

Land Transport Amendment Act 2006

Public Act 2006 No 2
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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Land Transport Amendment Act 2006.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act amended**
This Act amends the Land Transport Act 1998.

4 Persons convicted of specified serious offences prohibited from holding or applying for passenger endorsement

- (1) The heading to section 29A is amended by omitting “**or applying for**”.
- (2) Section 29A(1) is amended by omitting “or apply for”.
- (3) Section 29A is amended by repealing subsection (3), and substituting the following subsections:
 - “(3) Despite subsection (1), a person may hold a passenger endorsement if—
 - “(a) the person has not, with respect to a conviction for a specified serious offence, been sentenced to imprisonment for a term exceeding 12 months; and
 - “(b) the Director is, having regard to the criteria in section 29B(2)(a), satisfied that allowing the person to hold a passenger endorsement would not—
 - “(i) be contrary to the public interest; and
 - “(ii) pose an undue risk to public safety or security.
- “(4) For the purposes of this section,—
 - “**imprisonment** excludes—
 - “(a) corrective training; or
 - “(b) borstal training; or
 - “(c) detention centre training
 - “**specified serious offence** means—
 - “(a) murder; or
 - “(b) a sexual crime under Part 7 of the Crimes Act 1961 punishable by 7 or more years’ imprisonment (other than an act that is no longer an offence); and includes a crime under section 144A or section 144C of that Act; or
 - “(c) an offence against any of the following sections of the Crimes Act 1961:
 - “(i) section 173 (attempt to murder):
 - “(ii) section 174 (counselling or attempting to procure murder):
 - “(iii) section 175 (conspiracy to murder):
 - “(iv) section 176 (accessory after the fact to murder):
 - “(v) section 188 (wounding with intent):
 - “(vi) section 189(1) (intent to cause bodily harm by injury):
 - “(vii) section 191 (aggravated wounding or injury):

- “(viii) section 198 (discharging firearm or doing dangerous act with intent):
- “(ix) section 199 (acid throwing):
- “(x) section 200(1) (intent to cause grievous bodily harm by poison):
- “(xi) section 201 (infecting with disease):
- “(xii) section 208 (abduction for purposes of marriage or sexual connection):
- “(xiii) section 209 (kidnapping):
- “(xiv) section 210 (abduction of young person under 16):
- “(xv) section 234 (robbery):
- “(xvi) section 235 (aggravated robbery):
- “(xvii) section 236 (assault with intent to rob):
- “(d) an offence committed outside New Zealand that, if committed in New Zealand, would constitute an offence specified in paragraphs (a) to (c).”

5 Passenger endorsement may be reinstated in certain cases

(1) Section 29B is repealed, and the following section substituted:

“29B Passenger endorsement may be reinstated in certain cases

“(1) A person who has a conviction for a specified serious offence may apply to the Director to have the passenger endorsement reinstated if—

- “(a) the person’s passenger endorsement—
 - “(i) is deemed to be expired and of no effect under section 29A(2); or
 - “(ii) expired during the period beginning on 22 June 2005 and ending on the close of 15 January 2006; and
- “(b) the person has not, with respect to a conviction for an offence specified in paragraph (a) or paragraph (b) of the definition of specified serious offence in section 29A(4), been sentenced to imprisonment for a term exceeding 12 months.

“(2) If an application is made under subsection (1), the Director—

- “(a) may reinstate the applicant’s passenger endorsement if satisfied that allowing the applicant to hold a passenger endorsement would not—

- “(i) be contrary to the public interest; and
 - “(ii) pose an undue risk to public safety or security; and
 - “(b) must, when determining whether reinstating the applicant’s passenger endorsement would not be contrary to the public interest and would not pose an undue risk to public safety or security, have regard to—
 - “(i) the sentence imposed for the applicant’s last conviction for a specified serious offence; and
 - “(ii) the length of time since the applicant’s last conviction for a specified serious offence; and
 - “(iii) the nature and circumstances of each specified serious offence for which the applicant has been convicted; and
 - “(iv) any other convictions that the applicant has; and
 - “(v) the general safety criteria set out in section 30C; and
 - “(vi) any other matters that the Director considers relevant, including (but not limited to) submissions by any affected party.
 - “(3) If the Director decides to reinstate the person’s passenger endorsement under subsection (2) or allow a person to hold a passenger endorsement under section 29A(3), section 29A(1) does not apply with respect to the person unless the person commits a specified serious offence on or after the date of the Director’s decision.
 - “(4) If the Director decides not to reinstate the person’s passenger endorsement under subsection (2) or allow a person to hold a passenger endorsement under section 29A(3), the person may appeal to the High Court.
 - “(5) For the purposes of this section,—
 - “**imprisonment** has the same meaning as in section 29A(4)
 - “**specified serious offence** has the same meaning as in section 29A(4).”
 - (2) For the purposes of section 29B(2)(b)(v) of the principal Act (as substituted by subsection (1)), section 30C of the principal Act is deemed to be in force.
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Legislative history

13 February 2006	Introduction (Bill 17-1)
16 February 2006	First reading and referral to Transport and Industrial Relations Committee
7 March 2006	Reported from Transport and Industrial Relations Committee (Bill 17-2)
16 March 2006	Second reading, committee of the whole House, third reading
