

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 7 November 1980.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

*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 5

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 10

**1. Short Title and commencement**—(1) This Act may be cited as the Urban Transport Act ~~(1979)~~ 1980.

(2) Subject to section 49 (3) of this Act, this Act shall come into force on ~~(a date to be fixed by the Governor-General by Order in Council)~~ the 1st day of April 1981.

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

“Appointed member”, in relation to the Urban Transport Council, means a member of the Council appointed pursuant to any of paragraphs (a) to (c) (f) of section 16 (1) 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 *Struck Out*

“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

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

*New*

30 “Approved regional planning scheme” means a regional planning scheme that has been approved under section 15 of the Town and Country Planning Act 1977 and is still in force:

35 “Approved transport section of a regional planning scheme” means a transport section of a regional planning scheme, being a section that has been approved under section 15 of the Town and Country Planning Act 1977 and is still in force:

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

40 (a) Where pursuant to the proviso to section 22

*New*

(2) of this Act an urban transport scheme consists of a transport section of a regional planning scheme only, an approved transport section of a regional planning scheme; and

(b) In any other case, an approved transport section of a regional planning scheme and an approved operational plan:

“Auckland Regional Authority” means the Auckland Regional Authority constituted by the Auckland Regional Authority Act 1963: 10

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

“Financial assistance” includes a grant or loan of money: 15

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

“Local Government Commission” means the Local Government Commission established under the Local Government Act 1974: 20

“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:

“National implementation programme” or “national programme” means a programme prepared by the Urban Transport Council pursuant to section 40 of this Act: 25

“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: 30

“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): 35

“Rail service” does not include any tramway to which the Tramways Act 1908 applies:

“Region” means a region constituted under the Local Government Act 1974, and includes the regional district of the Auckland Regional Authority: 40

*New*

“Regional authority” has the meaning assigned to it in section 4 of this Act:

“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:

5 “Regional implementation programme” means a programme prepared by an urban transport authority pursuant to section 38 of this Act:

*New*

10 “Regional planning scheme” has the same meaning as in section 2 (1) of the Town and Country Planning Act 1977:

*Struck Out*

“Structural plan” means a structural plan prepared pursuant to Part III of this Act:

15 “Territorial authority” has the same meaning as in the Local Government Act 1974:

*New*

20 “Transport section of a regional planning scheme” means a section of a regional planning scheme that relates to the transport matters specified in clauses 5 (e) and 7 of the First Schedule to the Town and Country Planning Act 1977:

25 “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):

“United council” means a united council constituted under the Local Government Act 1974:

30 “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:

*Struck Out*

35 “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:

“Urban transport committee” means an urban transport committee established pursuant to section 14 of this Act:

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

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

*Struck Out*

“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:

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

*New*

“Urban transport service” means any service, equipment, or facility, engaged or used in the movement of people, or of people and goods, 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, a rail service, 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 people and goods, insofar as it is engaged in or relates to the movement of people, or of people and goods, and operates or is within an urban transport area:

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

(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.

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

## PART I

**(URBAN TRANSPORT) REGIONAL AUTHORITIES***Struck Out*

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

- (a) The Auckland Regional Authority:
- 10 (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:
- 15 (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 rates in respect of different regional councils or united councils.

*New*

20 **4. Meaning of “regional authority”**—In this Act, the term “regional authority” means—

- (a) The Auckland Regional Authority:
- (b) The Wellington Regional Council:
- 25 (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 that is designated a regional authority pursuant to section 5 of
- 30 this Act.

**5. Other regional and united councils may become (urban transport) regional authorities**—(1) The Governor-General may by Order in Council, in accordance with the recommendation of the Minister, designate a regional council or  
 35 united council as **(an urban transport) a regional authority** (*; and that council shall, from the date specified in the order, be an urban transport authority*).

(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. 5

(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. 10

(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 of the united council unless the constituent authority has agreed, by resolution, to its district, or that part thereof, being so included. An agreement given for the purposes of this subsection may not be revoked unless the united council agrees to the revocation. 15 20

(5) Nothing in this section shall apply in respect of the regional councils and united councils specified in paragraphs (a) to (d) of section 4 (1) of this Act. 20

#### *Urban Transport Areas*

**6. Determination of urban transport areas**—(1) Every (urban transport) regional 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) a regional authority. 25 30

(2) As soon as practicable after determining an area for the purposes of subsection (1) of this section the regional authority shall— 35

(a) Advise the Local Government Commission, and all territorial authorities (*specified in subsection (1) of this section,*) whose districts or part thereof form part of the proposed area of the determination and the reasons therefor; and 40



(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.

*Struck Out*

5 (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  
10 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  
15 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  
20 (3) of this section, the Commission shall consider the objections, 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  
25 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  
30 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:

Provided that, notwithstanding this subsection or any rule  
35 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  
40 (5) of this section, the Local Government Commission shall notify the area in the *Gazette*.

*New*

(3) Any territorial authority whose district or part thereof forms part of the proposed area 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 regional authority in respect of the proposed area. The territorial authority shall forthwith send a copy of the objection to the Local Government Commission and to every other territorial authority whose district or part thereof forms part of the proposed area. Any territorial authority may within 2 months of receiving a copy of the objection, make written submissions to the regional authority in respect of the objection.

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

(5) As soon as practicable after receiving an objection to its proposed area, and any submissions relating thereto, the regional authority—

- (a) Shall consider and determine the objection; and
- (b) Where it considers an objection justified, may make such amendments to the proposed area as it considers necessary to satisfy the objection; and
- (c) Shall send to every territorial authority whose district or part thereof forms part of the proposed area, written advice of the regional authority's decision on the objection, and the reasons therefor.

(6) Any territorial authority may, within 2 months of receiving advice of the regional authority's decision on an objection in accordance with subsection (5) (c) of this section, make written objection to the Local Government Commission in respect of the decision. The territorial authority shall forthwith send a copy of the objection to the regional authority and to every other territorial authority whose district or part thereof forms part of the proposed area. The regional authority and any territorial authority may, within 2 months of receiving a copy of the objection, make written submissions to the Commission in respect of the objection.

(7) Where no objections to a decision are made to the Local Government Commission within the time specified in subsection (6) of this section, the proposed area (or the amended proposed area, as the case may be) shall be the urban transport area of the regional authority.

*New*

(8) As soon as practicable after receiving an objection to a decision and any submissions relating thereto, the Local Government Commission—

- 5 (a) Shall consider and, after consulting with the Urban Transport Council, determine the objection; and
- (b) Where it considers an objection justified, may make such amendments to the proposed area (or the amended proposed area, as the case may be) as it
- 10 considers necessary to satisfy the objection; and
- (c) Shall send to the regional authority and to every territorial authority whose district or part thereof forms part of the proposed area (or amended proposed area, as the case may be), written advice of the
- 15 Commission's decision on the objection and the reasons therefor.

(9) Subject to section 37A of the Local Government Act 1974, the determination of the Local Government Commission on any objection under this section shall be final; and

20 the proposed area (or the amended proposed area, as the case may be), together with any amendments thereto made by the Commission, shall be the urban transport area of the regional authority.

(10) As soon as practicable after an urban transport area

25 has been determined pursuant to this section, the regional authority shall notify the area in the *Gazette*.

**7. Boundaries of urban transport areas may be different from boundaries of regions—**~~(The)~~ (1) Subject to subsection

(2) of this section, the boundaries of an urban transport area

30 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.

*New*

35 (2) No part of the district of a territorial authority that is outside the region of a regional authority shall be included in an urban transport area of the regional authority unless—

- 40 (a) The territorial authority has agreed, by resolution, to its district, or that part thereof, being so included; and, in any such case, the district or part thereof shall be deemed to be an out-district of the region for urban transport purposes pursuant to the Local Government Act 1974; or

*New*

(b) The district, or that part thereof, has been constituted an out-district, or part of an out-district, of the region for urban transport purposes pursuant to the Local Government Act 1974.

5

An agreement given for the purposes of paragraph (a) of this subsection may not be revoked unless the regional authority agrees to the revocation.

**8. Alteration of urban transport areas—**(1) An urban transport area may be altered by *(an urban transport)* a regional authority at any time; and sections 6 and 7 of this Act shall, as far as *(it is)* they are 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 :

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*New*

Provided that, except with the consent of the Local Government Commission, an urban transport area may not be altered within 2 years of the determination, or last alteration, of the area.

20

(2) Any territorial authority may request *(an urban transport)* a regional authority to alter its urban transport area. If the *(urban transport)* regional 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)* regional authority and to all other territorial authorities whose districts or part thereof form part of the urban transport area. The regional authority and any territorial authority may, within 2 months of receiving a copy of the objection, make written submissions to the Commission in respect of the objection. Subsections ((5) to (7)) (8) to (10) 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—

25

30

35

(a) The reference in **(that subsection (5))** those sub-sections to a proposed area were a reference to an urban transport area; and

*Struck Out*

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

*New*

10 (b) The reference in that subsection (8) to an objection to a decision were a reference to an objection under this subsection.

*Funding of Net Expenditure of (Urban Transport)  
Regional 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)** a regional 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 **(—) (b)** any part of the region of the united council that is outside the urban transport area were outside the region.

*Struck Out*

25 (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

30 (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)** a regional 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*) a regional 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*) a regional 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 (~~—~~) (*(b)*) any part of the region of the regional council that is outside the urban transport area were outside the region.

*Struck Out*

(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

(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*) a regional 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.

15

Miscellaneous Provisions

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*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—

(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;

(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.

(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

*Struck Out*

the movement of people or goods (or both) within the area (whether or not as part of a publicly owned urban transport service).

**12. Principal duties of urban transport authorities**—In 5  
pursuing its primary objective, an urban transport authority shall perform the following principal duties:

- (a) It shall provide and maintain an urban transport scheme for its urban transport area in accordance with Part III of this Act: 10
- (b) It shall ensure the implementation of its urban transport scheme by performing the duties, and (where necessary) exercising the powers, specified in Part IV of this Act:
- (c) It shall give as much publicity as is practicable in the 15  
circumstances to its proposals, decisions, and acts, and shall encourage and consider submissions and comments thereon from members of the public.

**13. General powers of urban transport authorities**—A regional council or united council that is an urban transport 20  
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 area (including any part thereof that is outside the council's region): 25

- (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; 30
- (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 35  
duties as an urban transport authority.

*New*

**13. General powers of regional authorities**—Without limiting any other provision of this Act, a regional authority shall, for the purposes of performing its duties under this Act, 40



*New*

have in respect of its urban transport area (including any part thereof that is outside its region) 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.

**(Urban Transport Committees)**

14. **Urban transport committees**—(1) Every regional council or united council that is (*an urban transport*) a regional 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.

(2) An urban transport committee shall consist of—  
 (a) Not less than 4 members of the regional council or 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 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 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 Railways;

*New*

(da) A person appointed by the President of The Federated Road Transport Organisations of New Zealand (Inc.) to represent bus operators;

(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

- (f) Any person or persons appointed pursuant to subsection (3) of this section.
- (3) A regional **(council or united council)** authority may appoint to its urban transport committee any person who—
- (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)** authority, can represent operators of peculiar transport services in the area or otherwise 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 shall be appointed Chairman of the committee by the regional **(council or united council, as the case may be)** authority.
- (5) Subject to subsection (6) of this section, the duties of an urban transport committee shall be—
- (a) To advise and make recommendations to the regional **(council or united council, as the case may be,)** authority in respect of the **(council's)** authority's duties and powers **(as an urban transport authority; and)** under this Act; and
- (b) To perform such other duties as may be delegated to it by the regional **(council or united council, as the case may be)** authority.
- (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,)** the authority's regional planning scheme be those of the regional planning committee of the **(council)** authority 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)** to urban transport, the membership of the committee shall include the persons specified 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 as if an urban transport committee were a regional planning committee.

PART II

URBAN TRANSPORT COUNCIL

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

5 (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  
10 suffer.

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

16. **Membership of Council**—(1) The Council shall consist of 12 members being—

15 (a) One person to be appointed by ~~(the Governor-General on the recommendation of)~~ the Minister by notice in the Gazette, who shall be the Chairman of the Council;

20 (b) ~~(Three)~~ Four persons to be appointed ~~(by the Governor-General on the recommendation of the Minister being the person recommended for such appointment by all urban transport)~~ by all regional authorities jointly;

25 (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;

30 (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.);

35 (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;

40 (f) ~~(The)~~ One person to be appointed by 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;
- (h) The Secretary for Transport, or any other officer of the Ministry of Transport nominated from time to time by him; and 5
- (i) The Secretary to the Treasury, or any other officer of the Treasury nominated from time to time by him (*and*).

*Struck Out*

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- (j) The Secretary for Local Government, or any other officer of the Department of Internal Affairs nominated from time to time by him.

*New*

- (2) For the purposes of paragraphs (b) to (f) of subsection 15
- (1) of this section, appointments shall be made by—
  - (a) Giving written notice thereof to the Minister; and
  - (b) Publishing the notice in the *Gazette*.
  - (3) Publication in the *Gazette* of a notice of appointment of a member of the Council shall, unless the contrary is proved, 20 be sufficient evidence that the appointment to which the notice relates has been properly made.

*Struck Out*

- 17. Primary objective of Council**—The primary objective of the Urban Transport Council shall be to promote— 25
  - (a) The development of appropriate national policies for urban transport;
  - (b) The establishment and maintenance within New Zealand of appropriate and efficient urban transport systems; and 30
  - (c) The co-ordination of Government assistance to, and involvement in, urban transport.

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

- (a) To advise (*urban transport*) regional authorities in 35 regard to their duties and powers under this Act;
- (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;
- 5 (d) After consultation with the National Roads Board and the Government Railways where appropriate, to advise and otherwise assist (*urban transport*) regional authorities in the preparation of their urban transport schemes and regional implementation programmes;
- 10 *Struck Out*
- (e) To prepare each year a national implementation programme in accordance with section 40 of this Act;
- 15 (f) To give financial assistance to (*urban transport*) regional authorities and other bodies or persons in accordance with section 42 of this Act;
- Struck Out*
- (g) To consider objections to operational plans in accordance with section 29 of this Act;
- 20 (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
- 25 (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.
- 30
- 40

**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

##### *Struck Out*

**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:

*Struck Out*

5 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.

*New*

10 **22. Urban transport schemes to be prepared by regional authorities**—(1) Every regional authority shall, within 12 months of its urban transport area being notified in the *Gazette* pursuant to section 6 (10) 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) An urban transport scheme shall consist of—

15 (a) The transport section of a regional planning scheme, being a section that applies to the whole of the urban transport area; and

(b) An operational plan:

20 Provided that, if the matters specified in section 26 (1) of this Act are included in the transport section of a regional planning scheme, the urban transport scheme need not include an operational plan.

25 (3) 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 transport section of a regional planning scheme, include the Urban Transport Council.

30 **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*) regional authority, (*for the area*) be consistent with any regional planning scheme relating to that part of the area.

*Struck Out**Structural Plans*

35 **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

*Struck Out*

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. 5

**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— 10

- (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 15
- (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 20
- (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. 25

30

*Operational Plans*

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

- (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 35

40



(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.

5  
10 (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) regional** authority agrees to the revocation.

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

25 (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  
30 be part of the approved regional planning scheme **(prepared by the council that prepared the operational plan) for the same area**; and that section shall, as far as it is applicable and with all necessary modifications, apply accordingly as if the reference in subsection (4) of that section to section 20 of that Act were a reference to section 31 of this Act.

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

40 (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) regional** authority, are affected by the plan; and

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

(2) After completing a draft operational plan, the **(urban transport)** regional 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 interested body or person to send to the authority, within such time as may be stated in the notice, submissions on the plan.

(3) The **(urban transport)** regional 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)** a regional 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)** regional authority shall—

(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—

(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;

(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.

**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)** regional authority that prepared the plan.

*Struck Out*

(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.

*New*

(2) The Urban Transport Council shall consider all objections received by it in respect of an operational plan, and all submissions from the regional authority relating to the objections; and, where it considers an objection justified, it shall refer the objection, and its opinion thereon, to the regional authority.

(3) Where an objection is referred to a regional authority pursuant to subsection (2) of this section, the regional authority shall make such amendments to the plan as, in the opinion of the Urban Transport Council, are necessary to satisfy the objection, and shall send a copy of the amended plan to the Council.

(3) (4) 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:

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.

**30. Approval of operational plans—**(1) As soon as practicable after the Urban Transport Council has completed its

*Struck Out*

consideration, and (where necessary) amendment, of an operational plan pursuant to section 29 (2) of this Act, the 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.

*New*

consideration of an operational plan pursuant to section 29 of this Act, and all amendments required by virtue of that section have been made thereto, the regional authority that prepared the plan shall send it to the Minister for his approval.

(2) Subject to subsection (3) of this section, as soon as practicable after receiving an operational plan pursuant to 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 of national importance or that has significance beyond the boundaries of the urban transport area or that **(affects)** significantly reduces the revenue or increases the expenditure of the Crown, he may refuse to approve the plan and, in that event, shall return the plan to the **(urban transport)** regional authority, together with his reasons for not approving the plan. The authority shall thereupon make 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 transport)** regional 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—

(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.)** *New*

**(b) Whenever the transport section of the regional planning scheme 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)** regional authority.

*Struck Out*

**(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.**

*New*

(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 (other than an amendment thereto required by virtue of section 29 (3) or section 30 (3) of this Act) 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.

**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.

(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.

## PART IV

## IMPLEMENTATION OF URBAN TRANSPORT SCHEMES

(Urban Transport) Regional Authorities and Local Authorities to Give Effect to Urban Transport Schemes

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

(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

- (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—

5

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.

10

**35. Powers of (urban transport) regional authority—**

(1) ~~(An urban transport)~~ A regional authority may, for the purposes of implementing its urban transport scheme,—

- (a) Enter into agreements with—

*Struck Out*

15

(i) The National Roads Board regarding the provision of roads;

*New*

(i) Any road controlling authority regarding the provision of roads;

20

(ii) The Government Railways regarding the provision of rail services; and

(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;

25

- (c) Apply for passenger-service licences and harbour-ferry service licences under the Transport Act 1962;

30

- (d) Undertake or arrange for research into matters related to the urban transport system in the urban transport area; and conduct demonstration projects; and

35

- (e) Publish information regarding the urban transport system in the area.

(2) **(An urban transport)** A regional 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—

- (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, **(an urban transport)** a regional 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 transport)** regional authority agrees to the revocation:
- (c) **(An urban transport)** A regional 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.

(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, or authorities that **(an urban transport)** a regional authority has pursuant to section 13 or any other provision of this Act or any other enactment.

**36. Financial assistance by (urban transport) regional authority to be offered to existing operators first—**(1) Where **(an urban transport)** a regional 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.

(2) The amount of any financial assistance offered or given by **(an urban transport)** a regional 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 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 be given, and the Secretary for Transport shall determine the matter having regard to the provisions of subsection (2) of this section. 5

(4) If a body or person considers that the determination of the Secretary for Transport under subsection (3) 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. 10

(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— 15

(a) The determination were an order of the Secretary for Transport prescribing charges for the carriage of passengers; and 20

(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*) regional authority. 25

(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*) regional authority may offer the same assistance to any other body or person. 30

**37. (*Urban transport*) Regional 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— 35 40



- (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—

5 the **(urban transport)** regional 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.

10 (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  
15 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  
20 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  
25 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  
30 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  
35 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)** A regional authority may at any time within one month after the date of a determination  
40 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)** regional authority need not comply with the determination;
- (b) The **(urban transport)** regional 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)** regional authority shall pay the costs incurred by the licensee in exercising his rights under this section.

*Implementation Programmes*

**38. (Urban transport) Regional authorities to prepare annual regional implementation programmes—**(1) Every **(urban transport)** regional 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)**—

- (a) Be in such form as the Urban Transport Council requires; and
- (b) Be **(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)** regional authority, are likely to be affected; and

*New*

(c) Be consistent with any approved urban transport scheme for the area.

(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.

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**39. Contents of regional implementation programmes—**  
 (1) Subject to subsection (2) of this section, every regional implementation programme shall specify—

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- 5 (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;
- 10 (b) The degree of priority that the urban transport authority considers each of the services specified in the programme should have;
- 15 (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;
- 20 (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;
- 25 (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;
- 30 (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;
- 35 (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
- 40 (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.
- 45

**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. 5

(2) Every national implementation programme shall—

- (a) Contain, in respect of each urban transport area, the regional implementation programme recommended by the Council; 10
- (b) Indicate the degree of priority that the Council recommends for each item in a regional implementation programme;
- (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; 15
- (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; 20
- (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 25
- (f) Contain such other matters as the Council thinks fit.

*Financial Assistance for Urban Transport Purposes* 30

*Struck Out*

**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 regard to— 30

- (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 40

*Struck Out*

5 (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.

42. **Urban Transport Council may give financial assistance for urban transport purposes (whether within or outside urban transport areas)**—(1) The Urban Transport Council  
10 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 such terms and conditions as the Council thinks fit.

15 (2) **(Any urban transport)** A regional authority may, in its regional implementation programme or at any other time, apply to the Council for financial assistance for urban transport purposes.

20 (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.

25 (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.

30 (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.

35 (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.

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 Parlia-  
40 ment for the purpose.

## PART V

## 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. 5

**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: 10

“(k) Financial assistance given to local authorities under section 42 of the Urban Transport Act (1979) 1980.”

**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. 15

*Struck Out*

**47. Amendments to Local Government Act 1974**—  
(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”. 20

(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 Transport Act 1979, its functions, duties, and powers as an urban transport authority)”. 25 30

(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 inserting, 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”. 35

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

- 5 “(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~~) 1980) or part thereof, the District Roads Council shall advise the Board of the (~~urban transport~~) regional authority’s opinion on the recommendation and the reasons for that opinion.
- 10 “(4) When considering a District Roads Council’s recommendation that relates to an urban transport area, the Board shall have regard to the (~~urban transport~~) regional authority’s opinion on the recommendation.”

49. Amendment to Auckland Regional Authority Act 15 1963—(1) Section 25 (1) of the Auckland Regional Authority Act 1963 is hereby amended by (~~inserting, after~~) omitting the words “(~~of~~) this Act”, (~~the words “or its functions under the Urban Transport Act 1979”~~) and substituting the words “its functions under this Act or any other Act”.

20 (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 25 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 30 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 all necessary modifications, apply accordingly as if—

35 “(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 paragraphs (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, which shall be assessed and charged to local authorities on the basis determined in accordance with subsections (2A) to (8) of this section. 5

“(2A) The basis on which ~~(such)~~ 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 respective local districts. 10

“(3) A copy of every resolution under subsection ((2)) (2A) of this section shall forthwith be sent to each local authority. 15

“(4) If any local authority is dissatisfied with the resolution 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. 20

*Struck Out*

“(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 apportionment of net urban transport expenditure among all or any of the local authorities. 25

*New*

“(5) Within one month of receiving any such objection or as soon as practicable thereafter, the Local Government Commission— 30

“(a) Shall consider and determine the objection; and  
“(b) Where it considers an objection justified, may make such amendments to the basis of apportionment as it considers necessary to satisfy the objection. 35

“(6) The Local Government Commission shall advise the Authority and every local authority of the Commission’s decision on the objection. 40

“(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 be, the resolution of the Authority which shall be implemented accordingly.

- 5 “(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 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—
- 10 “(a) The references in those sections to a united council were references to the Authority; and
- “ (b) The references in those sections to a constituent authority or territorial authority liable to contribute to the united council were references to a
- 15 local authority.”

*New*

- 20 “(3) Subsection (2) of this section shall come into force on the 1st day of April immediately following the day on which the Auckland Regional Authority’s urban transport area is notified in the *Gazette* pursuant to section 6 (10) of this Act.

*Amendments to Transport Act 1962*

25 **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 as in section 2 (1) of the Urban Transport Act (1979) 1980:

*Struck Out*

- 30 “‘Approved structural plan’ has the same meaning as in section 2 (1) of the Urban Transport Act 1979:
- “‘Approved urban transport scheme’ means an approved structural plan or an approved operational plan:

*New*

- 35 “‘Approved transport section of a regional planning scheme’ has the same meaning as in section 2 (1) of the Urban Transport Act 1980:
- 40 “‘Approved urban transport scheme’ means an approved transport section of a regional planning scheme or an approved operational plan:

“‘Urban transport area’ has the same meaning as in section 2 (1) of the Urban Transport Act (1979) 1980.”

**51. Matters to be considered before determining applications for passenger-service or harbour-ferry service licences—** 5  
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 10  
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 15

“(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 20  
subsection (2) of this section:

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.

“(4) For the purposes of this Part of this Act, a harbour- 25  
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, 30  
within that area.”

**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:

(b) Sections 16 and 19 of the Transport Amendment Act 35  
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.

(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  
 5 by section 16 of the Transport Amendment Act 1971 and amended by section 25 of the Transport Amendment Act 1974 and section 2 (1) of the Transport Amendment Act (No. 2) 1978) shall continue to have effect in respect of  
 10 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.

*Struck Out*

**53. Matters to be considered before determining applica-**  
 15 **tions 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—

20 “(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

25 “(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  
 30 subsection (2) of this section.”

*New*

**53. Matters to be considered before determining applica-**  
 35 **tions for taxicab-service licences**—Section 121 (1) of the Transport Act 1962 is hereby amended by inserting, after the words “have regard to”, the words “the provisions of any approved urban transport scheme relating to the area in which the proposed service is to be operated and”.

**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)* have regard 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, 5 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, 10 shall—

*New*

“(a) In the case of a taxicab service, have regard to the provisions of any approved urban transport scheme for the area; and

15 “(b) In any other case, 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”.

20 **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.

25 *Amendments to Ministry of Transport Act 1968*

**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.

30 (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 35 made to the Urban Transport Council in accordance with section 42 of this Act.

(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 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 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.

(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—

“(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:”.

(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) 1980”.

(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) 1980, No. 00—The Urban Transport Act (1979) 1980.”

(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 2 of the Ministry of Transport Act 1968:
- 5 (c) Sections 2 to 5 of the Ministry of Transport Amendment Act 1975.

*New*

- 10 (7) Part II of the First Schedule to the Ombudsmen Act 1975 is hereby amended by omitting the words "The Urban Public Passenger Transport Council", and substituting the words "The Urban Transport Council".
- 15 (8) The First Schedule to the Local Government Act 1974 (as substituted by section 2 of the Local Government Amendment Act 1976) is hereby consequentially amended by omitting so much of Part II as relates to regional transport authorities.



## 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) clause, 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; and any member so removed shall not be reappointed as a member of the Council without the consent 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) subclause 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) subclause (2) or (subsection) subclause (3) of this (section) clause, 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 (1) (a) of this Act is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may, by notice in the Gazette, appoint a person to act in the place of that member during his incapacity.

*Struck Out*

(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.

*New*

(2) In any case where a person, body, or bodies that appointed a member of the Council pursuant to paragraphs (b) to (f) of section 16 (1) of this Act is satisfied that the member is incapacitated by illness,



## SCHEDULE—continued

New

absence, or other sufficient cause from performing the duties of his office, the person, body, or bodies may appoint another person to act in the place of that member during his incapacity. Section 16 (2) of this Act shall apply in respect of appointments made under this subclause as if the reference therein to paragraphs (b) to (f) of section 16 (1) of this Act were a reference to this subclause.

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

(4) No appointment of a person under this (*section*) clause 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.

(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*) clause, 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.

SCHEDULE—*continued***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.

(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.

SCHEDULE—*continued*

**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.

(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.

SCHEDULE—*continued*

(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.