

GENERAL.

31. The legislation governing transport licensing is to some extent experimental. Similar systems have been adopted in many other countries, but none of them has been working for any long time, and the experience gained in all countries has been too brief to provide any reliable guide as to their merits. In certain ways the existing legislation may appear to be inadequate and capable of improvement, but changes in it should only be made in the light of experience gained from time to time. There appear to be some minor defects in law which we recommended for consideration with a view to their amendment.

32. We direct attention to the following matters which would involve minor amendments to the Act in force:—

(a) *Term of Licenses.*—This has been referred to in paragraph 24 above, and needs no further explanation. If an amendment is made in the case of passenger-services, the same amendment can be brought into force later by an Order in Council for goods-services when the time is deemed appropriate.

(b) *Transfer of Licenses.*—There is no right of appeal from the decision of a District Licensing Authority to grant or refuse the transfer of a license. This seems to be an accidental omission, and we recommend that appeals should be permitted on any matter which is the subject of a determination by a Licensing Authority.

(c) *Simplification of Procedure.*—This has been explained in paragraph 25 above, and needs no further reference.

(d) Section 28 of the Transport Law Amendment Act, 1933, permits licenses to be granted to goods-services for the carriage of occasional passengers, but only where the vehicle used is designed chiefly for the carriage of goods. In rural areas it is not uncommon for light motor-cars to be used for the carriage of newspapers or for mail contracts, but these cannot be licensed under this section, although the service is a goods-service and passengers are merely an occasional adjunct. We recommend that this anomaly be removed.

(e) Under section 26 (2) (f) a Licensing Authority, when determining an application for a license, must consider “the transport services of any kind, whether by land or water, already provided in respect of the localities to be served and in respect of the proposed routes”; and, under section 26 (2) (j), must consider “any representations made by persons carrying on transport services of any kind (whether by land or water) likely to be affected.” Although a right of appeal, under section 43, is given to every other class of person affected by a decision of the Licensing Authority, no right of appeal is given to the owner of a service by water. As transport by sea may be and actually is vitally affected by decisions given by a Licensing Authority, the persons carrying on such transport should also be given a right of appeal corresponding with that of other persons affected.

33. We pass on now to another aspect of transport licensing. Only two forms of transport—road transport and air transport—are under the jurisdiction of the Board, and the regulation of these two forms of transport by themselves presents no insuperable difficulty, and we believe has made substantial progress. There are more serious problems confronting the Board where road transport comes into competition with railways and shipping. As regards road transport, section 26 of the Transport Licensing Act, 1931, provides that the Board must take into account as regards any service proposed to be licensed “the transport services of any kind, whether by land or water, already provided in respect of the localities to be served and in respect of the proposed routes.” There is a similar provision in section 8 of the Transport Licensing (Commercial Air Services) Act, 1934, relating to air services. Licensing Authorities have interpreted this provision in somewhat different ways so far as road transport is concerned, but the Board has endeavoured to place a fair and liberal construction on it as set out in the Board’s decision mentioned in paragraph 12 of this report.

34. Whatever the extent of the restriction on road and air transport imposed by the sections mentioned, however, the problem of competition is not quite solved yet; and we do not even suggest that competition ought to be eliminated altogether, but merely kept within bounds to prevent wasted effort, and this must depend on the co-operation of all forms of transport. At present the Board is the final authority as regards road and air transport, the railways are controlled by the New Zealand Government Railways Board,