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**Privileged and Confidential**  
**By email: wayne.hastie@gw.govt.nz**

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Dear Wayne

## **Legal advice on legislative requirements regarding the licensing and safe operation of public buses in the Wellington region**

### **Introduction**

- 1 You have asked us to provide advice to Greater Wellington Regional Council ('**GWRC**') regarding the following matters:
  - a The legislative requirements relating to the licensing and safe operation of public buses in the Wellington region.<sup>1</sup>
  - b The sources of the requirements for a public bus operator to hold an appropriate transport service licence and for each of its buses to have:
    - i a current certificate of fitness; and
    - ii a manufacturer's certificate.
  - c How the requirements described above translate into the specific roles and responsibilities of the various organisations that have responsibilities under legislation for the licensing and safe operation of public buses in the Wellington region, including any specific roles and responsibilities of GWRC.
  - d To the extent that GWRC has any specific roles or responsibilities in relation to the licensing and safe operation of public buses, what good practice measures GWRC should be taking to ensure that it complies fully with its statutory obligations.
  - e As an ancillary issue, you have asked us to advise on the regulatory regime surrounding a situation which occurred recently, where the Police Commercial Vehicle Investigation Unit ('**CVIU**') inspected a number of public buses. You understand from the owner and operator of those buses that each of the vehicles had a current certificate of fitness. Nevertheless, the CVIU identified a number of faults with several of the vehicles during its inspection (ranging from minor to moderate) and restricted the operation of those vehicles until the faults had been rectified. The question has therefore arisen as to how these public buses could have had a current certificate of fitness and yet at the same time have faults which, in the view of CVIU, were sufficient to require the vehicles to be taken out of service until rectified.

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<sup>1</sup> Under the relevant transport rules and regulations, 'public buses' also fall within the categories of vehicles described as 'heavy vehicles' and 'passenger service vehicles'. We have used the term 'public bus' in this advice to distinguish them from other heavy vehicles or other public transport vehicles (for example, taxis, school buses and/or small passenger service vehicles).

- 3 Your objectives in seeking our advice on the above matters are:
- a to clarify GWRC's understanding of the various legislative requirements, and the roles of relevant organisations, with regard to the licensing and safe operation of public buses; and
  - b to provide a starting point for GWRC to review and update its contractual requirements for public bus operators in the Wellington region.
- 4 We have set out our advice in relation to each of these matters below. Please note that our advice does not address in detail any health and safety obligations that might arise under the Health and Safety in Employment Act 1992 ('**HSE Act**'). These will be dealt with in a separate piece of advice which we are preparing for you. Also, our advice focusses on relevant provisions of Part 5 of the Land Transport Management Act 2003 ('**LTMA**') which were brought into effect on 13 June 2013. We have not commented in detail on past requirements under now repealed legislation, or on transitional arrangements. We would be happy to advise further on these aspects if you would like us to do so.

#### **Summary of advice**

- 5 The regulation of public bus services in the Wellington region (including in regard to safety and licensing) is governed by a complex combination of statutes and regulations, including numerous Land Transport Rules.
- 6 The various public transport obligations can broadly be summarised as follows:
- a **Regional councils** have obligations to prepare regional public transport plans and contract exclusively with public transport service operators.
  - b **Contracted public transport service operators** have obligations to operate public buses in accordance with transport legislation, rules, and regulations, and contractual requirements. These include legal requirements for an operator to hold a valid transport service licence and for each of its buses to have a current certificate of fitness.
  - c **The New Zealand Transport Agency ('NZTA')** has obligations to administer land transport legislation and rules and regulations, including enforcing provisions, where applicable. This includes responsibility for granting a transport service licence to a public transport service operator, appointing vehicle inspectors to undertake inspections and to grant the requisite certificate of fitness, and a power to revoke a current certificate of fitness if it is not satisfied that the vehicle complies with applicable fitness requirements outlined in the Land Transport Rules.
  - d **The NZ Police ('Police')** have wide obligations to monitor and enforce land transport legislation and rules and regulations, where applicable.
- 7 Because we have referred to the roles and responsibilities of various organisations throughout our advice when discussing the relevant statutory and regulatory provisions, we have summarised the various roles and responsibilities in the **attached** appendix.
- 8 Under the contractual arrangements with public transport service operators that we have reviewed, GWRC requires such operators to comply with various legislative requirements

including those in the (now repealed) Transport Services Licensing Act 1989 and any other relevant enactments or regulations, and the HSE Act.

- 9 The statutory and regulatory obligations to ensure that public buses have (and maintain) the necessary licences and are operated in a safe manner rests with the public transport service operators themselves and not with regional councils.
- 10 While GWRC should not seek to get involved in depth with the public transport service operators' responsibilities, it would be good practice for GWRC to ensure that it retains an express contractual power to monitor each operator's compliance with its obligations, and that it obliges operators to report promptly any incidents where they have been found not to have complied. We discuss this further at paragraphs 44 to 49 below.
- 11 The CVIU was acting under specific statutory powers when it identified faults in buses and ordered them off the road. These specific powers reflect the fact that the Police have the primary obligation to enforce the provisions of the Land Transport Act 1998 ('LTA') and other land transport rules and regulations. These enforcement powers include a power to inspect public buses at any time to ensure they are complying with applicable land transport rules and regulations (including in terms of their fitness to be driven on the road and to carry passengers at any particular time).

#### **Outline of statutory requirements**

##### *Land Transport Management Act 2003*

- 12 The primary legislation governing the regulation of local public transport, including public bus services operating within any particular region, is the LTMA. Other obligations are set out in the LTA and associated land transport rules and regulations, as discussed below.
- 13 Part 5 of the LTMA deals specifically with the regulation of public transport. This came into force on 13 June 2013.<sup>2</sup> It has replaced similar (but more extensive) provisions in the Public Transport Management Act 2008 ('PTMA') which has been repealed in its entirety.
- 14 The LTMA grants regional authorities a wide discretion to determine local land transport matters.
- 15 Under the LTMA, a regional authority is required to adopt a (new) regional public transport plan by 1 July 2015. The purposes of this plan are (under s 117 of the LTMA):
  - a to encourage the regional authority and public transport service operators to work together in developing public transport services and infrastructure;
  - b to assist with engaging with the public in the region on the design and operation of the public transport network; and
  - c to serve as a statement of what public transport services are integral to the network, what policies and procedures apply to those services, and what information and infrastructure support those services.
- 16 This plan must specify the particular information required under s 120 of the LTMA. This includes identifying what public services are integral to the public transport network and

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<sup>2</sup> Part 5 is an entirely new part which was inserted into the existing LTMA.

arranging these services into 'units'. A unit is a public transport service (or group of services) that the regional authority determines is integral to its public transport network. The plan must also be notified, consulted, and adopted in accordance with ss 121, 122, 124, and 125 of this legislation.

- 17 Under s 116 of the LTMA, the regional authority must enter into exclusive contracts with public transport service operators for the provision (by the operators) of public bus services in its region.<sup>3</sup>
- 18 Under section 120 of the LTMA, the regional authority must, in relation to any units (as this term is discussed above at paragraph 16), include in its regional public transport plan policies on:
- (a) accessibility, quality, and performance; and
  - (b) fares and the method or formula or other basis for setting and reviewing those fares; and
  - (c) the process for establishing units; and
  - (d) the approach that will be taken to procuring the delivery of the service or services in a unit; and
  - (e) how the procurement of units will be phased in over time; and
  - (f) managing, monitoring, and evaluating the performance of units.
- 19 For completeness, we note that under s 27 of the LTMA a regional authority may hold an interest in or acquire the ownership of a public transport service or any public transport infrastructure. However, this would be subject to a requirement that the interest be held in a council controlled trading organisation.

#### *Relevant Land Transport Rules*

- 20 The public transport service operators are required to operate their services in accordance with Land Transport Rules ('Rules').
- 21 The Rules are a form of secondary legislation similar to regulations. The primary statutory authority to make subordinate legislation (including Rules), is Part 11 of the LTA (ss 152–168C). These provisions give the Minister of Transport<sup>4</sup> the power to make 'ordinary rules' relating to land transport matters, including driver licensing, road user behaviour, and, significantly, various aspects of transport services and transport service operators.<sup>5</sup> In practice, the NZTA prepares the draft Rules under the authority of the Minister which are subsequently signed into law by the Minister, following consultation. For completeness, the NZTA has a power to make 'emergency rules' itself, but only where such rules are necessary to alleviate or minimise the risk of death or serious injury, or damage to property.<sup>6</sup>

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<sup>3</sup> Public transport services which are exempt services will include inter-regional services and public transport services that begin operating after a regional transport plan has been adopted, where the service is not integral to the public transport network and where it operates without a subsidy from the regional council. Also, for completeness, note that the term 'bus service' is defined in the LTMA to exclude school buses contracted or funded by the Ministry of Education or other buses not available for general public use (e.g. tourist charters).

<sup>4</sup> Or the Governor-General, on the recommendation of the Minister of Transport.

<sup>5</sup> Sections 158(a)(iii) and (iv) of the LTA.

<sup>6</sup> Section 162 of the LTA.

- 22 The Rules are numerous and many are highly technical in nature. The following Rules have particular relevance to the operation of public buses:
- a Land Transport (Road User) Rule 2004
  - b Land Transport Rule: Passenger Service Vehicles 1999
  - c Land Transport Rule: Heavy Vehicles 2004
  - d Land Transport Rule: Vehicle Exhaust Emissions 2007
  - e Land Transport Rule: Heavy Vehicle Brakes 2006
  - f Land Transport Rule: Vehicle Equipment 2004
  - g Land Transport Rule: Vehicle Dimensions and Mass 2002
  - h Land Transport Rule: Vehicle Standards Compliance 2002 (**'Compliance Rule'**)
  - i Land Transport Rule: Operator Safety Rating 2008.<sup>7</sup>
- 23 In addition, the Land Transport Rule: Operator Licensing 2007 (**'Operator Rule'**), together with the LTA, sets out the regime under which transport service providers are licensed.

*Land Transport Act 1998 and the requirement for a transport service licence*

- 24 Under the LTA and the associated Operator Rule, a transport service operator must not carry out any passenger service unless licensed to do so (s 30J of the LTA).
- 25 A 'transport service operator' is defined to mean a person who carries on a transport service, whether or not that person employs personnel to assist in doing so on its behalf, but does not include those personnel.<sup>8</sup> A company intending to operate public buses must therefore hold a valid transport service licence in order to be able to do so.
- 26 The obligation to grant a transport service licence to a transport service operator is on the NZTA (s 30L of the LTA). Section 2 of the Operator Rule sets out the requirements for obtaining a transport service licence. This notably includes the requirement (subject to exemptions) that licence applicants have an up-to-date certificate certifying their completion of a test set by the NZTA demonstrating that they possess sufficient knowledge of relevant law and practice.
- 27 Under s 30A of the LTA, a holder of a transport service licence must ensure that every vehicle to be used in connection with the service is maintained in a fit and proper condition and that the requirements of any Act, regulation, or rule made for that purpose (such as the Rules, for example) are met.
- 28 In addition, holders of transport services licences are required to display a 'transport service licence card' in each bus they operate (see rule 2.4 of the Operator Rule). Licence holders can face prosecution for failing to do so.

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<sup>7</sup> According to NZTA information, the vehicle must also meet other rules for vehicle systems, parts and components ([www.nzta.govt.nz/resources/results.html?catid=2](http://www.nzta.govt.nz/resources/results.html?catid=2)).

<sup>8</sup> Section 2 of the LTA.

*Requirement for certificate of fitness*

- 29 Section 6 of the LTA, in conjunction with the Compliance Rule,<sup>9</sup> prohibits a public bus from operating on the road without a current certificate of fitness. Section 6(4) of the LTA specifically requires that this 'evidence of inspection' be displayed on the vehicle to which it applies.
- 30 The certificate of fitness inspection is carried out, and a certificate of fitness granted, by vehicle inspectors who are appointed by the NZTA pursuant to Compliance Rule 2.2.<sup>10</sup> The NZTA produces a Vehicle Inspection Requirements Manual which has the stated purpose of assisting vehicle inspectors 'to achieve correct and consistent standards of in-service vehicle inspection and certification'. This Manual contains specific sections relating to the inspection and certification of public buses and vehicle inspectors are required to refer to it when undertaking those activities.<sup>11</sup>
- 31 Pursuant to Compliance Rule 9.7, a certificate of fitness for a public bus ceases to be current after its expiry date, or on an **earlier date** if:
- a An enforcement officer gives a notice under s 115 of the LTA to the driver or owner of the vehicle stating that the vehicle may not be operated until a new certificate of fitness has been issued; or
  - b The certificate of fitness is revoked by the NZTA, by that organisation giving written notice to the vehicle's operator that it is satisfied, on reasonable grounds that:
    - i The vehicle does not comply with applicable requirements; or
    - ii The certificate of fitness was issued on the basis of an incorrect determination<sup>12</sup>; or
  - c the vehicle suffers significant damage or deterioration to its structure, chassis, body-to-chassis attachment, suspension, or occupant protection system to the extent that is likely to affect the vehicle's compliance with applicable requirements.

This is relevant to the actions taken by the CVIU which we discuss in more detail below.

*Requirement for manufacturer's certification (on completion of vehicle)*

- 32 A manufacturer's certification is also required for public buses under the same Compliance Rule requiring a certificate of fitness. Specifically, the NZTA is empowered to require (and does require for imported vehicles) that applicants produce a 'statement of compliance' issued in accordance with a format specified by the vehicle's manufacturer for the purposes of inspection and compliance (see Rule 6.3(4) of the Compliance Rule).

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<sup>9</sup> The provisions relating to the inspection and certification of fitness of a public bus which is operating in service can be found in section 7 of the Compliance Rule.

<sup>10</sup> For completeness, under Compliance Rule 2.2, the NZTA also appoints 'inspecting organisations'. The NZTA appoints vehicle inspectors to carry out inspection and certification activities, while inspecting organisations are responsible for inspection and certification outcomes.

<sup>11</sup> See <http://vehicleinspection.nzta.govt.nz/virms/in-service-wof-and-cof/heavy-psvs>.

<sup>12</sup> The NZTA's revocation power is set out in Compliance Rule 9.7.

*Other relevant obligations*

- 33 To operate on New Zealand roads, buses must also be registered and licensed in accordance s 242 of the LTA and the broad requirements of the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011.
- 34 We also note that, as expected, drivers of buses are also required to maintain current driver licenses of the required standard to operate buses. These licences are also granted by the NZTA.

**Discussion on GWRC's responsibilities and good practice recommendations in relation to the licensing and safe operation of public buses**

- 35 As noted above at paragraphs 15 to 18, GWRC must:
- a enter into exclusive contracts with public transport service operators for the provision (by the operators) of public bus services in the Wellington region (s 116 LTMA); and
  - b In relation to any 'units', include in its regional public transport plan policies on, amongst other things:
    - i accessibility, quality and performance (s 120(2)(a) LTMA); and
    - ii managing, monitoring and evaluating the performance of units (s 120(2)(f) LTMA).
- 36 However, other than the above provisions, there do not appear to be any specific statutory or regulatory requirements for GWRC to participate directly in the licensing and safe operation of public buses. Rather, this is a matter for the bus operators themselves, to be monitored and enforced by the Police in conjunction with the NZTA. (See the discussion about the HSE below.)
- 37 This view is reinforced by comparing provisions of the repealed PTMA with the current LTMA. Under the PTMA, before adopting a regional public transport plan, a regional council was obliged to satisfy itself that the plan contributed to, amongst other things, assisting safety and personal security<sup>13</sup>. Further, the PTMA gave regional councils express powers to require any commercial public transport service to comply with quality standards and performance standards by specifying 'controls'.<sup>14</sup> The PTMA also gave regional councils specific statutory powers to monitor (without notice) a commercial public transport service for compliance with any applicable control, including a power to inspect maintenance records and to board any vehicle used in the commercial public transport service for that purpose.<sup>15</sup>
- 38 The LTMA does not contain any equivalent express statutory monitoring powers for regional councils. As a result, we consider that GWRC now has a greater degree of flexibility when considering its approach to these matters.
- 39 However, any such monitoring rights for GWRC must be built into the contractual arrangements with the public bus operators (or dealt with in policies with which operators should be required to comply as part of their contractual obligations towards GWRC) in order for GWRC to be able to enforce them with public bus operators in future.

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<sup>13</sup> Section 19 of the PTMA (repealed).

<sup>14</sup> We understand that GWRC did not specify any such controls while the PTMA was in effect.

<sup>15</sup> Section 41 of the PTMA (repealed).



- 40 We note that GWRC's standard public transport bus contract contains general monitoring powers (see the Standard conditions of Contract, Transport Division, for the provision of Urban Bus Transport Services in the Wellington region dated 20 May 2005 ('**Standard Conditions**') at clause 7.1 of that contract).
- 41 Under the Standard Conditions, amongst other things, GWRC is entitled to require that operators allow GWRC to monitor each operator's compliance with legislation or rules (clause 7.1).<sup>16</sup>
- 42 In addition, under the Standard Conditions, the contracted operator is required to comply with:
- a the provisions of the (now repealed) Transport Services Licensing Act 1989 and any other relevant enactments or regulations and the HSE Act (clauses 2.5.1 and 3.1.1);.
  - b the relevant provisions of any contracted operator's code of practice agreed to by GWRC (clause 2.14); and
  - c any rules, regulations or codes of practice relating to health and safety issued by GWRC from time to time and any other reasonable instructions given by GWRC in relation to health and safety (Chapter 3).
- 43 However, the Standard Conditions are rather vague on what the operator should do to ensure such compliance (see for example the 'Specific [health and safety] Obligations of Contractor' at clause 3.2 of the Standard Conditions). Also, currently, there does not appear to be an explicit obligation on operators to notify GWRC of any licensing and certification issues or failures with their buses.
- 44 It is important to reiterate that the statutory and regulatory obligations to ensure that public buses have (and maintain) the necessary licences and that they are operated in a safe manner rests with the public transport service operators and not with regional councils.
- 45 However, GWRC clearly has an interest in satisfying itself that the operators are complying with those obligations.
- 46 An active monitoring regime will also help GWRC to demonstrate that it is complying with its own duties under the HSE Act as a principal to a contract. Under s 18 of the HSE Act, every principal is required to take all practicable steps to ensure that no employee of a contractor or subcontractor is harmed while doing any work that the contractor was engaged to do.
- 47 This does not mean that GWRC should seek to get directly involved in the public transport service operators' licensing and safety programmes. However, it would be good practice for GWRC to ensure that it retains an express contractual power to monitor and supervise each operator's compliance with its obligations, and that it ensures that this monitoring regime is actively followed.
- 48 In terms of considering future contractual arrangements with public transport service operators, in addition to requiring compliance with legal and regulatory obligations, GWRC may wish to consider including express requirements for such operators to report promptly to GWRC on any licensing and/or safety matters that arise. At present, the Standard Conditions

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<sup>16</sup> This contractual right does not limit the Police's primary authority to do monitor or enforce compliance.



oblige operators to report on accidents and (monthly) on the operation and performance of the service (clauses 5.1 and 5.3 of the Standard Conditions).

- 49 This could be made more explicit to cover situations where (for example) a bus has failed to obtain a certificate of fitness, or where the Police or NZTA have raised an issue about a vehicle's fitness. Also, a requirement to report such incidents to GWRC promptly would enable GWRC to take a timely view on whether any action is needed to ensure that the services are continuing to be operated in accordance with its contractual arrangements and with its policies contained in its regional plan.

### **Enforcement officers and the role of the CVIU**

- 50 Under the LTA, an enforcement officer is defined principally to mean a sworn member of the Police or a non-sworn member who is authorised for the purpose by the Commissioner of the Police. Pursuant to s 113 of the LTA, the Police have wide powers to enforce provisions of the LTMA and LTA, and the related Rules, generally.
- 51 The NZTA may, by warrant, also appoint an NZTA employee to undertake more limited enforcement responsibilities under the LTA and LTMA.<sup>17</sup> For example, an authorised NZTA enforcement officer has the power to inspect records to ascertain whether a public bus operator is properly operating that service.<sup>18</sup>
- 52 For completeness, under the LTA, a local authority is included within the definition of 'enforcement authority' in the case of an infringement offence for which an infringement notice is issued by an employee of the local authority. However, the remainder of the LTA makes clear that a local authority's role as an enforcement authority does not extend to issues concerning investigation or certification of a vehicle's fitness.<sup>19</sup>
- 53 The CVIU is a joint operation between the Police and the NZTA. The day-to-day operations of the CVIU are carried out by the Police under the general enforcement powers contained in ss 113 and 115 of the LTA.
- 54 Under s 113(2)(b)(ii) of the LTA, the Police are entitled, at any time, to inspect, test, and examine any part of a vehicle on a road or the certificate of fitness (or other land transport document) displayed on the vehicle.
- 55 In addition, under s 115 of the LTA, if the Police believe on reasonable grounds that the vehicle does not comply with the requirements of the relevant transport regulations and the Rules (which would include the Compliance Rule), the Police are entitled to affix a notice to the vehicle, or provide the driver or owner with this notice. This notice will direct that the vehicle must not be driven on a road until:
- a the vehicle has been inspected by a person authorised by the NZTA<sup>20</sup> who is satisfied that the vehicle has been made to comply with the relevant transport regulation and Rules (or with the particular requirement of the regulations or the Rules); and

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<sup>17</sup> Section 208 of the LTA.

<sup>18</sup> Section 113A of the LTA, in conjunction with s 208 of that Act.

<sup>19</sup> For example, the LTA gives powers to local authorities in relation to parking, racing and cruising. While GWRC falls within the definition of 'local authority' in the LTA, no relevant enforcement powers apply in relation to public bus services.

<sup>20</sup> i.e. a vehicle inspector.

b new evidence of vehicle inspection has been issued by the NZTA-authorized person and displayed on the vehicle.<sup>21</sup>

56 The NZTA and the Police have jointly-produced a detailed Categorisation of Defects document which they describe as ‘a guide designed to aid [the] Police, the NZTA, transport operators and drivers in the inspection of heavy motor vehicles’ (**‘Guide’**).<sup>22</sup> The introduction to the Guide explains that it has been designed to provide an inspection process and give guidance ‘so that any enforcement action is dealt with in a fair and reasonable manner consistently throughout New Zealand.’ The introduction also notes that all enforcement officers have the discretion to lower any recommended action based on the situation that exists at the time the vehicle is inspected. This broad discretion is consistent with the general enforcement powers under ss 113 and 115 of the LTA.

57 For avoidance of doubt, we note that the Police have the primary responsibility for enforcing Certificates of Fitness and other land transport legislation and regulations. This was also the case under the previous regime of the PTMA. Although s 41 of the PTMA, now repealed, permitted regional councils to monitor commercial public transport services for compliance with any applicable control, pursuant to s 113(1)(a) of the LTA, it was the responsibility of the Police to enforce the relevant provisions of the PTMA.

Yours faithfully

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<sup>21</sup> Section 115(2) of the LTA. For completeness, an enforcement officer may instead specify that the notice not to drive the vehicle on the road remains in force until the vehicle has been made to comply with the relevant regulations and Rules and notification of such compliance has been provided to the enforcement officer in writing (s 115(2A) of the LTA).

<sup>22</sup> A copy of the Guide is available at <http://www.nzta.govt.nz/resources/hmv-categorisation-defects/>.

## Appendix 1

**Table of obligations in relation to buses**

Obligation	Source of obligation	GWRC	NZTA	Operators	Drivers	Police
<b>Licensing requirements</b>						
Grant driver licence	LTA, s 23; see also DLDTFR		✓			
Retain and comply with driver licence	LTA, s 5(1); see also DLDTFR				✓	
Grant transport service licence	LTA, s 244(2)		✓			
Retain and comply with transport service licence	LTA, s 242; see also s 30A(1)			✓		
Issue transport service licence card	OLR, r 2.4(1)		✓			
Display transport service licence card	Operators: OLR, rr 2.4(2)(e) & 11.2(1) (Drivers: general responsibilities under LTA, s 4, and operators can contract to require display)			✓	(✓)	
Administer and grant certificate of law and practice	OLR, r 2.2		✓			
Retain certificate of knowledge of law and practice	OLR, rr 2.2(2), (4), & (6)			✓		
<b>Public Transport Plan</b>						
Develop public transport services and infrastructure	LTMA, s 117(a); see also 115(1)(a)	✓		✓		
Notify, consult, and adopt public transport plan	LTMA, ss 119(1), 121, 124, & 125	✓				
Contract to provide public buses in the Wellington region	LTMA, s 116	✓ (as principal)		✓ (as contractor)		

Obligation	Source of obligation	GWRC	NZTA	Operators	Drivers	Police
	<b>Bus safety and enforcement</b>					
Issue certificate of registration for buses	LTA, ss 243 & 257(1)(c), see also MVLRL, r 5		✓			
Ensure bus is registered	LTA, s 242(1) and definition of 'operate' at s 2; see also MVRLR, r 77(1) (Drivers) and r 77(2) (Operators)			✓	✓	
Issue certificate of fitness	VSCR, r 9.2; see also rr 7.9(a) and 9.3(3)(b)		✓ (inspectors authorised by NZTA)			
Retain and display certificate of fitness	VSCR, cc 9.3(4); 10.2(1)(a)&(b); see also 'operator' under Part 2			✓	✓	
Ensure bus complies with other land transport safety rules	LTA, ss 4, 6, and 10; see also s 30A			✓	✓	
Inspect, test, and examine land transport documentation and safety of buses generally	Police: LTA, ss 113(b) & (c); see also s 115 (NZTA: can contract with operators for monitoring powers)		(✓)			✓
Enforce (other) land transport requirements	Police: LTA, ss 113(1); see also s 115 NZTA: s 95 and through contracting with operators		✓			✓

**Key**

Acronym	Definition
DLDTFR	Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999
LTA	Land Transport Act 1998

Acronym	Definition
LTMA	Land Transport Management Act
MVRLR	Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011
OLR	Land Transport Rule: Operator Licensing 2007
VSCR	Land Transport Rule: Vehicle Standards Compliance 2002