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LAND TRANSPORT (AMENDMENT) DECREE 2010
(DECREE NO. 41 OF 2010)

IN exercise of the powers vested in me as President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make this Decree—

Short title and commencement

- 1.—(1) This Decree may be cited as the Land Transport (Amendment) Decree 2010.
- (2) This Decree comes into force on the date it is published in the *Gazette*.

Objective of the Decree

2. The objective of the Decree is to accommodate the following—
 - (i) to dissolve the National Road Safety Council and merge it with the Land Transport Authority;
 - (ii) to add to the existing functions of the Land Transport Authority the role of the National Road Safety Council to avoid duplication of functions;
 - (iii) allow for a transition of employees, assets, funds and resources from the National Road Safety into the Land Transport Authority;
 - (iv) Repeal the National Road Safety Act 1994.

Section 8 amended

3. The Land Transport Authority of 1998 (“the Act”) is amended by deleting paragraph (g) and substituting—

- “(g) set the goals and objectives of road safety work in Fiji;
- (h) develop and recommend road safety research and measures which will lead to the improvement of road safety work in Fiji;
 - (i) control and co-ordinate the planning and implementation of road safety work in Fiji taking into consideration the interests of society, user groups, trade and industry, individuals, as well as environmental aspects;
 - (j) Monitor and evaluate the effectiveness of the programs and strategies of organisations which are involved in the promotion of road safety;
 - (k) Monitor and update any Action Plan for the improvement of road safety into Fiji and to supervise its implementation;
 - (l) monitor and update any National Program for the improvement of road safety in Fiji and to supervise its implementation;

- (m) Establish and maintain financial control and auditing of funds to ensure that maximum benefits are derived in road safety activities; and
- (n) consider and/or implement any other aspects of road safety as may be referred to it from time to time; and
- (o) Co-ordinate the work of all organisations which are involved in the promotion of road safety;
- (p) Procure sufficient personnel and finance for road safety work and control and monitor their use;
- (q) To do anything incidental or conducive to the performance of any of the preceding functions."

Section 24 amended

4. Section 24 of the Act is amended—

- (a) in subsection (1) by adding after paragraph (f) the new paragraphs—
 - (g) all money collected by way of levy which the Minister is hereby authorised to charge after consultation with insurance companies; and other persons he deems appropriate;"
 - (h) all accumulations of money that was held by the National Road safety Council;"
- (b) by adding after subsection (3) the new subsection—
 - "(4) Any insurance company or other persons who defaults in the payment of any money charged by the Minister in accordance with paragraph (g) of subsection 1 commits an offence under this Act."

Inserting New Section 24A

5. The Act is amended by inserting a New Section 24(A)—

"National Road Safety Donor Fund

- 24A. (1) Any money that may be contributed or donated to the Authority or otherwise be lawfully payable to the Authority for the purpose of awareness programs and strategies of road safety as previously implemented by the National Road Safety Council or Road Safety work in Fiji shall be payable to the National Road Safety Donor Fund only and not to the Consolidated Fund.
- (2) The National Road Safety Donor Fund shall be audited by an appointed Road Safety Auditor.
 - (3) The Road Safety Auditor shall submit the audited report to the Chief Executive Officer and the Land Transport Board."

Transitional Provisions

6.—(1) By virtue of this Decree, all assets, funds, resources and other movable and immovable property which, immediately before the commencement of this Decree were vested in the National Road Safety Council shall be vested in the Land Transport Authority.

(2) The rights, interests, obligations and liabilities of the National Road Safety Council lawfully existing before this Decree under any contract or instrument or in law or in equity, apart from any contract or instrument, shall by virtue of this Decree, be assigned to and vested in the Authority.

(3) Any reference in any Act, subsidiary legislation or any other written law, instrument or document to the National Road Safety Council shall as from the commencement of this Decree, unless inconsistent with the subject matter, be deemed and be taken to refer to the Authority;

(4) The Authority, employ all of the staff of the National Road Safety Council dissolved by this Decree and the previous service in the National Road Safety Council by the staff so employed shall count as service for the purpose of any pension or other benefit subsequently paid by the Authority and referable to years of service.

Repeal and Savings

7.—(1) The National Road Safety Council Act 1994 is repealed.

(2) Subsidiary legislation made under the repealed Act continue in force as if made under this Decree until amended, replaced or repealed under this Decree, unless and to the extent that—

(a) the matter is provided for in this Decree;

(b) the subsidiary legislation is inconsistent with the provisions of this Decree or any other Act.

(3) Provisions of regulations made under the repealed Act are deemed to have been made by the Authority.

(4) Delegations, directions, notices, agreements and other administrative actions or decisions of the National Road Safety Council, Minister, Secretariat and Management under the repealed Act which could be issued or made by equivalent officers under this Decree continue to have effect as if issued or made under this Decree until varied or revoked under this Decree.

Given under my hand this 2nd of August 2010.

EPELI NAILATIKAU
President of the Republic of Fiji