

MINISTRY OF TRANSPORT AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill transfers to the Ministry of Transport the functions of the Marine Department, with the exception of its functions in relation to fisheries, fisheries research, whaling, marine farming, and marine reserves, which are being transferred to the Ministry of Agriculture and Fisheries (at present called the Department of Agriculture) by a Ministry of Agriculture and Fisheries Amendment Bill.

Clause 1 relates to the Short Title and commencement. The Act is to come into force on 1 September 1972.

Clause 2 adds to the list of Acts administered in the Ministry of Transport the Acts specified in this clause. These Acts are all the Acts at present administered in the Marine Department with the exception of those relating to fisheries, whaling, marine farming, and marine reserves.

Clause 3 consequentially omits from section 4 (2) (d) of the principal Act (relating to the functions of the Ministry) a reference to the Marine Department.

Clause 4 provides that a Director of the Marine Division of the Ministry is to be appointed under the State Services Act 1962.

Clause 5: Subclause (1) re-enacts the provisions of section 10 (2) of the principal Act (setting out the membership of the Transport Advisory Council), with the following changes:

- (a) The reference to the Minister of Marine is omitted, and the Secretary for Transport is to be the Deputy Chairman of the Council.
- (b) An additional member is added, to represent the Harbour Boards.

Subclause (2) re-enacts in an amended form section 10 (3) of the principal Act (relating to associate members of the Transport Advisory Council) and omits the provisions relating to an associate member appointed by the Secretary for Marine.

Subclause (3) is a consequential amendment.

Clause 6 consequentially amends the enactments specified in the First Schedule to the Bill.

The effect of *subclause (4)* is that so much of the amount appropriated to VOTE MARINE for the present year as relates to Programmes I, II, IV, and V of that vote in this year's Estimates and has not been expended before the commencement of the Act may be expended by the Ministry of Transport for the purposes of those programmes.

Clause 7 consequentially repeals the enactments specified in the Second Schedule to the Bill.

Hon. Mr Gordon

MINISTRY OF TRANSPORT AMENDMENT

ANALYSIS

Title	4. Appointment of Divisional Directors and other officers and employees
1. Short Title and commencement	5. Transport Advisory Council
2. Acts administered by the Ministry of Transport	6. Consequential amendments
3. Functions of Ministry	7. Repeals Schedules

A BILL INTITULED

An Act to amend the Ministry of Transport Act 1968

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

1. **Short Title and commencement**—(1) This Act may be
cited as the Ministry of Transport Amendment Act 1972,
and shall be read together with and deemed part of the
Ministry of Transport Act 1968* (hereinafter referred to as
10 the principal Act).

(2) This Act shall come into force on the 1st day of
September 1972.

*1968, No. 39
Amendment: 1971, No. 65

2. Acts administered by the Ministry of Transport—The First Schedule to the principal Act is hereby amended by adding the following items:

- “1920, No. 33—The Westport Harbour Act 1920.
- “1936, No. 43—The Protection of British Shipping Act 1936.
- “1950, No. 34—The Harbours Act 1950.
- “1950, No. 53—The Boilers, Lifts, and Cranes Act 1950.
- “1952, No. 49—The Shipping and Seamen Act 1952.
- “1965, No. 4—The Taranaki Harbours Act 1965.
- “1965, No. 65—The Oil in Navigable Waters Act 1965.
- “1966, No. 5—The Submarine Cables and Pipelines Protection Act 1966.
- “1968, No. 140—The New Zealand Ports Authority Act 1968.
- “1971, No. 17—The Hovercraft Act 1971.”

3. Functions of Ministry—Section 4 of the principal Act is hereby amended by omitting from paragraph (d) of subsection (2) the words “the Marine Department”. 5

4. Appointment of Divisional Directors and other officers and employees—Section 7 of the principal Act is hereby amended by inserting in subsection (1), after the words “a Director of the Road Transport Division of the Ministry” 10 the words “a Director of the Marine Division of the Ministry”.

5. Transport Advisory Council—(1) Section 10 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 15

- “(2) The Council shall consist of—
- “(a) The Minister of Transport, who shall be Chairman of the Council:
- “(b) The Secretary for Transport, who shall be Deputy Chairman of the Council: 20
- “(c) One member, to represent the National Roads Board:
- “(d) One member, to represent the road transport industry:
- “(e) One member, to represent the aviation industry:
- “(f) One member, to represent the shipping industry:
- “(g) One member, to represent the New Zealand Ports Authority: 25
- “(h) One member, to represent the farming industry: 31
- “(i) One member, to represent commerce and industry other than farming:
- “(j) One member, to represent the New Zealand Federation of Labour Incorporated: 30
- “(k) One member, to represent local government:

“(1) One member, to represent the Harbour Boards of New Zealand:

“(m) One officer of the New Zealand Government Railways Department, to be nominated by the General Manager of that Department:

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“(n) One officer of the Treasury, to be nominated by the Secretary to the Treasury.”

(2) Section 10 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection:

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“(3) The Commissioner of Works shall from time to time appoint an officer of the Ministry of Works to be an associate member of the Council. The associate member shall hold office at the pleasure of the Commissioner of Works; he shall be entitled to attend all meetings of the Council and take part in the discussion of any matters before the Council, but shall not be entitled to vote.”

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(3) Section 10 of the principal Act is hereby further amended by omitting from subsection (4) the words “paragraphs (d) to (n)”, and substituting the words “paragraphs (c) to (1)”.

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6. Consequential amendments—(1) The enactments specified in the First Schedule to this Act are hereby amended in the manner indicated in that Schedule.

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(2) Unless the context otherwise requires, every reference in any enactment not specified in the second column of the First Schedule to this Act, or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, award, or other document whatsoever in force at the commencement of

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this Act,—
(a) To the Minister of Marine shall, after the commencement of this Act, be read as a reference to the Minister of Transport:

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(b) To the Marine Department shall, after the commencement of this Act, be read as a reference to the Ministry of Transport:

(c) To the Secretary for Marine shall, after the commencement of this Act, be read as a reference to the Secretary for Transport:

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(d) To “The Seal of the Marine Department N.Z.”, or to the “Seal of the Marine Department” or “Official Seal” where those words are used to mean “The Seal of the Marine Department N.Z.”, shall after the commencement of this Act cease to have effect:

Provided that nothing in paragraphs (a) to (c) of this subsection shall apply with respect to any such reference in the Fisheries Act 1908, the Whaling Industry Act 1935, the Fishing Industry Board Act 1963, the Marine Farming Act 1971, or the Marine Reserves Act 1971, or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, certificate, or other document made or having effect pursuant to or for the purpose of any of those Acts. 5

(3) Every act of authority done by the Minister of Marine or the Secretary for Marine or the Marine Department pursuant to any of the Acts referred to in section 2 of this Act or to any regulation, rule, order, notice, or other authority under any of those Acts, and subsisting at the commencement of this Act, shall continue and have effect after the commencement of this Act as if, in the case of an act done by the Minister of Marine, it had been done by the Minister of Transport and, in the case of an act done by the Secretary for Marine or the Marine Department, it had been done by the Secretary for Transport. 10 15

(4) So much of the amount appropriated by any Appropriation Act to the services of VOTE MARINE for the year ending with the 31st day of March 1973 as relates to Programmes I, II, IV, and V of that vote in the Estimates of Expenditure for that year and remains unexpended at the commencement of this Act may be expended by the Ministry of Transport to defray the expenses of those programmes. 20 25

7. Repeals—The enactments specified in the Second Schedule to this Act are hereby repealed.

SCHEDULES

FIRST SCHEDULE

Section 6 (1)

ENACTMENTS AMENDED

Enactment	Amendment
1926, No. 57—The Westport Harbour Amendment Act 1926 (1931 Reprint, Vol. 3, p. 679)	By omitting from section 6 (1) the words "Marine Department", and substituting the words "Ministry of Transport".
1950, No. 34—The Harbours Act 1950 (Reprinted 1966, Vol. 3, p. 2395)	<p>By omitting from the definition of the term "coastal light" in section 2 (1) the words "Marine Department", and substituting the words "Ministry of Transport".</p> <p>By repealing the definition of the term "Minister" in section 2 (1), and substituting the following definition: "Minister" means the Minister of Transport."</p> <p>By repealing the definition of the term "Secretary for Marine" in section 2 (1) (as inserted by section 7 (2) of the Harbours Amendment Act 1956), and substituting the following definition: "Secretary" means the Secretary for Transport appointed under the Ministry of Transport Act 1968; and includes his deputy."</p> <p>By omitting from section 5 (2) the words "Marine Department", and substituting the words "Ministry of Transport".</p> <p>By omitting from section 64 (2) (as amended by section 7 (3) of the Harbours Amendment Act 1956) the words "Secretary for Marine", and substituting the word "Secretary".</p> <p>By omitting from section 116 the words "Marine Department", and substituting the words "Ministry of Transport".</p> <p>By omitting from section 146A (as substituted by section 7 (1) of the Harbours Amendment Act 1965) the words "Secretary for Marine" wherever they occur, and substituting in each case the word "Secretary".</p> <p>By omitting from section 146A (3) (as so substituted) the word "Department", and substituting the words "Ministry of Transport".</p>

Ministry of Transport Amendment

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1950, No. 34—The Harbours Act 1950— <i>continued</i></p>	<p>By omitting from the proviso to section 146A (4) (as so substituted) the words “Minister of Marine”, and substituting the word “Minister”.</p> <p>By omitting from section 175A (as inserted by section 13 of the Harbours Amendment Act 1968) the words “Secretary for Marine” wherever they occur, and substituting in each case the word “Secretary”.</p> <p>By omitting from section 175B (1) (as inserted by section 13 of the Harbours Amendment Act 1968) the words “Secretary for Marine”, and substituting the word “Secretary”.</p> <p>By omitting from section 175B (1) (as so inserted) the words “Marine Department”, and substituting the words “Ministry of Transport”.</p> <p>By omitting from sections 178 (a), 179 (1), 180, 204, 205 (1), 241 (1) (b) (as amended by section 3 (1) of the Harbours Amendment Act 1969), and 241A (1) (as inserted by section 17 of the Harbours Amendment Act 1959) the words “Marine Department” wherever they occur, and substituting in each case the words “Ministry of Transport”.</p> <p>By omitting from section 232 (17) (as amended by section 32 (2) of the Civil Aviation Act 1964) the words “Marine Department or of the Department of Agriculture or of the Department of Civil Aviation”, and substituting the words “Ministry of Transport or of the Ministry of Agriculture and Fisheries”.</p> <p>By omitting from section 257 (as amended by section 32 (2) of the Civil Aviation Act 1964) the words “Marine Department and officers of the Department of Civil Aviation”, and substituting the words “Ministry of Transport”.</p>
<p>1950, No. 53—The Boilers, Lifts, and Cranes Act 1950 (1957 Reprint, Vol. 1, p. 629)</p>	<p>By repealing the definitions of the terms “Minister” and “Secretary” in section 2 (1), and substituting the following definitions:</p> <p>“Minister” means the Minister of Transport;</p> <p>“Secretary” means the Secretary for Transport appointed under the Ministry of Transport Act 1968; and includes his deputy.”</p>

Ministry of Transport Amendment

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FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1950, No. 53—The Boilers, Lifts, and Cranes Act 1950—<i>continued</i></p> <p>1951, No. 21 (Local)—The Christchurch District Drainage Act 1951</p>	<p>By omitting from section 41 the words “Secretary of the Marine Department”, and substituting the word “Secretary”.</p> <p>By omitting from sections 37 (3) and 38 the words “Minister of Marine” wherever they occur, and substituting in each case the words “Minister of Works”.</p> <p>By omitting from section 38 (1) the words “Secretary of Marine”, and substituting the words “Commissioner of Works”.</p>
<p>1952, No. 49—The Shipping and Seamen Act 1952 (Reprinted 1965, Vol. 3, p. 1631)</p>	<p>By repealing the definitions of the terms “Department”, “Minister”, and “Secretary” in section 2 (1), and substituting the following definitions:</p> <p>“‘Department’ means the Ministry of Transport established under the Ministry of Transport Act 1968:</p> <p>“‘Minister’ means the Minister of Transport:</p> <p>“‘Secretary’ means the Secretary for Transport appointed under the Ministry of Transport Act 1968; and includes his deputy.”.</p> <p>By omitting from section 28 (2) (as substituted by section 4 of the Shipping and Seamen Amendment Act (No. 2) 1969) the words “Marine Department Notices”, and substituting the words “Marine Notices”.</p> <p>By inserting in section 246A (2) (which section was inserted by section 13 of the Shipping and Seamen Amendment Act 1957 and amended by section 2 (4) of the Shipping and Seamen Amendment Act 1962), after the word “Department”, the words “or of the Ministry of Agriculture and Fisheries”.</p> <p>By omitting from sections 296 (3), 330, and 341 the words “Minister of Marine” wherever they occur, and substituting in each case the word “Minister”.</p> <p>By omitting from section 39 (1) (b) (as substituted by section 4 of the Shipping and Seamen Amendment Act 1971), section 40A (5) (as substituted by section 5 of the Shipping and Seamen Amendment Act 1971), section 151F (1) (as inserted by section 9 of the Shipping and Seamen</p>

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FIRST SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1952, No. 49—The Shipping and Seamen Act 1952— <i>continued</i>	<p>Amendment Act 1971), and section 246B (2) (b) (as inserted by section 50 (1) of the Shipping and Seamen Amendment Act 1959) the words “Secretary for Marine”, and substituting in each case the word “Secretary”.</p> <p>By repealing section 502 (2), and substituting the following subsection: “(2) The Minister shall cause every form approved by him to be marked with some distinguishing mark.”</p> <p>By omitting from section 503 (1) (a) the words “seal of the Department or other”.</p> <p>By omitting from form A (as substituted by clause 2 of the Shipping (Certificates of Registry) Order 1969), form B, and form C in the Fifth Schedule the words “[<i>Seal of the Marine Department</i>]” wherever they occur.</p>
1960, No. 15 (Local)—The Auckland Metropolitan Drainage Act 1960	<p>By omitting from section 50 (3), subsections (3), (4), and (5) of section 72, and section 73 the words “Minister of Marine” wherever they occur, and substituting in each case the words “Minister of Works”.</p> <p>By inserting in section 72 (2), after the words “has notified or”, the words “the Minister of Works”.</p>
1962, No. 10—The Parliamentary Commissioner (Ombudsman) Act 1962	<p>By omitting from Part I of the Schedule the words “The Marine Department”.</p>
1962, No. 132—The State Services Act 1962 (Reprinted 1971, Vol. 4, p. 2533)	<p>By omitting from the Second Schedule the words “Marine Department”.</p> <p>By omitting so much of the Third Schedule as relates to the Marine Department.</p> <p>By inserting in the second column of the part of the Third Schedule that relates to the Ministry of Transport (as amended by section 16 of the principal Act) after the words “Director, Road Transport Division”, the words “Director, Marine Division.”</p>

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FIRST SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1963, No. 15 (Local)— The North Shore Drainage Act 1963	<p>By omitting from section 27 (5) the words “the Minister of Marine”.</p> <p>By omitting from section 31 (1) (g) and subsections (4), (5), and (6) of section 42 the words “Minister of Marine” wherever they occur, and substituting in each case the words “Minister of Works”.</p> <p>By inserting in section 42 (2), after the words “district of the Board”, the words “the Minister of Works”.</p>
1964, No. 28—The Continental Shelf Act 1964	<p>By omitting from section 4 (1) (c) the words “Minister of Marine”, and substituting the words “Minister of Transport”.</p>
1965, No. 65—The Oil in Navigable Waters Act 1965	<p>By repealing the definition of the term “Minister” in section 2 (1), and substituting the following definition: “Minister’ means the Minister of Transport.”</p>
1968, No. 140—The New Zealand Ports Authority Act 1968	<p>By repealing the definition of the term “Minister” in section 2, and substituting the following definition: “Minister’ means the Minister of Transport.”</p>
1971, No. 17—The Hovercraft Act 1971	<p>By omitting from section 18 the words “Marine Department” wherever they occur, and substituting in each case the words “Ministry of Transport”.</p> <p>By repealing the definition of the term “Minister” in section 2, and substituting the following definition: “Minister’ means the Minister of Transport.”</p> <p>By repealing the definition of the term “Secretary for Marine” in section 2, and substituting the following definition: “Secretary’ means the Secretary for Transport appointed under the Ministry of Transport Act 1968; and includes his deputy.”</p> <p>By omitting from section 4 (1) (t) the words “Secretary for Marine”, and substituting the word “Secretary”.</p> <p>By omitting from section 7 (3) the words “Marine Department”, and substituting the words “Ministry of Transport”.</p>

Section 8

SECOND SCHEDULE

ENACTMENTS REPEALED

- 1950, No. 34—The Harbours Act 1950: Section 265A. (Reprinted, 1966, Vol. 3, p. 2536.)
- 1952, No. 52—The Shipping and Seamen Act 1952: Sections 7, 8, 9, and 9A. (Reprinted, 1965, Vol. 3, pp. 1660–1662.)
- 1956, No. 59—The Harbours Amendment Act 1956: Section 7. (Reprinted, 1966, Vol. 3, p. 2551.)
- 1956, No. 97—The Shipping and Seamen Amendment Act 1956. (Reprinted, 1965, Vol. 3, p. 2118.)
- 1959, No. 102—The Shipping and Seamen Amendment Act 1959: Sections 4 and 70. (Reprinted, 1965, Vol. 3, p. 2120.)
- 1964, No. 68—The Civil Aviation Act 1964: Subsection (2) of section 26.
- 1968, No. 140—The New Zealand Ports Authority Act 1968: Section 24.
- 1970, No. 4—The Shipping and Seamen Amendment Act 1970.
- 1971, No. 17—The Hovercraft Act 1971: Section 8.
- 1971, No. 58—The Harbours Amendment Act 1971: Section 9.