

Chapter 245.
Land Transport Board Act 1968.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 245.

Land Transport Board Act 1968.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Land Transport Board Act 1968,

¹Being an Act to provide for a Land Transport Board to control the registration and conduct of public transport, to be incorporated and read as one with the *Motor Traffic Act 1950*.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

²“**the Board**” means the Land Transport Board established by Section 2;

“**the Chairman**” means the Chairman of the Board appointed under Section 4.

2. CONSTITUTION OF BOARD.

(1)³ ⁴A Land Transport Board is hereby established.

(2) Subject to Subsections (3) and (4), the Board shall consist of—

(a)⁵ the Secretary, Department responsible for transport matters or a person nominated by him as his alternate member; and

(b) the Attorney-General, or a person nominated by him as his alternate member; and

(c)⁶ the Secretary, Department responsible for trade and industry matters, or a person nominated by him as his alternate member; and

¹ Long title amended by No. 22 of 1976, s1.

² Section 1 (definition of “the Board”) amended by No. 22 of 1976, s3.

³ Section 2(1) amended by No. 22 of 1976, s4.

⁴ Section 2(1) amended by No. 22 of 1976, s4.

⁵ Section 2(2)(a) amended by *Land Transport Board (Amendment) Act 1991* (No. 11 of 1991), s1(a).

⁶ Section 2(2)(c) amended by *Land Transport Board (Amendment) Act 1991* (No. 11 of 1991), s1(b).

- (d)⁷ the Secretary, Department responsible for provincial affairs, or a person nominated by him as his alternate member;
- (e)⁸ not more than six persons appointed in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.

(3) The alternate member nominated under Subsection (2)(b), (c) or (d) is entitled, when he sits as a member of the Board, to exercise all the powers and functions, duties and responsibilities of the member for whom he has been nominated as the alternate member.

(4) Subject to Subsection (5), the following persons are not capable of being or continuing as members of the Board under Subsection (2)(d) or (e):—

- (a) an officer of the Public Service or a member of the Police Force, or an officer or employee of a public authority established by or under an Act;
- (b) a person who has any direct or indirect financial interest in the business of carrying passengers, whether by road or otherwise;
- (c) an officer or representative of an association of persons carrying on the business of carrying passengers, whether by road or otherwise;
- (d) a person who is not of the full age of 21 years;
- (e) a person who is an undischarged bankrupt or insolvent;
- (f) a person of unsound mind as that expression is used in the *Public Health Act 1973*;
- (g) a person who has been convicted of an offence punishable under a law of Papua New Guinea, or of Australia or a State or Territory of Australia, by death or imprisonment for one year or longer, and as a result of the conviction is subject to be sentenced to death or imprisonment, is under sentence of death or is undergoing imprisonment, or is under bond to appear for sentence if called on.

(5) One of the persons appointed to the Board under Subsection (2)(e) may be an officer of the Public Service.

(6) A member of the Board appointed under Subsection (2)(e) holds office, subject to Subsection (4) for a term of two years, but is eligible for re-appointment.

3. RESIGNATION OF APPOINTED MEMBERS.

(1) A member of the Board appointed under Section 2(2)(e) may resign his membership of the Board by writing under his hand addressed to the Minister.

(2) The Minister shall advise the Chairman of the resignation of a member under this section.

⁷ Section 2(2)(d) repealed and replaced by *Land Transport Board (Amendment) Act 1991* (No. 11 of 1991), s1(c).

⁸ Section 2 Subsection (2) amended by No. 97 of 2006, Sched. 1.

(3) The resignation of a member of the Board takes effect when the Chairman is advised by the Minister of the resignation.

4. CHAIRMAN AND DEPUTY CHAIRMAN.

(1) The Minister shall appoint a member of the Board to be the Chairman and another member to be the Deputy Chairman.

(2) In the event of the absence or the inability for any reason to act of the Chairman, the Deputy Chairman has all the powers and functions of the Chairman.

5. MEETINGS OF THE BOARD.

(1) The Board shall hold at least four meetings each year, at such times and places as the Chairman appoints.

(2) A meeting of the Board shall be called by the Chairman if he is requested by two members of the Board to do so.

(3) At a meeting of the Board—

(a) four is a quorum; and

(b) the Chairman, or in his absence the Deputy Chairman, shall preside at all meetings at which he is present; and

(c) in the absence of the Chairman and the Deputy Chairman a member elected by the members present from among their number shall preside; and

(d) all matters before the meeting shall be decided by a majority of votes; and

(e) the member presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(4) The Board shall cause full minutes of its proceedings to be kept in such a manner as the Minister directs.

(5) The Board shall forward a copy of the minutes of each meeting of the Board to the Minister.

(6) Subject to this Act, the Board may regulate its own proceedings.

6. VALIDITY OF PROCEEDINGS.

No act or proceeding of the Board, and no act done by any person acting as Chairman or Deputy Chairman, shall be invalidated by reason of—

(a) a defect in the choice or appointment of any member; or

(b) a disqualification of any member; or

(c) a defect in the convening of any meeting; or

(d) a vacancy or vacancies in the number of members of the Board.

7. DELEGATION.

⁹The Board may, by instrument, delegate to any person all or any of its powers and functions under this Act or any other Act (except this power of delegation).

8. DIRECTIONS AS TO POLICY.

The Board shall give effect to any directions given to it by the Minister on any matter of policy relating to the exercise or performance of its functions, duties or powers.

9. GENERAL FUNCTIONS.

(1) Subject to this Act, the Board shall exercise a general supervision over the licensing of public motor transport in the interests of the public, with a view to its greater integration, safety, efficiency and economy.

(2) In particular, and without limiting the generality of Subsection (1), the Board shall continuously—

- (a) examine procedures in the licensing of vehicles carrying passengers for hire or reward; and
- (b) examine the accident and safety records of such vehicles; and
- (c) assess the relationship between the supply of, and the demand for, the services of such vehicles; and
- (d) review the conditions for the operation of such vehicles.

10. GENERAL POWERS OF THE BOARD.

¹⁰The Board has such powers and functions as are conferred on it by this Act or by any other law, or as are prescribed.

11. POWERS AS TO ISSUE, ETC., OF LICENCES.

(1) In this section, “**certificate**” means a certificate of registration—

- (a) as a private hire car or as a public hire car; or
- (b) as a motor omnibus,

granted under the *Motor Traffic Act 1950*.

(2) Notwithstanding the *Motor Traffic Act 1950* or the regulations under that Act, the Board may—

- (a) direct the Superintendent of Motor Traffic to grant or renew, unconditionally or subject to such conditions as the Board specifies, a licence or certificate in relation to a public motor vehicle; and

⁹ Section 7 amended by *Land Transport Board (Amendment) Act 1991* (No. 11 of 1991), s2.

¹⁰ Section 10 replaced by No. 22 of 1976, s5.

- (b) where it is satisfied that circumstances exist that make the grant of a licence or certificate in relation to a public motor vehicle undesirable—direct the Superintendent to refuse the grant of a licence or certificate; and
- (c) where it is satisfied that circumstances exist that warrant the cancellation or suspension, for such period as it thinks proper, of such a licence or certificate—direct the Superintendent to cancel or suspend the licence or certificate for such period as the Board directs.

12. PROCEDURE AND EVIDENCE.

(1) The Board may make such inquiry as it thinks necessary or desirable for the purposes of this Act.

(2) A submission made to the Board may be made—

- (a) by statutory declaration; or
- (b) orally on oath or affirmation.

(3) Section 37 of the *Interpretation Act 1975* applies to and in relation to proceedings before the Board as if the Board were a commissioner authorized by law to hear and determine a matter and a person making a submission to the Board were a witness legally called.

(4) In inquiring into any matter, the Board is not bound to observe strict legal procedure or to apply technical rules of evidence, but may admit and consider such information as is available.

(5) The Board may accept evidence by statutory declaration in the case of a person whose attendance before it the Board thinks unnecessary, or whose attendance the Board thinks would occasion undue hardship.

(6) Evidence taken in accordance with this section shall not be published to any person other than a member of the Board or the Minister.

13. APPEALS.

A person aggrieved by an act or decision of the Board may—

- (a) request that the Board give a written statement of the reasons for its act or decision; and
- (b) within 21 days of the act or decision, appeal to the Minister, or to a person authorized by the Minister to consider the appeal, whose decision is final.

14. REPORTS BY THE BOARD.

(1)¹¹ ¹²The Board shall, as soon as practicable after 31 December in each year, prepare and furnish to the Minister a report of its operations during the year ending on that date.

(2) The report shall contain any comments that the Board thinks desirable to make concerning the administration of the provisions of the laws relating to public motor vehicles.

(3) The Minister shall cause the report to be tabled at the first meeting of the Parliament after its receipt by him.

Office of Legislative Counsel, PNG

¹¹ Section 14(1) amended by *Land Transport Board (Amendment) Act 1991* (No. 11 of 1991), s3.

¹² Section 14(1) amended by *Land Transport Board (Amendment) Act 1991* (No. 11 of 1991), s3.