



Report 08.940  
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Committee Council  
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## Public Transport Management Act 2008 - proposed delegations

### 1. Purpose

To propose an approach to delegations under the Public Transport Management Act 2008 (the Act).

### 2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### 3. Background

The Act was introduced following the Public Transport Procurement Legislative Review in 2006. It is intended to help regional councils deliver better public transport services by giving them greater regulatory powers over public transport services in their region. It was passed into legislation on 25 September 2008 and replaces the Transport Services Licensing Act 1989 with effect from 1 January 2009.

The Act enables regional councils to use a combination of controls and contracting requirements to deliver public transport services in their regions.

### 4. Interpretation

The Act comes into force on 1 January 2009. The purpose of the Act is to contribute to “an affordable, integrated, safe, response, and sustainable land transport system” by:

1. allowing regional councils to set standards for commercial public transport services
2. conferring on regional councils powers to require all or any public transport services to be provided under contract

3. regulating the registration of public transport services.

Under the Act regional councils are:

1. required to prepare regional public transport plans (within 3 years) to replace existing regional passenger transport plans
2. able to set controls or impose contracting requirements on commercial operators as part of regional public transport plans
3. able to require information from commercial operators to assist with public transport planning, contracting and monitoring
4. able to deregister commercial services that fail to comply with any control or fail to commence operation.

Further detail on these provisions is contained in report 08.854, considered by the Transport and Access Committee at its meeting on 26 November 2008.

Regional councils are no longer required to register taxi companies or set their hours of operation as these tasks are now undertaken by the New Zealand Transport Agency.

## **5. Proposed delegations**

Under the Council's overall approach to delegations, the Chief Executive has been delegated all of the Council's powers, functions and duties except for those that:

- o the Council cannot delegate under statute, and
- o the Council retains the sole right to exercise, or
- o the Council delegates to a committee or subcommittee.

Under the Transport Services Licensing Act 1989 the Council must approve the Regional Passenger Transport Plan and any variations to it. The Council has delegated the power to prepare the plan to the Transport and Access Committee. The Council's remaining powers are exercised by the Chief Executive, or his delegates.

Officers have assessed the provisions of the Act, and consider that it is appropriate for the Council's powers, functions and duties under the Act to be exercised by the Chief Executive, except those relating to regional public transport plans, the preparation of which should be the responsibility of the Transport and Access Committee. Council is required to adopt, vary or renew the Regional Public Transport Plan under the Act

## **6. Communication**

No further communication is required.

## 7. Recommendations

*That the Council:*

1. ***Receives*** the report.
2. ***Notes*** the content of the report.
3. ***Notes*** that in accordance with the Public Transport Management Act 2008, the Council must adopt, vary or renew the Regional Public Transport Plan.
4. ***Delegates*** the Council's responsibility in the Public Transport Management Act 2008, to prepare the Regional Public Transport Plan, to the Transport and Access Committee.
5. ***Agrees*** that the Council's remaining responsibilities in the Public Transport Management Act 2008 should be exercised by the Chief Executive or his delegates.

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