

## TRANSPORT AMENDMENT BILL

### EXPLANATORY NOTE

THIS Bill amends the Transport Act 1962.

*Clause 1* relates to the Short Title and commencement. *Clause 14* (relating to third-party risks insurance) will be deemed to have come into force on 1 February 1971, Part I and the Schedule (relating to the licensing of motor-vehicle drivers) will come into force on a date to be fixed by Order in Council, and the other provisions will come into force on the passing of the Act.

*Clause 2: Subclause (1)* inserts the following new definitions in section 2 (1) of the principal Act:

- (a) "Cargo container", "containerbase", "containerbase operator", "container ship", and "international cargo container": These definitions are inserted for the purposes of the amendments made by *clauses 15 (3) and 17* relating to the carriage by road of cargo containers.
- (b) "Department of State", "trade licence", and "trade plates": These definitions are inserted for the purposes of the new section 22 (substituted by *clause 5*), by which provisions relating to trade licences and trade plates are substituted for the existing provisions relating to dealers' plates.
- (c) "Issuing authority", "licensing year", and "motor driver's licence": These definitions are inserted for the purposes of the new Part III (substituted by *clause 3*), relating to the licensing of motor-vehicle drivers.

*Subclause (2)* is a minor drafting amendment omitting a reference to a station wagon. Station wagons are now included in the definition of "motor-car" in section 2 (1) of the principal Act.

### PART I

#### LICENSING OF DRIVERS OF MOTOR VEHICLES

*Clause 3* substitutes a new Part III (comprising *sections 25 to 29*) for Part III of the principal Act, relating to the licensing of drivers of motor vehicles. The principal changes in the new Part III are—

- (a) Provision is made in anticipation of a proposal to institute a central computer system for the issue of motor drivers' licences. For this

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purpose, this Part uses the term "issuing authority" as the authority to issue licences. The Secretary for Transport is the issuing authority in relation to those licences which he at present issues by arrangement with certain local authorities, and those other local authorities which at present issue licences will continue to be issuing authorities until, by arrangement with the Secretary for Transport, they transfer to the Secretary their registers of licences, after which the Secretary will become the issuing authority.

- (b) There will be payable to the local authorities in whose districts the holders of drivers' licences reside such proportion as the Minister of Finance determines of the licence fees received by the Secretary as issuing authority.
- (c) Drivers' licences will not expire on 30 June, but on the last day of the month in which the holder's birthday occurs. That is, there will not be a general relicensing in June of each year.

The effect of the new *sections 25 to 29* is as follows:

*Section 25* re-enacts the existing provisions that no person may drive a motor vehicle unless he holds an appropriate driver's licence or is a learner driver who is undergoing a driving test for the issue or extension of a licence or is being taught to drive.

*Section 26* re-enacts the existing provisions as to the issue of drivers' licences and extensions of licences, with the following changes:

- (a) By reason of the definition of "licensing year" inserted in section 2 (1) of the principal Act by *clause 2* of the Bill, licences will expire at the end of the month in which the holder's birthday occurs, instead of on 30 June.
- (b) The section refers to the issue of licences by an issuing authority instead of by a local authority.
- (c) The amount of the testing fee for new licences or extensions of licences is increased from \$1 to \$1.75, and the fee for drivers' licences and renewals remains at 50c for each year.

*Section 27* re-enacts the existing provisions relating to the central register of drivers' licences, with the following changes:

- (a) A register of all licences issued by it is to be kept by each issuing authority.
- (b) Where the Secretary is not the issuing authority, the issuing authority may on a date agreed with the Secretary transfer its register of licences to the Secretary, and the Secretary will then become the issuing authority in respect of those licences and of all new licences issued to persons residing in the former issuing authority's area.
- (c) Such part as the Minister of Finance determines of the licence fees received by the Secretary as issuing authority is to be paid to the local authorities in whose areas the holders reside.

*Section 28* relates to the validity of licences that are in force on the date when the new Part III comes into force. Instead of expiring on 30 June in the year stated in the licence, the licence will, unless 30 June is the holder's birthday, be deemed to be extended until the last day of the month in which his next birthday occurs. When he applies for a renewal of that licence, he will be required to pay a proportionate part of the annual licence fee for the extended period.

*Section 28A* re-enacts the existing provisions as to the suspension of the drivers' licences of mentally disordered persons who become committed patients under the Mental Health Act 1969 and extends those provisions to special patients. The only other changes are consequential on the provisions of that Act.

*Section 28B* re-enacts the existing provisions requiring professional driving instructors to hold certificates of approval issued by the Secretary.

*Section 29* re-enacts the existing provisions as to the power to make regulations relating to motor drivers' licences, with the following changes:

- (a) *Paragraph (c)* is new. It enables regulations to be made providing that in the case of any renewal, extension, or alteration of a licence the renewal, extension, or alteration may be made by the issue of a new licence, and providing for the issue of an interim licence pending the issue of a new one. This power is incidental to the proposed new computer system for issuing licences.
- (b) *Paragraph (i)* includes a new provision which enables the regulations to authorise the Secretary to prescribe forms of drivers' licences.
- (c) *Paragraph (j)* is new. It enables the regulations to prescribe, or authorise the Secretary to prescribe, the documentary evidence of identity and date of birth of applicants for drivers' licences or for extensions or renewals of licences.
- (d) *Paragraph (l)* includes new provisions that the regulations may provide that an applicant for a probationary licence shall demonstrate a knowledge of traffic law as set out in Government publications. The existing provisions relate to applicants for new licences only. The regulations may provide that the publications shall be provided to applicants free or for a prescribed fee. The existing provisions provide for payment of a fee not exceeding 25c.

*Clause 4* provides for amendments and repeals that are consequential on the provisions of the new Part III substituted by *clause 3*.

## PART II

### MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT

*Clause 5* re-enacts in an amended form section 22 of the principal Act relating to dealers' plates and licences, which are now to be known as trade plates and licences. The changes in the new section 22 are—

- (a) The classes of persons to whom trade plates and licences may be issued are extended. The new classes are specified in *paragraphs (c) to (h) of subsection (6)*.
- (b) The fees payable are now inserted in the First Schedule to the principal Act by amendments to that Schedule made by *clause 23* of the Bill. The present fees are not changed.
- (c) The power to make regulations in the present section 22 is omitted, and is inserted in section 24 of the principal Act (which is the regulation-making section in Part II of the principal Act) by *clause 6 (2)* of this Bill.

*Clause 6:* The effect of *subclause (1)* is that the regulations may authorise the Secretary to prescribe forms for the purposes of Part II of the principal Act.

*Subclause (2)* inserts in section 24 of the principal Act the power to make regulations relating to trade plates and licences referred to in the note on *clause 5*.

*Clause 7* amends section 42 (13) of the principal Act, which provides that on production to the Registrar of a Magistrate's Court of a certificate of conviction for an offence of not paying a speeding-infringement fee specifying the amount ordered by the convicting Court to be paid by the defendant, the Registrar is to enter judgment in favour of the enforcement authority for the amount ordered to be paid.

This amendment provides that judgment is to be entered for that amount together with costs.

*Clause 8* is a drafting amendment only, correcting a reference to the Commissioner in section 44 of the principal Act, which should have been a reference to the Secretary.

*Clause 9* re-enacts in an amended form section 58A (3) of the principal Act, under which it is an offence for any person to fail or refuse to accompany a constable or traffic officer to any place or to remain at any place when required to do so under section 58A (2). Section 58A (2) provides that if a driver has given a positive breath test or has refused to undergo a breath test, a constable or traffic officer may require the driver to accompany him to any place where a specimen of blood may be taken or to remain where he is so that a specimen of blood may be taken. There is no express provision that a driver who has been taken to any place for the purpose of giving a second breath test must remain there until the second breath test has been given.

The new subsection (3) re-enacts in paragraph (a) the effect of the present subsection and adds a new paragraph (b), the effect of which is that it will be an offence for any driver who has accompanied a constable or traffic officer to any place pursuant to subsection (2) to fail or refuse to remain at that place until he has been required to give the second breath test. If he fails or refuses to remain there, any constable or traffic officer may arrest him without warrant.

*Clause 10: Subclause (1)* amends section 58B (4) (a) of the principal Act, which provides that a container in which each part or specimen of blood is placed must have been received by the medical practitioner in a sealed outer container having endorsed thereon or affixed thereto a label indicating that it had been supplied by the Department of Scientific and Industrial Research. This means that the supplier must send the sealed containers to that Department which must in turn send them on to police stations and other places where blood specimens are taken.

The effect of this amendment is that the containers may be sent by the suppliers on behalf of the Department of Scientific and Industrial Research directly to police stations and other places where blood specimens are taken instead of through that Department.

*Subclause (2)* amends section 58B (7) of the principal Act, which provides that where both parts of a specimen of blood or both specimens are sent to the Dominion Analyst or a Government Analyst, or to an officer of the Department of Scientific and Industrial Research on his behalf, the Government Analyst or Dominion Analyst must, on request, supply one part or one specimen to an analyst specified by the driver.

The effect of this amendment is that if both parts or specimens are sent to an officer of the Department of Scientific and Industrial Research under this provision, the request for one part or specimen to be sent to an analyst must be made to that officer, and he is required to comply with the request.

*Clause 11* re-enacts in an amended form section 67 of the principal Act, which requires the owner or hirer of a motor vehicle, on being so required by a constable or traffic officer, to supply information as to the identity of the driver of the vehicle.

*Subsection (1)* of the new section 67 re-enacts the existing provisions.

*Subsection (2)* is new. It requires the owner or hirer or driver or person in charge of a motor vehicle to supply information as to the identity of any passenger where an offence is alleged to have been committed by the passenger in or through the use of the motor vehicle.

*Clause 12* amends section 69B of the principal Act, relating to overloading-infringement fees. The amendment corresponds to the amendment to section 42 made by *clause 7*, and enables judgment to be entered for the amount of overloading-infringement fees ordered to be paid on conviction, together with costs.

*Clause 13* authorises the making of regulations providing that the local authority or other body or person having the control over any road may declare the road or any part thereof to be a construction zone, and prescribing the signs to be erected in such zones. The regulations may exempt from the provisions of any regulations made under the principal Act specified classes of vehicles while used in construction zones.

*Clause 14:* Section 80 of the principal Act (as amended by section 14 of the Transport Amendment Act 1970) provides that notice of willingness to undertake third-party risks insurance business or of intention to cease such business must be given before 28 February in any licensing year if it is take effect for the licensing year commencing on the following 1 July.

The effect of this clause (which, by *clause 1 (2)*, is retrospective to 1 February 1971) is to substitute 31 March 1971 as the date in relation to the licensing year that commenced on 1 July 1971. For future years, the appropriate date will be 28 February, as at present provided in section 80.

*Clause 15: Subclause (1)* amends section 113 (1) (a) of the principal Act, under which transport services for the carriage of school children and their teachers are exempted from transport licensing in certain circumstances. This amendment extends those provisions to cases where school children and their teachers are carried to and from a central depot designated by the governing body of the school.

*Subclause (2)* re-enacts in an amended form section 113 (1) (d) of the principal Act exempting from transport licensing any goods service carried on exclusively in connection with funerals, or for the carriage of newspapers, or in connection with the repair or wreckage of vehicles that have met with mishaps. The only change is a drafting one, intended to make it clear that the term "exclusively" relates to all 3 kinds of goods services.

*Subclause (3)* creates a further exemption from goods-service licensing. The subclause exempts the carriage by road of international cargo containers (now defined by an amendment to section 2 (1) of the principal Act made by *clause 2 (1)* of the Bill), provided the container is carried with the authority in writing of the containerbase operator and an authorised representative of the New Zealand Government Railways Department.

*Clause 16* inserts a new section 120A in the principal Act making special provision for the granting of applications for passenger-service licences (other than taxicab-service licences) to be operated in the districts of Regional Authorities and for other applications in respect of such licences.

All applications for such licences and other applications in respect of such licences are to be determined by a Regional Transport Licensing Authority constituted under this section and not by a Licensing Authority constituted under the existing provisions.

A Regional Transport Licensing Authority will comprise the Licensing Authority for the transport district in which the licences are operated or are intended to operate (or the Chairman in the case of a Licensing Authority of 3 members), who will be the Chairman, and 2 other members to be appointed by the Minister, one of whom is to be appointed on the nomination of the Regional Authority.

An application relating to such a licence is to be made to the Secretary for Transport, who is to forward it to the Regional Authority. That Authority is to consider the application and forward it to the Regional Transport Licensing Authority, together with any recommendations it wishes to make. If it recommends the granting of the application, the application is to be advertised in the normal way, and if no objections are received the application may be granted without a public sitting. If the Regional Authority does not consent to the granting of the application, the application is to be advertised and is to be dealt with at a public sitting.

An application lodged by a Regional Authority in respect of a passenger-service licence operated or intended to be operated by that Authority itself is to be advertised, and if no objections are received, it may be dealt with without a public sitting.

A Regional Authority may make an application in respect of a passenger-service licence (other than a taxicab-service licence) operated or intended to be operated in its district by another operator. The Regional Authority is to endeavour to obtain the agreement of the operator to the application, and, if his agreement is obtained, the application is to be advertised, and may be dealt with without a public sitting if no objections are received. If no agreement is obtained the normal procedure is to be followed.

*Clause 17* amends section 123 of the principal Act relating to the matters that must be considered by the Licensing Authority before determining an application for a goods-service licence. The clause adds to the section additional provisions relating to a service for the carriage of international cargo containers. The effect of these provisions is as follows:

- (a) Where the application relates to the carriage of such containers containing goods for export or goods that have been imported or to the carriage of empty containers which are being carried for the purpose of being packed with goods for export, and the applicant seeks exemption from the rail restriction, the Licensing Authority, in having regard to the interest of the public generally, is to have regard to—
- (i) The road distances at each end of the railway portion of the route.
  - (ii) The facilities available for the loading and unloading of the containers at each end of the railway portion of the route.
  - (iii) The problems arising when only a small number of containers is required to be carried and at infrequent intervals.
- (b) After taking into account these matters, the Licensing Authority must take into account the amount by which the total cost of moving the containers by railway or by combined road and rail transport exceeds the cost of moving them by direct road transport.

These provisions will expire on 1 July 1973, but they may be extended by Order in Council.

*Clause 18, subclause (1)*: Section 143 (1) of the principal Act requires a certificate of fitness or permit to be carried by heavy motor vehicles designed principally for the carriage of passengers (except private motorcars) and by goods-service vehicles which are used in connection with a licensed goods service or are heavy motor vehicles. Certain classes of vehicles are exempted by subsection (2). The effect of this amendment is that all heavy motor vehicles (except private motorcars) must carry a certificate of fitness or permit (unless exempted under subsection (2)). Goods-service vehicles used in connection with licensed goods services will no longer be required to carry certificates of fitness or permits, unless they are heavy motor vehicles.

*Subclause (2)* provides that for the purpose of determining the weight of a motor vehicle for the purposes of section 143 of the principal Act, the tractive unit and trailing unit of an articulated vehicle are deemed to form 1 motor vehicle.

*Clause 19* provides that in determining an application relating to charges by the holder of a passenger-service licence (other than a taxicab-service licence) which is operated or intended to be operated in the district of a Regional Authority, the public body or the Secretary or the Charges Appeal Authority hearing the application must have due regard to any representations made by that Regional Authority.

*Clause 20* re-enacts in an amended form section 191 (3) of the principal Act, relating to the assessment of mileage tax where an incorrect return is made or default is made in making a return. Under that subsection, the

Secretary for Transport is to assess the amount of mileage tax or additional mileage tax payable and any penalty. The owner of the motor vehicle may appeal against the assessment to a Magistrate's Court. This right of appeal exists only when a return made is incorrect in relation to mileage or no return is made, and there is no right of appeal where a return is incorrect in relation to the weight of the motor vehicle or in any other respect.

The new subsection (3) re-enacts the existing provisions, with the addition of a provision that where a return made is incorrect in respect of any matter other than mileage, the Secretary may correct the return and assess the proper amount of mileage tax payable. There will be a right of appeal to a Magistrate's Court against such an assessment.

*Clause 21* amends section 197 of the principal Act, which relates to the production in Court proceedings of certificates as to the accuracy of weighing devices and speed-measuring devices. Under that section a copy of a certificate as to the accuracy of a weighing device is admissible in evidence, but the section makes no provision allowing a copy of a certificate as to the accuracy of a speed-measuring device to be produced and the original certificate must be produced.

This clause will allow a copy of a certificate as to the accuracy of a speed-measuring device to be produced in evidence.

*Clause 22* provides that any regulations made under the principal Act may confer on the Minister power, by notice in the *Gazette*, to prescribe any additional or alternative forms for any class or classes of traffic signs prescribed by the regulations, and to prescribe any directions as to the placement of such additional or alternative signs and other matters necessary to give full effect to the regulations.

The clause validates regulations already made containing such a provision and notices already given by the Minister pursuant to those regulations.

*Clause 23* amends the First Schedule to the principal Act, which prescribes the scale of registration fees and annual licence fees. The amendment to Part I provides that no registration fee is payable for the issue of trade plates, and the amendment to Part II inserts in that Part the annual licence fees for trade licences. They are the same fees as the present fees for dealers' licences.

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Hon. Mr Gordon

## TRANSPORT AMENDMENT

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## 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, as follows:

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**1. Short Title and commencement**—(1) This Act may be cited as the Transport Amendment Act 1971, and shall be read together with and deemed part of the Transport Act 1962\* (hereinafter referred to as the principal Act).

(2) Section 14 of this Act shall be deemed to have come into force on the 1st day of February 1971.

(3) Part I of this Act and the Schedule to this Act shall come into force on a date to be fixed by the Governor-General, by Order in Council.

(4) Except as provided in subsections (2) and (3) of this section, this Act shall come into force on the date of its passing.

**2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by inserting in subsection (1), in their appropriate alphabetical order, the following definitions:

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“‘Cargo container’ means an article of transport equipment of a type approved for the purposes of this Act by the Minister by notice in the *Gazette*, being a lift van, movable tank, or other similar structure; and includes the normal accessories and equipment of the container, when attached to and used exclusively with it; but does not include any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing:

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“‘Containerbase’ means a place designated as a containerbase for the purposes of this Act by the Minister, being a place at any port designed for the reception or despatch of goods in cargo containers and designated as a Customs containerbase by the Comptroller of Customs pursuant to section 32A of the Customs Act 1966 (as inserted by section 4 of the Customs Amendment Act 1968):

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“‘Containerbase operator’ means the person for the time being in charge of and having the management of a containerbase:

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\*Reprinted 1967, Vol. 3, p. 2309

Amendments: 1968, No. 48; 1969, Nos. 8, 137; 1970, No. 136

- “‘Container ship’ means a ship designed or modified exclusively or principally for the carriage of cargo in international cargo containers in 1 or more cellular holds:
- 5 “‘Department of State’ means a department of the Public Service as defined in the State Services Act 1962; and includes the New Zealand Government Railways Department and the Post Office:
- 10 “‘International cargo container’ means a cargo container designed for carriage in a cellular hold of a container ship engaged in international trade:
- “‘Issuing authority’, in relation to any motor driver’s licence means—
- 15 “(a) The Secretary, in any case where the licence was issued by the Secretary or the Secretary has become the issuing authority pursuant to subsection (2) of section 27 of this Act:
- “‘(b) The local authority which issued the licence, in any other case:
- 20 “‘Licensing year’, in relation to a motor driver’s licence, means a period of 12 months commencing on the last day of the month in which the anniversary of the date of birth of the holder of the licence occurs:
- 25 “‘Motor driver’s licence’ or ‘driver’s licence’ means a licence to drive a motor vehicle issued under Part III of this Act; and includes any interim or probationary motor driver’s licence issued under any regulations made pursuant to section 29 of this Act; and also includes a provisional motor driver’s licence authorising the holder to drive a motor cycle only; but does not include any other provisional motor driver’s licence:
- 30 “‘Trade licence’ means a licence to use a motor vehicle on a road issued under section 22 of this Act:
- 35 “‘Trade plates’ means 1 or more sets of special registration plates issued under section 22 of this Act.”
- 40 (2) Section 2 of the principal Act is hereby further amended by omitting from subsection (2) the words “a station wagon”.

## PART I

## LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Part III of principal Act substituted—The principal Act is hereby amended by repealing Part III, and substituting the following Part: 5

## “PART III

## “LICENSING OF DRIVERS OF MOTOR VEHICLES

“25. Unlicensed persons not to drive motor vehicles—

(1) No person shall—

“(a) Drive a motor vehicle on any road, unless he is 10  
the holder of a motor driver’s licence for the time  
being in force which authorises him to drive such  
a motor vehicle; or

“(b) Employ or permit any other person to drive a motor  
vehicle on any road, unless that other person is 15  
the holder of a motor driver’s licence for the time  
being in force which authorises him to drive such  
a motor vehicle.

“(2) Where any person (hereinafter referred to as the  
learner) is while driving a motor vehicle undergoing a test 20  
for the issue or an extension of a motor driver’s licence under  
the direction of an approved testing authority for motor  
drivers or is accompanied by a person seated alongside him  
who is the holder of a motor driver’s licence for the time  
being in force which authorises him to drive such a motor 25  
vehicle and is engaged in teaching the learner to drive,—

“(a) The learner shall be deemed not to act in contraven-  
tion of paragraph (a) of subsection (1) of this  
section; and

“(b) The testing officer or any person employing or 30  
permitting the learner to drive the motor vehicle  
shall be deemed not to act in contravention of  
paragraph (b) of that subsection:

“Provided that nothing in this subsection shall apply where 35  
the learner has not attained the age that qualifies him to  
obtain a motor driver’s licence to drive the motor vehicle  
that he is driving or is subject to an order which disqualifies  
him from driving that vehicle.

**“26. Issue of drivers’ licences and extensions of licences—**

(1) Any issuing authority, on receipt of a fee of 50c for each licensing year for which the licence is issued, may issue a motor driver’s licence to any person who satisfies  
5 the issuing authority that he is qualified in accordance with this Act and with any regulations under this Act to be the holder of a motor driver’s licence to drive the class or classes of motor vehicles specified in the licence.

“(2) Any issuing authority may grant an extension of any  
10 motor driver’s licence, where the holder of that licence satisfies the issuing authority that he is qualified in accordance with this Act and with any regulations under this Act to be the holder of a motor driver’s licence to drive the class or classes of motor vehicles in respect of which the  
15 extension is applied for.

“(3) The holder of a motor driver’s licence shall not apply for or obtain another motor driver’s licence while the licence held by him is in force.

“(4) A motor driver’s licence shall not be issued to any  
20 person who is under the age of 15 years, and any motor driver’s licence issued to a person under that age shall be of no effect.

“(5) Except as may be otherwise provided by this Part of this Act or by regulations under this Act, a motor driver’s  
25 licence shall be operative throughout New Zealand, and shall remain in force until the end of the licensing year in which it takes effect or, at the option of the holder, the end of the first or second or third or fourth licensing year after the licensing year in which the motor driver’s licence takes  
30 effect, and shall then expire.

“(6) Nothing in this section shall be deemed to authorise the issue to any person of a motor driver’s licence having effect in any licensing year after the year in which it is issued, if pursuant to regulations under this Act an applica-  
35 tion by that person for a motor driver’s licence for that licensing year would require to be accompanied by a medical certificate.

“(7) Where during the currency of a motor driver’s licence the holder is granted an extension thereof authorising him to  
40 drive the class or classes of motor vehicle specified in the extension, and the application for the extension is pursuant to regulations under this Act required to be accompanied by a medical certificate, the motor driver’s licence so extended shall expire at the end of the licensing year in which the extension  
45 was granted.

“(8) The driver of any motor vehicle shall produce his motor driver’s licence for inspection whenever required to do so by any constable or traffic officer. The driver shall be deemed to have complied with this subsection if, within 7 days after having been so required to produce his motor driver’s licence, he produces it at a place specified by the constable or traffic officer. 5

“(9) Unless otherwise provided by regulations under this Act, where any applicant for a motor driver’s licence or an extension of a motor driver’s licence is required to undergo any practical driving test on the ground that he has not previously or within a prescribed period been the holder of a motor driver’s licence granted in New Zealand of the class applied for, there shall be payable by the applicant, in addition to the fee prescribed by subsection (1) of this section, a testing fee of \$1.75, and that testing fee shall be payable whether or not a motor driver’s licence or extension is granted to him. 10 15

“(10) The testing fee shall be paid to the issuing authority to which the application for the motor driver’s licence or extension is made, and, where the issuing authority is not the Secretary and the driving test is carried out by an employee of the Crown, shall, when so paid, constitute a debt due to the Crown by the issuing authority. 20

“**27. Central register of drivers’ licences**—(1) The issuing authority shall keep a register of all motor drivers’ licences issued by it under this Act, showing with respect to each motor driver’s licence the following particulars: 25

- “(a) The full name, address, and date of birth of the holder of the motor driver’s licence:
- “(b) The number of the motor driver’s licence: 30
- “(c) The date of issue of the motor driver’s licence:
- “(d) The date of expiry of the motor driver’s licence:
- “(e) Particulars of any order of disqualification made against the holder of the motor driver’s licence pursuant to section 30 or section 32 of this Act: 35
- “(f) Particulars of any order made under section 38 of this Act whereby a limited licence is issued to a person who has been disqualified by an order made under Part IV of this Act from holding or obtaining a motor driver’s licence: 40

“(g) Particulars of any order made under section 39 of this Act whereby the disqualification of a motor driver is removed.

5 “(2) Where the issuing authority is not the Secretary, the  
issuing authority may, on a date to be agreed with the Secretary, forward to the Secretary the register kept by the issuing authority pursuant to this section. On and from that date the Secretary shall become the issuing authority in respect of all  
10 licences previously under the control of that issuing authority and in respect of all new licences issued to persons residing in that issuing authority’s area.

“(3) Where the issuing authority is a local authority, all fees payable under this Part of this Act in respect of motor drivers’ licences shall be payable to the local authority and,  
15 subject to the provisions of subsection (10) of section 26 of this Act, shall form part of the general funds of that local authority.

“(4) Where the Secretary is the issuing authority, all fees payable under this Part of this Act shall be received by the  
20 Secretary and paid into the Consolidated Revenue Account. There shall be payable from that Account to every local authority in whose area the holder of a motor driver’s licence issued by the Secretary resides at the time of the issue, renewal,  
25 or extension of the licence such amount in respect of each such licence as may from time to time be determined by the Minister of Finance.

“28. **Validity of existing motor drivers’ licences**—(1) Every motor driver’s licence that is in force on the date of the commencement of this Part of this Act and which is due to expire  
30 with the next succeeding 30th day of June or with the 30th day of June in any subsequent year shall, unless that 30th day of June is the anniversary of the date of birth of the holder of the licence, be deemed not to have expired with that 30th day of June, but shall expire with the last day of the month in  
35 which the next succeeding anniversary of the date of birth of the holder of the licence occurs.

“(2) The holder of any motor driver’s licence so extended shall, at the time he applies for the renewal of the licence, pay to the issuing authority, in addition to the fee prescribed for  
40 each licensing year, an additional fee calculated at the rate of one-twelfth of the fee for a licensing year for each complete month for which his licence was extended in accordance with the provisions of this section.

**“28A. Licences of mentally disordered persons to be suspended—**(1) Where any person becomes a committed patient or a special patient within the meaning of the Mental Health Act 1969 and is at the date he becomes a committed patient or a special patient the holder of a motor driver’s licence, that licence shall be deemed to be suspended on and from that date until such time as he is neither a committed patient nor a special patient under that Act. 5

“(2) A motor driver’s licence which is suspended under subsection (1) of this section shall be held in the custody of the Medical Superintendent of the hospital in which the holder of the motor driver’s licence is received or detained as a committed patient or special patient. Every person having possession of any such motor driver’s licence shall deliver it to the Medical Superintendent upon demand. 10

“(3) Where a person to whom this section applies ceases to be a committed patient, or, as the case may be, ceases to be a special patient without becoming a committed patient, under the Mental Health Act 1969 but the Medical Superintendent considers him to be unfit to hold a motor driver’s licence, the Medical Superintendent shall forward to the Secretary a certificate to that effect together with that person’s motor driver’s licence, which shall thereupon be deemed to be revoked. If the Secretary is not the issuing authority he shall give notice of the revocation to the issuing authority which issued the licence. 15 20 25

“(4) Where—

“(a) Any person to whom subsection (1) of this section applies is under section 66 of the Mental Health Act 1969 permitted to be absent on leave from a hospital under that Act; and 30

“(b) The Medical Superintendent of the hospital certifies in writing that in his opinion that person is fit to hold a motor driver’s licence—

the provisions of subsection (1) of this section shall not apply to that person while he is absent on leave from the hospital, and, if his motor driver’s licence is held in the custody of the Medical Superintendent pursuant to subsection (2) of this section, the Medical Superintendent shall return it to him. 35 40



“28b. Professional driving instructors—No person shall engage for reward in the teaching of motor vehicle driving, unless he is the holder of a certificate of approval for the time being in force issued by the Secretary under the authority of regulations made pursuant to section 29 of this Act.

“29. Regulations as to motor drivers’ licences—Without limiting the general power to make regulations conferred by section 199 of this Act, regulations may be made under that section for all or any of the following purposes:

10 “(a) Providing, either generally or with respect to any particular locality or localities, or with respect to any particular class or classes of motor vehicles, for the examination and testing of applicants for motor drivers’ licences or extensions of motor drivers’ licences or of any class of such applicants; and prescribing the persons or classes of persons by whom the examinations and tests are to be conducted, and the conditions upon or subject to which licences or extensions may be granted:

15 “(b) Providing for the granting of different classes of motor drivers’ licences, and prescribing the effect of motor drivers’ licences of each class:

20 “(c) Providing that in the case of a renewal, an extension, or any other alteration to any motor driver’s licence, the renewal, extension, or alteration may be made by the issue of a new motor driver’s licence or by endorsement on the existing licence, as the case may be; and providing for the issue of interim licences pending the issue of such new licences:

25 “(d) Providing for granting of probationary motor drivers’ licences, and prescribing the period or periods of probation and the conditions upon or subject to which those licences may be issued; and applying to those licences with such modifications as may be considered necessary, any of the provisions of this Act and any regulations made pursuant to any other provisions of this section; and providing for the revocation or suspension of a probationary motor driver’s licence upon the conviction of the holder for an offence in connection with the driving of a motor vehicle:

- “(e) Providing, notwithstanding anything in this Act, for the issue by an issuing authority at a prescribed fee for the period prescribed of provisional motor drivers’ licences authorising the holder to drive a motor cycle only, and applying to those motor drivers’ licences, with such modifications as may be considered necessary, any of the provisions of this Part of this Act and of any regulations made pursuant to any other provision of this section: 5
- “(f) Providing for the granting of extensions of motor drivers’ licences: 10
- “(g) Providing for the special examination and testing of the holders of motor drivers’ licences in any case where it is considered by the Secretary to be necessary in the interest of public safety, and for the revocation of their motor drivers’ licences if the holders refuse or neglect to submit to the examination or testing, or if they are found, whether as a result of examination or testing or otherwise, to be for any reason unfit to continue to hold their motor drivers’ licences, subject to right of appeal against the revocation to a Magistrate, whose decision shall be final; and prescribing the time and manner which appeals may be made: 15 20 25
- “(h) Providing for the exemption, either unconditionally or upon or subject to such conditions as may be prescribed by or in accordance with the regulations, of any person who is a visitor to New Zealand from overseas from any of the requirements of this Act with respect to a licence to drive a motor vehicle, and delegating to the Minister power to grant any such exemption or to appoint any person to grant such exemption: 30
- “(i) Prescribing, or authorising the Secretary to prescribe, forms of drivers’ licences, forms of applications for drivers’ licences, and other forms that may be required for the purposes of this Part of this Act or of any regulations made under this Act: 35
- “(j) Prescribing, or authorising the Secretary to prescribe, the documentary evidence of identity and date of birth which must be submitted with any application for a motor driver’s licence or for any extension or renewal of a motor driver’s licence: 40

- 5 “(k) Providing for the issue by the Secretary of certificates of approval to persons engaged for reward in teaching motor-vehicle driving, and prescribing the conditions (including conditions as to the competency and character of applicants for or holders of such certificates) upon or subject to which those certificates may be issued or revoked, subject to right of appeal to a Magistrate, whose decision shall be final, against any decision of the Secretary refusing to issue such a certificate or revoking such a certificate:
- 10
- 15 “(l) Providing that where a person applies for a motor driver’s licence or a probationary motor driver’s licence, and that person has not previously been the holder of a motor driver’s licence granted in New Zealand, the applicant may be required to demonstrate a knowledge of traffic law and of the principles of safe and efficient operation of motor vehicles, as set out in publications published by the Government Printer and available in New Zealand, either by way of free issue or by way of sale.”
- 20

4. **Consequential amendments and repeals**—(1) The principal Act is hereby further amended in the manner indicated

25 in the Schedule to this Act.

(2) The following enactments are hereby consequentially repealed:

- (a) Sections 4 to 6 of the Transport Amendment Act 1964;
- (b) Section 4 of the Transport Amendment Act 1965;
- 30 (c) Sections 5 to 8 of the Transport Amendment Act 1966.

## PART II

### MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT

5. **Trade plates and licences**—(1) The principal Act is

35 hereby further amended by repealing section 22, and substituting the following section:

“22. (1) Any person to whom this section applies may make application to a Deputy Registrar for 1 or more sets of special registration plates (in this section referred to as

40 trade plates), for use in accordance with this section. Every such application shall be accompanied by the appropriate fee (if any) for the time being prescribed by Part I of the First Schedule to this Act.

“(2) Any person to whom trade plates have been issued may make application for a special licence (in this section referred to as a trade licence) in respect of any such set of trade plates for use in a specified licensing year in accordance with this section. Every such application shall be accompanied by the appropriate fee prescribed by Part II of the First Schedule to this Act. 5

“(3) Every trade plate or trade licence shall be in such form as may be prescribed.

“(4) On receipt of an application under this section and of the prescribed fee (if any), the Deputy Registrar, if satisfied that the applicant is a person entitled by virtue of this section to the issue of trade plates or trade licences, as the case may be, and that the application is in order, and subject to the provisions of section 81 of this Act, shall issue to the applicant the trade plates or trade licences applied for. 10 15

“(5) Any person to whom this section applies may in any licensing year use on any road the type of motor vehicle in respect of which he is entitled to use trade plates, notwithstanding that the motor vehicle is not registered under this Part of this Act and that it does not have affixed thereto registration plates or a licence issued for that motor vehicle, if at all times while the motor vehicle is in use there is affixed to it in the prescribed manner trade plates for motor vehicles of the class to which that motor vehicle belongs and a trade licence in respect of those plates issued to that person under this section for that licensing year. 20 25

“(6) This section shall apply to the following persons and no others: 30

“(a) Any dealer, or any person authorised by a dealer in that behalf in writing, in respect of a motor vehicle held by the dealer for the purposes of sale or for the purposes of his business as a dealer or for the purpose of being serviced or repaired, whether or not it is at any time used for any other purpose: 35

“(b) Any person who is the bona fide proprietor of a transport museum, in respect of motor vehicles owned by that person, and used solely for exhibition purposes, while those vehicles are being used on a road to travel to or from an exhibition or for the purpose of a demonstration: 40

- “(c) Any department of State which is required to manufacture, assemble, or modify motor vehicles, in respect of any motor vehicles so manufactured, assembled, or modified:
- 5 “(d) Any department of State which is required to collect, distribute, or dispose of motor vehicles, in respect of those motor vehicles during the period of collection, distribution, or disposal:
- 10 “(e) The Ministry of Defence as established by the Defence Act 1964, in respect of vehicles held for use by any of Her Majesty’s Forces and not generally used on a road except during the period of annual training, or held for general mobilisation:
- 15 “(f) Any person, not being a dealer, who is engaged in ferrying motor vehicles from a manufacturer’s premises to the railway, or to a ship or from the railway, or from a ship to a manufacturer’s premises, or from a manufacturer’s premises to
- 20 an authorised retail outlet:
- “ (g) Any person engaged in business as a bona fide repairer of motor vehicles, in respect of motor vehicles held by him for repair which are not required to be registered and licensed by the owner of that motor vehicle or which cannot be
- 25 registered or licensed by the owner of the motor vehicle until the repairs are complete:
- “ (h) Any person who is bona fide engaged in the business of a car wrecker, in respect of motor vehicles
- 30 being removed from the point at which he purchases the motor vehicle to the point at which it is to be demolished.”

(2) Section 2 of the principal Act is hereby further amended by omitting from the definition of the expression

35 “registration plate” in subsection (1) the words “dealer’s plate”, and substituting the words “trade plate”.

(3) Section 143 of the principal Act is hereby amended by omitting from paragraph (d) of subsection (2) the words “dealers’ plates affixed to it pursuant to subsection (6)”, and

40 substituting the words “trade plates affixed to it pursuant to subsection (5)”.

(4) The following enactments are hereby consequentially repealed:

- (a) Subsection (3) of section 2 of the Transport Amendment Act 1967:  
 (b) Section 7 of the Transport Amendment Act (No. 2) 1969.

**6. Regulations as to registration and licensing of motor vehicles**—(1) Section 24 of the principal Act is hereby amended by inserting in paragraph (f), after the word “Prescribing” where it first occurs, the words “or authorising the Secretary to prescribe”.

(2) Section 24 of the principal Act is hereby further amended by adding the following paragraph:

“(h) Providing that trade licences in any licence year shall take the form of new trade plates. In every such case, all trade plates previously issued shall be deemed to have been cancelled, and every new set of trade plates issued in that licensing year shall be deemed to be a trade licence for that year for the purposes of section 22 of this Act.”

**7. Penalty for speeding offences**—Section 42 of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970) is hereby amended by inserting in subsection (13), after the words “for the amount so ordered”, the words “together with costs”.

**8. Recording of demerit points**—Section 44 of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting from subsection (1) the word “Commissioner”, and substituting the word “Secretary”.

**9. Breath tests**—Section 58A of the principal Act (as inserted by section 5 of the Transport Amendment Act 1970) is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Every person commits an offence who—

“(a) Fails or refuses to accompany a constable or traffic officer to any place or to remain at any place, when required so to do under subsection (2) of this section; or

“(b) Having accompanied a constable or traffic officer to any place pursuant to subsection (2) of this section, fails or refuses to remain at that place until he is required to give a specimen of his breath pursuant to subsection (4) of this section,—  
5 and a constable or traffic officer may arrest him without warrant.”

**10. Blood tests**—(1) Section 58B of the principal Act (as inserted by section 5 of the Transport Amendment Act 1970) is hereby amended by inserting in paragraph (a) of subsection (4), after the words “it has been supplied by”, the words “or on behalf of”.

(2) Section 58B of the principal Act (as so inserted) is hereby further amended by inserting in subsection (7),  
15 after the words “Government Analyst” where they appear for the second time the words “or an officer of the Department of Scientific and Industrial Research on his behalf”.

**11. Owner or hirer to give information as to identity of driver or passenger**—(1) The principal Act is hereby further  
20 amended by repealing section 67, and substituting the following section:

“67. (1) On being informed of any offence or of any parking infringement within the meaning of section 194A of this Act alleged to have been committed by a driver of a motor  
25 vehicle while in charge thereof (whether in the case of an offence the offence is an offence against this Act or any other enactment or any bylaw), and on being requested so to do by a constable or traffic officer, whether orally or in writing, the owner of that vehicle, and also in the case of a vehicle let on  
30 hire, the person to whom it is let on hire, shall, within 14 days after the receipt of the request, give all information in his possession or obtainable by him which may lead to the identification and apprehension of the driver.

“(2) On being informed of any offence alleged to have  
35 been committed by a passenger in or through the use of a motor vehicle where that use relates to the commission of the offence or the aiding of the commission of the offence or the assisting of that passenger to avoid arrest in connection with or conviction for that offence (whether the offence is one  
40 against this Act or any other enactment or bylaw), and on being requested so to do by a constable or traffic officer, whether orally or in writing, the owner and the driver of that vehicle, and also in the case of a vehicle let on hire, the person

to whom it is let on hire, shall, within 14 days after the receipt of the request, give all information in his possession or obtainable by him which may lead to the identification and apprehension of the passenger.”

(2) The following enactments are hereby consequentially repealed: 5

(a) Subsection (2) of section 27 of the Transport Amendment Act 1968:

(b) Section 8 of the Transport Amendment Act 1970.

**12. Overloading infringements**—Section 69B of the principal Act (as substituted by section 9 of the Transport Amendment Act 1970) is hereby amended by inserting in subsection (13), after the words “for the amount of the overloading-infringement fee”, the words “together with costs”. 10

**13. Regulations as to construction zones**—Section 77 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (f), the following paragraph: 15

“(fa) Providing that the local authority or other body or person having the control over any road may declare the road or part thereof to be a construction zone for the purposes of the regulations, prescribing the signs to be erected in such construction zones, and providing for the exemption from the provisions of any regulations made under this Act of specified classes of motor vehicles while used within such construction zones:”. 20 25

**14. Companies willing to undertake third-party risks insurance business to notify Registrar**—(1) Section 80 of the principal Act is hereby amended by repealing the proviso to subsection (1), and substituting the following proviso: 30

“Provided that any such notice delivered to the Registrar on or after the 31st day of March 1971 and before the 1st day of July 1971 shall take effect on the 1st day of July 1972, and any such notice delivered to the Registrar on or after the 28th day of February in any subsequent year and before the 1st day of July in that year shall take effect on the 1st day of July of the next succeeding year.” 35



(2) Section 80 of the principal Act is hereby further amended—

5 (a) By omitting from paragraph (a) of subsection (4) (as substituted by section 14 (2) of the Transport Amendment Act 1970) the words “28th day of February in any licensing year”, and substituting the words “31st day of March 1971 or the 28th day of February in any succeeding licensing year”:

10 (b) By omitting from paragraphs (b), (c), and (d) the words “28th day of February in any such”, and substituting in each case the words “31st day of March 1971 or the 28th day of February in any such succeeding”.

**15. Exemptions from transport licences—**(1) Section 113 of the principal Act is hereby amended by inserting in paragraph (a) of subsection (1) (as substituted by section 15 of the Transport Amendment Act 1970), after the words “that carriage”, the words “or to and from a depot designated by the governing body of the school”.

20 (2) Section 113 of the principal Act is hereby further amended by repealing paragraph (d) of subsection (1), and substituting the following paragraph:

“(d) A goods service carried on exclusively—

- 25 “(i) In connection with funerals; or  
“(ii) For the carriage of newspapers; or  
“(iii) In connection with the repair or wreckage of vehicles which have met with a mishap:”.

(3) Section 113 of the principal Act is hereby further amended by adding to subsection (1) the following paragraph:

30 “(p) The carriage by road of an international cargo container to a containerbase, when such carriage is authorised in writing by the containerbase operator and by a representative of the New Zealand Government Railways Department duly authorised  
35 by that department to give that authority.”

**16. Special provisions relating to Regional Authorities—**

The principal Act is hereby further amended by inserting, after section 120, the following section:

40 “120A. (1) Notwithstanding anything to the contrary in the foregoing provisions of this Part of this Act, all applications which relate to passenger-service licences (not being

taxicab-service licences) which are operated or are intended to be operated within a regional district shall be made and dealt with in accordance with the provisions of this section.

“(2) For the purpose of hearing applications relating to passenger-service licences (other than taxicab-service licences) that are operated or are intended to be operated within a regional district, there shall be a Regional Transport Licensing Authority constituted as follows: 5

“(a) The Licensing Authority for the transport district in which the licences are operated or are intended to be operated, or, in the case of a Licensing Authority consisting of 3 persons, the Chairman of that Authority. The person who is a member of the Regional Transport Licensing Authority under this paragraph shall be the Chairman of the Authority: 10 15

“(b) Two additional members, to be appointed by the Minister, 1 of whom shall be appointed by the Minister on the recommendation of the Regional Authority for the regional district.

“(3) Subject to this section, the provisions of this Part of this Act shall apply with respect to every Regional Transport Licensing Authority and to the members thereof as if it were a Licensing Authority appointed under section 93 of this Act. 20

“(4) Every application relating to a passenger-service licence (other than a taxicab-service licence) that is operated or is intended to be operated within a regional district shall be in the prescribed form, and shall be forwarded to the Secretary accompanied by the prescribed fee. The Secretary shall forthwith forward the application to the Regional Authority. 25 30

“(5) The Regional Authority shall consider the application, and shall within 14 days of receiving it forward it to the Regional Transport Licensing Authority, together with such recommendations as it desires to make in relation to the application. 35

“(6) If the Regional Authority recommends that the application should be granted, the Regional Transport Licensing Authority shall advertise the application in accordance with the provisions of section 117 of this Act, but, if no objections are received, it may proceed to grant the application without holding a public sitting as required by the said section 117. 40

“(7) If the Regional Authority advises the Regional Transport Licensing Authority that it does not consent to the grant of the application, the Regional Transport Licensing Authority shall advertise the application in accordance with the provisions of section 117 of this Act, and shall consider the application at a public sitting held in accordance with the said section 117.

“(8) Any application lodged by a Regional Authority in respect of a passenger-service licence that is operated or is intended to be operated by the Regional Authority shall be dealt with by the Regional Transport Licensing Authority in accordance with the provisions of subsection (6) of this section.

“(9) A Regional Authority may make an application to the Regional Transport Licensing Authority in respect of a passenger-service licence (other than a taxicab-service licence) that is operated within the regional district by an operator other than the Regional Authority. The Regional Authority shall endeavour to obtain the agreement of the operator to the application, and, if his agreement is obtained, the application shall be dealt with in accordance with the provisions of subsection (6) of this section. If no such agreement is obtained the application shall be dealt with in accordance with the provisions of subsection (8) of this section.

“(10) In this section—

“‘Application’ does not include an application relating to charges:

“‘Regional Authority’ means a public body constituted by any Act as the Regional Authority for any area:

“‘Regional district’ means the district of a Regional Authority.”

**17. Matters to be considered before determining applications for goods-service licences**—Section 123 of the principal Act is hereby amended by adding the following subsections:

“(5) Where—

“(a) A proposed goods service relates to the carriage of goods for export or to the carriage of goods which have been imported; and

“(i) The goods are to be conveyed by or have been conveyed in a container ship in international cargo containers to or from a containerbase; or

“(ii) The application relates to the carriage of empty international cargo containers which are being carried solely for the purpose of being packed with goods for export; and

“(b) The applicant seeks exemption from the provisions of any regulations made or continuing and having effect under this Act (being regulations relating to the carriage of goods by road if there is an available route for their carriage that includes not less than a specified length of open Government railway),—

the Licensing Authority, in having regard to the interest of the public generally, shall have regard to—

“(c) The distance between the point at which the carriage originates and the railway, together with the distance between the point at which the carriage terminates and the railway; and

“(d) Whether suitable facilities are available at the point where the goods are required to be transferred to the railway for the transfer of the international cargo container from a goods-service vehicle to a railway wagon, and whether at the point where the international cargo container would normally be delivered from the railway adequate facilities are available for the transfer of the international cargo container from the railway to a goods-service vehicle; and

“(e) When the application relates to the carriage of international cargo containers which are to be carried from a particular point of origin at infrequent intervals and only a small number of international cargo containers is required to be carried, the problems involved as a result of this type of carriage.

“(6) After having regard to the matters specified in subsection (5) of this section, the Licensing Authority shall, before granting the application, take into account the amount by which the total cost of moving the international cargo containers from the point of origin to the point of destination by railway or by combined road and railway transport is greater than by the use of direct road transport.

“(7) Subsections (5) and (6) of this section shall expire on the 1st day of July 1973 or on such later date as may be fixed by the Governor-General, by Order in Council.”

**18. Certificates of fitness or permits**—(1) Section 143 of the principal Act is hereby amended by omitting from subsection (1) the words “or any heavy motor vehicle (other than a private motorcar or private station wagon) which is designed principally for the carriage of passengers, or any motor vehicle in connection with a rental service, or any goods-service vehicle which is used in connection with a licensed goods service or which is a heavy motor vehicle”, and substituting the words “or any heavy motor vehicle (other than a private motorcar), or any motor vehicle in connection with a rental service”.

(2) Section 143 of the principal Act is hereby further amended by adding the following subsection:

“(4) In determining the weight of a goods-service vehicle for the purposes of this section, the tractive unit and the trailing unit of an articulated motor vehicle shall be deemed together to form 1 motor vehicle and not separate motor vehicles.”

**19. Principles to be observed by public body or Secretary and Charges Appeal Authority in fixing charges**—Section 151 of the principal Act is hereby amended by adding the following paragraph:

“(g) If the application relates to charges by the holder of a passenger-service licence (other than a taxicab-service licence) which is operated or is intended to be operated within a regional district (as defined in section 120A of this Act), any representations made in relation to the application by the Regional Authority for that district.”

**20. Assessment of mileage tax**—Section 191 of the principal Act (as substituted by section 24 of the Transport Amendment Act (No. 2) 1969) is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Where—

“(a) Either—

“(i) The Deputy Registrar is dissatisfied with the correctness of a return under section 190 of this Act in respect of the total number of miles

of public highway over which any motor vehicle specified in the return was used; or

“(ii) A person required under the said section 190 to make a return fails to make a return within the prescribed time,— 5

the Deputy Registrar shall report that fact to the Secretary, who may thereupon determine the total number of miles of public highway over which any motor vehicle specified in the return, or, as the case may be, in respect of which the return should have been made, was used; or 10

“(b) The Deputy Registrar is dissatisfied with the correctness of any return under the said section 190 in respect of any other matter, he shall report that fact to the Secretary, who may thereupon make such corrections in the return as he considers proper,— 15

and the Secretary shall thereupon assess the amount of mileage tax payable pursuant to the determination or, as the case may be, pursuant to the corrected return and any penalty thereon under subsection (5) of the said section 190 (any such penalty being hereinafter included in the expression ‘mileage tax’). The Secretary shall give notice of assessment to the person making the return or, as the case may be, to the person failing to make a return.” 20 25

**21. Evidence of testing and accuracy of weighing devices and speed-measuring devices**—Section 197 of the principal Act (as substituted by section 22 (1) of the Transport Amendment Act 1970) is hereby amended by inserting in subsection (6), after the words “the production of a certificate”, the words “(or a document purporting to be a copy of a certificate)” 30

**22. Regulations**—Section 199 of the principal Act is hereby amended by adding the following subsection:

“(7) Any regulations made under this Act may confer on the Minister the power from time to time, by notice in the *Gazette*, to prescribe any alternative or additional forms for any class or classes of traffic signs prescribed by any regulations made under this Act, and to prescribe any directions as to the placement of such alternative or additional forms of traffic signs and such other matters as may be 35 40

necessary to give full effect to the regulations. Any regulations made under this Act before the commencement of this subsection, and every notice issued by the Minister pursuant to those regulations, which would have been valid if this subsection had been in force when the regulations were made or the notice was issued are hereby validated and declared to have been lawfully made and issued."

**23. Registration and annual licence fees—**(1) The First Schedule to the principal Act (as substituted by section 10 2 (4) of the Transport Amendment Act 1967) is hereby amended by inserting in Part I, after clause 7, the following clause:

"(8) For the issue of any trade plates ..... No fee".

(2) The First Schedule to the principal Act (as so substituted) is hereby further amended by inserting in Part II, 15 after clause 7, the following clauses:

"(8) For any trade licence for use on a motor cycle or power cycle ..... \$6

"(9) For any trade licence for use on any other 20 motor vehicle ..... \$10".

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Section 4 (1)

## SCHEDULE

## AMENDMENTS OF PRINCIPAL ACT

| Section Amended  | Amendment   |
|--|---|
| Section 2 .....  | By repealing the definition of the expression "driver's licence" in subsection (1).   |
| Section 32 (as enacted by section 2 of the Transport Amendment Act 1970) | By repealing paragraph (a) of subsection (2), and substituting the following paragraph:<br>" (a) Any local authority, whether or not that local authority is the issuing authority in respect of the licence: "   |
| Section 33 (as enacted by section 2 of the Transport Amendment Act 1970) | By omitting from subsection (3) the words "local authority", and substituting the words "issuing authority".  |
| Section 37 (as enacted by section 2 of the Transport Amendment Act 1970) | By repealing paragraphs (a) and (b) of subsection (2), and substituting the following paragraphs:<br>" (a) In the case of a licence in respect of which a local authority is the issuing authority, retain the licence:<br>" (b) In the case of a licence in respect of which the Secretary is the issuing authority, destroy the licence."   |
|  | By repealing subsection (3), and substituting the following subsection:<br>" (3) The Secretary shall keep a licence retained by him pursuant to paragraph (a) of subsection (2) of this section until the disqualification has been removed and the person entitled to the licence has made a request in writing for its return to him. That request shall be made to the Secretary, who shall return the licence to the person entitled to it, through the issuing authority where at the time of the request the Secretary is not the issuing authority." |
| Section 38 (as enacted by section 2 of the Transport Amendment Act 1970) | By omitting from subsection (6) the words "any local authority or the Secretary, as the case may require", and substituting the words "the Secretary".<br>By omitting from subsection (7) the words "the local authority or the Secretary, as the case may be", and substituting the words "the Secretary".   |



SCHEDULE—*continued*

AMENDMENTS OF PRINCIPAL ACT—*continued*

| Section Amended   | Amendment  |
|---|--|
| Section 40 (as enacted by section 2 of the Transport Amendment Act 1970)    | By omitting the words "to the local authority by which the licence (if any) of the defendant was issued" and substituting the words "and also, if the Secretary is not the issuing authority, to the issuing authority".   |
| Section 48 (as enacted by section 2 of the Transport Amendment Act 1970)    | <p>By repealing paragraphs (a) and (b) of subsection (3), and substituting the following paragraphs:</p> <p>"(a) Where the Secretary is not the issuing authority, retain the licence:</p> <p>"(b) Where the Secretary is the issuing authority, destroy the licence."</p> <p>By omitting from subsection (4) the words "The local authority, or, in the case of a licence issued by the Secretary".</p> <p>By inserting in subsection (4) after the words "in writing", the words "to the Secretary".</p> |
| Section 68A (as inserted by section 14 of the Transport Amendment Act 1966) | <p>By repealing subsection (8), and substituting the following subsection:</p> <p>"(8) Where any driver's licence is suspended under the provisions of this section, particulars of the suspension shall be sent to the Secretary, and, where the Secretary is not the issuing authority, the Secretary shall send those particulars to the issuing authority."</p>  |