

**Reprint
as at 13 June 2013**



**Public Transport Management Act
2008**

Public Act 2008 No 87
Date of assent 25 September 2008
Commencement see section 2

Public Transport Management Act 2008: repealed, on 13 June 2013, by section 71(1) of the Land Transport Management Amendment Act 2013 (2013 No 35).

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Transport.

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1 Title

This Act is the Public Transport Management Act 2008.

2 Commencement

This Act comes into force on 1 January 2009.

Part 1
Preliminary provisions

3 Purpose

- (1) The purpose of this Act is to contribute to the aim of achieving an affordable, integrated, safe, responsive, and sustainable land transport system.
- (2) To contribute to this purpose, this Act—
 - (a) confers powers on regional councils to set standards for commercial public transport services provided in their regions; and
 - (b) provides for and regulates the registration of commercial public transport services; and
 - (c) confers powers on regional councils to require all or any public transport services in their regions to be provided under contract with them, and consequently to discontinue any commercial public transport services provided in their regions that are subject to such a requirement; and
 - (d) helps regional councils and the Agency obtain the best value for money in achieving an affordable, integrated, safe, responsive, and sustainable public transport system, having regard to the desirability of encouraging fair competition and a competitive and efficient market for public transport services.

4 Interpretation

For the purposes of this Act, unless the context otherwise requires,—

accessibility standards, in relation to a public transport service, means standards concerning the ease with which passengers, or a class of passengers, can access 1 or more aspects of

the public transport service, and may include standards concerning the ease with which—

- (a) information about the service can be accessed:
- (b) the service can be identified:
- (c) the service can be boarded:
- (d) a passenger can access the facilities provided to pay the fare:
- (e) a passenger can get to a seat:
- (f) a passenger can use a seat:
- (g) a passenger can identify the desired place to alight from the service:
- (h) a passenger can alight from the service

Agency has the same meaning as in section 5 of the Land Transport Management Act 2003

approved public organisation has the same meaning as in section 5 of the Land Transport Management Act 2003

Auckland has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Auckland Council has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Auckland Transport has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

commercial public transport service—

- (a) means a public transport service for the supply of which the regional council has not contracted to pay; and
- (b) includes, to the extent that the regional council has not contracted to pay for the supply of only a part of the service, only that part

Commissioner has the same meaning as in section 5 of the Land Transport Management Act 2003

contracted public transport service—

- (a) means a public transport service—
 - (i) that is described in the regional public transport plan of a regional council; and
 - (ii) for the supply of which a regional council has contracted to pay; and

- (b) includes, to the extent that a regional council has contracted to pay for the supply of only a part of the service, only that part; but
- (c) does not include anything done under an agreement between a regional council and an operator for the purpose of reducing passenger fares or installing equipment (including information technology systems and computer software)

contracting requirement means a provision of a regional public transport plan made under section 16; and includes an amended contracting requirement

control means a provision of a regional public transport plan that imposes a requirement on commercial public transport services that is authorised under section 13; and includes an amended control

dial-a-driver service has the meaning given to it by Part 2 of the Land Transport Rule: Operator Licensing 2007

district has the same meaning as in section 5 of the Land Transport Management Act 2003

enforcement officer has the same meaning as in section 2(1) of the Land Transport Act 1998

event includes a conference, meeting, convention, exhibition, and a sporting, cultural, religious, or entertainment event

existing commercial service,—

- (a) in relation to a control or a contracting requirement, means a registered commercial public transport service to which the control or contracting requirement applies and that was operating on or before the day on which the regional council resolved under section 9 to adopt the plan containing the control or contracting requirement or to vary the plan to include the control or contracting requirement:
- (b) in relation to an amended control or contracting requirement, means a registered commercial public transport service to which the amended control or contracting requirement applies and that was operating on or before the day on which the regional council resolved under

section 9 to vary the plan to include the amended control or contracting requirement

GPS has the same meaning as in section 5 of the Land Transport Management Act 2003

integrated fare means a fare for a journey or journeys on public transport services that—

- (a) may apply regardless of—
 - (i) the mode or modes of transport used on the journey;
 - (ii) the number of—
 - (A) public transport services used on the journey;
 - (B) operators providing the public transport services; and
- (b) if there is more than 1 operator, is—
 - (i) collected by 1 operator on behalf of all operators providing the relevant public transport services; and
 - (ii) shared among all operators providing the relevant public transport services

integrated service means a registered service that is scheduled to connect with 1 or more registered services, whether or not the registered services are provided by the same operator

integrated technology means any integrated communication and transaction system that supports an integrated service, including (but not limited to)—

- (a) an interoperable electronic system that enables the standard processing of transactions between passengers, the operator, and the regional council by means of a central processing centre;
- (b) technology that enables communication between a vehicle or other mode of transport used in a public transport service and a traffic control, journey planning system, or other kind of information system

integrated ticket means, in relation to any public transport journey (whether or not by means of an integrated service or provided by 1 or more operators), a ticket (whether in paper, electronic, or other form) that allows a person to travel on—

- (a) more than 1 service:

(b) a service more than once

large passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

local authority has the same meaning as in section 5(1) of the Local Government Act 2002

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

Ministry means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

national land transport strategy has the same meaning as in section 5 of the Land Transport Management Act 2003

New Zealand Railways Corporation means the corporation constituted under section 4 of the New Zealand Railways Corporation Act 1981

notify means to notify in writing; and **notification** has a corresponding meaning

operator, in relation to a public transport service or proposed public transport service, means the person who carries on (or, in the case of a proposed service, will carry on) the public transport service

passenger service has the same meaning as in section 2(1) of the Land Transport Act 1998

passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

performance standards means standards specifying levels of performance required of public transport services, including (but not limited to) standards setting—

- (a) levels of reliability of public transport services required over specified periods, including levels of reliability in—
 - (i) departing from and arriving at the commencement and termination points on routes registered for public transport services; and
 - (ii) collecting passengers on routes registered for public transport services; and
- (b) levels of compliance over specified periods with—

- (i) routes registered for public transport services; and
- (ii) timetables registered for public transport services (including levels of punctuality required)

private hire service has the meaning given to it by Part 2 of the Land Transport Rule: Operator Licensing 2007

private hire vehicle has the meaning given to it by Part 2 of the Land Transport Rule: Operator Licensing 2007

public transport service—

- (a) means, subject to paragraph (b), the carriage of passengers for hire or reward by means of—
 - (i) a large passenger service vehicle; or
 - (ii) a small passenger service vehicle; or
 - (iii) a ferry; or
 - (iv) a hovercraft; or
 - (v) a rail vehicle; or
 - (vi) any other mode of transport (other than air transport) that runs to a schedule and is available to the public generally; and
- (b) does not include—
 - (i) a taxi service:
 - (ii) a dial-a-driver service:
 - (iii) a shuttle service:
 - (iv) an ambulance service:
 - (v) a private hire service:
 - (vi) a service—
 - (A) that is contracted or funded by the Ministry of Education for the purpose of transporting school children to and from school:
 - (B) carrying passengers that is operated to transport all those passengers to a pre-determined event:
 - (C) that is operated primarily for the purpose of providing a tourism experience, rather than for transporting people from place to place:
 - (D) carrying passengers that is not available to the public generally:

- (vii) any service excluded by the Governor-General by Order in Council from the definition of public transport service for the purposes of this Act

quality standards means standards applying to vehicles and other modes of transport (including their design, performance, emissions, equipment, systems, components, devices, and fittings) and drivers and other operational staff, to ensure the quality of public transport services, including (but not limited to)—

- (a) accessibility standards:
- (b) standards applying to the design and performance of vehicles and other modes of transport:
- (c) standards applying to the age of vehicles or other modes of transport:
- (d) standards of cleanliness required of vehicles or other modes of transport:
- (e) standards applying to the comfort of passengers on vehicles and other modes of transport:
- (f) standards applying to facilities provided for passengers with disabilities on or in vehicles and other modes of transport:
- (g) standards applying to compartments or seating areas used by drivers and other operational staff on vehicles and other modes of transport:
- (h) standards concerning the emissions of vehicles or other modes of transport:
- (i) standards applying to customer service training for drivers and other operational staff:
- (j) standards of conduct for drivers and other operational staff

rail vehicle has the same meaning as in section 4(1) of the Railways Act 2005

regional council has the same meaning as in section 5(1) of the Local Government Act 2002 and, in relation to this Act,—

- (a) includes—
 - (i) Auckland Transport, in relation to Auckland; and
 - (ii) any territorial authority to which the regional council has transferred the functions, powers,

and duties of a regional council under this Act;
and

(iii) a unitary authority; but

(b) does not include the Auckland Council

regional transport committee has the same meaning as in section 5 of the Land Transport Management Act 2003

regional land transport strategy has the same meaning as in section 5 of the Land Transport Management Act 2003

regional public transport plan or **plan** means a regional public transport plan adopted under section 9, and includes any variations to the plan made under section 9

registered commercial public transport service—

(a) means a commercial public transport service that is registered under section 35; but

(b) excludes—

(i) a commercial public transport service that is varied after it has been registered under section 35, if the details of the variation are not recorded in the register under section 39:

(ii) a commercial public transport service that is deregistered under section 42(1) or 46(5)

registered service—

(a) means—

(i) a registered commercial public transport service; and

(ii) in respect of a public transport service that is described in a regional public transport plan, any part of the service that is a registered commercial public transport service; and

(b) includes a contracted public transport service

Secretary means the chief executive of the Ministry

service includes an operation carried out on 1 occasion only

shuttle has the meaning given to it by Part 2 of the Land Transport Rule: Operator Licensing 2007

shuttle service has the same meaning as in Part 2 of the Land Transport Rule: Operator Licensing 2007

small passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

taxi has the same meaning as in section 2(1) of the Land Transport Act 1998

taxi service has the same meaning as in section 2(1) of the Land Transport Act 1998

territorial authority has the same meaning as in section 5(1) of the Local Government Act 2002

traffic management, in relation to a public transport service, includes—

- (a) the capacity of traffic infrastructure to accommodate the vehicles or other modes of transport operated in the service; and
- (b) the compatibility of the traffic infrastructure intended to support the service with vehicles or other modes of transport operated in the service

transport disadvantaged means people whom the regional council has reasonable grounds to believe are the least able to get to basic community activities and services (for example, work, education, health care, welfare, and food shopping)

trip means the operation of a service on a single occasion

unitary authority has the same meaning as in section 5(1) of the Local Government Act 2002

working day has the same meaning as in section 5(1) of the Local Government Act 2002.

Section 4 **ARTA**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **Auckland**: inserted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **Auckland Council**: inserted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **Auckland region**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **Auckland Regional Council**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **Auckland Transport**: inserted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **regional council** paragraph (a)(i): substituted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **regional council** paragraph (b): substituted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

5 Act binds the Crown

This Act binds the Crown.

Part 2 Regulation of public transport

6 Application of certain provisions of Local Government Act 2002 to Auckland Transport

For the purposes of this Act, sections 76 to 83A, 87, and 89 of the Local Government Act 2002 apply, with any necessary modifications, to Auckland Transport as if it were a local authority.

Section 6 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 6: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Subpart 1—Regional public transport plan

7 Purpose of regional public transport plans

The purpose of a regional public transport plan is to—

- (a) specify how the regional council intends to give effect to the public transport service components of the regional land transport strategy that applies to the region; and
- (b) contribute to the purpose specified in section 3 in an efficient and effective manner.

8 Validity of regional public transport plans not affected by certain events

The validity of a regional public transport plan is not affected by—

- (a) the approval or variation of a regional land transport strategy; or

- (b) a failure by a regional council (or in the case of Auckland, the Auckland Council) to approve a regional land transport strategy within the time required by section 74 of the Land Transport Management Act 2003; or
- (c) the failure of a regional council to complete the review of the regional public transport plan within the time required by section 21(1)(b); or
- (d) the inclusion of any matter that—
 - (i) is not referred to in a regional land transport strategy; and
 - (ii) is not inconsistent with a provision in that strategy.

Section 8(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

General requirements

9 Adoption of regional public transport plans

- (1) Subject to section 66(1) and (2), a regional council must, by resolution, adopt a regional public transport plan unless it does not intend to—
 - (a) enter into any contract for the supply of any public transport service;
 - (b) impose any controls on commercial public transport services;
 - (c) impose any contracting requirement;
 - (d) provide any financial assistance to any operator or user of—
 - (i) a taxi service;
 - (ii) a shuttle service.
- (2) A regional council may, by resolution at any time, vary or renew a regional public transport plan previously adopted by it.
- (3) No person is entitled to require a regional council to implement a regional public transport plan, except that an existing commercial service operator may require a regional council to implement any transitional arrangements included in a plan under this Act or determined pursuant to any section of this Act.

- (4) The production in proceedings of a copy of a regional public transport plan purporting to have been adopted, varied, or renewed by a regional council under this section is, in the absence of evidence to the contrary, sufficient evidence of the plan and of the fact that it has been adopted, varied, or renewed in accordance with this section.
- (5) A regional council (or a territorial authority to which the responsibility is transferred under the Local Government Act 2002) may not delegate the responsibility for adopting, varying, or renewing a regional public transport plan to a committee or other subordinate decision-making body, or a member or an officer of the council (or territorial authority, as the case may be), or any other person.
- (6) If a territorial authority has joined a regional transport committee under section 105(11) of the Land Transport Management Act 2003, the plan applying in the region of the regional transport committee applies to the entire area of the territorial authority.

Section 9(6): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

10 Contents of regional public transport plans

- (1) A regional council, in a regional public transport plan,—
 - (a) must describe—
 - (i) the public transport services that the regional council proposes to be provided in its region, and may include (but is not limited to) a statement or description of routes, capacity, times, and frequency of services; and
 - (ii) any taxi services or shuttle services for which it intends to provide financial assistance; and
 - (iii) how the public transport services and any services referred to in subparagraph (ii) will assist the transport disadvantaged; and
 - (iv) how the plan gives effect to the public transport service components of the regional land transport strategy that applies to the regional council's region; and

- (b) must specify any policies that are to apply to public transport services, and to any services referred to in subsection (1)(a)(ii), in the regional council's region; and
 - (c) must specify the classes of service to which the policies apply; and
 - (d) must describe how it will implement the policies; and
 - (e) may specify any controls under section 13 and, if it does so, must state the matters required by subsection (3); and
 - (f) may specify any contracting requirements under section 16 and, if it does so, must state the matters required by subsection (3); and
 - (g) may require a minimum period of notice (which may be not less than 35 working days and no more than 65 working days) for—
 - (i) commencing a commercial public transport service;
 - (ii) varying a commercial public transport service; and
 - (h) may require a minimum period of notice (which may not be more than 65 working days) for withdrawing a commercial public transport service; and
 - (i) must set out the policy the regional council will apply in determining whether a proposed variation to the regional public transport plan is significant for the purpose of section 21(6); and
 - (j) may state or describe any other matters that the regional council thinks fit.
- (2) Without limiting subsection (1)(b), a regional council may include in a regional public transport plan—
- (a) policies on—
 - (i) the information that public transport operators must supply to the regional council for public transport planning, contracting, and monitoring purposes;
 - (ii) quality standards and performance standards;
 - (iii) providing or promoting an integrated public transport system, which may include (without limitation) policies on integrated services, inte-

- grated ticketing, integrated fares, and integrated technology:
- (iv) services that are to be operated as a group of all contracted public transport services or all commercial public transport services whether or not they are on the same route:
 - (v) fares for contracted public transport services in the region or the method or formula or other bases for setting those fares, for example, time, zone or stage, mode of travel, number of journeys, and the availability of concessions:
 - (vi) the application of common emblems, signs, or designs to the vehicles, or other modes of transport used in public transport services in the region:
 - (vii) fostering co-operation between the regional council and public transport operators to make timetables and journey-planning information available to the public in a specified format, for example, in electronic or printed form or on their respective Internet sites:
 - (viii) the minimum period of operation of public transport services in the region:
- (b) special policies and provisions for any users of any specified class or description of—
 - (i) public transport services; or
 - (ii) taxi service or shuttle service for which the regional council intends to provide financial assistance:
 - (c) policies on the standards and procedures for monitoring compliance with controls:
 - (d) any other policies that the regional council thinks fit.
- (3) If any controls or contracting requirements are specified in a plan, the plan must include a summary of—
- (a) the regional council's reasons for including the controls or contracting requirements in the plan, including a statement explaining why the regional council is satisfied that the controls or contracting requirements are consistent with the purpose of the plan; and

- (b) the alternatives to those controls or contracting requirements (including alternative controls) that were considered by the regional council; and
 - (c) the likely effectiveness of those alternatives in implementing the policies in the plan.
- (4) A regional public transport plan may provide that an action described in the plan must or may be done by a regional council or a committee or other subordinate decision-making body or a member or officer of the regional council, and may specify conditions applying to the doing of the action.
- (5) Subsection (4) does not limit or affect anything in the Local Government Act 2002.

11 Notification and provision of copies of plans

- (1) If a regional council adopts or varies a regional public transport plan, the regional council must—
- (a) ensure that notice is given, as soon as practicable, in the relevant regional newspaper of the adoption or variation of the plan and its availability for inspection and purchase; and
 - (b) give, as soon as practicable, to the operator of every registered commercial public transport service in the region and to every person who has notified the regional council of a proposal to operate a commercial public transport service in the region—
 - (i) written notice of the adoption, and a copy, of the plan (or variation); and
 - (ii) if the plan states under section 13 or 16 a process for determining the transitional arrangements that the regional council will adopt, written notice of the adoption, and a copy, of those arrangements once they have been adopted; and
 - (c) within 20 working days of adopting or varying a regional public transport plan or adopting transitional arrangements pursuant to a process stated in the plan under this Act,—
 - (i) forward a copy of the regional public transport plan, variation, or transitional arrangements to each of the following:

- (A) the Agency:
 - (B) the Secretary:
 - (C) the Minister of Education:
 - (D) territorial authorities in the region:
 - (E) the relevant regional transport committee:
 - (F) in the case of a plan, a variation, or transitional arrangements adopted by Auckland Transport, the Auckland Council; and
- (ii) ensure that—
- (A) copies of the plan, variation, or transitional arrangements are kept at the regional council's principal office and such other places that the regional council appoints and made available for public inspection, free of charge, and for purchase at a reasonable price; and
 - (B) a copy of the plan, variation, or transitional arrangements is made available on the regional council's Internet site.
- (2) A regional council (except Auckland Transport) may publish any of a regional public transport plan, a regional land transport programme and a regional land transport strategy as a single document.
- (3) Auckland Transport may publish a regional public transport plan and a regional land transport programme as a single document.

Section 11(1)(c)(i)(F): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 11(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 11(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

12 When regional public transport plans take effect

- (1) A regional public transport plan (and a variation to a regional public transport plan) takes effect on the day that is 25 working days after the date on which the regional council resolves to adopt a resolution that approves the plan (or variation).

- (2) Despite subsection (1), a control or contracting requirement specified in a regional public transport plan takes effect on the latest of the following dates, except to the extent that an operator agrees otherwise in writing in respect of a particular service and this agreement is specified in the plan:
 - (a) the date on which the plan (or variation including or amending the control or contracting requirement) takes effect;
 - (b) any date specified in or pursuant to the plan as the date on which the control or contracting requirement takes effect;
 - (c) to the extent that a control of a kind referred to in section 13(3)(b) to (n) or a contracting requirement applies to an existing commercial service, the day that is 12 months after the day on which section 11(1)(b) is complied with in respect of that service;
 - (d) if the control is appealed under section 49 or the contracting requirement is appealed under section 50, 20 working days after the day on which the appeal is finally decided or such later date as the court may order.
- (3) A control or contracting requirement that has come into effect continues in effect until it is amended or revoked by a variation to or revocation of the plan in which it is specified.

13 Controls on commercial public transport services

- (1) A regional council may specify a control in a regional public transport plan, if—
 - (a) the regional council—
 - (i) has used reasonable endeavours to ascertain whether the inclusion of the control in the plan is likely to have a material adverse effect on any existing commercial services in the region; and
 - (ii) has properly considered the impact of the control on existing commercial services in the region and the operators of those services; and
 - (b) the regional council is satisfied that—
 - (i) the control is consistent with the purpose of the plan after taking into account the matters referred to in section 19; and

- (ii) the control contributes to the implementation of the policies in the plan; and
 - (iii) the policy that the control is intended to help implement cannot be more effectively implemented in any other way.
- (2) If a regional council specifies a control in a regional public transport plan, it may also specify in the plan—
 - (a) any transitional arrangements (which may be any 1 or more of delaying the commencement date of the control, providing financial or other assistance to operators, or anything else that assists operators to comply with the control) that the regional council, in its discretion, has or will put in place to alleviate any material adverse effects that the council considers the control is likely to have on existing commercial services; or
 - (b) the process that the regional council will adopt for determining any such transitional arrangements.
- (3) A control may—
 - (a) require a minimum period not exceeding 12 months for the operation of any commercial public transport service (which must include any period of notice required for varying or withdrawing the service) immediately following the commencement of—
 - (i) the registered commercial public transport service;
 - (ii) a variation to the registered commercial public transport service;
 - (b) require a person who operates, or wishes to operate, a service that the plan has specified is to be operated as part of a group, to operate all the services in the group as commercial public transport services, whether or not on the same route,—
 - (i) if the regional council is satisfied that the operating costs of the services in the group will be less if they are operated by 1 operator than if they are operated by more than 1 operator; and
 - (ii) regardless of how the services in the group are operated on the date the control is specified in the plan:

- (c) require a commercial public transport service on a specified route to operate according to the frequency, capacity, and times specified in the regional public transport plan for the operation of a public transport service on that route:
- (d) require any commercial public transport service to comply with specified quality standards and performance standards:
- (e) require any commercial public transport service to be an integrated service:
- (f) require common emblems, signs, or designs (but not common colour schemes) for vehicles or other modes of transport used in integrated services in the region:
- (g) require the operator of any commercial public transport service to use integrated technology specified in the regional public transport plan:
- (h) require the operator of any commercial public transport service to issue, use, and accept an integrated ticket specified in the regional public transport plan:
- (i) set and apportion integrated fares on a reasonable basis without undue discrimination and in accordance with 1 or more of the following factors:
 - (i) time:
 - (ii) zone:
 - (iii) mode of travel:
 - (iv) any concessionary fares policy:
 - (v) the number of journeys to be travelled:
- (j) require the operator of any commercial public transport service to collect on behalf of other operators an integrated fare that is set in accordance with a control made under paragraph (i):
- (k) specify the point at which an integrated fare becomes payable:
- (l) require the operator of any commercial public transport service to accept a portion of an integrated fare that is set in accordance with a control made under paragraph (i), as full payment for travel on the service:
- (m) provide that the operator of any commercial public transport service may not collect an additional fare

- from a passenger who transfers from another service on which the passenger has already paid an integrated fare, if the integrated fare includes payment for the passenger's travel on the operator's service:
- (n) require anything that is permitted by regulations made under this Act.
- (4) If a regional council has contracted a public transport service of a similar class to a commercial public transport service, a control may impose no greater requirements or higher standards on the commercial public transport service than the requirements or standards applying under the contract to the contracted public transport service.
 - (5) For the purposes of subsection (4), the contract that imposes the lesser requirement is the relevant contract for the purposes of comparison with a control if—
 - (a) there is more than 1 contracted public transport service of a similar class to the commercial public transport service; and
 - (b) the contracted public transport services are provided under separate contracts; and
 - (c) the contracts impose different requirements on the contracted public transport services.
 - (6) Subclause (4) does not apply to a control of the type described in subclause (3)(b).
 - (7) If a regional council has reasonable grounds to believe that the inclusion of a control in a regional public transport plan may result in the withdrawal of an existing commercial service that is described in the plan, the regional council may only include the control in the plan if—
 - (a) there is a similar public transport service available to users of the existing commercial service; or
 - (b) the plan states that the regional council intends that, if the existing commercial service is withdrawn, it will replace it with a similar public transport service.
 - (8) A control may not be made for the purpose of eliminating any existing commercial service.

- (9) Different types of controls in a regional public transport plan may be applied to different classes or descriptions of public transport services.
- (10) A regional council may not adopt a control that—
 - (a) applies to a commercial public transport service that—
 - (i) operates outside the region to which the regional public transport plan applies; or
 - (ii) is specified by regulations made under this Act as an exempt commercial public transport service for the purposes of this section; or
 - (b) would require an operator to breach a rule made under the Land Transport Act 1998 or the Maritime Transport Act 1994.
- (11) A control may, subject to subsection (10), apply to any commercial public transport service, whether or not the service is described in the regional public transport plan as a public transport service that the regional council proposes to be provided in its region.
- (12) A control is not a regulation for the purposes of the Regulations (Disallowance) Act 1989.
- (13) For the purposes of this section, **operating costs** means the cost to an operator of operating a public transport service before any revenue is taken into account.

14 Power to require information from operators of commercial public transport services

- (1) A regional council may, to assist the council with public transport planning, contracting, and monitoring, require an operator of any commercial public transport service in the regional council's region to provide the regional council with—
 - (a) information held by the operator concerning—
 - (i) the number of passengers carried on the service;
 - (ii) the types of tickets used on the service;
 - (iii) the fare revenue earned by the operator;
 - (iv) the distance travelled by the vehicles or other modes of transport used by the operator on the service;
 - (v) the quality of the service, including vehicle age, cleanliness, emissions, and accessibility;

- (vi) the vehicles or other modes of transport used on the service;
 - (vii) the performance of the service, including information on any individual trip of the service that did not operate or that departed from the starting point on its route earlier or later than the time specified in the timetable for the service; and
 - (b) any other information held by the operator that is specified in regulations made under section 62 as information that the regional council may require the operator to provide.
- (2) A regional council may require the information required under subsection (1) to be provided to the regional council in any specified form in which, having regard to the manner in which the information is kept by the operator, it is reasonable to expect the operator to provide it.
- (3) If a regional council receives under subsection (1) information from the operator of a commercial public transport service and the information may, in the regional council's opinion, be withheld under section 7(2)(b) of the Local Government Official Information and Meetings Act 1987 or has been described as commercially sensitive by the operator, the regional council must not disclose the information without the operator's consent except—
- (a) to the regional council's professional advisers; or
 - (b) to those persons and organisations engaged by the regional council to carry out public transport planning, contracting, or monitoring; or
 - (c) to the Agency, in accordance with section 22; or
 - (d) in the case of Auckland, to the Auckland Council, in accordance with section 22; or
 - (e) subject to subsection (4), in response to a request made under the Local Government Official Information and Meetings Act 1987; or
 - (f) where the information was provided to the regional council 5 years or more before the date of the disclosure; or
 - (g) where—

- (i) the operator of the commercial public transport service (the **former operator**) no longer exists; and
 - (ii) the former operator's public transport business has not been disposed of as a going concern to any other person.
- (4) If a regional council receives a request under the Local Government Official Information and Meetings Act 1987 to release any information described in subsection (3),—
 - (a) the regional council must make all reasonable efforts to notify immediately the person who provided the information to the regional council that a request to release the information has been received; and
 - (b) the person must, within 10 working days after receiving the notice, advise the regional council whether that person believes that the information should be withheld under section 7(2)(b) of that Act and give reasons for that belief; and
 - (c) the regional council may release the information after the expiry of the period specified in paragraph (b) if, having complied with its obligations under this subsection and having regard to the person's response (if any), the regional council cannot identify any reason that would permit it to refuse the request under that Act.

Section 14(3)(d): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

15 Implementation of controls on commercial public transport services

- (1) A control specified in a regional public transport plan under section 13—
 - (a) takes effect on the date provided in section 12(2); and
 - (b) applies to every commercial public transport service that is subject to the control from the date the control takes effect or the date the service is registered, whichever is the later.
- (2) Despite any minimum period specified in a plan under section 10(1)(g)(ii), the relevant regional council may require or allow a variation to commence on the date that a control applies to

- an existing commercial service under section 12(2) if the variation is necessary to enable the service to meet the control.
- (3) If a control takes effect for an existing commercial service on the date referred to in section 12(2)(c), the operator of that service must, within 6 months after the date on which the regional council adopts or varies the plan,—
- (a) notify the regional council whether the operator intends to continue the service once the control takes effect for the service; and
 - (b) if complying with the control requires a variation to the service, advise the regional council whether the operator intends to notify a variation under section 36.
- (4) An operator of a public transport service must ensure that its commercial public transport service is operated in accordance with every applicable control.

16 Contracting requirements

- (1) A regional council may state in a regional public transport plan that all or any public transport services in the regional council's region that are described in the plan are required to be contracted public transport services; and, as a result, any of those services that are existing commercial services described in the plan are discontinued (in this Act called a **contracting requirement**).
- (2) A regional council may not adopt a regional public transport plan that imposes a contracting requirement unless it believes on reasonable grounds that—
- (a) the contracting requirement is consistent with the purpose of the plan, after taking into account the matters referred to in section 19; and
 - (b) the contracting requirement contributes to the implementation of the policies in the plan; and
 - (c) if a service that is to be discontinued is specified in the plan as being needed by the community, a satisfactory alternative public transport service (of any mode) would be available to users of the discontinued service; and
 - (d) appropriate transitional arrangements (which may be any 1 or more of delaying the commencement date of the contracting requirement, providing financial or

other assistance to operators, purchasing assets from operators, or anything else) have been or will be made by the council to alleviate as far as practicable any material adverse effects of the contracting requirement on operators of existing commercial services.

- (3) A regional council may not include a contracting requirement in a regional public transport plan that applies to a public transport service that operates outside the region to which the regional public transport plan applies.
- (4) If a regional council specifies 1 or more contracting requirements in a regional public transport plan, it must also specify in the plan—
 - (a) the transitional arrangements referred to in subsection (2)(d); or
 - (b) the process that the regional council will adopt for determining those transitional arrangements.
- (5) For the purposes of subsection (1), services may be described in any 1 or more of the following ways:
 - (a) by specifying in the plan the services to which the contracting requirement applies;
 - (b) by the plan stating that the contracting requirement applies to all services in the region (or a part of the region) other than those specified in the plan;
 - (c) in any other manner.

17 General exclusion of regional councils from liability to pay compensation

- (1) Nothing included in a regional public transport plan (whether a control or otherwise) makes a regional council liable to pay compensation to any person.
- (2) Nothing makes a regional council liable to pay compensation to any person for anything that is done by the regional council in—
 - (a) implementing any control; or
 - (b) deregistering a registered commercial public transport service; or
 - (c) removing details of a variation to a registered commercial public transport service from the register; or

- (d) declining to register a commercial public transport service; or
 - (e) declining to vary a registered commercial public transport service.
- (3) To avoid doubt, nothing in this section limits section 9(3).

18 Exclusion of regional councils from liability to pay compensation for contracting requirements

- (1) Nothing makes a regional council liable to pay compensation to any person for—
- (a) including a contracting requirement in a regional public transport plan; or
 - (b) anything that is done—
 - (i) by the regional council in implementing a contracting requirement; or
 - (ii) under section 33(2), 37(3), or 47.
- (2) To avoid doubt, nothing in this section limits section 9(3).

19 Matters to take into account when preparing or adopting regional public transport plans

A regional council must, when preparing a statement of proposal to adopt a regional public transport plan and before adopting a regional public transport plan,—

- (a) be satisfied that the plan contributes to each of the following:
 - (i) assisting economic development;
 - (ii) assisting safety and personal security;
 - (iii) improving access and mobility;
 - (iv) protecting and promoting public health;
 - (v) ensuring environmental sustainability; and
- (b) take into account—
 - (i) the relevant GPS; and
 - (ii) any current national land transport strategy and national energy efficiency and conservation strategy (within the meaning of the Energy Efficiency and Conservation Act 2000); and
 - (iii) any guidelines issued by the Agency under the Land Transport Management Act 2003 for the

- purposes of developing regional public transport plans; and
- (iv) any relevant regional policy statement, regional plan, district plan, or proposed regional plan or district plan under the Resource Management Act 1991; and
- (v) the public transport funding likely to be available within the region; and
- (vi) the need to obtain the best value for money, having regard to the desirability of encouraging fair competition and a competitive and efficient market for public transport services; and
- (vii) the views of public transport operators in the region; and
- (c) consider the needs of persons who are transport disadvantaged.

20 Consultation requirements for regional public transport plans

- (1) When preparing a statement of proposal under section 83 of the Local Government Act 2002 to adopt a regional public transport plan, a regional council must consult—
 - (a) the relevant regional transport committee (or, in the case of Auckland Transport, the Auckland Council); and
 - (b) the Agency; and
 - (c) every operator of a public transport service in the region; and
 - (d) every person who has notified the regional council of a proposal to operate a commercial public transport service in the region; and
 - (e) the Minister of Education; and
 - (f) the territorial authorities in the region; and
 - (g) the New Zealand Railways Corporation.
- (2) Before adopting a regional public transport plan, a regional council must carry out consultation using the special consultative procedure specified in sections 83, 87, and 89 of the Local Government Act 2002, which applies for the purposes of this section with the necessary modifications, and, in addition, for-

- ward a copy of the statement of proposal to adopt the plan to, and invite submissions from,—
- (a) the Secretary; and
 - (b) the Agency; and
 - (c) the Commissioner; and
 - (d) the Minister of Education; and
 - (e) the territorial authorities in the region; and
 - (f) the adjoining regional councils and territorial authorities; and
 - (g) every operator of a public transport service in the region; and
 - (h) every person who has notified the regional council of a proposal to operate a commercial public transport service in the region; and
 - (i) the district health boards in the region; and
 - (j) every affected approved public organisation in the region; and
 - (k) the Accident Compensation Corporation; and
 - (l) groups that the regional council has reasonable grounds to believe represent the transport disadvantaged; and
 - (m) the New Zealand Railways Corporation.
- (3) If a regional council receives from the operator of a commercial public transport service a written submission on a draft plan, or a draft variation to a plan, that contains information about the operator's service that may, in the regional council's opinion, be withheld under section 7(2)(b) of the Local Government Official Information and Meetings Act 1987 or has been described as commercially sensitive by the operator, the regional council must not disclose the information without the operator's consent except—
- (a) to the regional council's professional advisers; or
 - (b) to those persons and organisations engaged by the regional council to carry out public transport planning, contracting, or monitoring; or
 - (c) to the Agency, in accordance with section 22; or
 - (d) in the case of Auckland, to the Auckland Council, in accordance with section 22; or

- (e) subject to subsection (4), in response to a request made under the Local Government Official Information and Meetings Act 1987; or
 - (f) where the submission was provided to the regional council 5 years or more before the date of the disclosure; or
 - (g) where—
 - (i) the operator of the commercial public transport service (the **former operator**) no longer exists; and
 - (ii) the former operator's public transport business has not been disposed of as a going concern to any other person.
- (4) If a regional council receives a request under the Local Government Official Information and Meetings Act 1987 to release any information described in subsection (3),—
- (a) the regional council must make all reasonable efforts to notify immediately the person who provided the information to the regional council that a request to release the information has been received; and
 - (b) the person must, within 10 working days after receiving the notice, advise the regional council whether that person believes that the information should be withheld under section 7(2)(b) of that Act and give reasons for that belief; and
 - (c) the regional council may release the information after the expiry of the period specified in paragraph (b) if, having complied with its obligations under this subsection and having regard to the person's response (if any), the regional council cannot identify any reason that would permit it to refuse the request under that Act.
- (5) A regional council that is preparing a regional public transport plan may request any information from any territorial authority within its region that the regional council considers necessary to perform its functions under this Act in relation to that plan, and the territorial authority must promptly comply with that request.

- (6) For the purposes of this section, Part 7 of the Local Government Official Information and Meetings Act 1987 applies to Auckland Transport as if it were a local authority.
- (7) Except in Auckland, a regional council may carry out consultation on a proposal to adopt a regional public transport plan in conjunction with the relevant regional transport committee's consultation on its regional land transport programme or regional land transport strategy under the Land Transport Management Act 2003.
- (8) In Auckland, Auckland Transport may carry out consultation on a proposal to adopt a regional public transport plan in conjunction with—
- (a) Auckland Transport's consultation on its regional land transport programme under the Land Transport Management Act 2003;
 - (b) the Auckland Council's consultation on its long-term plan or its annual plan under the Local Government Act 2002.

Section 20(1)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(3)(d): substituted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(6): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(7): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(8): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(8)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(8)(b): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 20(8)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

21 Currency and variation of regional public transport plans

- (1) A regional public transport plan adopted under section 9—
- (a) must, at all times, be kept current for a period of not less than 3 years in advance, but not more than 10 years in advance; and

- (b) may be reviewed by the regional council from time to time, but must be reviewed and, if necessary, renewed or varied at the same time as, or as soon as practicable after, a GPS, relevant regional land transport strategy, regional land transport programme, or long-term plan is prepared and issued, approved, adopted, varied, or amended (as appropriate).
- (2) The purpose of a review of a regional public transport plan is to consider whether the plan will continue to give effect to the public transport service components of the relevant regional land transport strategy, properly takes into account the GPS and the public transport funding likely to be available, and meets the needs of the community.
- (3) If the regional council is—
 - (a) reasonably satisfied that the plan does the things specified in subsection (2), it must give public notice of that decision:
 - (b) not reasonably satisfied that the plan does the things specified in subsection (2), it must vary or renew the plan in accordance with this Act.
- (4) Subject to subsections (6) and (7), the provisions of this Act that apply to the adoption of a regional public transport plan (including sections 19 and 20) apply with the necessary modifications to a variation or renewal of a regional public transport plan.
- (5) A variation forms part of the regional public transport plan it varies.
- (6) Section 20(1) and (2) do not apply in respect of a proposed variation to a regional public transport plan if the variation is not significant, in which case,—
 - (a) consultation must be carried out in accordance with the consultation principles in section 82 of the Local Government Act 2002; and
 - (b) for the purposes of that section, the persons who will or may be affected by, or have an interest in, the proposed variation include public transport operators and those persons who have notified the regional council of a proposal to operate a commercial public transport service in the region.

- (7) Subsection (6) does not apply to a variation that would—
- (a) include or amend a control in a regional public transport plan; or
 - (b) include or amend a contracting requirement in a regional public transport plan; or
 - (c) alter the policy that the regional council applies in determining whether a proposed variation to a regional public transport plan is significant.
- (8) A regional council may, by resolution publicly notified, correct minor errors in a regional public transport plan but only if the correction does not affect an existing right, interest, or duty of any person or organisation that is affected by or has an interest in the regional public transport plan.

Section 21(1)(b): amended, on 27 November 2010, by section 50 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

22 Provision of information

- (1) The Agency may require a regional council to provide it with information related to the preparation of a regional public transport plan that is necessary to enable the Agency to perform its functions under the Land Transport Management Act 2003, including information provided to the regional council under section 14.
- (2) If the Agency requires the regional council to provide information under subsection (1), the regional council must provide the information as soon as is reasonably practicable.
- (3) The Auckland Council may require Auckland Transport to provide it with any information (including information provided to Auckland Transport under section 14) related to the preparation of Auckland Transport's regional public transport plan that is necessary to enable the Auckland Council to perform its functions of—
- (a) approving its regional land transport strategy; and
 - (b) providing funds to Auckland Transport for land transport purposes in the Auckland region under the Local Government (Auckland Council) Act 2009.
- (4) If the Auckland Council requires Auckland Transport to provide any information under subsection (3), Auckland Trans-

port must provide the information as soon as is reasonably practicable.

- (5) If the Agency receives under subsection (1) information from a regional council that was provided by an operator of a commercial public transport service under section 14 or 20 and the information may, in the Agency's opinion, be withheld under section 9(2)(b) of the Official Information Act 1982 or has been described by the operator as commercially sensitive, the Agency must not disclose that information without the operator's consent except—
- (a) to the Agency's professional advisers; or
 - (b) subject to subsection (6), in response to a request made under the Official Information Act 1982; or
 - (c) where the information received from the regional council was provided to the regional council 5 years or more before the date of the Agency's disclosure; or
 - (d) where—
 - (i) the operator of the commercial public transport service (the **former operator**) no longer exists; and
 - (ii) the former operator's public transport business has not been disposed of as a going concern to any other person.
- (6) If the Agency receives a request under the Official Information Act 1982 to release any information described in subsection (5),—
- (a) the Agency must make all reasonable efforts to notify immediately the person who provided the information to the regional council that a request to release the information has been received by the Agency; and
 - (b) the person must, within 10 working days after receiving the notice, advise the Agency whether that person believes that the information should be withheld under section 9(2)(b) of that Act and give reasons for that belief; and
 - (c) the Agency may release the information after the expiry of the period specified in paragraph (b) if, having complied with its obligations under this subsection and having regard to the person's response (if any), the Agency

cannot identify any reason that would permit it to refuse the request under that Act.

- (7) If the Auckland Council receives under subsection (3) information from Auckland Transport that was provided by an operator of a commercial public transport service under section 14 or 20 and the information may, in the Auckland Council's opinion, be withheld under section 7(2)(b) of the Local Government Official Information and Meetings Act 1987 or has been described by the operator as commercially sensitive, the Auckland Council must not disclose the information without the operator's consent except—
- (a) to the Auckland Council's professional advisers; or
 - (b) subject to subsection (8), in response to a request made under the Local Government Official Information and Meetings Act 1987; or
 - (c) where the information received from Auckland Transport was provided to Auckland Transport 5 years or more before the date of the Auckland Council's disclosure; or
 - (d) where—
 - (i) the operator of the commercial public transport service (the **former operator**) no longer exists; and
 - (ii) the former operator's public transport business has not been disposed of as a going concern to any other person.
- (8) If the Auckland Council receives a request under the Local Government Official Information and Meetings Act 1987 to release any information described in subsection (7),—
- (a) the Auckland Council must make all reasonable efforts to notify immediately the person who provided the information to Auckland Transport that a request to release the information has been received by the Council; and
 - (b) the person must, within 10 working days after receiving the notice, advise the Auckland Council whether that person believes that the information should be withheld under section 7(2)(b) of that Act and give reasons for that belief; and

- (c) the Auckland Council may release the information after the expiry of the period specified in paragraph (b) if, having complied with its obligations under this subsection and having regard to the person's response (if any), the Council cannot identify any reason that would permit it to refuse the request under that Act.

Section 22(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 22(3)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 22(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 22(7): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 22(7)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 22(7)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 22(8): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 22(8)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 22(8)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 22(8)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Incorporation by reference

23 Incorporation of documents by reference in regional public transport plans

- (1) The following written material may be incorporated by reference in a regional public transport plan:
 - (a) standards, requirements, or recommended practices of international or national organisations;
 - (b) standards, requirements, or recommended practices prescribed in any country or jurisdiction;
 - (c) any other written material that deals with technical matters and is too large or impractical to include in, or print as part of, the plan.
- (2) Material may be incorporated by reference in a plan—
 - (a) in whole or in part; and

- (b) with modifications or additions specified in the plan.
- (3) Material incorporated by reference in a plan has legal effect as part of the plan.

24 Effect of amendments to, or replacement of, material incorporated by reference in regional public transport plans

An amendment to, or replacement of, material incorporated by reference in a regional public transport plan has legal effect as part of the plan only if the plan is varied to state that the amendment or replacement has that effect.

25 Proof of material incorporated by reference

- (1) A copy of material incorporated by reference in a regional public transport plan, including any amendment to, or replacement of, the material, must be—
 - (a) certified by the chief executive or an authorised officer of the regional council as a correct copy of the material incorporated by reference; and
 - (b) retained by the regional council.
- (2) The production in proceedings of a certified copy of the material is, in the absence of evidence to the contrary, sufficient evidence that the material is incorporated by reference in the regional public transport plan.

26 Effect of expiry of material incorporated by reference

Material incorporated by reference in a regional public transport plan and that expires, is revoked, or ceases to have effect, ceases to have legal effect as part of the plan only if the plan is varied to state that the material ceases to have effect.

27 Consultation on proposal to incorporate material by reference

- (1) During consultation on a proposed regional public transport plan, the regional council—
 - (a) must make copies of any material proposed to be incorporated by reference in the plan (or the proposed amendment to, or replacement of, material incorporated

- by reference in the plan) available during working hours at the offices of the regional council for inspection by the public free of charge; and
- (b) may make copies of the material proposed to be incorporated by reference in the plan available in any way that the chief executive of the regional council considers appropriate in the circumstances (for example, on an Internet site maintained by or on behalf of the regional council).
- (2) The reference in subsection (1) to any material proposed to be incorporated by reference in a plan includes, if the material is not in an official New Zealand language, an accurate translation of that material in an official New Zealand language.
 - (3) If the provision in a regional public transport plan that incorporates material by reference is a control, and that material was not readily available during consultation to the public from other sources, a failure to comply with this section invalidates that control; but any other failure to comply with this section does not invalidate all or part of a plan.

28 Access to material incorporated by reference

- (1) The regional council—
 - (a) must make the material referred to in subsection (2) available for inspection during working hours at the offices of the regional council; and
 - (b) may make copies of the material available in any other way that the chief executive of the regional council considers appropriate in the circumstances (for example, on an Internet site maintained by or on behalf of the regional council); and
 - (c) must state in the regional public transport plan—
 - (i) that the material is incorporated in the regional public transport plan; and
 - (ii) that the material is available for inspection during working hours free of charge and the place at which it can be inspected; and
 - (iii) if copies of the material are available under paragraph (b), how and where the copies may be obtained or accessed.

- (2) The material referred to in subsection (1) is—
- (a) material incorporated by reference in the regional public transport plan;
 - (b) any amendment to, or replacement of, that material that is incorporated in the regional public transport plan or the material referred to in paragraph (a) with the amendments or replacement material incorporated;
 - (c) if the material referred to in paragraph (a) is not in an official New Zealand language, as well as the material itself, an accurate translation of that material in an official New Zealand language.

Subpart 2—Registration of public transport services

Register of public transport services

29 Register of public transport services

- (1) A regional council must keep a current register of—
- (a) all commercial public transport services registered by it under this subpart; and
 - (b) all public transport services contracted by it.
- (2) A regional council must record in the register—
- (a) the name of the operator of the public transport service; and
 - (b) if the operator is a company that is not a listed company, the name of each shareholder of the operator (or, if the operator is a subsidiary within the meaning of section 5 of the Companies Act 1993, the name of its ultimate holding company); and
 - (c) the contact details of the operator of the public transport service (including the operator's business address, telephone number, fax number (if any), and email address (if any)); and
 - (d) routes of the public transport service; and
 - (e) timetables of the public transport service; and
 - (f) fares of the public transport service; and
 - (g) the date the public transport service commenced; and
 - (h) the date the public transport service was registered; and

- (i) the intended duration of the public transport service (if applicable); and
 - (j) the expiry date of any contract between the regional council and the operator of a public transport service under which a contracted public transport service is supplied.
- (3) The register may be kept in the manner that the regional council thinks fit, including, either wholly or partly, by means of a device or facility that—
- (a) records or stores information electronically or by other means; and
 - (b) permits the information so recorded to be readily inspected or reproduced in usable form; and
 - (c) permits the information in the register to be accessed by electronic means, including (without limitation) by means of remote logon access.

Compare: 1989 No 74 s 52(1)

30 Contents of register to be made available to public

A regional council that keeps a register of public transport services under this subpart must ensure that—

- (a) the information on the register is reasonably readily available for public inspection, free of charge, and during normal office hours; and
- (b) a copy of the information that is on the register can be made available for purchase by the public at a reasonable price.

Compare: 1989 No 74 s 53

Registration of commercial public transport services

31 All commercial public transport services to be registered

- (1) No person may operate a commercial public transport service in a region unless, at the time it is operated, the service is registered with the regional council of that region.
- (2) Subsection (1) does not apply if the commercial public transport service does not pick up or drop off passengers in the region.

- (3) A commercial public transport service must be registered whether or not it provides a service that is described in a regional council's regional public transport plan as a public transport service that the regional council proposes to be provided.

32 Notification of proposal to operate commercial public transport services

- (1) A person who proposes to operate a commercial public transport service must, in accordance with the applicable period referred to in subsection (4), give written notice to every regional council in whose region the proposed service is to operate, of the details of that proposed service, which must include—
- (a) the name of the operator; and
 - (b) if the operator is a company that is not a listed company, the name of each shareholder of the operator (or, if the operator is a subsidiary within the meaning of section 5 of the Companies Act 1993, the name of its ultimate holding company); and
 - (c) the contact details of the operator (including the operator's business address, telephone number, fax number (if any), and email address (if any)); and
 - (d) the proposed route or routes; and
 - (e) the proposed timetables; and
 - (f) the proposed fares; and
 - (g) the date that the proposed service is intended to commence; and
 - (h) the intended duration of the proposed service; and
 - (i) any other matters that the regional council requires to be notified.
- (2) With the consent of the regional council concerned, any notice required by this section to be given by any person may—
- (a) be given by an organisation on behalf of the person; and
 - (b) relate to any number of commercial public transport services.
- (3) The regional council may, with the agreement of the operator, reduce or waive the period of notice required by subsection (1) if it is satisfied that the public would not be unreasonably dis-

advantaged by the earlier commencement of the commercial public transport service.

- (4) For the purposes of subsection (1), **applicable period** means—
- (a) the period of notice for commencing the commercial public transport service that is specified in the relevant regional public transport plan; or
 - (b) if the period of notice for commencing the commercial public transport service is not specified in the regional public transport plan, a period of notice that is not less than 35 working days before the commercial public transport service is to start.

Compare: 1989 No 74 s 48(1), (3)

33 Grounds for declining to register commercial public transport services

- (1) A regional council may decline to register a commercial public transport service—
- (a) that is likely to have a material adverse effect on the financial viability of any contracted public transport service; or
 - (b) that is likely to increase the net cost to the regional council of any contracted public transport service; or
 - (c) that is contrary to sound traffic management or any environmental factor identified by the regional council as important to its region; or
 - (d) if the regional council has reasonable grounds to believe that the commercial public transport service is unlikely to be operated in accordance with a control that will apply to the commercial public transport service; or
 - (e) if—
 - (i) the service to be registered is described in the regional public transport plan as a public transport service that the regional council proposes to be provided in its region; and
 - (ii) notification of the registration is submitted between the date on which the regional council resolves to tender the provision of the service as a contracted public transport service and the date

on which the service commences as a contracted public transport service.

- (2) A regional council must decline to register a commercial public transport service if a contracting requirement applies to the service.
- (3) If a service to be registered is described in a proposed regional public transport plan as a service to which a contracting requirement will apply, the regional council may not decline to register the service under subsection (2) but, before registering the service, must advise the operator of the proposal.

Compare: 1989 No 74 s 49(2)

34 Process for declining to register commercial public transport services

- (1) A regional council may not decline to register a proposed commercial public transport service unless it has first—
 - (a) notified the operator of the proposed service within 15 working days of receiving a notice of the proposed service under section 32(1) of—
 - (i) its intention to decline to register the proposed service; and
 - (ii) the reasons for the intention to decline; and
 - (iii) the information relied upon in support of those reasons; and
 - (iv) the procedure to be followed in making a final decision; and
 - (v) the operator's right under section 52 to appeal a final decision; and
 - (b) given the operator an opportunity to make written submissions and, if the operator wishes, be heard (either in person or by representative) within 5 working days of receiving the notice from the regional council (or such longer period as the regional council and operator may agree).
- (2) If a regional council declines to register a proposed commercial public transport service under section 33, it must, within 30 working days (or such longer period as the regional council and operator may agree) of receiving notice of the proposed

service under section 32(1), give written notice to the operator of—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) the information relied on in support of those reasons; and
- (d) the operator's right under section 52 to appeal the decision.

Compare: 1989 No 74 s 49(3)

35 Registration of commercial public transport services

- (1) Within 30 working days (or such longer period as the regional council and operator may agree) of receiving a notice under section 32(1), a regional council must register the commercial public transport service to which the notice relates unless the regional council declines registration of the service under section 33.
- (2) The registration of a commercial public transport service under this section remains in effect until the service is deregistered in accordance with section 42(1) or 46(5).

Compare: 1989 No 74 s 49(1)

Variation to registered commercial public transport services

36 Notification of proposed variation to registered commercial public transport services

- (1) In accordance with the applicable period referred to in subsection (5), the operator of a registered commercial public transport service must notify every regional council in whose region the variation will apply if it is proposed to vary the—
 - (a) name of the operator of the registered commercial public transport service;
 - (b) if the operator is a company that is not a listed company, the name of a shareholder of the operator (or, if the operator is a subsidiary within the meaning of section 5 of the Companies Act 1993, the name of its ultimate holding company);
 - (c) contact details of the operator of the registered commercial public transport service:

- (d) route or routes of the registered commercial public transport service;
 - (e) timetable for the registered commercial public transport service;
 - (f) fares of the registered commercial public transport service;
 - (g) size of any vessels used in providing the registered commercial public transport service.
- (2) The notice must specify the—
- (a) date the registered commercial public transport service is to be varied; and
 - (b) intended duration of the variation.
- (3) With the consent of the regional council concerned, any notice required by this section to be given by any operator may—
- (a) be given by an organisation on behalf of the operator; and
 - (b) relate to any number of registered commercial public transport services.
- (4) The regional council may, with the agreement of the operator, reduce or waive the period of notice required by subsection (1) if it is satisfied that the public would not be unreasonably disadvantaged by the earlier variation to the registered commercial public transport service.
- (5) For the purposes of subsection (1), **applicable period** means—
- (a) the period of notice for varying the registered commercial public transport service that is specified in the relevant regional public transport plan; or
 - (b) if the period of notice for varying the registered commercial public transport service is not specified in the regional public transport plan, a period of notice that is not less than 35 working days before the variation to the registered commercial public transport service is to take effect.

Compare: 1989 No 74 s 50(1), (2)

37 Grounds for declining to vary registered commercial public transport services

- (1) A regional council may decline a variation to a registered commercial public transport service—
 - (a) that is likely to have a material adverse effect on the financial viability of any contracted public transport service; or
 - (b) that is likely to increase the net cost to the regional council of any contracted public transport service; or
 - (c) that is contrary to sound traffic management or any environmental factor identified by the regional council as being important to its region; or
 - (d) if—
 - (i) a public transport service is described in the regional public transport plan as a public transport service that the regional council proposes to be provided in its region; and
 - (ii) the effect of the variation would mean that all or part of the service would be provided as a commercial public transport service; and
 - (iii) notification of the variation is submitted between the date on which the regional council resolves to tender the provision of the public transport service as a contracted public transport service and the date on which the service commences as a contracted public transport service; or
 - (e) if the regional council has reasonable grounds to believe that operating the service in accordance with the variation would mean the service is unlikely to be operated in accordance with a control that will apply to it.
- (2) A regional council may not decline a variation to a registered commercial public transport service that is only a change of name, shareholder, or contact details of the operator.
- (3) A regional council must decline a variation to a registered commercial public transport service if the variation would make the service one to which a contracting requirement would apply.
- (4) If a variation to a registered commercial public transport service would make the service one that is described in a proposed

regional public transport plan as a service to which a contracting arrangement will apply, the regional council may not decline the variation under subsection (3) but, before registering the service, must advise the operator of the proposal.

38 Process for declining variation to registered commercial public transport services

- (1) A regional council may not decline a variation to a registered commercial public transport service unless it has first—
 - (a) notified the operator of the registered commercial public transport service within 15 working days of receiving notice from that operator under section 36—
 - (i) that it intends to decline the variation; and
 - (ii) of the reasons for the intention to decline; and
 - (iii) of the information relied upon in support of those reasons; and
 - (iv) of the procedure to be followed in making a final decision; and
 - (v) of the operator’s right under section 52 to appeal a final decision; and
 - (b) given the operator an opportunity to make written submissions and, if the operator wishes, be heard (either in person or by representative) within 5 working days of receiving the notice from the regional council (or such longer period as the regional council and operator may agree).
- (2) If a regional council declines a variation to a registered commercial public transport service under section 37, it must, within 30 working days (or such longer period as the regional council and operator may agree) of receiving notice from the operator of the service under section 36, give written notice to the operator of—
 - (a) the decision; and
 - (b) the reasons for the decision; and
 - (c) the information relied on in support of those reasons; and
 - (d) the operator’s right under section 52 to appeal the decision.

Compare: 1989 No 74 s 50(6)

39 Variation to registered commercial public transport services

- (1) A regional council must record in the register the details of a variation to a registered commercial public transport service that has been notified to it in accordance with section 36, and that has not been declined in accordance with section 37, on the later of—
 - (a) 30 working days (or such longer period as the council and operator may agree) after the date on which the notification of the proposed variation to the registered commercial public transport service was received by it, or on an earlier date that may be appropriate having regard to any waiver of or reduction in the period of notice under section 36(4); or
 - (b) the date on which the operator of the registered commercial public transport service has specified that the service is to be varied.
- (2) If a variation is required to enable a registered commercial public transport service to meet a control of the type described in section 12(2)(c), the relevant regional council may require that service as varied to commence on the date that the control applies to the service under section 12(2)(c).
- (3) If a variation is notified under section 36, nothing in this section requires a regional council to record the details of the variation on a date that is later than the date that the control is to apply to the registered commercial public service under section 12(2)(c).
- (4) The details of a variation form part of the registration of the commercial public transport service that is varied.

Compare: 1989 No 74 s 50(4)

40 Procedure for consideration of information

If a notice is given to an operator under section 34(1)(a) or 38(1)(a),—

- (a) it is the responsibility of the operator to ensure that all information that—
 - (i) the operator wishes to have considered by the regional council in relation to its intended decision to decline registration or variation is received by

the regional council within the period specified under section 34(1)(b) or 38(1)(b), as the case may be:

- (ii) is requested by the regional council is received by the regional council within any reasonable period that the regional council specifies:
- (b) the regional council may, but is not obliged to, consider any information supplied by the operator after the expiry of the period referred to in paragraph (a)(i), other than information requested by the regional council and supplied by the operator within the period referred to in paragraph (a)(ii):
- (c) the regional council must consider any information supplied in accordance with paragraph (a).

Monitoring and deregistration of commercial public transport services

41 Monitoring

- (1) A regional council, or a person authorised by the council for the purpose, may—
 - (a) monitor, without notice, a commercial public transport service and any vehicle or other mode of transport used in the service, for compliance with any applicable control:
 - (b) conduct interviews and passenger surveys for the purpose of monitoring compliance of a commercial public transport service with any control:
 - (c) inspect the maintenance records held by an operator for vehicles or other modes of transport used in a commercial public transport service for the purpose of monitoring compliance with any control:
 - (d) inspect the complaints register held by any operator of a commercial public transport service under the Land Transport Act 1998 for the purpose of monitoring compliance with any control.
- (2) An authorisation under subsection (1) must be in writing and must specify the functions and powers that the person has been authorised to exercise.

- (3) An authorised person must provide identification and evidence of the person's authorisation whenever reasonably required to do so by any person.
- (4) An authorised person may board any vehicle or other mode of transport used in a commercial public transport service to which a control applies for the purpose of carrying out and exercising the functions and powers that he or she is authorised to carry out and exercise.
- (5) The operator of any vehicle or other mode of transport used in a commercial public transport service must—
 - (a) permit any authorised person to board and travel free of charge on the vehicle or other mode of transport for the purpose of performing the function for which he or she is authorised; and
 - (b) permit an authorised person to inspect the operator's complaints register held under the Land Transport Act 1998 and maintenance records for the purpose of monitoring compliance with any control.
- (6) In this section, **authorised person** means a person authorised by a regional council under subsection (1).

42 Deregistration of commercial public transport services and removing details of variations

- (1) A regional council may, at any time, deregister all or part of a registered commercial public transport service if the regional council is satisfied that the operator—
 - (a) has persistently failed to operate the service, or part of the service, in accordance with an applicable control; or
 - (b) has,—
 - (i) in the case of a commercial public transport service registered before the commencement of this section, failed to commence operating the service within 90 days of the date that this section comes into force; or
 - (ii) in the case of a commercial public transport service registered on or after the commencement of this section, failed to commence operating the service within 90 days of registration.

- (2) A regional council may, at any time, remove the details of a variation to a registered commercial public transport service from the register, if the regional council is satisfied that the service has—
- (a) in the case of a variation recorded by the regional council before the commencement of this section, failed to commence operating in accordance with the variation within 90 days of the date that this section comes into force; or
 - (b) in the case of a variation recorded by the regional council on or after the commencement of this section, failed to commence operating in accordance with the variation within 90 days of the regional council recording the details of the variation in the register.
- (3) A regional council may not deregister all or part of a commercial public transport service under subsection (1)(a) if the reason the operator has failed to operate the service in accordance with a control is due to—
- (a) obedience to orders or directions given by a lawful authority; or
 - (b) any action or omission necessary to save or prevent danger to human life; or
 - (c) *force majeure*.
- (4) For the purposes of subsection (1)(a), the making by a District Court of 2 or more orders requiring a particular operator to operate a commercial public transport service in accordance with a control is, in the absence of special reasons to the contrary, sufficient evidence of a persistent failure to operate that service in accordance with the control.

43 Process for deregistering commercial public transport services or removing details of variations

- (1) A regional council may not deregister all or part of a registered commercial public transport service or remove the details of a variation to a registered commercial public transport service from the register under section 42 unless it has first—
- (a) notified the operator of the service of its intention to deregister all or part of the service or remove the details of the variation to the service from the register, and of—

- (i) the reasons for its intention; and
 - (ii) the information relied upon in support of those reasons; and
 - (iii) the procedure to be followed in making a final decision; and
 - (iv) the operator's right under section 52 to appeal a final decision; and
 - (b) given the operator the opportunity to make written submissions and, if the operator wishes, be heard within 30 working days of receiving the notice from the regional council (or such longer period as the regional council and operator may agree).
- (2) If the operator requests a hearing, the regional council must—
- (a) appoint a time and place for the hearing and give reasonable notice of this to the operator; and
 - (b) hear the matter in public, unless permitted to do otherwise by the Local Government Official Information and Meetings Act 1987; and
 - (c) establish a procedure for hearing the matter that is appropriate and fair in the circumstances.
- (3) In determining an appropriate procedure for a hearing, the regional council must—
- (a) avoid any unnecessary formality; and
 - (b) not permit anyone other than the chairperson or a member of the regional council to question the operator; and
 - (c) permit the operator to be heard (either in person or by a representative) and submit evidence; and
 - (d) permit an officer of the council to present advice and reports; and
 - (e) not permit any other person to be heard at the hearing.
- (4) If the regional council makes a final decision to deregister a commercial public transport service or remove from the register the details of a variation to a registered commercial public transport service, the regional council must give written notice to the operator of—
- (a) the decision; and
 - (b) the reasons for the decision; and
 - (c) the information relied upon in support of those reasons; and

- (d) the date on which the deregistration or the removal of the details of the variation takes effect (which may not be earlier than the date of notification); and
- (e) the operator's right under section 52 to appeal the decision.

44 Regional councils may issue notices to comply

- (1) Despite section 42, a regional council may give an operator of a commercial public transport service written notice to operate the service in accordance with a control that applies to it if the regional council has reasonable grounds to believe that the operator is failing or has failed to operate the service in accordance with the control.
- (2) A notice to comply under subsection (1)—
 - (a) must—
 - (i) state that the regional council believes that the operator to whom it relates is failing or has failed to operate the commercial public transport service in accordance with a control that applies to the service; and
 - (ii) specify the—
 - (A) relevant details of the control; and
 - (B) regional council's reasons for believing that the operator is failing or has failed to operate the commercial public transport service in accordance with the control; and
 - (C) date by which the service must be operated in accordance with the control or the period within which the failure to do so must not recur, as the case may be; and
 - (iii) state that the regional council may apply to the District Court for an order under section 45, if the notice is not complied with; and
 - (iv) be signed by the chief executive or an authorised officer of the regional council:
 - (b) may specify any steps that may be taken to ensure that the service is operated in accordance with the control or to ensure that the failure to do so does not recur, as the case may be.

- (3) A regional council may give an operator of a commercial public transport service written notice to comply with section 41(5) if the regional council has reasonable grounds to believe that the operator is failing to comply with that subsection.
- (4) A notice to comply under subsection (3)—
 - (a) must—
 - (i) state that the regional council believes that the operator to whom it relates is failing to comply with section 41(5); and
 - (ii) specify the—
 - (A) relevant details of the subsection; and
 - (B) regional council's reasons for believing that the operator is failing to comply with that subsection; and
 - (C) date by which, or the period during which, the operator must comply with that subsection; and
 - (iii) state that the regional council may apply to the District Court for an order under section 45, if the notice is not complied with; and
 - (iv) be signed by the chief executive or an authorised officer of the regional council:
 - (b) may specify any steps that may be taken to ensure that the operator complies with that section.
- (5) A regional council may give an operator of a commercial public transport service written notice to comply with section 14(1) if the regional council has reasonable grounds to believe that the operator holds information that the regional council has required and is failing to comply with that subsection.
- (6) A notice to comply under subsection (5)—
 - (a) must—
 - (i) state that the regional council believes that the operator holds information that the regional council has required under section 14(1) and is failing to comply with that subsection; and
 - (ii) specify the—
 - (A) relevant details of the subsection; and
 - (B) regional council's reasons for believing that the operator holds information that the

- regional council has required under section 14(1) and is failing to comply with that subsection; and
- (C) date by which the operator must comply with that subsection; and
- (iii) state that the regional council may apply to the District Court for an order under section 45, if the notice is not complied with; and
- (iv) be signed by the chief executive or an authorised officer of the regional council:
- (b) may specify any steps that may be taken to ensure that the operator complies with that subsection.
- (7) An operator to whom a notice to comply is given under this section must comply with the notice.
- (8) A notice to comply may be given to an operator by being—
- (a) handed to the operator; or
- (b) posted to the operator by registered post.

45 Court orders requiring compliance

- (1) A regional council may apply to the District Court for an order requiring the operator to operate the service in accordance with a control, or restraining the operator from engaging in conduct that would constitute a failure to operate the service in accordance with a control, if—
- (a) by the date specified in a notice to comply under section 44(1), the operator is not operating the service in accordance with a control; or
- (b) a failure to operate a service in accordance with a control has recurred within the period specified in a notice to comply under that subsection.
- (2) An application by the regional council under subsection (1) must—
- (a) state the regional council's reasons for believing that—
- (i) by the date specified in the notice to comply the operator was failing to operate the service in accordance with the control; or
- (ii) within the period specified in the notice the operator's failure to operate the service in accordance with the control had recurred; and

- (b) describe the extent and frequency of the failure; and
 - (c) be accompanied by a true copy of the notice to comply, signed by the chief executive or an authorised officer of the regional council.
- (3) If, by the date specified in a notice to comply under section 44(3), the operator is not complying with section 41(5), the regional council may apply to the District Court for an order requiring the operator to comply with section 41(5).
- (4) An application by the regional council under subsection (3) must—
 - (a) state the regional council’s reasons for believing that by the date specified in the notice to comply the operator had failed to comply with section 41(5); and
 - (b) describe the extent and frequency of the failure; and
 - (c) be accompanied by a true copy of the notice to comply, signed by the chief executive or an authorised officer of the regional council.
- (5) If, by the date specified in a notice to comply under section 44(5), the operator is not complying with section 14(1), the regional council may apply to the District Court for an order requiring the operator to comply with section 14(1).
- (6) An application by the regional council under subsection (5) must—
 - (a) state the regional council’s reasons for believing that by the date specified in the notice to comply the operator held information that the regional council had required under section 14(1) and had failed to comply with section 14(1); and
 - (b) describe the extent and frequency of the failure; and
 - (c) be accompanied by a true copy of the notice to comply signed by the chief executive or an authorised officer of the regional council.
- (7) The regional council must serve a copy of the application on the operator, who is entitled to be heard (either in person or by representative) and submit evidence at the hearing of the application.

- (8) The District Court may make an order under subsection (1) or (3) if it is satisfied that the notice under section 44 has been validly given and the operator has failed to comply with it.
- (9) The District Court may make an order under subsection (5) if it is satisfied that the operator holds the information required by the regional council under section 14(1), the notice under section 44 has been validly given, and the operator has failed to comply with it.
- (10) The production in proceedings of a notice to comply purporting to have been given under section 44 or of a copy of a notice to comply purporting to have been certified by the chief executive or an authorised officer of the regional council is, in the absence of evidence to the contrary, sufficient evidence of the notice.

46 Withdrawal of commercial public transport services

- (1) In accordance with the applicable period referred to in subsection (4), the operator of a registered commercial public transport service who proposes to withdraw from providing that service must notify the regional council in whose region the commercial public transport service is registered of that proposal.
- (2) The operator of a registered commercial public transport service may not withdraw the service before the expiry of the minimum period of operation specified by any control in the regional public transport plan.
- (3) The regional council may reduce or waive the period of notice required by subsection (1), or the minimum period of operation required under subsection (2), if it is satisfied that the public would not be unreasonably disadvantaged by the earlier withdrawal of the registered commercial public transport service.
- (4) For the purposes of subsection (1), but subject to subsection (3), **applicable period** means—
 - (a) the period of notice for withdrawing a registered commercial public transport service that is specified in the relevant regional public transport plan; or
 - (b) if the period of notice for withdrawing a registered commercial public transport service is not specified in the

regional public transport plan, a period of notice that is not less than 15 working days before the registered commercial public transport service is to cease.

- (5) The regional council with which the commercial public transport service is registered must deregister the service on the later of—
- (a) 15 working days after the date on which the notification of the proposed withdrawal from providing the registered commercial public transport service was received by it, or on an earlier date that may be appropriate having regard to any waiver of or reduction in the period of notice required under subsection (3); or
 - (b) the date on which the operator of the registered commercial public transport service has specified that the service is to be withdrawn.

Compare: 1989 No 74 s 50

47 Deregistration as result of contracting requirement

If a contracting requirement applies to a registered commercial public transport service, or part of such a service,—

- (a) that service or part is, by virtue of this Act, deregistered on the date on which the contracting requirement takes effect under section 12(2); and
- (b) the regional council must remove the details of that service, or part of that service, from the register.

Subpart 3—Miscellaneous

Notices

48 Notices

- (1) Except as otherwise specified in this Act or in regulations made under it, if a notice or other document is to be given, served on, or provided to a person under this Act, that notice or document may be given, served, or provided by—
- (a) personal delivery to an addressee that is not a corporate body; and to a corporate body, if the personal delivery is made to the addressee's office during working hours;
- or

- (b) sending it by fax machine to a telephone number used by the person for the transmission of documents by fax; or
 - (c) an electronic means of communication to the addressee, if the chief executive of the regional council complies with the Electronic Transactions Act 2002; or
 - (d) post or registered post to the street address of the addressee's usual or last known place of business or residence; or to any other address, if the addressee has notified the chief executive that they accept notices at that address.
- (2) Unless the person to whom a notice or other document is sent proves that, otherwise than through that person's fault, the notice or other document was not received, the notice or other document sent by—
- (a) personal delivery is to be treated as having been given, served, or received on the day of delivery:
 - (b) fax machine is to be treated as having been given, served, or received on the working day immediately following the date on which it was faxed:
 - (c) electronic means is to be treated as having been given, served, or received on the working day immediately following the date on which it was transmitted:
 - (d) post or registered post is to be treated as having been given, served, or received 5 working days after the date on which it was posted.

Appeals to Environment Court

49 Appeals in respect of controls

An operator of an existing commercial service to which a control specified in a regional public transport plan will apply may appeal to the Environment Court against the control on any of the following grounds:

- (a) the regional council has not properly considered the impact of the control on existing commercial services in the region and the operators of those services:
- (b) the control is not consistent with the purpose of the plan after taking into account the matters referred to in section 19:

- (c) the control does not contribute to the implementation of the policies in the plan:
- (d) the policy that the control is intended to help implement can be more effectively implemented in another way:
- (e) the regional council has not complied with section 13(7):
- (f) the control does not comply with section 13 or any other provision of this Act.

50 Appeals in respect of contracting requirements

An operator of an existing commercial service to which a contracting requirement specified in a regional public transport plan will apply may appeal to the Environment Court—

- (a) against the contracting requirement on any of the following grounds:
 - (i) the contracting requirement is not consistent with the purpose of the regional public transport plan, after taking into account the matters referred to in section 19:
 - (ii) the contracting requirement does not contribute to the implementation of the policies in the plan:
 - (iii) if a service that is to be discontinued as a result of the contracting requirement is described in the plan as being needed by the community, a satisfactory alternative public transport service (of any mode) would not be available to users of the discontinued service:
 - (iv) the contracting requirement does not comply with section 16 or any other provision of this Act:
- (b) against the transitional arrangements on the grounds that they do not alleviate as far as practicable the material adverse effects of the contracting requirement on the operator.

51 Procedure for appeals to Environment Court

- (1) An operator of an existing commercial service who wishes to appeal against a control or a contracting requirement must lodge a notice of appeal with the Environment Court within 15

- working days of receiving notice of the adoption, and a copy of the plan under section 11(1)(b), or a longer time that the court allows.
- (2) An operator of an existing commercial service who wishes to appeal against the transitional arrangements relating to a contracting requirement must lodge a notice of appeal with the Environment Court within 15 working days of receiving notice of the adoption, and a copy, of the transitional arrangements under section 11(1)(b), or a longer time that the court allows.
 - (3) An operator of an existing commercial service who lodges a notice of appeal with the Environment Court under subsection (1) or (2) must serve a copy of the notice on the regional council and every other operator of an existing commercial service in the region within 5 working days after the appeal is lodged.
 - (4) The New Zealand Transport Agency has the right to appear and be heard during any appeal under section 50.
 - (5) The court must hear the appeal on the merits of the case and do any 1 or more of the following:
 - (a) dismiss the appeal:
 - (b) modify the plan in order to remove, or modify the provisions of the plan relating to, the control or contracting requirement:
 - (c) as appropriate,—
 - (i) insert transitional arrangements in the plan in order to alleviate any material adverse effects of the control or any contracting requirement on any operator of an existing commercial service:
 - (ii) modify transitional arrangements in order to alleviate any material adverse effects of the control or any contracting requirement on any operator of an existing commercial service, whether or not the transitional arrangements are contained in the plan.
 - (6) The court may not modify a plan or insert or modify transitional arrangements, if the effect of doing so is to impose an additional obligation upon the regional council or any other person, unless the regional council or other person consents to that modification of the plan or insertion or modification of the transitional arrangements.

- (7) Part 11 of the Resource Management Act 1991, and any regulations made under that Act that relate to that Part, apply to an appeal under sections 49 or 50 or this section with all necessary modifications.
- (8) A notice of appeal must state any matters that regulations made under the Resource Management Act 1991 require to be stated in the case of an appeal under section 120 of that Act.

Appeals to District Court

52 Appeals to District Court

- (1) A person may appeal to a District Court against an adverse decision relating to that person if the person is an operator of a commercial public transport service that is the subject of the decision.
- (2) If an adverse decision is appealed under subsection (1), the District Court must determine whether the commercial public transport service has been, or is likely to be, operated in accordance with a control if this is the matter at issue in the decision appealed against, regardless of the control's validity.
- (3) Nothing in this section affects the person's right to apply, in accordance with the law, for judicial review of the validity of a control.
- (4) For the purposes of subsection (1), **adverse decision** means a decision of a regional council to—
 - (a) decline to register a commercial public transport service under section 33; or
 - (b) decline to vary a registered commercial public transport service under section 37; or
 - (c) deregister a registered commercial public transport service under section 42; or
 - (d) remove the details of a variation to a registered commercial public transport service from the register under section 42.

Compare: 1989 No 74 s 59

53 Procedure for appeals to District Court

- (1) An appeal under section 52 must be brought, in accordance with the procedure under Part 9 of the District Court Rules

1992, no later than 20 working days after the date on which the appellant was notified under this Act of the decision appealed against or within any further period that the District Court may allow.

- (2) When considering an appeal under section 52,—
- (a) a District Court may hear all evidence tendered and representations made by, or on behalf of, any party to the appeal that the court considers relevant to the appeal, whether or not that evidence would be otherwise admissible in the court; and
 - (b) the court may—
 - (i) confirm, reverse, or modify the decision appealed against, and make the orders and give the directions to the regional council that may be necessary to give effect to the court's decision; or
 - (ii) refer the matter back to the regional council with directions to reconsider the whole or any part of the matter; and
 - (c) subject to this section, an appeal must be made and determined in accordance with the District Courts Act 1947 and the rules of the District Court made under that Act.
- (3) Subject to sections 55 and 56, the decision of the District Court on an appeal under section 52 is final.

Compare: 1989 No 74 s 59

54 Decisions of regional councils to continue in force pending appeals, etc

- (1) Subject to subsection (2), a decision of a regional council appealed against under section 52, 55, or 56 continues in force pending the determination of the appeal, and no person is excused from complying with a provision of this Act on the grounds that an appeal is pending.
- (2) Pending the outcome of an appeal, a District Court may suspend the regional council's decision if the court is satisfied that public safety would not be compromised.

55 Appeals to High Court on questions of law

- (1) A party to an appeal under section 52 who is dissatisfied with the decision of the District Court on the ground that it is erroneous in law may appeal to the High Court on that question of law.
- (2) The High Court Rules and sections 74 to 78 of the District Courts Act 1947, with all necessary modifications, apply to an appeal under subsection (1) as if it were an appeal under section 72 of that Act.

Compare: 1989 No 74 s 60

56 Further appeals to Court of Appeal

- (1) A party to an appeal under section 55 who is dissatisfied with the decision of the High Court in respect of the appeal may, with the leave of the High Court or (if that leave is declined) with special leave of the Court of Appeal, appeal to the Court of Appeal on that question of law.
- (2) The Court of Appeal may make any order or determination that it thinks fit in relation to the appeal.
- (3) Except as provided in this section, the procedures in respect of an appeal under this section must be in accordance with the applicable provisions of the High Court Rules or the Court of Appeal Rules, as the case may be.

Offences

57 Operating unregistered commercial public transport services

A person who operates, within any region, a commercial public transport service that is required under section 31 to be registered but is not registered within that region commits an offence and is liable on summary conviction to a fine not exceeding—

- (a) \$30,000, in the case of a first offence against this section; and
- (b) \$60,000, in the case of a second or subsequent offence against this section.

Compare: 1989 No 74 s 51(a)

58 Varying registered commercial public transport services without giving notice required by section 36

An operator of a registered commercial public transport service commits an offence and is liable on summary conviction to a fine not exceeding \$30,000 if the operator, without reasonable excuse,—

- (a) fails to comply with the notice requirement in section 36; and
- (b) varies the—
 - (i) route or routes of the registered commercial public transport service;
 - (ii) timetable for the registered commercial public transport service;
 - (iii) fares of the registered commercial public transport service.

Compare: 1989 No 74 s 51(b)

59 Withdrawing registered commercial public transport services without giving notice required by section 46

- (1) An operator of a registered commercial public transport service who, without reasonable excuse, withdraws that service without complying with the notice requirement in section 46 commits an offence and is liable on summary conviction to a fine not exceeding \$30,000.
- (2) Without limiting the meaning of reasonable excuse, subsection (1) does not apply if the withdrawal is necessary to comply with an obligation under another Act.

Compare: 1989 No 74 s 51(b)

60 Withdrawing registered commercial public transport services before expiry of minimum duration specified in regional public transport plans

- (1) An operator of a registered commercial public transport service who, without reasonable excuse, withdraws that service before the expiry of the minimum period for the operation of a commercial public transport service specified by a control in the regional public transport plan commits an offence and is liable on summary conviction to a fine not exceeding \$30,000.

- (2) Without limiting the meaning of reasonable excuse, subsection (1) does not apply where the withdrawal is necessary to comply with an obligation under another Act.

61 Power to inspect records

- (1) For the purpose of ascertaining whether the provisions of this Act have been or are being complied with by any person to whom this Act applies, any enforcement officer may require that person to produce for inspection any documents, books, or records in that person's possession or over which that person has control, including (but not limited to) logbooks, records associated with logbooks, financial records relating to revenue or expenditure, vehicle maintenance records, and driver roster and time records.
- (2) The enforcement officer may take extracts from or make copies of any books or records so produced.

Compare: 1989 No 74 s 63A

Regulations

62 Regulations

- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister, make regulations—
- (a) specifying public transport services carried on by means of rail vehicles as exempt commercial public transport services;
 - (b) excluding any service from the definition of public transport service if the Minister is satisfied that—
 - (i) the application of this Act is not appropriate with respect to that service; and
 - (ii) the exclusion would not be inconsistent with the purpose of this Act;
 - (c) specifying additional controls that a regional council may include in its regional public transport plan if, in the opinion of the Minister,—
 - (i) the additional controls will enable regional councils to implement the policies in their plans and are consistent with the purpose of those plans as set out in section 7; and

- (ii) the policies cannot be implemented effectively in any other way (including by applying existing controls):
 - (d) specifying, for the purpose of assisting regional councils to plan, contract, and monitor public transport services, types of information held by the operator that a regional council may require an operator to provide to it:
 - (e) providing for any matters that are contemplated by, or necessary for giving full effect to, the provisions of this Act or for its due administration.
- (2) The Minister must, before deciding whether to recommend the making of an Order in Council under subsection (1)(b), (c), or (d), consult—
- (a) the Agency; and
 - (b) every regional council; and
 - (c) any person or organisation that the Minister considers to be representative of the interests of public transport operators; and
 - (d) any government department or Crown entity that the Minister considers appropriate.

Repeals and consequential amendments

63 Repeals and consequential amendments

- (1) The Transport Services Licensing Act 1989 (1989 No 74) is repealed.
- (2) The Acts set out in Schedule 1 are consequentially amended in the manner specified in that schedule.
- (3) The Land Transport Rule: Operator Licensing 2007 (81001) is consequentially amended in the manner specified in Schedule 2.

Transitional and savings provisions

64 Transitional provision for existing registered services

- (1) A passenger service (or any part of a passenger service) that, before the commencement of this Act, was not a contracted service under Part 2 of the Transport Services Licensing Act 1989 but was registered under section 49 of the Transport Ser-

vices Licensing Act 1989 is to be treated as a registered commercial public transport service under this Act.

- (2) Subsection (1) does not apply to the following services:
 - (a) taxi services; and
 - (b) shuttle services; and
 - (c) private hire services.
- (3) A passenger service that, before the commencement of this Act, was a contracted service under Part 2 of the Transport Services Licensing Act 1989, and a registered service under that Act, is to be treated as a contracted public transport service that is a registered service under this Act.
- (4) For the purposes of this section, **passenger service** means a passenger service as defined in section 47 of the Transport Services Licensing Act 1989, as if that Act were still in force.

65 Transitional provision for notifications received but not processed before commencement of Act

A notification received under the Transport Services Licensing Act 1989 but not processed before the commencement of this Act is to be treated as a notification received under section 32, 36, or 46, as the case may require.

66 Transitional provision for existing regional passenger transport plans

- (1) Except in Auckland, a regional council must adopt a regional public transport plan under section 9 at the same time or as soon as is reasonably practicable after the regional council has approved a regional land transport strategy for the first time after the commencement of this Act but in any case not later than 3 years after the commencement of this Act, if section 9(1) applies.
- (2) In Auckland, Auckland Transport must adopt a regional public transport plan under section 9 as soon as is reasonably practicable after the Auckland Council has approved a regional land transport strategy for the first time after the commencement of this Act but in any case not later than 3 years after the commencement of this Act, if section 9(1) applies.

- (3) A regional passenger transport plan prepared by a regional council under the Transport Services Licensing Act 1989 expires when the regional council adopts a regional public transport plan in accordance with subsection (1) or (2) or 3 years after the commencement of this Act, whichever is earlier.
- (4) Subject to subsection (5) or (6), until a regional council's regional passenger transport plan prepared under the Transport Services Licensing Act 1989 expires under subsection (3), that regional passenger transport plan remains in effect as if that Act (immediately before the commencement of this Act) was still in force.
- (5) If a regional passenger transport plan remains in effect under subsection (4), a regional council may not vary the plan to include a control under section 13.
- (6) Sections 14(a)(iii)(B), 18J(2)(c)(ii), 19B(b)(ii), 20(3)(c), 48(1)(c)(i), 58(1)(c), 65J(b)(iii), 82, 105(13) of the Land Transport Management Act 2003 apply as if section 77(h) of that Act were not repealed under section 63(2) if a regional passenger transport plan (other than a plan that relates to Auckland) continues in effect under subsection (4) and—
 - (a) is or, immediately before the commencement of this Act, was contained in a regional land transport strategy that has been approved or continued in accordance with the Land Transport Management Act 2003; or
 - (b) would have been required to be contained in a regional land transport strategy but for the repeal of section 77(h) of the Land Transport Management Act 2003.

Section 66(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 66(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 66(6): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

67 Transitional provisions for register of services

- (1) Subject to subsection (2), the register of services established under Part 2 of the Transport Services Licensing Act 1989 is to be treated as the register of services established under this Act.

- (2) All entries in the register of services established under Part 2 of the Transport Services Licensing Act 1989 in relation to taxi services, shuttle services, and private hire services are to be treated as expunged and deleted.

68 Transitional provisions for regional councils and ARTA

[Repealed]

Section 68: repealed, on 1 November 2010, by section 113 of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 1

s 63(2)

Acts consequentially amended**Foreshore and Seabed Act 2004 (2004 No 93)**

Paragraph (b)(v) of the definition of **contiguous land** in section 32(6): omit “2(1) of the Transport Services Licensing Act 1989” and substitute “4(1) of the Railways Act 2005”.

Land Transport Act 1998 (1998 No 110)

Section 2(1): insert in its appropriate alphabetical order:

“**commercial public transport service** has the same meaning as in section 4 of the Public Transport Management Act 2008”.

Definition of **land transport documents** in section 2(1): omit “the Transport Services Licensing Act 1989,”.

Paragraph (b) of the definition of **traction engine** in section 2(1): repeal and substitute:

“(b) is not a rail vehicle within the meaning of section 4(1) of the Railways Act 2005; and”.

Section 79M(1): insert “or public transport service” after “passenger service”.

Section 79M: add:

“(3) For the purposes of this section, **public transport service** has the same meaning as in section 4 of the Public Transport Management Act 2008.”

Section 113(1)(a): omit “Transport Services Licensing Act 1989” and substitute “Public Transport Management Act 2008”.

Section 168(1): add:

“(c) to meet, or assist in meeting, the costs incurred by a regional council in processing notifications of the commencement, variation, or withdrawal of commercial public transport services under the Public Transport Management Act 2008.”

Section 208(1): omit paragraph (a) and substitute the following paragraph:

“(a) an enforcement officer for the purposes of—
“(i) this Act:
“(ii) Part 2 of the Land Transport Management Act 2003:

Land Transport Act 1998 (1998 No 110)—*continued*

“(iii) the Public Transport Management Act 2008; or”

Section 208(3): omit paragraph (a) and substitute the following paragraph:

“(a) an enforcement officer for the purposes of—

“(i) any of Parts 4A, 4B, 6A, and 6B, including any rules or regulations made in relation to transport services, or sections 22B, 22C, 36B, 113(2)(f), 113A, 115, 118(6), 124, 128A, 128B, 135(1A), 138, and 139:

“(ii) the Public Transport Management Act 2008; or”

Land Transport Management Act 2003 (2003 No 118)

Definition of **public transport service** in section 5: repeal and substitute:

“**public transport service** means the carriage of passengers for hire or reward by means of—

“(a) a large passenger service vehicle as defined in section 2(1) of the Land Transport Act 1998; or

“(b) a small passenger service vehicle as defined in section 2(1) of the Land Transport Act 1998; or

“(c) a ferry; or

“(d) a rail vehicle as defined in section 4(1) of the Railways Act 2005; or

“(e) a hovercraft; or

“(f) any other mode of transport (other than air transport) available to the public generally”.

Section 5: insert in its appropriate alphabetical order:

“**regional public transport plan** has the same meaning as in section 4 of the Public Transport Management Act 2008”.

Definition of **registered service** in section 5: repeal and substitute:

“**registered service** has the same meaning as in section 4 of the Public Transport Management Act 2008”.

Section 14(b)(iv): repeal and substitute:

“(iv) relevant regional public transport plan; and

“(v) likely funding from any source.”

Land Transport Management Act 2003 (2003 No 118)—continued

Section 15(c)(iv): repeal and substitute:

“(iv) relevant regional public transport plan; and

“(v) likely funding from any source.”

Section 18J(2)(c)(iv): add “; and”.

Section 18J(2)(c): add the following subparagraph:

“(v) regional public transport plans.”

Section 19B(b)(v): add “; and”.

Section 19B(b): add the following subparagraph:

“(vi) regional public transport plans.”

Section 20(3)(e): add “; and”.

Section 20(3): add the following subparagraph:

“(f) any relevant regional public transport plan.”

Section 26(e): omit “6-month” and substitute “12-month”.

Section 48(1)(c)(i): insert “relevant regional public transport plans,” after “strategies,”.

Section 58(1)(c): insert “relevant regional public transport plan,” after “relevant regional land transport strategy,”.

Section 65J(b)(iv): repeal and substitute:

“(iv) any relevant regional public transport plans:

“(v) the consultation undertaken under section 65H;
and”

Section 77(h): repeal.

Section 82(1): insert “and any relevant regional public transport plans” after “strategies”.

Section 82(2): insert “and any relevant regional public transport plans” after “strategies”.

Section 82(3): insert “and any relevant regional public transport plans” after “strategies”.

Section 95(1): insert after paragraph (i):

“(ia) to issue guidelines for, and monitor the development of, regional public transport plans:”.

Schedule 7: clause 5(2)(c): omit “passenger” and substitute “public”.

Local Government (Auckland) Amendment Act 2004 (2004 No 57)

Section 4(1): insert in its appropriate alphabetical order:

“**regional public transport plan** has the same meaning as in section 4 of the Public Transport Management Act 2008”.

Section 9(1)(a)(iii): omit “Transport Services Licensing Act 1989” and substitute “Public Transport Management Act 2008”.

New Zealand Railways Corporation Act 1981 (1981 No 119)

Section 119A: omit “Transport Services Licensing Act 1989” and substitute “Public Transport Management Act 2008”.

Sentencing Act 2002 (2002 No 9)

Definition of **leasing agreement** in section 127(1): omit “Transport Services Licensing Act 1989” and substitute “Land Transport Act 1998”.

Smoke-free Environments Act 1990 (1990 No 108)

Definition of **taxi** in section 2(1): repeal and substitute:

“**taxi** has the same meaning as in section 2(1) of the Land Transport Act 1998”.

Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)

Schedule 3: omit “Transport Services Licensing Act 1989”.

Schedule 2
Land Transport Rule: Operator
Licensing 2007 (81001) consequentially
amended

s 63(3)

Rule 5.4(4): revoke and substitute:

“5.4(4) The Agency must:

- “(a) acknowledge the registration under 5.4(3) in writing;
and
- “(b) advise the regional council of any region in which the shuttle service is to operate of:
 - “(i) the registration of the shuttle service; and
 - “(ii) the general area of operation of the shuttle service.”

Rule 6.1(8): revoke and substitute:

“6.1(8) The Agency must:

- “(a) acknowledge the registration under 6.1(7) in writing;
and
- “(b) advise the regional council of any region in which the private hire service is to operate of:
 - “(i) the registration of the private hire service; and
 - “(ii) the general area of operation of the private hire service.”

Rule 8.7: add:

“8.7(4) The Agency must advise the regional council of any region in which an approved taxi organisation is to operate of:

- “(a) the approved taxi organisation’s operating area or areas;
and
- “(b) any changes made to its operating area or areas.

“8.7(5) The Agency must advise the relevant regional council of an exemption granted under 8.7(2).”

Definition of **local authority** in Part 2: revoke and substitute:

“**local authority** has the same meaning as in section 5(1) of the Local Government Act 2002”.

Definition of **regional council** in Part 2: revoke and substitute:

“**regional council** has the same meaning as in section 4 of the Public Transport Management Act 2008”.

Definition of **registered service** in Part 2: revoke and substitute:

“**registered service** has the same meaning as in section 4 of the Public Transport Management Act 2008”.

Contents

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Notes

1 *General*

This is a reprint of the Public Transport Management Act 2008. The reprint incorporates all the amendments to the Act as at 13 June 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Land Transport Management Amendment Act 2013 (2013 No 35): section 71(1)

Local Government Act 2002 Amendment Act 2010 (2010 No 124): section 50
Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37):
section 113(1)
