the period of 3 years commencing on the following 1st day of April. 25

(2) Every national implementation programme shall—

- (a) Contain, in respect of each urban transport area, the regional implementation programme recommended by the Council; 30
- (b) Indicate the degree of priority that the Council recommends for each item in a regional implementation programme; 35
- (c) Identify those parts of each regional implementation programme for which it is proposed that provision be made in the National Roads Board's budget or the Government Railways' estimates;
- (d) Specify the financial assistance that the Council considers should be given by it for urban transport services outside urban transport areas during each of the 3 years; 40

- (e) State the total amount of financial assistance that the Council considers should be given by it pursuant to section 42 of this Act during each of the 3 years; and the total amount that should be contributed by the National Roads Board and the Government Railways respectively for urban transport purposes during each of the 3 years; and
- (f) Contain such other matters as the Council thinks fit.

Financial Assistance for Urban Transport Purposes

- 10 **41. Principles relating to provision of financial assistance—**
The Minister may, pursuant to section 19 of this Act, give to the Urban Transport Council general directions relating to the Government's financial policy in regard to urban transport and, in particular, the Government's policy in
15 regard to—
 - (a) The means of avoiding distortions in the planning and provision of urban transport services, that arise from different financial arrangements for different types of services; and
 - 20 (b) The proportion of the total cost of the urban transport services included in a regional implementation programme that should be borne by the urban transport authority and local authorities in the urban transport area.

- 25 **42. Urban Transport Council may give financial assistance for urban transport purposes (whether within or outside urban transport areas)—**(1) The Urban Transport Council may at any time or times give financial assistance to any body or person if an application has been made therefor in accordance with this section. Any such assistance may be given on
30 such terms and conditions as the Council thinks fit.
 - (2) Any urban transport authority may, in its regional implementation programme or at any other time, apply to the Council for financial assistance for urban transport
35 purposes.
 - (3) Any territorial authority whose district or part thereof does not form part of an urban transport area may at any time apply to the Urban Transport Council for financial assistance for urban transport purposes.

(4) Any application under subsection (2) or subsection (3) of this section may be made by the authority on its own behalf or on behalf of a body or person that provides urban transport services in the area or district, as the case may be, or that in any manner assists, complements, or facilitates the provision of such services. 5

(5) An authority that makes an application under this section shall supply to the Urban Transport Council such information as the Council from time to time requires.

(6) Upon receipt of an application under this section, the Urban Transport Council may of itself, or by any of its members, or by any other person authorised by it in that behalf, make such investigations in respect of the application as the Council thinks fit. 10

43. Money to be appropriated by Parliament for urban transport purposes—All financial assistance given by the Urban Transport Council pursuant to section 42 of this Act shall be payable out of money to be appropriated by Parliament for the purpose. 15

PART V

20

MISCELLANEOUS PROVISIONS

44. Regulations—The Governor-General may from time to time, by Order in Council, make regulations providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration. 25

45. Amendment to Local Authorities Loans Act 1956—Section 18 of the Local Authorities Loans Act 1956 is hereby amended by repealing paragraph (k), and substituting the following paragraph:

“(k) Financial assistance given to local authorities under section 42 of the Urban Transport Act 1979.” 30

46. Effect of this Act on Local Government Act 1974—In the event of any conflict between this Act and the Local Government Act 1974, this Act shall prevail.

47. Amendments to Local Government Act 1974— 35
(1) Sections 11 and 12 (1) of the Local Government Act

1974 (as substituted by section 2 of the Local Government Amendment Act (No. 2) 1977) are hereby amended by inserting, after the words “this Part of this Act”, the words “or for the purposes of the Urban Transport Act 1979”.

5 (2) Section 116 (1) of the Local Government Act 1974 (as substituted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by adding the words “(including, in the case of a united council that is an urban transport authority pursuant to the Urban
10 Transport Act 1979, its functions, duties, and powers as an urban transport authority)”.

(3) Section 117 (1) of the Local Government Act 1974 (as substituted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by insert-
15 ing, after the word “powers”, the words “(including, in the case of a regional council that is an urban transport authority pursuant to the Urban Transport Act 1979, its functions, duties, and powers as an urban transport authority”.

48. Amendment to National Roads Act 1953—Section 10
20 of the National Roads Act 1953 is hereby amended by adding the following subsections:

“(3) When submitting to the Board a recommendation that relates to an urban transport area (as defined in section 2
of the Urban Transport Act 1979) or part thereof, the
25 District Roads Council shall advise the Board of the urban transport authority’s opinion on the recommendation and the reasons for that opinion.

“(4) When considering a District Roads Council’s recom-
mendation that relates to an urban transport area, the Board
30 shall have regard to the urban transport authority’s opinion on the recommendation.”

49. Amendment to Auckland Regional Authority Act 1963—(1) Section 25 (1) of the Auckland Regional Authority Act 1963 is hereby amended by inserting, after the
35 words “of this Act”, the words “or its functions under the Urban Transport Act 1979”.

(2) The Auckland Regional Authority Act 1963 is hereby further amended by inserting, after section 61, the following section:

“61A. Apportionment of net urban transport expenditure—
 (1) Notwithstanding any other provision of this Act but
 subject to subsections (2) to (8) of this section, from the
 date the Authority becomes an urban transport authority
 pursuant to the Urban Transport Act 1979, the net urban
 transport expenditure of the Authority shall be assessed and
 charged to the local authorities in the same way as all other
 net expenditure of the Authority is assessed and charged
 to local authorities pursuant to this Act; and the provisions
 of this Act shall, as far as they are applicable and with the
 necessary modifications, apply accordingly as if—

“(a) Any part of the Authority’s urban transport area
 that is outside the regional district were part of
 the regional district; and

“(b) Any part of the regional district that is outside the
 Authority’s urban transport area were outside
 the regional district.

“(2) From the date the Authority becomes an urban
 transport authority, subsections (4) and (6), and para-
 graphs (b) and (c) of subsection (7), of section 61 of this
 Act shall not apply in respect of the net urban transport
 expenditure of the Authority. The basis on which such
 expenditure of the Authority shall be apportioned among
 local authorities shall be determined by resolution of the
 Authority, after consultation with the local authorities, and
 shall fairly reflect the benefits received by the respective
 local districts.

“(3) A copy of every resolution under subsection (2) of
 this section shall forthwith be sent to each local authority.

“(4) If any local authority is dissatisfied with the resolu-
 tion of the Authority, it may, not later than one month after
 the passing of the resolution, object to the Local Government
 Commission against the resolution. The local authority shall
 serve a copy of the objection on the Authority and on every
 other local authority.

“(5) The Local Government Commission shall, not later
 than one month after receiving any such objection, duly
 consider and determine it. In determining any objection, the
 Commission shall be entitled to review and alter the appor-
 tionment of net urban transport expenditure among all or
 any of the local authorities.

“(6) The Local Government Commission shall advise the
 Authority and every local authority of the Commission’s
 decision on the objection.

“ (7) Subject to section 37A of the Local Government Act 1974, the determination of the Local Government Commission on any objection made under this section shall be final, and shall have effect to confirm or amend, as the case may
5 be, the resolution of the Authority which shall be implemented accordingly.

“ (8) Sections 125 and 125A of the Local Government Act 1974 (as substituted by section 2 of the Local Government Amendment Act (No. 3) 1977) shall, as far as they
10 are applicable and with the necessary modifications, apply in respect of the basis on which the net urban transport expenditure of the Authority is apportioned as if—

- “ (a) The references in those sections to a united council were references to the Authority; and
- 15 “ (b) The references in those sections to a constituent authority or territorial authority liable to contribute to the united council were references to a local authority.”

Amendments to Transport Act 1962

20 **50. Interpretation**—Section 2 (1) of the Transport Act 1962 is hereby amended by inserting, in the appropriate alphabetical order, the following definitions:

“ ‘Approved operational plan’ has the same meaning
25 as in section 2 (1) of the Urban Transport Act 1979:

“ ‘Approved structural plan’ has the same meaning as in section 2 (1) of the Urban Transport Act 1979:

30 “ ‘Approved urban transport scheme’ means an approved structural plan or an approved operational plan:

“ ‘Urban transport area’ has the same meaning as in section 2 (1) of the Urban Transport Act 1979.”

35 **51. Matters to be considered before determining applications for passenger-service or harbour-ferry service licences**—Section 119 of the Transport Act 1962 is hereby amended by adding the following subsections:

“ (3) Notwithstanding subsections (1) and (2) of this section, where—

“(a) An application is made to a Licensing Authority for a passenger-service licence (not being a taxi-cab-service licence) or a harbour-ferry service licence, for a service to be operated within an urban transport area for which there is an approved urban transport scheme; and 5

“(b) A service of the kind proposed is provided for in the scheme,—

subsection (1) of this section shall not apply in respect of the application, and the Licensing Authority shall give further consideration to the application in accordance with subsection (2) of this section: 10

Provided that paragraphs (a), (c), (e), and (h) of subsection (2) of this section shall not apply in respect of any application to which this subsection applies. 15

“(4) For the purposes of this Part of this Act, a harbour-ferry service that is operated, or intended to be operated, between termini all of which are within or in the close vicinity of the boundaries of an urban transport area shall be deemed to be operated, or be intended to be operated, within that area.” 20

52. Repeal of special provisions relating to Regional Authorities—(1) The following enactments are hereby repealed:

(a) Sections 120A and 151 (g) of the Transport Act 1962: 25

(b) Sections 16 and 19 of the Transport Amendment Act 1971:

(c) Section 25 of the Transport Amendment Act 1974:

(d) ~~The Transport Amendment Act (No. 2) 1978.~~

(2) Every decision of a Regional Transport Licensing Authority relating to a licence and made before the commencement of this Act shall be as valid and effectual as if it had been made by the Licensing Authority for the transport district in which the service to which the licence relates is operated or intended to be operated. 30

(3) Notwithstanding subsections (1) and (2) of this section, until there is an approved urban transport scheme for the urban transport area of the Auckland Regional Authority, section 120A of the Transport Act 1962 (as inserted by section 16 of the Transport Amendment Act 1971 and amended by section 25 of the Transport Amendment Act 40

1974 and section 2 (1) of the Transport Amendment Act (No. 2) 1978) shall continue to have effect in respect of applications that relate to licences that are operated or intended to be operated within the district of the Auckland Regional Authority as if subsections (1) and (2) of this section had not been enacted.

53. Matters to be considered before determining applications for taxicab-service licences—Section 121 of the Transport Act 1962 is hereby amended by adding the following subsection:

“(4) Notwithstanding subsections (1) to (3) of this section, where—

“(a) An application is made to a Licensing Authority for a taxicab-service licence for a service to be operated within an urban transport area for which there is an approved urban transport scheme; and

“(b) A service of the kind proposed is provided for in the scheme,—

subsection (1) of this section shall not apply in respect of the application and the Licensing Authority shall give further consideration to the application in accordance with subsection (2) of this section.”

54. Compliance with urban transport scheme a condition of transport licences—The Transport Act 1962 is hereby amended by inserting, after section 126, the following section:

“126A. It shall be a condition of every passenger-service licence, harbour-ferry service licence, and taxicab-service licence granted under this Act (whether inserted therein or not) that the service to which the licence relates shall be carried on in conformity with the provisions of any approved urban transport scheme relating to the area in which the service is carried on.”

55. Licensing Authority to prescribe terms and conditions of licence—Section 127 of the Transport Act 1962 is hereby amended—

(a) By inserting in subsection (2), after the words “Subject to”, the words “the provisions of any applicable approved urban transport scheme and”:

- (b) By omitting from subsection (3) the words “Where it is desirable”, and substituting the words “Subject to the provisions of any applicable approved urban transport scheme, where it is desirable”:
- (c) By omitting from subsections (4) and (5) the words “In granting”, and substituting in each case the words “Subject to the provisions of any applicable approved urban transport scheme, in granting”.

56. Review of taxicab services—(1) Section 134 (5) of the Transport Act 1962 is hereby amended by omitting the word “Where”, and substituting the words “Subject to subsection (5A) of this section, where”.

(2) Section 134 of the Transport Act 1962 is hereby amended by inserting, after subsection (5), the following subsection:

“(5A) On any review under this section of taxicab services provided in an area for which there is an approved urban transport scheme, the Licensing Authority shall give effect to any provisions of the scheme that relate to taxicab services.”

57. Additional matters to be considered by authority dealing with any application—(1) Section 179 of the Transport Act 1962 is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Notwithstanding section 151 or any other provision of this Act, in considering under this Part of this Act any application or other matter relating to a passenger service, a harbour-ferry service, or a taxicab service that operates, or is intended to operate, in an urban transport area, the Minister, the Licensing Authority, the Licensing Appeal Authority, the Charges Appeal Authority, the public body, the Secretary for Transport, or other person or body dealing with the application or matter, as the case may be, shall give effect to the provisions of any approved urban transport scheme for the area.”

(2) Section 179 (2) of the Transport Act 1962 is hereby amended by omitting the word “This”, and substituting the words “Subsection (1) of this”.

58. Grants to licensees of urban passenger services—(1) Section 185B of the Transport Act 1962 is hereby repealed.

(2) Section 19 of the Transport Amendment Act (No. 2) 1969 is hereby consequentially repealed.

Amendments to Ministry of Transport Act 1968

- 5 **59. New Zealand Urban Public Passenger Transport Council abolished**—(1) The New Zealand Urban Public Passenger Transport Council established by section 13A of the Ministry of Transport Act 1968 is hereby abolished.
- 10 (2) Every application made to the New Zealand Urban Public Passenger Transport Council pursuant to section 13b of the Ministry of Transport Act 1968 that has not been granted or declined by the said council before the date this Act comes into force shall be deemed to have been made to the Urban Transport Council in accordance with section 42 of this Act.
- 15 (3) Notwithstanding the abolition of the New Zealand Urban Public Passenger Transport Council and notwithstanding section 60 of this Act and section 90 of the Public Finance Act 1977, the Secretary for Transport may, for the purpose of completing all matters relating to any loan made
- 20 by the council prior to its abolition, exercise or carry out all or any of the rights, authorities, duties, and powers that the council had under sections 13c to 13g of the Ministry of Transport Act 1968 and may execute all documents, receive repayments, and take proceedings and otherwise realise
- 25 securities, relating to any such loan.

60. Consequential repeals and amendments—(1) Sections 13A to 13H of the Ministry of Transport Act 1968 are hereby repealed.

30 (2) Section 2 of the Ministry of Transport Act 1968 is hereby amended by repealing the definition of the term “Council”, and substituting the following definition:

“‘Council’ means—

35 “(a) In sections 10 to 13 of this Act, the Transport Advisory Council established by section 10 of this Act:

“(b) In sections 13I to 13L of this Act, the Road Traffic Safety Research Council established by section 13I of this Act:”.

40 (3) Section 2 of the Ministry of Transport Act 1968 is hereby further amended by repealing the definitions of the terms “Regional Transport Authority” and “Regional Transport District”.

(4) Section 4 (3) of the Ministry of Transport Act 1968 is hereby amended by omitting the words “the New Zealand Urban Public Passenger Transport Council”, and substituting the words “the Urban Transport Council established under the Urban Transport Act 1979”. 5

(5) The First Schedule to the Ministry of Transport Act 1968 (as substituted by section 3 (1) of the Ministry of Transport Amendment Act 1973) is hereby amended by adding to Part I the following item:

“1979, No. 00—The Urban Transport Act 1979.” 10

(6) The following enactments are hereby consequentially repealed:

(a) The Ministry of Transport Amendment Act 1971:

(b) So much of the Second Schedule to the Ministry of Transport Amendment Act 1973 as relates to section 15 2 of the Ministry of Transport Act 1968:

(c) Sections 2 to 5 of the Ministry of Transport Amendment Act 1975.

SCHEDULE

Section 21

PROVISIONS RELATING TO URBAN TRANSPORT COUNCIL

1. Term of office of members of Council—(1) Subject to the succeeding provisions of this section, every appointed member of the Council shall hold office for a term of 3 years, but may from time to time be reappointed.

(2) Any appointed member of the Council may resign his office at any time by written notice given to the Minister.

(3) Any appointed member of the Council may be removed from office at any time by the Governor-General on the recommendation of the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

(4) If any appointed member of the Council dies, resigns, or is removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made, and every person appointed under this subsection shall hold office for the remainder of the term for which his predecessor was appointed.

(5) Every member of the Council, unless he sooner vacates his office under subsection (2) or subsection (3) of this section, shall continue in office until his successor comes into office.

(6) The functions and powers of the Council shall not be affected by any vacancy in its membership.

2. Deputies of members—(1) In any case where the Minister is satisfied that any member of the Council appointed pursuant to section 16 (a) of this Act is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a person to act in the place of that member during his incapacity.

(2) In any case where the Minister is satisfied that any member of the Council appointed pursuant to paragraphs (b) to (e) of section 16 of this Act is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a person recommended for such appointment by the appropriate person, body, or bodies to act in the place of that member during his incapacity.

(3) Any person appointed under this section shall, while he acts as such, be deemed to be a member of the Council.

(4) No appointment of a person under this section and no acts done by him while acting as a member of the Council, and no acts done by the Council while any person is acting as such, shall in any proceedings be questioned on the ground that occasion for his appointment had not arisen or had ceased.

3. Council may appoint advisory and technical committees—(1) The Council may from time to time appoint advisory committees, technical committees, and committees to advise it on such matters as it may refer to them.

SCHEDULE—*continued*

(2) Any person may be appointed to be a member of any such committee, notwithstanding that he is not a member of the Council.

(3) Every such committee shall in all matters be subject to the control of the Council, and shall carry out all directions, general or special, of the Council in relation to the Council or its affairs.

(4) Subject to the provisions of this Act, every committee appointed under this section may regulate its procedure in such manner as it thinks fit.

4. Application of certain provisions of Local Authorities (Members' Interests) Act 1968—The provisions of sections 6, 7, and 8 of the Local Authorities (Members' Interests) Act 1968 shall apply with respect to every meeting of the Council or of any committee of the Council and the consideration by the Council or any such committee of any application for financial assistance, as if the meeting were a meeting of members of a local authority within the meaning of that Act:

Provided that, for the purposes of this section, a person shall not be regarded as having a pecuniary interest in a matter merely by virtue of his membership of a local authority, or his being an officer or employee of a Government department, local authority, or public body, that has a pecuniary interest in the matter.

5. Members not personally liable—No member of the Council or of any committee appointed by the Council shall be personally liable for any act done or default made by the Council or committee or by any member of it in good faith in the course of the operations of the Council or committee.

6. Application of certain Acts to members and staff of Council—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 Government Superannuation Fund Act 1956 by reason of his appointment as a member of the Council or a committee appointed by the Council, or by reason of his employment by the Council pursuant to clause 10 (4) of this Schedule.

7. Meetings of Council—(1) The first meeting of the Council shall be held on a day to be fixed by the Chairman.

(2) Subsequent meetings of the Council shall be held at such times and places as the Council or the Chairman from time to time decides.

(3) The Chairman or any 2 members of the Council may at any time call a special meeting of the Council.

(4) At all meetings of the Council, the quorum necessary for the transaction of business shall be not less than 6 members, of whom at least 3 shall be appointed members.

(5) All questions arising at any Council meeting shall be decided by a majority of the valid votes recorded by the members present and entitled to vote. Any member may demand a poll to decide any question, but otherwise voting shall be carried out by a show of hands.

SCHEDULE—*continued*

(6) A resolution in writing signed, or assented to by letter or telegram, by all the members of the Council shall be as valid and effectual as if it had been passed at a meeting of the Council duly called and constituted.

(7) The Chairman shall preside at all meetings at which he is present.

(8) In the absence from any meeting of the Chairman, the members present shall elect one of their number to act as Chairman of that meeting.

(9) At any meeting, the Chairman or the person acting as such, shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(10) The Chairman or person for the time being acting as such may adjourn any meeting until a specified time and to a specified place if he considers that deliberation on a question will be furthered by such a course of action.

(11) Subject to the provisions of this Act and to any regulations made under this Act, the Council may regulate its procedure in such manner as it thinks fit.

8. Council may co-opt specialist advice—(1) The Council, and any advisory or technical committee appointed by the Council, may from time to time invite any person who, in its opinion, possesses expert knowledge or is otherwise able to assist it in connection with the exercise of its functions, to attend any of its meetings or to advise it on any matter with which it is concerned.

(2) Any person attending a meeting under this section may, if invited, take part in any discussion at the meeting, but shall not have any voting rights.

9. Delegation of powers by Council—(1) The Council may from time to time delegate to any of its members, or to a committee appointed pursuant to clause 3 of this Schedule, all or any part of the Council's powers under this Act. No such delegation shall prevent the exercise by the Council of any of its powers.

(2) Where any delegation under this section is made to 2 or more members of the Council those members shall be deemed to be a committee of the Council for the purposes of clause 4 of this Schedule.

10. Staff of Council—(1) There shall from time to time be appointed under the State Services Act 1962 such employees as may be necessary to enable technical and administrative services to be provided to the Council and to enable the Council to carry out and exercise its functions, duties, and powers.

(2) Employees of the Government Railways, or any department of the Public Service referred to in the Second Schedule to the State Services Act 1962, may from time to time be seconded to the service of the Council by the General Manager of the Government Railways or the State Services Commission, as the case may be.

SCHEDULE—*continued*

(3) Every employee of the Public Service or Government Railways who is engaged in providing services to the Council shall be responsible to and under the direction and control of the Council in respect of the provision of such services, but shall remain under the direction and control of the State Services Commission, or the General Manager of the Government Railways, as the case may be, in respect of his terms and conditions of employment.

(4) Without limiting subclauses (1) to (3) of this clause, the Council may from time to time appoint such other officers and employees, including acting or temporary or casual officers and employees, as it thinks necessary for the carrying out of its functions, duties, and powers. The number of officers and employees who may be appointed under this subclause, whether generally or in respect of any specified duties, and the salaries and allowances and other terms and conditions of employment thereof, shall from time to time be determined by the Council in agreement with the State Services Commission.

(5) In subclauses (1) to (3) of this clause, the term "employee"—

(a) In relation to the Public Service, has the same meaning as in the State Services Act 1962:

(b) In relation to the Government Railways, has the same meaning as in the Government Railways Act 1949.

11. Fees, travelling allowances, and expenses of Council—(1) The Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may be paid to members of the Council and of any committee appointed by the Council, out of money appropriated by Parliament for the purpose, 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.

(3) There shall be paid from the Consolidated Account, out of money appropriated by Parliament for the purpose, such sums as the Minister from time to time approves for the purposes of defraying salaries and other expenses incurred by the Council in the exercise and performance of its functions, duties, and powers.