

## **TRANSPORT AMENDMENT (NO. 2) BILL**

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### **EXPLANATORY NOTE**

THIS Bill adds a new subsection to section 120A of the Transport Act 1962 in order to clarify the provisions determining the appropriate licensing authority for a harbour-ferry service operated in the vicinity of a regional district. The new subsection provides that a harbour-ferry service that is operated between termini all of which are within, or in the close vicinity of, the boundaries of a regional district shall be deemed to be operated within that district.

The Bill also contains consequential provisions relating to validations and the review of certain Licensing Appeal Authority decisions.

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*Hon. Mr McLachlan*

## TRANSPORT AMENDMENT (NO. 2)

### ANALYSIS

Title	2. Licensing authorities for harbour-
1. Short Title	ferry services in regional districts

### A BILL INTITULED

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

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

**1. Short Title**—This Act may be cited as the Transport Amendment Act (No. 2) 1978, and shall be read together with and deemed part of the Transport Act 1962\* (hereinafter referred to as the principal Act).

10 **2. Licensing authorities for harbour-ferry services in regional districts**—(1) Section 120A of the principal Act (as inserted by section 16 of the Transport Amendment Act 1971 and amended by section 25 of the Transport Amendment Act 1974) is hereby further amended by adding the  
15 following subsection:

“(11) For the purposes of this Part of this Act, a harbour ferry-service licence that is operated, or intended to be operated, between termini all of which are within or in the

\*Reprinted 1974, Vol. 3, p. 2489

Amendments: 1975, Nos. 4, 106; 1976, Nos. 126, 152; 1977, Nos. 3, 27; 1978, No. 3

close vicinity of the boundaries of a regional district shall be deemed to be operated, or be intended to be operated, within that district."

(2) Every decision of a Regional Transport Licensing Authority relating to a harbour ferry-service licence and made before the commencement of this Act shall be as valid and effectual as if subsection (1) of this section had come into force on the 29th day of October 1974. 5

(3) Nothing in this section shall adversely affect the validity of any decision made after the 29th day of October 1974 and before the commencement of this Act by a Licensing Authority; and every such decision made in respect of a harbour ferry-service licence, being a decision that would have been within the jurisdiction of a Regional Transport Licensing Authority if subsection (1) of this section had been in force, shall be as valid and effectual as it would have been if that subsection had been in force and the decision had been made by a Regional Transport Licensing Authority. 10 15

(4) Notwithstanding any other provision of any Act or rule of law, where before the commencement of this Act a Transport Licensing Appeal Authority or Deputy Transport Licensing Appeal Authority has, on the ground of lack of jurisdiction, allowed an appeal against a decision of a Regional Transport Licensing Authority in respect of a harbour ferry-service licence, that Licensing Appeal Authority shall review its decision to allow that appeal and shall decide the appeal again as if its earlier decision had not been made and as if subsection (1) of this section had come into force on the 29th day of October 1974. 20 25