

## TRANSPORT AMENDMENT (NO. 2) BILL

### EXPLANATORY NOTE

THIS Bill amends the Transport Act 1962.

*Clause 1* relates to the Short Title and commencement. The Act is to come into force on 1 October 1977.

*Clause 2* gives effect to the announcement in the Budget that the restriction on the transport of goods by road in competition with the railways is to be relaxed by extending the present 40 mile restriction to 150 kilometres. Other provisions to give effect to the Budget announcement will require an amendment to the Transport Licensing Regulations 1963.

For this purpose the clause re-enacts in an amended form the present section 109 of the principal Act declaring certain services to be goods services, with the following changes:

- (a) The 40 mile general restriction in subsection (1) (a) is increased to 150 kilometres. The existing provisions allowing certain classes of goods to be carried for up to 75 miles and other goods to be carried for up to 50 miles are now covered by the new general 150 kilometre provision:
- (b) The 40 mile general restriction in subsection (2) (b) (relating to the carriage of goods by a farmer in his own vehicle) is increased to 150 kilometres. The existing provisions allowing certain classes of goods to be carried for up to 75 miles are now covered by the new general 150 kilometre provision.

In addition, the new section 109 increases from 2,500 kilograms to 3,500 kilograms the weight of a goods-service vehicle that qualifies for exemption under subsection (1).

*Clause 3* amends section 110 (1) of the principal Act, which defines the term "available route" for the purposes of section 109. The clause provides that on and after 1 October 1977 the Kaimai Tunnel Deviation will be deemed to be open Government railway for the purposes of that definition.

*Clause 4* amends section 113 (1) (1) of the principal Act, which at present exempts from transport licensing a goods-service carried on for the carriage by cordial and carbonated-water manufacturers of cordials and carbonated waters and other related goods, unless there is available for their carriage an available route that includes at least 75 miles of open Government railway.

This clause increases that distance to 150 kilometres.

*Clause 5*: The effect of this clause is to remove from section 145 (3) (c) of the principal Act the power of a public body or the Secretary for Transport, when fixing charges for the carriage of goods, to prescribe a minimum charge.

*Clause 6* authorises the making of regulations applying in cases where the licensee under a goods-service licence applies for an amendment of his licence to authorise him to carry on the goods service in 2 or more goods-service districts.

The regulations may provide that any of the provisions of section 139 (amendment of licences) of the principal Act, section 140 (procedure on application for amendment of licence), section 166 (appeals to Licensing Appeal authority from decisions of Licensing Authorities), and section 179 (additional matters to be considered by authority dealing with any application) may be excluded, in whole or in part, or may be modified. The regulations may also specify conditions that are to apply to any such licence that is so amended.

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*Hon. Mr McLachlan*

## TRANSPORT AMENDMENT (NO. 2)

### ANALYSIS

Title	
1. Short Title and commencement	5. Charges to be prescribed by public body or Secretary for Transport with right of appeal to Charges Appeal Authority
2. Certain services declared to be goods services	6. Regulations as to amendment of goods-service licences
3. "Available route" defined	
4. Exemptions from transport licences	

### A BILL INTITULED

#### An Act to amend the Transport Act 1962

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

1. **Short Title and commencement**—(1) This Act may be cited as the Transport Amendment Act (No. 2) 1977, and shall be read together with and deemed part of the Transport Act 1962\* (hereinafter referred to as the principal Act).
- 10 (2) This Act shall come into force on the 1st day of October 1977.
2. **Certain services declared to be goods services**—(1) The principal Act is hereby amended by repealing section 109, and substituting the following section:
- 15 "109. (1) Subject to this section, and without limiting the meaning of the expression 'goods service' in section 2 (1) of

\*Reprinted 1974, Vol. 3, p. 2489  
Amendments: 1975, Nos. 4, 106; 1976, Nos. 126, 152; 1977, No. 3

this Act, the carriage of any goods (whether for hire or reward or not) by any goods-service vehicle the weight of which exceeds 3500 kilograms shall be deemed for the purposes of this Part of this Act to be a goods service within the meaning thereof, if there is available for their carriage— 5

“(a) Except where paragraph (b) of this subsection applies, a route that includes not less than 150 kilometres of open Government railway:

“(b) When logs are carried, a route that includes the Murupara-Kawerau Railway. 10

“(2) Subject to this section, and without limiting the meaning of the expression ‘goods service’ in section 2 (1) of this Act, the carriage by any goods-service vehicle which is owned by a person carrying on business as a farmer of any goods (other than lime) owned by him and carried in connection with that business shall, if the weight of the load carried on the vehicle exceeds 5000 kilograms, be deemed for the purposes of this Part of this Act to be a goods service within the meaning thereof, if there is available for their carriage a route that includes not less than 150 kilometres of open Government railway. 15 20

“(3) The foregoing provisions of this section shall not apply—

“(a) Where the route that includes the railway is longer by more than one-third than the shortest road route available for the carriage of the goods; or 25

“(b) Where the owner of the motor vehicle is the Crown; or

“(c) Where the owner of the motor vehicle is a local authority or a public body and the goods are loaded on the motor vehicle at a place within the district of the local authority or public body and carried to another place within that district; or 30

“(d) To the carriage of livestock.

“(4) Subsection (1) of this section shall not apply where the owner of the motor vehicle is carrying on business as a farmer and the goods are carried in connection with that business of the owner. 35

“(5) For the purposes of subsections (1) and (2) of this section, the term ‘weight’, in relation to any goods-service vehicle, means the total weight of the vehicle, its load, any trailer or trailers drawn thereby, and the load on that trailer or those trailers, and, in relation to the load carried on any goods-service vehicle, means the total weight of the load on the vehicle together with the load on any trailer or trailers drawn thereby.” 40

(2) The following enactments are hereby consequentially repealed:

- (a) Section 11 (3) of the Transport Amendment Act 1965:
- 5 (b) Section 15 of the Transport Amendment Act (No. 2) 1969:
- (c) Section 14 of the Transport Amendment Act 1972:
- (d) Paragraphs (c) and (d) of section 33 of the Transport Amendment Act 1974.

3. “**Available route**” defined—Section 110 (1) of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

“(aa) On and after the 1st day of October 1977, the railway consisting of the Kaimai Tunnel Deviation shall be deemed to be open Government railway.”

15 4. **Exemptions from transport licences**—Section 113 (1) (1) of the principal Act is hereby amended by omitting the words “75 miles”, and substituting the words “150 kilometres”.

5. **Charges to be prescribed by public body or Secretary for Transport with right of appeal to Charges Appeal Authority**—Section 145 (3) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) In the case of the carriage of goods, prescribe a fixed charge or a maximum charge.”

25 6. **Regulations as to amendment of goods-service licences**—Section 186 of the principal Act (as amended by section 20 (1) of the Transport Amendment Act (No. 2) 1969) is hereby further amended by adding the following paragraph:

30 “(x) Providing that the provisions of sections 139, 140, 166, and 179 of this Act, or any of those provisions, shall not apply, or shall apply with modifications, with respect to any application by the licensee under a goods-service licence for an amendment of the licence to authorise the licensee to carry on the goods service throughout the whole or parts of 2 or more goods-service districts, and prescribing conditions to which any such licence as so amended shall be deemed to be subject.”