



## ANALYSIS

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1990, No. 101

**An Act—**

- (a) To repeal the **Ministry of Transport Act 1968**; and
- (b) To continue the **Road Traffic Safety Research Council**; and
- (c) To amend certain enactments

[8 August 1990]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement—**(1) This Act may be cited as the **Ministry of Transport Act Repeal Act 1990**.

(2) This Act shall come into force on the 1st day of September 1990.

**2. Transport Advisory Council abolished—**The Transport Advisory Council established by section 10 of the **Ministry of Transport Act 1968** is hereby abolished.

**3. Amendments to Transport Act 1962—**The Transport Act 1962 is hereby amended by inserting, after Part VI<sup>A</sup> (as inserted by section 7 of the **Transport Amendment Act 1973**), the following Part:

## “PART VII

## “ROAD TRAFFIC SAFETY RESEARCH COUNCIL

“91. **Road Traffic Safety Research Council**—(1) There shall continue to be a Council to be called the Road Traffic Safety Research Council.

“(2) The Council shall consist of the following:

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

“(b) One member, to be nominated by Transit New Zealand:

“(c) One member, to be nominated by the Accident Compensation Corporation established by the Accident Compensation Act 1982:

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

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

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

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

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

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

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

“(b) He or she shall hold office for a term of 3 years, but may from time to time be reappointed, and may at any time be removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, and may at any time resign his or her office by writing addressed to the Minister:

“(c) If he or she dies, is removed from office, or resigns, the vacancy so created may be filled in the manner in which the appointment to the vacant office was originally made. Every person appointed to fill the vacancy shall be appointed for the residue of the term for which his or her predecessor was appointed:

“(d) Unless he or she sooner vacates his or her office as provided in paragraph (b) of this subsection otherwise than by effluxion of time, he or she shall continue in office until his or her successor comes

into office, notwithstanding that the term for which he or she was appointed may have expired.

“(4) The Governor-General may, on the recommendation of the Minister, appoint any person to be the deputy of any member of the Council appointed under paragraphs (b) to (h) of subsection (2) of this section, to act, pursuant to the terms of his or her appointment, in the event of the absence from any meeting of the Council of the member whose deputy he or she is.

“(5) In the absence from any meeting of the Council of the Secretary for Transport, any other officer of the Ministry of Transport nominated by the Secretary as his or her deputy may attend the meeting in his or her stead. While any person is attending any meeting under this subsection, he or she shall be deemed for all purposes to be both a member of the Council and the Chairperson.

“(6) The fact that any person appointed as the deputy of any member of the Council attends and acts at any meeting thereof shall be conclusive evidence of his or her authority so to do.

“(7) In the absence of the Chairperson and his or her deputy from any meeting of the Council, the members present shall appoint one of their number to be Chairperson of that meeting.

“(8) Five members shall form a quorum at any meeting of the Council.

“(9) The Chairperson of any meeting shall have a deliberative vote, and in the case of an equality of votes shall have a casting vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(3) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason of being a member of the Council or of any subcommittee of the Council.”

**4. Amendment to Ombudsmen Act 1975**—The Ombudsmen Act 1975 is hereby amended by inserting in Part II of the First Schedule, in its appropriate alphabetical order, the item “The Road Traffic Safety Research Council”.

**5. Repeals, revocation, amendments, and savings**—(1) The Ministry of Transport Act 1968 is hereby repealed.

(2) The following enactments are hereby consequentially repealed:

- (a) The Ministry of Transport Amendment Act 1972:
- (b) The Ministry of Transport Amendment Act 1973:
- (c) The Ministry of Transport Amendment Act 1975:
- (d) The Ministry of Transport Amendment Act 1979:
- (e) Sections 51 and 52 of the Urban Transport Act 1980:
- (f) The Ministry of Transport Amendment Act 1983:
- (g) Section 15 (3) of the Shipping Act 1987:
- (h) The Ministry of Transport Amendment Act 1988:
- (i) Section 43 of the Port Companies Act 1988:
- (j) Section 3 of the Harbours Amendment Act (No. 3) 1988:
- (k) So much of the Fourth Schedule to the Transit New Zealand Act 1989 as relates to the Ministry of Transport Act 1968.

(3) The Transport Advisory Council Regulations 1969 are hereby revoked.

(4) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(5) Except as provided in subsection (4) of this section, nothing in subsection (1) or subsection (2) of this section shall affect any amendment made by section 16 (1) of the Ministry of Transport Act 1968, section 6 (1) of the Ministry of Transport Amendment Act 1972, or section 6 (1) of the Ministry of Transport Amendment Act 1973.

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**SCHEDULE**  
ENACTMENTS AMENDED

Section 5 (4)

Enactment	Amendment
1950, No. 53—The Boilers, Lifts, and Cranes Act 1950 (R.S. Vol. 1, p. 377)	By repealing the definition of the term “Secretary” in section 2 (1), and substituting the following definition: “ ‘Secretary’ means the Secretary for Transport.”
1952, No. 49—The Shipping and Seamen Act 1952 (R.S. Vol. 4, p. 275)	By repealing the definition of the term “Secretary” in section 2 (1) (as substituted by section 2 of the Shipping and Seamen Amendment Act 1987), and substituting the following definition: “ ‘Secretary’ means the Secretary for Transport.”
1971, No. 17—The Hovercraft Act 1971	By repealing the definition of the term “Secretary” in section 2 (as substituted by section 6 (1) of the Ministry of Transport Act 1968), and substituting the following definition: “ ‘Secretary’ means the Secretary for Transport.”

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This Act is administered in the Ministry of Transport.

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