



I assent,

GEORGE TUPOU V,

13th February, 2009.

## **AN ACT**

### **TO PROVIDE FOR THE ESTABLISHMENT OF THE MINISTRY OF TRANSPORT AND THE INTERGRATION AND REFORM OF THE TRANSPORT SECTORS IN THE KINGDOM INTO A SINGLE ADMINISTRATION UNDER THE MINISTRY OF TRANSPORT**

**BE IT ENACTED** by the King and the Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

#### **PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the Transport Services Act 2008.

**2. Interpretation**

In this Act, unless the context otherwise requires -

"integrated transport sector" means the integration of the land, sea and air transport sectors in the Kingdom to be administered by the Ministry;

"Minister" means the Minister for Transport;

"Ministry" means the Ministry of Transport;

"Secretary" means the Secretary for Transport.

#### **PART 2 – GENERAL ADMINISTRATION**

**3. Minister for Transport**

The Minister for Transport shall be responsible for the administration of this Act.

#### **4. Ministry of Transport**

There shall be a Ministry of Transport under the direction and control of the Minister, consisting of the Secretary and such other officers and employees that may be appointed in accordance with section 8.

#### **5. Functions of the Ministry**

The functions of the Ministry shall be to-

- (a) administer the integration of the land, sea and air transport sectors in the Kingdom;
- (b) ensure that the services relating to the integrated transport sector in the Kingdom are maintained;
- (c) regulate the integrated transport sector in the Kingdom; and
- (d) undertake any other function prescribed under any other Act relating to land, sea or air transportation.

#### **6. Annual Report**

The Minister shall present an annual report in accordance with clause 51 of the Constitution.

#### **7. Secretary for Transport**

- (1) There shall be a Secretary for Transport in the Ministry, appointed in accordance with the Public Service Act 2002 and the relevant policies of Government.
- (2) The Minister may give policy directions not inconsistent with the provisions of this Act, as to the duties and responsibilities of the Secretary and any other officer of the Ministry.
- (3) It shall be the duty and function of the Secretary to act in accordance with policy direction given to him by the Minister within the provisions of this Act, and generally to assist the Minister and to advise him, as he may deem appropriate, on any transport matter.

#### **8. Appointment of Staff**

There may be appointed in accordance with the Public Service Act 2002 and the relevant policies of Government such officers or employees in the Ministry to assist the Minister in the performance of his functions.

### **PART 3 - ASPECTS OF TRANSPORT SERVICES**

#### **9. Powers**

- (1) The Ministry is empowered to-
  - (a) do any action that may be required to be done in the process of integrating the land, sea and air transport sectors;
  - (b) facilitate the provision of transport services within the limits of available finance and resources and according to the needs of the people of the Kingdom;

- (c) provide facilities for the provision of a comprehensive transport sector;
  - (d) provide such training facilities as may be required to maintain the personnel of the transport sector at the highest possible level of professional and technical expertise and performance;
  - (e) request, conduct, or assist research in transport matters by employees of the Ministry or by such other persons or bodies as he may decide;
  - (f) establish a statistics and transport information service;
  - (g) establish any facility that is conducive to the enhancement of transport services in the Kingdom;
  - (h) ensure that the provision of transport services are conducted in a safe manner; or
  - (i) collaborate with national, international, and non-governmental organizations.
- (2) In exercise of his powers under subsection (1), the Ministry shall act in consultation with relevant Ministries and stakeholders and shall refer any important matters to Cabinet.

#### **10. Delegation of Powers**

The Minister may delegate any of his powers under this Act, other than powers under section 11 in writing to the Secretary or to any other officer.

#### **11. Regulations**

The Minister may, with the consent of Cabinet, make regulations for carrying out of the objects of this Act.

### **PART 4 - MISCELLANEOUS**

#### **12. Savings**

Any existing orders, appointments, certificates, licences or notices made or granted under the Civil Aviation Act 1990, the Shipping Act (Cap. 136) or the Traffice Act (Cap 156), before this Act comes into effect shall remain in force until revoked according to law.

#### **13. Act to Prevail**

Where there is a conflict between the provisions of this Act and any other Act, the provisions of this Act shall prevail.