

TRANSPORT LAW REFORM BILL

EXPLANATORY NOTE

THIS Bill makes a number of amendments to the Transport Act 1962 and the Transport (Vehicle and Driver Licensing and Registration) Act 1986.

Most of the amendments to the Transport Act 1962 arise from the July 1987 recommendations of the Road Safety Select Committee on intoxicant impaired driving. The penalty provisions of the Act and the provisions relating to breath-alcohol and blood-alcohol offences have been rewritten to give effect to the Committee's recommendations. In addition, the level at which a breath-alcohol offence is committed has been reduced from 500 to 400 micrograms of alcohol per litre of breath.

Most of the amendments to the Transport (Vehicle and Driver Registration and Licensing) Act 1986 relate to personalised registration plates.

The Bill is expressed to come into force on the 28th day after the date on which it receives the Royal assent.

PART I

AMENDMENTS TO TRANSPORT ACT 1962

Clause 3 amends the definition of "farmer" in section 2 of the principal Act. The main effect of the amendment is to allow farmers of deer, goat, and other animals to enjoy the same benefits in relation to carrying their own animals as currently apply to cattle, pig, and sheep farmers.

Clause 4 inserts new sections 30 to 30AC into the Act in substitution for existing section 30 and various other penalty provisions.

The splitting up and rewriting of the present section was necessary to effect recommendations 22 and 24 of the Road Safety Committee, involving (i) an increase in the fines for drink and drug related offences (new section 30AB), and (ii) a new approach to the penalty of disqualification, which would allow community-based sentences to be substituted in appropriate cases for what at present is a virtually mandatory disqualification requirement for various offences (new section 30AC).

New section 30 relates to general penalties, and effectively repeats subsections (3B), (4), and (5) of the existing section 30.

New section 30AA relates to specific penalties, and effectively repeats subsections (1), (2A), (3), and (3A) of the existing section 30, except so far as these provisions relate to alcohol and drug-related offences. Most existing fines are

No. 71—1

Price

incl. GST \$5.70

increased. New material in the section relates to (i) offences against new *sections 66 (4) and 67 (3)* of the Act (see *clauses 10 and 11*), which relate to duties to stop and to give particulars, and (ii) penalties for driving while disqualified or contrary to the terms of a limited licence, formerly dealt with in *section 35 (2)* of the Act.

New *section 30AB* sets out the penalties for alcohol and drug-related offences. Fines that were previously set at \$1,500 have been increased to \$4,500, and fines for *section 55 (2)* offences have been increased from \$4,000 to \$6,000.

New *section 30AC* implements recommendation 22 of the Road Safety Committee to the effect that where the Act presently requires a mandatory period of disqualification, and the convicted person has previously undergone a period of disqualification, it should be open to the Courts in any particular case where the usefulness of a further period of disqualification is doubtful to impose an alternative but more effective community-based sentence.

Clause 5 rewrites subsections (1) to (3) of *section 30A* of the Act to update the cross-references to the relevant breath-alcohol and blood-alcohol provisions of the Act, as substituted by *clause 7*.

Clause 6 rewrites *section 31* of the Act, which relates to the application of disqualification provisions to offenders who are already disqualified, to take account of new *section 30AC*. The new provision now covers offenders who are disqualified at the time they commit an offence, as well as those disqualified at the time of actual conviction.

Clause 7 rewrites the existing breath-alcohol and blood-alcohol provisions as new *sections 57A to 58j*. The opportunity has been taken to re-order the old provisions to some extent, but much of the rewrite is due simply to the need to change the numerous references to the Dominion Analyst, Government Analysts, and persons employed in the D.S.I.R., consequential upon recommendation 10 of the Road Safety Committee. Substantive amendments to the breath and blood alcohol provisions are as follows (with appropriate references to the recommendations of the Road Safety Committee):

(i) The breath-alcohol level at which an offence is committed is reduced from 500 micrograms of alcohol per litre of breath to 400 micrograms. This is not a specific recommendation of the Road Safety Committee.

(ii) Provision is made for the Minister to specially approve "conclusive" evidential breath-testing devices. Where one of these conclusive devices gives a reading exceeding 600 micrograms of alcohol per litre of breath, that result will of itself be sufficient evidence to lead to conviction for an offence under the Act. The blood test option will no longer be available to the person taking the test (recommendation 11). The necessary amendments are effected in new *sections 58 (5) and 58C (1) (c)*. See also *clause 17*, which relates to "on the spot summonses" for persons with a breath test result exceeding 600 micrograms on a conclusive evidential breath-testing device, and also persons who have returned a positive breath test result but who do not exercise the option to take a blood test.

(iii) At present, all blood specimens are required to be analysed by D.S.I.R. personnel. It is now proposed that such analyses may also be carried out by laboratory technicians in analytical laboratories approved by the Minister for the purpose by notice in the *Gazette* (Recommendations 9 and 10). This change has involved the insertion of a new definition of "Ministry analyst", and consequential replacement

of the numerous references in the existing provisions to the Dominion Analyst, Government Analyst, and persons employed in the D.S.I.R.

The proposal also requires special provision to be made in new *section 58F(4)* and *(5)* for various machinery and notification matters, now that the D.S.I.R. will not be the only agency undertaking the analysis of blood specimens.

(iv) A new definition is inserted of the term "apparently unlicensed driver", as being a person who has not, immediately upon being required to do so by an enforcement officer, produced a driver's licence entitling the person to drive the relevant vehicle, and in respect of whom the enforcement officer has not been otherwise satisfied that the person holds such a licence. The relevance of this definition lies in the introduction in the Transport Amendment Act 1987 of the reduced breath-alcohol and blood-alcohol levels necessary for conviction of an unlicensed person, and in the way an enforcement officer may deal with a person the officer suspects of being unlicensed. For instance, a different warning is required to be given under *section 58(4)(a)* in the case of a positive test at the lower level, and *section 58B(1)(b)* allows an enforcement officer to require an evidential breath test of an apparently unlicensed person where the breath-screening test indicates that there is merely "some" alcohol in the person's breath.

(v) An unlicensed person can at present be charged under *section 58(1)* of the Act only with the offences set out in paragraphs (a) and (c), which refer to the lower breath-alcohol and blood-alcohol levels of 150 micrograms and 30 milligrams. Under the Bill such persons will be able to be charged under the new equivalents of paragraphs (b) and (d), if they exceed the normal alcohol levels of 400 micrograms and 80 milligrams. This change reduces the likelihood of technical arguments as to whether the correct warning has been given or the appropriate action taken in relation to an unlicensed person, who may or may not have been suspected by an enforcement officer to be unlicensed at the time any breath or blood test was taken.

(vi) At present an enforcement officer can require a person to undergo a blood test if an evidential breath test gives a reading of 300 to 500 micrograms of alcohol per litre of breath. With the reduction in the level at which a breath-alcohol offence is committed to 400 micrograms, the blood test option for enforcement officers is removed.

(vii) Provision is made in new *section 58G* to the effect that, where a certificate of a type referred to in *section 39* of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 is produced, it will be presumed until the contrary is proved that a defendant did not hold a licence entitling the person to drive the vehicle in question.

Clause 8 makes a consequential amendment to *section 61* of the Act.

Clause 9 gives effect to recommendation 21 of the Road Safety Committee relating to the period for which enforcement officers can prevent a person from driving. Under the amendment to *section 63*, this period will be an automatic 12 hours where the person's breath-alcohol level exceeds 400 micrograms, unless the officer is satisfied that there is good reason for imposing a shorter prohibition period.

Clause 10 substitutes a new *section 66* for the present provision that relates to the duty of a user of a vehicle to stop when required to do so by a constable or traffic officer in uniform. Under the new *section* a vehicle user will also be

required to stop if followed immediately by a motor vehicle displaying flashing blue, or blue and red, lights and sounding a siren. The user will be required to remain stopped for as long as is reasonably necessary for a constable or traffic officer to obtain particulars or complete the exercise of any other relevant power. The duty to remain stopped ceases if the vehicle with flashing lights and siren does not itself stop.

The penalty for contravention of the duty to stop is increased from a fine of \$500 to a fine of \$1,500 and discretionary disqualification. The penalty for failure to give particulars is increased to \$1,000. (See new *section 30AA (4) and (7)*.)

Clause 11 creates a specific offence of contravention of section 67 of the Act, which requires owners and hirers to give information as to the identity of drivers and passengers, and also makes it an offence to knowingly give false or misleading information under that section. Under new *section 30AA (7)* the penalty for such an offence is a fine not exceeding \$1,000.

Clause 12 amends section 69A of the Act, which at present requires traffic officers to order vehicles exceeding the legal load limits by 20 percent or 5,000 kilograms to off-load before proceeding, or to obtain an overweight permit. The amendment removes the 5,000 kilogram limit and reduces the percentage limit to 10 percent.

Clause 13 inserts a new bylaw-making power relating to the prohibition or restriction of the parking of heavy motor vehicles on any specified road for any specified period.

Clause 14 (1) makes a minor technical correction.

Subclause (2) allows regulations to be made providing for the phased replacement of uniform signs, lights, and notices.

Clause 15 corrects a wrong cross-reference in section 79 of the Act.

Clause 16 adds to the definition of "exempted vehicle" in section 187 of the Act (which relates to vehicles exempt from excise duty) vehicles using trade plates affixed in accordance with section 34 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.

Clause 17 amends the Summary Proceedings Act 1957 to provide for "on the spot summonses" for persons whose breath-alcohol level is found to exceed 600 micrograms when tested by a conclusive evidential breath-testing device (recommendation 20), and also for persons returning positive results on non-conclusive devices who do not exercise the blood-test option.

Clause 18 makes consequential repeals and amendments.

PART II

AMENDMENTS TO TRANSPORT (VEHICLE AND DRIVER REGISTRATION AND LICENSING) ACT 1986

Clause 19 is a machinery provision.

Clause 20 inserts into section 2 of the Act a definition of the term "gross weight". This is the same as the definition in the Transport Act 1962.

Clause 21 rewrites as new *sections 9 to 9E* the provisions of the Act relating to personalised number plates. Substantive amendments are as follows:

- (i) The restriction on single symbol personalised plates is removed.
- (ii) Provision is made for the conversion of existing plates to personalised plates.

(iii) The restriction on replacement of lost or stolen personalised plates is removed.

(iv) Personalised plates that are not actually affixed to a vehicle will have to be surrendered to the Registrar, who will hold them until they are ready to be affixed to a vehicle.

(v) All applications, fees, and plates involved in any particular personalised plate transaction involving 1 or more owners or vehicles should be submitted by all persons concerned to the Registrar at the same time.

Clause 22 amends section 15 of the Act to allow for the replacement of existing non-reflectorised plates with new reflectorised plates.

Clause 23 amends section 37 of the Act to fill a loophole in the present offence provisions relating to persons not entitled to drive. The current provision refers only to expired or revoked licences, and not to suspended licences.

Clause 24 provides for the approval of driving instructors (as well as organisations and schools) as persons who may conduct courses required to be completed by any applicant for a driver's licence.

TRANSPORT LAW REFORM

ANALYSIS

Title	
1. Short Title and commencement	
PART I	
AMENDMENTS TO TRANSPORT ACT 1962	
2. Part to be read with Transport Act 1962	
3. Interpretation	
4. New sections substituted relating to penalties for offences	
30. General penalties	
30AA. Specific penalties	
30AB. Penalties for alcohol and drug related traffic offences	
30AC. Community-based sentence may be substituted for disqualification directed under this Part in certain circumstances	
5. Court orders relating to persons convicted of alcohol or drug related traffic offences	
6. Application of disqualification provisions where offender already disqualified	
7. New heading and sections substituted relating to breath-alcohol and blood-alcohol offences	
<i>Breath-Alcohol and Blood-Alcohol Offences</i>	
57A. Interpretation	
58. Driving with excessive breath-alcohol or blood-alcohol concentration or while under influence of drink or drugs	
58A. Breath screening tests	
58B. Evidential breath tests	
58C. Blood tests	
58D. Hospital blood tests	
58E. Refusal to supply blood specimen	
58F. Procedure for dealing with blood specimens	
58G. Certificates and presumptions in blood-alcohol proceedings	
58H. Circumstances in which certificate not admissible in proceedings	
58I. Reasonable compliance	
58J. Taking of blood specimens for statistical or research purposes	
8. Names of drivers under influence of drink or drugs not to be suppressed	
9. Constable or traffic officer may prohibit or prevent driving	
10. User of vehicle to stop when required and give name and address, etc.	
11. Owner or hirer to give information as to identity of driver or passenger	
12. Powers of traffic officers in respect of heavy motor vehicles	
13. Bylaws as to the use of roads	
14. Regulations	
15. Certificates of fitness and certificates of loading	
16. Interpretation	
17. Amendment to Summary Proceedings Act 1957	
19B. Summons following evidential breath test	
18. Consequential repeals and amendment	
PART II	
AMENDMENTS TO TRANSPORT (VEHICLE AND DRIVER REGISTRATION AND LICENSING) ACT 1986	
19. Part to be read with Transport (Vehicle and Driver Registration and Licensing) Act 1986	
20. Interpretation	
21. New sections substituted relating to personalised registration plates	
9. Personalised registration plates	
9A. Application for personalised registration plates	

9b. Transfer of personalised registration plates to another vehicle or person	9e. Certain letters and numbers not to be allocated
9c. Personalised registration plates to be held by Registrar until ready to be affixed to vehicle	22. Replacement certificates of registration, licences, and registration plates
9d. Voluntary or required surrender of registration plates	23. Unlicensed persons not to drive motor vehicles
	24. Regulations Schedule

A BILL INTITULED

An Act to amend the Transport Act 1962 and the Transport (Vehicle and Driver Registration and Licensing) Act 1986

BE IT ENACTED by the Parliament of New Zealand as follows: 5

1. Short Title and commencement—(1) This Act may be cited as the Transport Law Reform Act 1988.

(2) This Act shall come into force on the 28th day after the date on which it receives the Royal assent.

PART I

10

AMENDMENTS TO TRANSPORT ACT 1962

2. Part to be read with Transport Act 1962—This Part of this Act shall be read together with and deemed part of the Transport Act 1962* (hereafter in this Part referred to as the principal Act). 15

3. Interpretation—Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “farmer”, and substituting the following definition:

“Farmer” means any farmer of animals or livestock, or any market gardener, orchardist, viticulturalist, 20
apiarist, nurseryman, poultry or egg producer, or grower of hops, peas, potatoes, tobacco, or other crops; and “farm” has a corresponding meaning.”

4. New sections substituted relating to penalties for offences—(1) The principal Act is hereby amended by 25
repealing section 30 (as substituted by section 2 of the Transport Amendment Act 1970), and substituting the following sections:

*R.S. Vol. 16, p. 659

Amendments: 1985, No. 126; 1985, No. 194; 1986, No. 49; 1987, No. 96

“30. **General penalties**—(1) Every person who commits an offence against this Act or against any regulations made under this Act for which no penalty is provided elsewhere than in this subsection is liable to a fine not exceeding \$500, and, if in the
5 opinion of the Court the offence relates to road safety, the Court may order the person to be disqualified from holding or obtaining a driver’s licence for such period as the Court thinks fit.

“(2) Except as provided in section 108 (5) of this Act, every
10 person who commits an offence against Part VII of this Act is liable to a fine not exceeding \$2,000.

“(3) On conviction of any person for an offence against—

“(a) Any regulations made under section 243 of the Public
Works Act 1981 (which relates to motorways); or

15 “(b) Section 54 of the New Zealand Railways Corporation Act 1981 (which relates to traffic at level crossings); or

“(c) Any bylaws made under section 72 of this Act,—
the Court may, if in its opinion the offence relates to road
20 safety, order the person to be disqualified from holding or obtaining a driver’s licence for such period as the Court thinks fit, whether or not the Court imposes any other penalty for the offence.

“30AA. **Specific penalties**—(1) Every person who commits
an offence against—

25 “(a) Section 55 (1) of this Act (which relates to causing bodily injury or death through reckless or dangerous driving); or

“(b) Section 65 (4) of this Act (which relates to the duties of a
30 driver in the case of an accident where any other person is killed or injured)—

is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$6,000 or to both; and the Court shall, subject to section 30Ac of this Act,
35 order the person to be disqualified from holding or obtaining a driver’s licence for a period of 1 year or more, unless the Court for special reasons relating to the offence thinks fit to order otherwise.

“(2) Every person who commits an offence against section
40 56 (1A) of this Act (which relates to causing bodily injury or death through careless driving in specified circumstances) is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$4,500 or to both; and the Court shall, subject to section 30Ac of this Act, order the person to be disqualified from holding or obtaining a

driver's licence for a period of 1 year or more, unless the Court for special reasons relating to the offence thinks fit to order otherwise.

“(3) Every person who commits an offence against—

“(a) Section 34 or section 50 of this Act (which relate to 5
applying for or obtaining a driver's licence while
disqualified); or

“(b) Section 56 (1) of this Act (which relates to causing bodily
injury or death through careless use of a motor
vehicle); or 10

“(c) Section 57 of this Act (which relates to reckless or
dangerous driving); or

“(d) Section 65 (5) of this Act (which relates to the duties of a
driver in the case of an accident where no other
person is killed or injured)— 15

is liable to imprisonment for a term not exceeding 3 months or
to a fine not exceeding \$3,000 or to both; and the Court shall,
subject to **section 30Ac** of this Act, order the person to be
disqualified from holding or obtaining a driver's licence for a
period of 6 months or more, unless the Court for special 20
reasons relating to the offence thinks fit to order otherwise.

“(4) Every person who commits an offence against section 35
of this Act (which relates to driving while disqualified or
contrary to the terms of a limited licence) is liable—

“(a) For a first offence, to imprisonment for a term not 25
exceeding 3 months or to a fine not exceeding
\$3,000 or to both; and the Court shall, subject to
section 30Ac of this Act, order the person to be
disqualified from holding or obtaining a driver's
licence for a period of 6 months, unless the Court 30
for special reasons relating to the offence thinks fit
to order otherwise:

“(b) For a second or subsequent offence, on conviction on
indictment, to imprisonment for a term not
exceeding 5 years or to a fine not exceeding \$6,000 35
or to both; and the Court shall, subject to **section 30Ac**
of this Act, order the person to be disqualified from
holding or obtaining a driver's licence for a period of
1 year or more, unless the Court for special reasons
relating to the offence thinks fit to order otherwise. 40

“(5) Every person who commits an offence against **section**
66 (4) (a) of this Act (which relates to the duty of the user of a
vehicle to stop in certain circumstances) is liable to a fine not
exceeding \$1,500; and the Court may order the person to be

disqualified from holding or obtaining a driver's licence for such period as the Court thinks fit.

5 “(6) Every person who commits an offence against section 60 of this Act (which relates to careless or inconsiderate use of a motor vehicle) is liable to a fine not exceeding \$1,000; and the Court may order the person to be disqualified from holding or obtaining a driver's licence for such period as the Court thinks fit.

10 “(7) Every person who commits an offence against **section 66 (4) (b) or section 67** of this Act (which relate to the duty to give particulars in certain circumstances) is liable to a fine not exceeding \$1,000.

15 “**30AB. Penalties for alcohol and drug related traffic offences**—(1) Every person who commits an offence against section 55 (2) of this Act (which relates to causing bodily injury or death through driving while under the influence of drink or a drug or while the proportion of alcohol in the driver's breath or blood exceeds a specified amount) is liable on conviction on indictment to imprisonment for a term not exceeding 5 years
20 or to a fine not exceeding \$6,000 or to both; and the Court shall, subject to **section 30AC** of this Act, order the person to be disqualified from holding or obtaining a driver's licence for a period of 1 year or more, unless the Court for special reasons relating to the offence thinks fit to order otherwise.

25 “(2) Every person who commits an offence against—
“**(a) Section 58** of this Act (which relates to driving while the proportion of alcohol in the driver's breath or blood exceeds a specified amount or while under the influence of drink or a drug); or

30 “**(b) Section 58E** of this Act (which relates to refusing to supply a specimen of blood)—

is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$4,500 or to both; and the Court shall, subject to **section 30AC** of this Act, order the person to be
35 disqualified from holding or obtaining a driver's licence for a period of 6 months or more, unless the Court for special reasons relating to the offence thinks fit to order otherwise.

40 “(3) Every person who commits an offence against **section 58A (4) or section 58B (5) or section 58c (5)** of this Act (which relate to failure to accompany an enforcement officer for purposes relating to breath tests or blood tests and failure to remain at places for those purposes) is liable to a fine not exceeding \$4,500; and the Court may order the person to be disqualified

from holding or obtaining a driver's licence for such period as the Court thinks fit.

“(4) Every person who, having undergone a blood test, is convicted of an offence against **section 55 (2) (a) or (c) or section 58 (1) (c), (d), or (e)** of this Act (which relate to driving or causing 5
bodily injury or death while the proportion of alcohol in the driver's blood exceeds a specified amount, or driving while under the influence of drink or a drug) is liable to pay the blood test fee prescribed by the Minister by notice in the *Gazette* and in force on the day on which the offence was committed; and 10
the blood test fee is hereby deemed to be a fine imposed on the conviction of the person for the offence.

“30AC. **Community-based sentence may be substituted for disqualification directed under this Part in certain circumstances**—(1) Notwithstanding any provision of this Act 15
that requires a Court (in the absence of special reasons relating to the offence) to order a person convicted of an offence to be disqualified from holding or obtaining a driver's licence, where—

“(a) The offender has previously been ordered on conviction 20
for an offence to be so disqualified; and

“(b) The Court, having regard to—

“(i) The circumstances of the case and of the offender; and

“(ii) The effectiveness or otherwise of any previous 25
order of disqualification made in respect of the offender; and

“(iii) The likely effect on the offender of any further order of disqualification; and

“(iv) The interests of the public,— 30
considers that it would be inappropriate to order that the offender be disqualified from holding or obtaining a driver's licence; and

“(c) The Court considers that it would be appropriate to 35
sentence the offender to a community-based sentence in accordance with Part III of the Criminal Justice Act 1985,—

the Court may determine not to order that the offender be disqualified from holding or obtaining a driver's licence.

“(2) Where the Court sentencing an offender determines 40
pursuant to this section not to make an order of disqualification,—

“(a) The Court shall impose a community-based sentence on the offender; and

5 “(b) The imposition of such a sentence shall be without prejudice to the power of the Court to impose any other sentence in respect of the offence that, in accordance with the provisions of the Criminal Justice Act 1985, it may impose in addition to the community-based sentence; and

10 “(c) In determining the appropriate sentence to be imposed on the offender in respect of the offence, the Court shall take into account the gravity of the offence and the fact that the offender would otherwise have been liable to disqualification from holding or obtaining a driver’s licence.”

15 (2) Section 35 (2) of the principal Act (as amended by section 8 of the Transport Amendment Act (No. 3) 1983) is hereby consequentially repealed.

5. Court orders relating to persons convicted of alcohol or drug related traffic offences—Section 30A of the principal Act (as inserted by section 6 of the Transport Amendment Act (No. 3) 1983 and amended by section 5 of the Transport Amendment Act 1987) is hereby amended by repealing subsections (1) to (3), and substituting the following subsections:

“(1) Where—

25 “(a) A Court convicts a person of an offence against any of the following provisions of this Act, namely,—

30 “(i) Section 55 (2) (which relates to causing bodily injury or death through driving while under the influence of drink or a drug or while the proportion of alcohol in the driver’s breath or blood exceeds a specified amount); or

“(ii) Section 56 (1A) (b) (which relates to causing bodily injury or death while under the influence of drink or a drug); or

35 “(iii) Section 58 (1) (which relates to driving while the proportion of alcohol in the driver’s breath or blood exceeds a specified amount or while under the influence of drink or a drug); or

40 “(iv) Section 58A (4) (which relates to failing or refusing to remain at a place until the result of a breath screening test is ascertained); or

“(v) Section 58B (5) (which relates to failing or refusing to accompany an enforcement officer, or to remain at a place, for purposes relating to evidential breath tests); or

“(vi) **Section 58c(5)** (which relates to failing or refusing to accompany an enforcement officer, or to remain at a place, for purposes relating to blood specimens); or

“(vii) **Section 58E(1)** (which relates to failing or refusing to permit a blood specimen to be taken); or

“(viii) **Section 58E(2)** (which relates to failing or refusing to permit a hospital blood specimen to be taken); or

“(ix) Any former provision of this Act corresponding to any provision referred to in any of **subparagraphs (i) to (viii)** of this paragraph; and

“(b) The person convicted has previously been convicted of an offence referred to in **paragraph (a)** of this subsection committed within 5 years of the date of the commission of the offence being dealt with by the Court,—

the Court shall, subject to **subsection (2)** of this section, make an order requiring the person to attend an Assessment Centre and disqualifying the person from holding or obtaining a driver’s licence until the Secretary makes an order under **section 30c(1)** of this Act removing that disqualification.

“(2) The Court shall not make an order under **subsection (1)** of this section unless at least one of the offences was an offence—

“(a) Against any of **paragraphs (a) to (d)** of **section 58(1)** of this Act, and in relation to that offence either—

“(i) The proportion of alcohol in the person’s breath, as ascertained by an evidential breath test, exceeded 1,000 micrograms of alcohol per litre of breath; or

“(ii) The proportion of alcohol in the person’s blood, as ascertained from an analysis of a blood specimen, exceeded 200 milligrams of alcohol per 100 millilitres of blood; or

“(b) Against **paragraph (e)** of **section 58(1)** of this Act, or any provision referred to in any of **subparagraphs (iv) to (viii)** of **paragraph (a)** of **subsection (1)** of this section, or against any former provision corresponding to any of those provisions of that paragraph.

“(3) For the purposes of **subsection (2)(a)** of this section, any certificate given under **section 58G(1)** of this Act (or any former corresponding provision) and admitted in evidence in any proceedings for an offence referred to in that subsection shall be sufficient evidence of the matters stated in the certificate, until the contrary is proved.”

6. Application of disqualification provisions where offender already disqualified—The principal Act is hereby amended by repealing section 31 (as substituted by section 7 of the Transport Amendment Act (No. 3) 1983), and substituting the following section:

“31. (1) Where a person is convicted of an offence that renders the person liable to be disqualified from holding or obtaining a driver’s licence, and the person is (or was at the time of the offence) already disqualified or the holder of a limited licence issued under section 38 of this Act, the Court shall, subject to section 30Ac of this Act, order the person to be disqualified from holding or obtaining a driver’s licence for a period of 6 months or more, unless the Court for special reasons relating to the offence thinks fit to order otherwise.

“(2) Nothing in subsection (1) of this section restricts the power of the Court to impose any other penalty specified in respect of the offence.

“(3) Any period of disqualification ordered in respect of a person who is at the time of the order already disqualified from holding or obtaining a driver’s licence shall commence on the date on which the order or the last of the orders to which the person is already subject ceases to have effect, and in every other case shall commence in accordance with section 36 of this Act.”

7. New heading and sections substituted relating to breath-alcohol and blood-alcohol offences—The principal Act is hereby amended by repealing sections 57A to 58F, and the heading immediately preceding those sections, and substituting the following heading and sections:

“*Breath-Alcohol and Blood-Alcohol Offences*

“57A. **Interpretation**—(1) In this section and in sections 58 to 58J and section 63 of this Act, unless the context otherwise requires,—

“‘Accompany’, in relation to the accompanying of an enforcement officer to any place, includes remaining with an enforcement officer at any place whether or not any journey is involved:

“‘Apparently unlicensed driver’ means a person—

“(a) Who has not, immediately upon being required to do so by an enforcement officer, produced a driver’s licence entitling the person to

drive a motor vehicle of the class that the person was driving or attempting to drive; and

“(b) In respect of whom the enforcement officer has not been otherwise satisfied that the person holds such a licence: 5

“ ‘Approved health authority’ means an area health board or Hospital Board approved by the Minister, with the agreement of the Minister of Health, for the purposes of **section 58J** of this Act:

“ ‘Area health board’ has the same meaning as in the Area Health Boards Act 1983: 10

“ ‘Authorised person’ means—

“(a) A person acting in any hospital who is employed by an area health board or Hospital Board and who in the normal course of the person’s duties takes blood specimens; or 15

“(b) A nurse registered under the Nurses Act 1977; or

“(c) A medical laboratory technologist registered under the Medical and Dental Auxiliaries Act 1966 or regulations made under that Act: 20

“ ‘Blood specimen’ means a specimen of venous blood taken in accordance with normal medical procedures:

“ ‘Blood specimen collecting kit’ means a package having endorsed thereon or affixed thereto or included therein a label indicating that it is a blood specimen collecting kit and that it has been supplied by or on behalf of the Department of Scientific and Industrial Research: 25

“ ‘Blood test’ means the taking of a blood specimen for analysis: 30

“ ‘Breath screening device’ means a device of a kind approved for the purpose of breath screening tests by the Minister by notice in the *Gazette*:

“ ‘Breath screening test’ means a test carried out by means of a breath screening device in a manner prescribed in respect of that device by the Minister by notice in the *Gazette*: 35

“ ‘Conclusive evidential breath-testing device’ means an evidential breath testing device approved by the Minister by notice in the *Gazette* as conclusive without the option of a blood test for the purposes of **section 58 (5)** of this Act: 40

“ ‘Doctor’s surgery’ means a registered medical practitioner’s surgery or any other place where a 45

medical examination or medical care or treatment is carried out or given:

“ ‘Drink’ means alcoholic drink:

5 “ ‘Enforcement officer’ means a traffic officer or a constable:

“ ‘Evidential breath test’ means a test carried out by means of an evidential breath-testing device in a manner prescribed in respect of that device by the Minister by notice in the *Gazette*:

10 “ ‘Evidential breath-testing device’ means a device of a kind approved for the purpose of evidential breath tests by the Minister by notice in the *Gazette*:

“ ‘Hospital’ and ‘Hospital Board’ have the same meanings as in section 2 of the Hospitals Act 1957:

15 “ ‘Ministry analyst’ means the Dominion Analyst or a Government Analyst, or the senior analyst or analyst in charge of an analytical laboratory approved by the Minister by notice in the *Gazette* for the purpose of analysing blood specimens on behalf of the Ministry; and includes any person who is employed in the Department of Scientific and Industrial Research, or in any analytical laboratory so approved, and who is authorised to act as a Ministry analyst by the Dominion Analyst or a Government analyst, or by the senior analyst or analyst in charge of the approved analytical laboratory, either generally or in any particular case:

20 “ ‘Positive evidential breath test’ means an evidential breath test that indicates that the proportion of alcohol in the breath of the person who underwent the test—

“ (a) In any case, exceeds 400 micrograms of alcohol per litre of breath; or

25 “ (b) In the case of an apparently unlicensed driver, exceeds 150 micrograms of alcohol per litre of breath;—

and ‘positive’, in relation to an evidential breath test, has a corresponding meaning:

30 “ ‘Private analyst’ means a person qualified by academic or technical training in chemical or biochemical analysis; and includes any body corporate or organisation that employs such a person:

35 “ ‘Registered medical practitioner’ means a person registered as a medical practitioner under the Medical Practitioners Act 1968; and includes a person

45

conditionally registered as a medical practitioner under that Act.

“(2) Nothing in the definition of the term ‘apparently unlicensed driver’ in subsection (1) of this section shall oblige an enforcement officer to seek any information or take any action 5 (other than requiring the production of a driver’s licence) for the purpose of being satisfied that the person concerned holds a licence entitling the person to drive the vehicle in question.

“(3) Any notice given by the Minister in the *Gazette* for the purposes of subsection (1) of this section or the corresponding 10 provisions of any former enactment shall be deemed to be and always to have been a regulation for the purposes of the Regulations Act 1936 and the Acts Interpretation Act 1924.

“(4) Any approval by the Minister of an area health board or a Hospital Board as an approved health authority for the 15 purposes of this section shall be given for such limited period of time as is specified by the Minister, and may be given on such other terms and conditions as the Minister thinks fit.

“58. Driving with excessive breath-alcohol or blood-alcohol concentration or while under influence of drink or drugs—(1) Every person commits an offence who—

“(a) Drives or attempts to drive a motor vehicle on any road while the proportion of alcohol in the person’s breath, as ascertained by an evidential breath test subsequently undergone by the person, exceeds 400 25 micrograms of alcohol per litre of breath; or

“(b) Being a person who does not hold a driver’s licence entitling the person to drive a motor vehicle of the class that the person was driving or attempting to drive, drives or attempts to drive such a motor 30 vehicle on any road while the proportion of alcohol in the person’s breath, as ascertained by an evidential breath test subsequently undergone by the person, exceeds 150 micrograms of alcohol per litre of breath; or 35

“(c) Drives or attempts to drive a motor vehicle on any road while the proportion of alcohol in the person’s blood, as ascertained from an analysis of a blood specimen subsequently taken from the person, exceeds 80 milligrams of alcohol per 100 millilitres 40 of blood; or

“(d) Being a person who does not hold a driver’s licence entitling the person to drive a motor vehicle of the class that the person was driving or attempting to

5 drive, drives or attempts to drive such a motor vehicle on any road while the proportion of alcohol in the person's blood, as ascertained from an analysis of a blood specimen subsequently taken from the person, exceeds 30 milligrams of alcohol per 100 millilitres of blood; or

“(e) Drives or attempts to drive a motor vehicle on any road while under the influence of drink or a drug, or both, to such an extent as to be incapable of having proper control of the vehicle.

10 “(2) For the purposes of proceedings for an offence against this Act arising out of the circumstances in respect of which an evidential breath test was undergone by the defendant, it shall be conclusively presumed that the proportion of alcohol in the
15 defendant's breath at the time of the alleged offence was the same as the proportion of alcohol in the defendant's breath indicated by the test.

“(3) For the purposes of proceedings for an offence against this Act arising out of the circumstances in respect of which a
20 blood specimen was taken from the defendant pursuant to section 58c or section 58d of this Act, it shall be conclusively presumed that the proportion of alcohol in the defendant's blood at the time of the alleged offence was the same as the proportion of alcohol in the blood specimen taken from the
25 defendant.

“(4) Except as provided in subsection (5) of this section, the result of a positive evidential breath test shall not be admissible in evidence in proceedings for an offence against subsection (1) of this section if—

30 “(a) The person who underwent the test is not advised by an enforcement officer, forthwith after the result of the test is ascertained, that the test was positive and that, if the person does not request a blood test within 10 minutes,—

35 “(i) In the case of a positive test that indicates that the proportion of alcohol in the person's breath exceeds 400 micrograms of alcohol per litre of breath, the test could of itself be sufficient evidence to lead to that person's conviction for an offence against this Act; or

40 “(ii) In the case of a positive test that indicates that the proportion of alcohol in the person's breath exceeds 150 but does not exceed 400 micrograms of alcohol per litre of breath, the test could of itself,
45 unless the person actually holds a driver's licence

entitling the person to drive the vehicle in question, be sufficient evidence to lead to that person's conviction for an offence against this Act:

“Provided that this paragraph shall not apply if the person who underwent the test fails or refuses to remain at the place where the person underwent the test until the person can be advised of the result of the test; or 5

“(b) The person who underwent the test—

“(i) Advises an enforcement officer, within 10 minutes of being advised of the matters specified in paragraph (a) of this subsection, that the person wishes to undergo a blood test; and 10

“(ii) Complies with section 58c (2) of this Act.

“(5) The result of a positive evidential breath test shall not be rendered inadmissible under subsection (4) of this section if— 15

“(a) The test was carried out by means of a conclusive evidential breath-testing device; and

“(b) The test indicated that the proportion of alcohol in the breath of the person who underwent the test exceeded 600 micrograms of alcohol per litre of breath. 20

“(6) It is not a defence to a charge under paragraph (c) or paragraph (d) of subsection (1) of this section—

“(a) That there was or may have been an error in the result of the evidential breath test; or 25

“(b) That the occurrence or likely occurrence of any such error did not entitle or empower any person to request or require a blood test.

“58A. **Breath screening tests**—(1) Where an enforcement officer has good cause to suspect that— 30

“(a) The driver of a motor vehicle on any road has recently, before driving the vehicle, or has, while driving the vehicle, consumed drink; or

“(b) Any person attempting to drive a motor vehicle on any road has recently, before attempting to drive the vehicle, or has, while attempting to drive the vehicle, consumed drink; or 35

“(c) Any person has recently committed an offence against this Part of this Act, or against any regulations authorised by section 77 of this Act and made under section 199 of this Act, that involves the use of a motor vehicle,— 40

the officer may require that driver or person to undergo forthwith a breath screening test.

“(2) Where an accident has occurred involving any motor vehicle, an enforcement officer may require—

5 “(a) The driver of the motor vehicle at the time of the accident; or

“(b) Where the officer is unable to ascertain who the driver of the motor vehicle was at the time of the accident, any person whom the officer has good cause to suspect was in the motor vehicle at the time of the accident,—

to undergo forthwith a breath screening test.

“(3) Notwithstanding anything in this Act or any other Act or rule of law, an enforcement officer shall not require a person who is in a hospital or doctor’s surgery as a result of an accident involving a motor vehicle to undergo a breath screening test.

“(4) Every person commits an offence, and may be arrested without warrant by an enforcement officer, who, having undergone a breath screening test pursuant to a requirement under this section, fails or refuses to remain at the place where the person underwent the test until after the result of the test is ascertained.

“58B. **Evidential breath tests**—(1) An enforcement officer may require a person to accompany the officer to any place where it is likely that the person can undergo an evidential breath test or a blood test (or both) if—

“(a) It appears to the officer that a breath screening test undergone by the person pursuant to a requirement under **section 58A** of this Act indicates that the proportion of alcohol in the person’s breath exceeds 400 micrograms of alcohol per litre of breath; or

“(b) The person is an apparently unlicensed driver, or the holder of a learner licence or a restricted licence in relation to the class of vehicle the person was driving or attempting to drive, and it appears to the officer that a breath screening test undergone by the person pursuant to a requirement under **section 58A** of this Act indicates that there is some alcohol in the person’s breath; or

“(c) The person fails or refuses to undergo forthwith a breath screening test, having been required to do so by the officer pursuant to **section 58A** of this Act; or

“(d) The officer could require the person to undergo forthwith a breath screening test pursuant to **section**

58A of this Act, but a breath screening device is not readily available or for any reason a breath screening test cannot then be carried out.

“(2) If it is not practicable for a person to undergo an evidential breath test at a place to which the person has accompanied an enforcement officer pursuant to a requirement under **subsection (1)** of this section, an enforcement officer may require the person to accompany the officer to any other place where it is likely that the person can undergo an evidential breath test or a blood test (or both).”

“(3) For the avoidance of doubt, it is hereby declared that an enforcement officer may require a person to accompany the officer to a place pursuant to **subsection (1)** or **subsection (2)** of this section if—

“(a) It is likely that the person can undergo an evidential breath test at that place, whether or not it is likely that the person can undergo a blood test at that place; or

“(b) It is likely that the person can undergo a blood test at that place, whether or not it is likely that the person can undergo an evidential breath test at that place.

“(4) Where any person—

“(a) Has accompanied an enforcement officer to any place pursuant to a requirement under this section; or

“(b) Has been arrested under **paragraph (a)** or **paragraph (b)** of **subsection (5)** of this section and taken to or detained at any place,—

an enforcement officer may require the person to undergo forthwith at that place an evidential breath test (whether or not the person has already undergone a breath screening test).

“(5) Every person commits an offence, and may be arrested without warrant by an enforcement officer, who—

“(a) Fails or refuses to accompany an enforcement officer to any place when required to do so pursuant to this section; or

“(b) Having accompanied an enforcement officer to any place pursuant to a requirement under this section, fails or refuses to remain at that place until the person is required either to undergo an evidential breath test or a blood test pursuant to this Act, or to accompany an enforcement officer to another place pursuant to this section; or

“(c) Having undergone an evidential breath test pursuant to a requirement under this section, fails or refuses to

remain at the place where the person underwent the test until after the result of the test is ascertained.

“(6) Notwithstanding anything in this Act or any other Act or rule of law, an enforcement officer shall not require a person
5 who is in a hospital or doctor’s surgery as a result of an accident involving a motor vehicle to undergo an evidential breath test.

“58c. **Blood tests**—(1) An enforcement officer may require a person to permit a registered medical practitioner or authorised person to take a blood specimen from the person
10 if—

“(a) The person fails or refuses to undergo forthwith an evidential breath test, having been required to do so by an enforcement officer pursuant to **section 58b** of this Act; or

15 “(b) It appears to an enforcement officer that an evidential breath test undergone pursuant to **section 58b** of this Act is positive (other than a test carried out by means of a conclusive evidential breath-testing device that indicates that the proportion of alcohol
20 in the person’s breath exceeds 600 micrograms of alcohol per litre of breath), and, within 10 minutes of being advised by an enforcement officer of the matters specified in **section 58 (4) (a)** of this Act, the person advises an enforcement officer that the
25 person wishes to undergo a blood test; or

“(c) An evidential breath-testing device is not readily available at the place to which the person has accompanied an enforcement officer pursuant to a requirement under **section 58b** of this Act (whether or
30 not at the time the requirement was made it was likely that the person could undergo an evidential breath test at that place) or to which the person has been taken under arrest, as the case may be; or for any reason an evidential breath test cannot then be
35 carried out at that place; or

“(d) An enforcement officer has arrested pursuant to section 62 of this Act a person whom the officer has good cause to suspect has committed an offence against
40 section 55 (2) or **section 58 (1) (e)** or section 59 of this Act (being an offence committed while under the influence of a drug or of drink and a drug), and either—

“(i) A registered medical practitioner has examined the person and believes that the person

may be under the influence of a drug or of drink and a drug; or

“(ii) The person has refused to be examined by a registered medical practitioner for the purposes of this paragraph. 5

“(2) A person who has been required by an enforcement officer under **subsection (1)** of this section to permit the taking of a blood specimen shall, forthwith after being requested to do so by a registered medical practitioner or authorised person, permit that practitioner or authorised person to take a blood specimen from that person. 10

“(3) If it is not practicable for a blood specimen to be taken from a person by a registered medical practitioner or authorised person at a place where the person has been required pursuant to this section to permit the taking of a blood specimen, an enforcement officer may require the person to accompany the officer to any other place where it is likely that a blood specimen can be taken from the person by a registered medical practitioner or authorised person. 15

“(4) If a blood specimen taken pursuant to this section is insufficient to be divided into 2 parts in accordance with **section 58F (1)** of this Act,— 20

“(a) The person from whom the specimen was taken shall permit a registered medical practitioner or authorised person to take a further blood specimen forthwith after being requested to so permit by the registered medical practitioner or authorised person; and 25

“(b) Any further blood specimen so taken shall be deemed for the purposes of this Act to be a part of the original blood specimen taken from the person. 30

“(5) Every person commits an offence, and may be arrested without warrant by an enforcement officer, who—

“(a) Fails or refuses to accompany an enforcement officer to any place when required to do so pursuant to this section; or 35

“(b) Having accompanied an enforcement officer to any place pursuant to a requirement under this section, fails or refuses to remain at that place until requested by a registered medical practitioner or authorised person to permit a blood specimen to be taken pursuant to that section. 40

“58D. **Hospital blood tests**—(1) Notwithstanding anything in this Act or any other Act or rule of law, but subject to

subsection (2) of this section, a registered medical practitioner who is in immediate charge of the examination, care, or treatment of a person who is in a hospital or doctor's surgery—

5 “(a) May take a blood specimen from the person, or cause a blood specimen to be so taken by another registered medical practitioner or an authorised person; and

 “(b) If requested to do so by an enforcement officer, shall take a blood specimen from the person, or cause a blood specimen to be so taken by another registered
10 medical practitioner or an authorised person; and

 “(c) May take or cause to be taken by another registered
15 medical practitioner or an authorised person a further blood specimen, if the specimen originally taken is insufficient to be divided into 2 parts in accordance with section 58F(1) of this Act (which further specimen shall for the purposes of this Act be deemed to be a part of the original blood specimen taken from the person),—

20 whether or not the person has consented to the taking of the specimen and whether or not the person is capable of giving consent.

 “(2) A blood specimen shall not be taken from a person pursuant to this section unless the registered medical practitioner—

25 “(a) Believes that the person is in the hospital or doctor's surgery as a result of an accident involving a motor vehicle; and

 “(b) Has examined the person and is satisfied that the taking of the blood specimen would not be prejudicial to
30 the person's proper care or treatment.

 “(3) Notwithstanding anything in any Act or rule of law, no proceeding, civil or criminal, shall be taken against any area health board or Hospital Board or against any person in respect of the taking of a blood specimen pursuant to this section, or in
35 respect of the sending of any blood specimen to a Ministry analyst, on the ground that any person whose consent to the taking of the blood specimen would have been otherwise required by law if this section had not been enacted has not so consented.

40 “(4) Nothing in subsection (3) of this section shall apply with respect to any proceeding on the ground of any negligent act or omission in the taking of any blood specimen.

“58E. **Refusal to supply blood specimen**—(1) Every person commits an offence, and may be arrested without warrant by an enforcement officer who—

“(a) Having been required by an enforcement officer under **section 58c** of this Act to permit a blood specimen to be taken, fails or refuses to do so; or 5

“(b) Having been requested by a registered medical practitioner or authorised person under **section 58c** of this Act to permit a blood specimen to be taken, refuses to do so, or fails to do so forthwith after being so requested. 10

“(2) Every person commits an offence who, being a person from whom a registered medical practitioner or an authorised person may take a blood specimen pursuant to **section 58b** of this Act, refuses or fails to permit such a person to take a blood specimen. 15

“(3) It is a defence in proceedings for an offence against **subsection (1)** or **subsection (2)** of this section if the Court is satisfied, on the evidence of a registered medical practitioner, that the taking of a blood specimen from the defendant would have been prejudicial to the defendant’s health. 20

“(4) If it is proved in any proceedings for an offence against this Act that the defendant,—

“(a) When required by an enforcement officer to permit a blood specimen to be taken, failed or refused, without reasonable cause, to do so; or 25

“(b) Being a person from whom a registered medical practitioner or authorised person may take a blood specimen pursuant to **section 58b** of this Act, failed or refused, without reasonable cause, to permit such a person to do so,— 30

that failure or refusal may be treated as supporting any evidence given on behalf of the prosecution, or as rebutting any evidence given on behalf of the defendant, with respect to the condition of the defendant at the time of the alleged offence. 35

“58F. **Procedure for dealing with blood specimens**—(1) Every blood specimen taken pursuant to **section 58c** or **section 58b** of this Act shall be divided into 2 parts, and—

“(a) Each part shall be placed in a separate bottle which shall be sealed; and 40

“(b) Every such part is deemed to be a blood specimen for the purposes of this Act.

“(2) Any preservative substance and any anti-coagulant substance may be added to any blood specimen by placing

them in the bottle, whether before or after the specimen is taken and placed in the bottle.

5 “(3) In the case of a blood specimen taken under **section 58c** of this Act an enforcement officer shall, within 7 days after the date on which the specimen was taken, deliver or cause to be delivered personally, or post or cause to be posted by registered post, both parts of the blood specimen to a Ministry analyst for the analysis of one of those parts and the custody of the other.

10 “(4) In the case of a blood specimen taken under **section 58b** of this Act, the registered medical practitioner or authorised person by whom the specimen was taken shall—

15 “(a) Within 7 days after the date on which the specimen was taken, deliver or cause to be delivered personally, or post or cause to be posted by registered post, both parts of the blood specimen to a Ministry analyst for the analysis of one of those parts and the custody of the other; and

20 “(b) Notify the Secretary for Transport in writing of the Ministry analyst to whom the parts of the blood specimen were (or are being) delivered or posted.

“(5) Where a person from whom a blood specimen was taken wishes to have the specimen analysed by a private analyst,—

25 “(a) The person (or the person’s solicitor or counsel) may apply to the Secretary for Transport in accordance with **subsection (6)** of this section; and

“(b) The Secretary shall forward a copy of the application to the Ministry analyst to whom the blood specimen taken from the person was delivered or posted under **subsection (3)** or **subsection (4)** of this section; and

30 “(c) That analyst shall send one part of that blood specimen to the private analyst specified in the application.

“**(6)** An application under **subsection (5) (a)** of this section shall—

35 “(a) Be made in writing to the Secretary for Transport not later than 14 days after—

“**(i)** The date on which a summons in respect of an offence against this Act (being an offence arising out of the circumstances in respect of which the blood specimen was taken) is served on the defendant; or

40 “**(ii)** Where the defendant is arrested pursuant to a warrant under section 19 or, as the case may be, section 147 of the Summary Proceedings Act 1957 in respect of any such offence, the date on which the defendant is so arrested; or

“(iii) In any case to which **subparagraph (i)** or **subparagraph (ii)** of this paragraph does not apply, the date on which the defendant is first charged in Court with any such offence; and

“(b) State the full name and address and the occupation of 5
the person and the date of the alleged offence; and

“(c) Specify the private analyst to whom the part of the blood specimen is to be sent and the address of the private analyst.

“(7) Any blood specimen sent to a Ministry analyst pursuant 10
to **subsection (3)** or **subsection (4)** of this section may be destroyed at any time later than 1 year after the date the specimen was so sent.

“58G. **Certificates and presumptions in blood-alcohol proceedings**—(1) Except as provided in **section 58H** of this Act, 15
production of any of the following certificates in proceedings for an offence against this Act shall be sufficient evidence, until the contrary is proved, of such of the matters as are certified and of the sufficiency of the authority and qualifications of the person by whom the certificate is made and, in the case of a 20
certificate referred to in **paragraph (d)** of this subsection, of the person who carried out the analysis, namely,—

“(a) A certificate purporting to be signed by a registered medical practitioner or authorised person and certifying that— 25

“(i) A specimen of venous blood was taken by the practitioner or authorised person in accordance with normal medical procedures from a person named in the certificate; and

“(ii) The specimen was divided by the practitioner 30
or authorised person into 2 parts, or the specimen was insufficient for division and the practitioner or authorised person took a further specimen; and

“(iii) The practitioner or authorised person placed and sealed in a separate bottle each part or 35
specimen (as the case may be); and

“(iv) Each such separate bottle was received by the practitioner or authorised person in a sealed blood specimen collecting kit; and

“(v) The practitioner or authorised person handed 40
each such separate bottle to an enforcement officer named in the certificate:

“(b) A certificate purporting to be signed by a registered medical practitioner and certifying that—

“(i) The person named in the certificate was in a hospital or doctor’s surgery; and

5 “(ii) The practitioner, being a registered medical practitioner in immediate charge of the examination, care, or treatment of that person, took a blood specimen or caused a blood specimen to be taken by any other registered medical practitioner or any authorised person from the person pursuant to **section 58D** of this Act; and

10 “(iii) At the time the blood specimen was taken from the person, the practitioner believed that the person was in the hospital or doctor’s surgery as a result of an accident involving a motor vehicle; and

15 “(iv) Before taking the blood specimen or causing the blood specimen to be taken from the person, the practitioner examined the person and was satisfied that the taking of the blood specimen would not be prejudicial to the person’s proper care or treatment:

20 “(c) A certificate purporting to be signed by a registered medical practitioner or authorised person and certifying—

“(i) All the matters referred to in **subparagraphs (i) to (iv) of paragraph (a)** of this subsection; and

25 “(ii) That the practitioner or authorised person sent or caused to be sent by registered post or by personal delivery by a named person (as the case may be), on a specified date, both parts of the specimen (or both specimens) to a specified Ministry analyst in accordance with **section 58F (4)** of this Act; and

30 “(iii) That the practitioner or authorised person notified the Secretary for Transport in writing of the Ministry analyst to whom the parts of the specimen (or the specimens) were delivered or posted:

35 “(d) A certificate purporting to be signed by a Ministry analyst and certifying that—

40 “(i) A blood specimen in a sealed bottle was delivered on a specified date to the Ministry analyst by registered post or by personal delivery by a named person (as the case may be) for analysis; and

“(ii) Upon analysis of the blood specimen by an analyst specified in the certificate, a specified proportion of alcohol or of a drug, or both (as the case may be), was found in the specimen; and

- “(iii) No such deterioration or congealing was found as would prevent a proper analysis:
- “(e) A certificate purporting to be signed by a Ministry analyst and certifying that, following an application under **section 58f** of this Act, a part of a blood specimen was posted to a specified private analyst by registered post addressed to the private analyst at the address given in the application. 5
- “(2) In proceedings for an offence against this Act it shall be presumed, until the contrary is proved, that— 10
- “(a) Where a certificate referred to in **subsection (1)** of this section names a person having the same name, address, and occupation as the defendant as the person from whom the specimen of blood was taken, the specimen was taken from the defendant: 15
- “(b) Every Ministry analyst who signed a certificate referred to in **subsection (1)(d)** of this section was duly authorised to sign it:
- “(c) Where the bottle in which a blood specimen (or part of a blood specimen) was placed was received by a registered medical practitioner or authorised person in a sealed blood specimen collecting kit, the bottle contained a substance (whether or not a combination or mixture of 2 or more substances) and that substance was a preservative and anticoagulant. 25
- “(3) Upon the request of any person from whom a blood specimen has been taken pursuant to **section 58c** or **section 58d** of this Act, or of the person’s solicitor or counsel, copies of any certificates referred to in **subsection (1)** of this section that relate to that blood specimen shall be supplied by the prosecutor to the person making the request. 30
- “(4) In proceedings for an offence against **paragraph (b)** or **paragraph (d)** of **section 58(1)** of this Act, where a certificate referred to in section 39 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 is produced (being a certificate purporting to be signed by an officer of the Ministry of Transport and relating to the findings of that officer on checking the register of drivers’ licences kept under that Act), it shall be presumed until the contrary is proved that the defendant did not at the time of the alleged offence hold a driver’s licence entitling the person to drive a motor vehicle of the class that the person was driving or attempting to drive. 40

“58H. **Circumstances in which certificate not admissible in proceedings**—(1) No certificate referred to in paragraph (a) or paragraph (b) or paragraph (c) of section 58G (1) of this Act (being certificates that relate to the taking of a blood specimen by a registered medical practitioner or authorised person) shall be admissible in evidence in proceedings for an offence against this Act if the Court, on application made by the defendant not less than 14 days before the hearing, orders that the registered medical practitioner or authorised person who gave the certificate ought to appear as a witness at the hearing.

“(2) No certificate referred to in section 58G(1)(d) of this Act (being a certificate that relates to the proportion of alcohol, a drug, or both, found by a Ministry analyst to be in a blood specimen) shall be admissible in evidence in proceedings for an offence against this Act if—

“(a) Application has been made in accordance with section 58F of this Act for one part of the blood specimen to be sent to a private analyst; and

“(b) One part of the specimen has not been sent to the private analyst in compliance with the application.

“(3) No certificate referred to in paragraph (d) or paragraph (e) of subsection (1) of section 56G of this Act (being a certificate of a Ministry analyst relating to the proportion of alcohol, a drug, or both in a blood specimen, or to the sending of one part of a specimen to a private analyst) shall be admissible in evidence in proceedings for an offence against this Act if the Court, on application made by the defendant not less than 14 days before the hearing, orders that,—

“(a) In the case of a certificate referred to in paragraph (d) of that subsection, the person who made the analysis or the Ministry analyst who gave the certificate ought to appear as a witness at the hearing; or

“(b) In the case of a certificate referred to in paragraph (e) of that subsection, the person who posted the part of the specimen or the Ministry analyst who gave the certificate ought to appear as a witness at the hearing.

“(4) The Court shall not make an order under subsection (3) of this section unless the application made by the defendant under that subsection is accompanied by an affidavit, sworn by the private analyst who is specified in the defendant’s application under section 58F of this Act, to the effect that—

“(a) Since the date given to the private analyst as the date on which application was made under section 58F of this Act for the sending to the analyst of a blood

- specimen relating to the defendant, the analyst has not received any such specimen; or
- “(b) The blood specimen received by the private analyst relating to the defendant—
- “(i) Was not suitable for analysis; or 5
 - “(ii) Was suitable for analysis but, for specified reasons, that analysis was not carried out; or
 - “(iii) Was suitable for analysis and that analysis was carried out but, for specified reasons, the results of the analysis are not available; or 10
- “(c) The blood specimen received by the private analyst relating to the defendant has been analysed and found to contain,—
- “(i) In the case of a defendant charged under section 58 (1) (d) of this Act, not more than 30 milligrams of alcohol per 100 millilitres of blood; or 15
 - “(ii) In any other case, not more than 80 milligrams of alcohol per 100 millilitres of blood; or
- “(d) The blood specimen received by the private analyst relating to the defendant has been analysed and found to contain 20 or more milligrams of alcohol per 100 millilitres of blood more or less than the proportion of alcohol per 100 millilitres of blood specified in the certificate referred to in section 58G (1) (d) of this Act. 25

“58i. **Reasonable compliance**—It shall not be a defence to a charge under any of paragraphs (a) to (d) of section 58 (1) of this Act or under subsection (1) or subsection (2) of section 58E of this Act that any provision or provisions forming part of any of sections 58A to 58H of this Act have not been strictly complied with or have not been complied with at all, provided there has been reasonable compliance with such of those sections as apply. 30

“58j. **Taking of blood specimens for statistical or research purposes**—(1) Notwithstanding anything in any Act or rule of law, any registered medical practitioner or authorised person employed by an approved health authority may, with the general or special approval of that health authority, take for statistical or research purposes, whether in the hospital at which the practitioner or person is employed or otherwise, a blood specimen from any person who the practitioner or person believes is in the hospital at which the practitioner or person is employed for examination, care, or treatment as a result of an accident involving a motor vehicle. 35 40

“(2) A blood specimen taken pursuant to this section shall be labelled that it was taken for statistical or research purposes, and evidence as to the proportion of alcohol or of a drug found in that specimen shall not be admissible in any civil or criminal proceedings in any Court or in any proceedings before any person acting judicially (as defined in section 2 of the Evidence Act 1908).

“(3) Subsections (3) and (4) of section 58D of this Act shall apply with respect to every blood specimen taken pursuant to this section as if the specimen had been taken pursuant to that section.”

8. Names of drivers under influence of drink or drugs not to be suppressed—Section 61 of the principal Act (as substituted by section 150 (1) of the Criminal Justice Act 1985) is hereby amended by omitting the expression “or 58c”, and substituting the expression “58B, 58c, and 58E”.

9. Constable or traffic officer may prohibit or prevent driving—(1) Section 63 of the principal Act (as substituted by section 16 of the Transport Amendment Act 1987) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The period for which a constable or traffic officer forbids a person to drive pursuant to subsection (1) (a) of this section shall, where the result of an evidential breath test undergone by the person indicates that the proportion of alcohol in the person’s breath exceeds 400 micrograms of alcohol per litre of breath, be a period of 12 hours, unless the constable or traffic officer is satisfied that there is good reason for imposing a shorter period of prohibition.”

(2) Section 63 of the principal Act (as so substituted) is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) In any proceedings against any person for an offence under this section arising out of circumstances in respect of which a breath screening test or an evidential breath test or a blood test was undergone by the person, it shall not be a defence that—

“(a) The breath screening test or evidential breath test indicated that the proportion of alcohol in the person’s breath did not exceed—

“(i) 150 micrograms of alcohol per litre of breath in the case of an apparently unlicensed driver or the

holder of a learner licence or a restricted licence for the relevant vehicle; or

“(ii) 400 micrograms of alcohol per litre of breath in any other case; or

“(b) Any evidence given in respect of the results of a blood test indicates that the proportion of alcohol in the person’s blood did not exceed—

“(i) 30 milligrams of alcohol per 100 millilitres of blood in the case of an apparently unlicensed driver or the holder of a learner licence or a restricted licence for the relevant vehicle; or

“(ii) 80 milligrams of alcohol per 100 millilitres of blood in any other case.”

10. User of vehicle to stop when required and give name and address, etc.—The principal Act is hereby amended by repealing section 66 (as substituted by section 7 (1) of the Transport Amendment Act 1970 and amended by section 17 of the Transport Amendment Act 1987), and substituting the following section:

“66. (1) The user of a vehicle shall,—

“(a) At the request or signal of a constable or traffic officer in uniform, or of a traffic officer who is wearing a cap, hat, or helmet identifying the officer as a traffic officer; or

“(b) On being followed immediately by a motor vehicle displaying flashing blue, or blue and red, lights and sounding a siren,—

stop as soon as is practicable, and on demand by a constable or traffic officer supply the particulars referred to in **subsection (2)** of this section.

“(2) The user of a vehicle that is stopped under **subsection (1)** of this section shall—

“(a) Subject to **subsection (3)** of this section, remain stopped for as long as is reasonably necessary for a constable or traffic officer to obtain the particulars referred to in **paragraph (b)** of this subsection, or to complete the exercise of any other power conferred on a constable or traffic officer by this Act; and

“(b) On demand by a constable or traffic officer,—

“(i) Give his or her name and address; and

“(ii) State whether or not he or she is the owner of the vehicle; and

“(iii) If the user is not the owner of the vehicle, give the name and address of the owner or such

particulars within the user's knowledge as may lead to the identification of the owner.

“(3) The user of a vehicle that is stopped pursuant to subsection (1) (b) of this section is not obliged to remain stopped if
5 the vehicle with flashing lights and siren does not itself stop in the near vicinity of the place where the user has stopped.

“(4) Every person commits an offence who—

“(a) Fails to comply with subsection (1) or subsection (2) (a) of this section; or

10 “(b) Fails to comply with subsection (2) (b) of this section, or gives any information in response to a demand under subsection (2) (b) of this section knowing that the information is false or misleading.

“(5) Any constable or any traffic officer who is an officer of
15 the Department may arrest without warrant any person whom the constable or officer has good cause to suspect has committed an offence against subsection (4) of this section.”

11. Owner or hirer to give information as to identity of driver or passenger—Section 67 of this Act is hereby
20 amended by adding the following subsection:

“(3) Every person commits an offence who—

“(a) Fails to comply with subsection (1) or subsection (2) of this section; or

25 “(b) Gives any information in response to a request made under either of these subsections knowing that the information is false or misleading.”

12. Powers of traffic officers in respect of heavy motor vehicles—(1) Section 69A (2) of the principal Act (as
30 substituted by section 21 (1) of the Transport Amendment Act 1974) is hereby amended by omitting the words “20 percent or more or by 5 000 kilograms”, and substituting the expression “10 percent”.

(2) Section 69A (2A) of the principal Act (as so substituted) is
35 hereby amended by omitting the words “20 percent or more or by 5 000 kilograms”, and substituting the expression “10 percent”.

13. Bylaws as to the use of roads—Section 72 (1) of the principal Act is hereby amended by inserting, after paragraph
40 (k), the following paragraph:

“(ka) Prohibiting or restricting the parking of heavy motor vehicles, or any specified class or description of heavy motor vehicles, on any specified road during

such hours or exceeding such period as may be specified.”.

14. Regulations—(1) Section 77 (1) of the principal Act is hereby amended by inserting in paragraph (fb) (i) (as inserted by section 26 (2) of the Transport Amendment Act 1987), after the word “standards” in both places where it occurs, the words “, specifications, or codes of practice”.

(2) Section 77 (1) (r) of the principal Act is hereby amended by adding the words “; and providing for the phased replacement of uniform signs, lights, and notices:”.

15. Certificates of fitness and certificates of loading—Section 79 (4) (c) of the principal Act is hereby amended by omitting the words “section 22 of this Act”, and substituting the words “section 35 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986”.

16. Interpretation—Section 187 of the principal Act is hereby amended by adding to the definition of the term “exempted vehicle” the words “or any vehicle that has trade plates affixed to it in accordance with section 35 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986”.

17. Amendment to Summary Proceedings Act 1957—

(1) The Summary Proceedings Act 1957 is hereby amended by inserting, after section 19A, the following section:

“**19B. Summons following evidential breath test**—

(1) Where a person undergoes an evidential breath test pursuant to **section 58B** of the Transport Act 1962, and either—

“(a) The test is positive, but the person who underwent the test does not advise an enforcement officer within 10 minutes of being advised of the matters specified in **section 58 (4) (a)** of that Act that the person wishes to undergo a blood test; or

“(b) The test is carried out by means of a conclusive evidential breath-testing device within the meaning of **section 57A** of that Act and the result of the test indicates that the proportion of alcohol in the breath of the person who underwent the test exceeds 600 micrograms of alcohol per litre of breath,—

an enforcement officer may sign and serve on the person a summons in a form prescribed for the purposes of this section.

“(2) Every such summons shall require the person to appear on a day not later than 2 months after the date of the summons at the Court where the information required by subsection (3) of this section is to be filed.

5 “(3) An information under this Part of this Act in respect of the offence with which the person is charged shall be laid and filed by an enforcement officer as soon as practicable after the evidential breath test was administered, and in any event not later than 7 days after the day the test was administered.

10 “(4) It is the duty of every enforcement officer who issues a summons under this section to ensure that the information required by subsection (3) of this section is laid and filed.

“5) A copy of a summons served under this section shall be filed with the information, and the copy shall bear an endorsement, signed by the enforcement officer who issued the summons, showing the fact, time, and mode of service.

“6) In this section, the term ‘enforcement officer’ means a traffic officer or a constable.”

20 (2) Section 203 (2) of the Summary Proceedings Act 1957 is hereby amended by adding the following paragraph:

“(k) Any person may be served with a summons under section 19B of this Act.”

25 **18. Consequential repeals and amendment**—(1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) Section 84 (2) of the Criminal Justice Act 1985 is hereby amended by inserting, after the expression “58c,” the expression “58E,”.

PART II

30 AMENDMENTS TO TRANSPORT (VEHICLE AND DRIVER REGISTRATION AND LICENSING) ACT 1986

35 **19. Part to be read with Transport (Vehicle and Driver Registration and Licensing) Act 1986**—This Part of this Act shall be read together with and deemed part of the Transport (Vehicle and Driver Registration and Licensing) Act 1986* (hereafter in this Part referred to as the principal Act).

20. Interpretation—Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “Goods-service vehicle”, the following definition:

*1986, No. 6

Amendment: 1987, No. 107

“ ‘Gross weight’, in relation to any vehicle or combination of vehicles, means the weight of the vehicle or of the vehicles comprising the combination, together with the load for the time being carried by the vehicle or vehicles, including any equipment and accessories: 5

“Provided that for the purposes of this Act and of any regulations under this Act, and without limiting the methods by which the gross weight of a vehicle may be determined, the gross weight of a vehicle may be determined by adding the weight on its axles or groups of axles:” 10

21. New sections substituted relating to personalised registration plates—The principal Act is hereby amended by repealing section 9, and substituting the following sections:

“9. Personalised registration plates—(1) A personalised registration plate is a registration plate that bears a combination of letters, numbers, or both, or any single letter or number, specially allocated by the Registrar for use on a personalised registration plate. 15

“(2) The Registrar may enter into a contract with any person entitling that person to dispose of the right to receive personalised registration plates. 20

“(3) The person who for the time being has an appropriate contract with the Registrar may dispose of the right to receive personalised registration plates— 25

“(a) On payment of an agreed price:

“(b) By auction or tender:

“(c) By any other means of sale or disposition.

“(4) There shall not be more than one contract under this section in force at any one time. 30

“(5) Where no contract is in force under this section, the Registrar shall be deemed to be the person for the time being entitled to dispose of the right to receive personalised registration plates.

“9A. Application for personalised registration plates— 35
Any person who wishes to obtain personalised registration plates (including any person who wishes to convert a vehicle’s existing registration plates to personalised registration plates bearing the same combination of letters and numbers as the existing plates) may apply to the person who is for the time 40
being entitled under **section 9** of this Act to dispose of the right to receive personalised registration plates.

“9B. **Transfer of personalised registration plates to another vehicle or person**—(1) Where a person who has bought or otherwise acquired personalised registration plates, or the right to receive them, wishes to transfer the plates or the right to receive them to another vehicle or person,—

5

“(a) That person and the transferee (if any) shall—

10

“(i) Each notify the Registrar, on the appropriate form or forms approved by the Registrar, of the details of the transfer, including where appropriate the registration plates that will be displayed on each vehicle concerned; and

“(ii) Pay to the Registrar the prescribed fee or fees, if any; and

15

“(b) The personalised registration plates shall be produced to the Registrar for inspection; and

“(c) If the personalised registration plates are not to be affixed immediately to a vehicle, they shall be surrendered to the Registrar (unless they are already held by the Registrar); and

20

“(d) Where appropriate—

“(i) The person transferring the plates shall apply for the issue of ordinary or other personalised registration plates for the vehicle from which the plates are to be transferred; and

25

“(ii) Any existing registration plates of the vehicle to which the personalised registration plates are to be affixed shall be surrendered to the Registrar.

30

“(2) All forms required by this section, together with the personalised registration plates being transferred and any plates required to be surrendered, shall be submitted to the Registrar at the same time.

“9C. **Personalised registration plates to be held by Registrar until ready to be affixed to vehicle**—(1) A person who buys or otherwise acquires personalised registration plates, or the right to receive them, is not entitled to receive the plates until they are to be affixed to a motor vehicle that is registered and currently licensed under Part I of this Act.

35

“(2) The Registrar shall, on payment of the prescribed fee (if any), hold the plates on the person’s behalf for a period agreed with that person.

40

“(3) The person may, notwithstanding that the plates are held by the Registrar, transfer the right to receive the plates to any other person in accordance with section 9B of this Act.

“9D. Voluntary or required surrender of registration plates—(1) A person may at any time surrender the personalised registration plates of any vehicle owned by that person and, on payment of the fee for the issue of ordinary registration plates, will be entitled to receive ordinary registration plates for the vehicle. 5

“(2) A person to whom any personalised registration plates for a vehicle are delivered shall surrender any existing registration plates for that vehicle to the Registrar.

“(3) The Registrar may require the surrender of any personalised registration plate— 10

“(a) That the Registrar is satisfied is not affixed to any vehicle, or is affixed to a vehicle other than the vehicle to which it may lawfully be affixed; or

“(b) In respect of which the Registrar has received any complaint and which the Registrar considers likely to be offensive to any person. 15

“(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who fails to surrender any registration plate when required to do so by this section or by the Registrar acting under this section. 20

“9E. Certain letters and numbers not to be allocated—The Registrar shall not allocate for use on personalised registration plates any combination of letters, numbers, or both, or any single letter or number,— 25

“(a) Consisting of more than—

“(i) Five numbers or letters in total in the case of a motorcycle, moped, tractor, or trailer:

“(ii) Six numbers or letters in total in any other case: 30

“(b) That may be required for allocation to a person, government, or organisation in accordance with a notice made pursuant to section 14 of this Act:

“(c) That has already been allocated to or is held on behalf of any other person: 35

“(d) That the Registrar considers likely to be offensive to any person or likely to cause confusion:

“(e) In respect of any plates that are to be used as trade plates.”

22. Replacement certificates of registration, licences, and registration plates—(1) Section 15 of the principal Act is hereby amended by repealing subsections (1) to (3), and substituting the following subsections: 40

“(1) The owner of a vehicle whose certificate of registration or licence has been lost, stolen, damaged, or destroyed may apply in accordance with this section for the issue of a replacement certificate or licence.

5 “(2) The owner of a vehicle may apply in accordance with this section for the issue of replacement registration plates or (where appropriate) duplicate personalised registration plates if—

10 “(a) The vehicle’s plates have been lost, stolen, damaged, or destroyed; or

“ (b) The owner wishes to replace the vehicle’s existing plates with reflectorised plates.

15 “(3) The Registrar shall, if satisfied that the relevant certificate, licence, or registration plate has been lost, stolen, damaged, or destroyed, or that subsection (2) (b) of this section applies, issue to the owner of the vehicle—

“ (a) A duplicate certificate of registration; or

“ (b) A substitute licence; or

“ (c) A substitute registration plate; or

20 “ (d) A duplicate personalised registration plate, where appropriate,—

as the case may require.

25 “(3A) The Registrar may require the surrender of any damaged certificate of registration, licence, or registration plate, or the undamaged part of any set of plates, before issuing any replacement or duplicate certificate, licence, or plate under this section.”

30 (2) Section 15 (4) of the principal Act is hereby amended by omitting the words “for the issue of any duplicate certificate of registration, substitute registration plate or plates, duplicate personalised registration plate or plates, or substitute licence”, and substituting the words “under this section”.

23. Unlicensed persons not to drive motor vehicles—

35 Section 37 (4) of the principal Act (as substituted by section 4 of the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1987) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

40 “(b) Being the holder of a licence that is not for the time being in force, acts in contravention of subsection (1) of this section.”

24. Regulations—Section 48 (2) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) Approve any defensive driving organisation or traffic improvement school or driving instructor as an organisation or instructor for the purpose of conducting any course that is required to be completed by any applicant for a driver’s licence:”. 5

SCHEDULE

Section 18(1)

ENACTMENTS REPEALED

- 1970, No. 136—The Transport Amendment Act 1970: Section 7 (1). (R.S. Vol. 16, p. 905.)
- 1974, No. 61—The Transport Amendment Act 1974: Section 6 (2), (3), and (4) (a). (R.S. Vol. 16, p. 917.)
- 1978, No. 46—The Transport Amendment Act (No. 3) 1978: Sections 3 (1) and (2), 7, and 8 (1) (a). (R.S. Vol. 16, p. 924.)
- 1979, No. 17—The Transport Amendment Act 1979. (R.S. Vol. 16, p. 926.)
- 1980, No. 96—The Transport Amendment Act 1980: Section 8 (5). (R.S. Vol. 16, p. 926.)
- 1983, No. 33—The Transport Amendment Act (No. 2) 1983: Section 22 (2). (R.S. Vol. 16, p. 933.)
- 1983, No. 35—The Transport Amendment Act (No. 3) 1983: Sections 7, 8, 14, 15, 16, and 17. (R.S. Vol. 16, p. 942.)
- 1985, No. 76—The Transport Amendment Act (No. 2) 1985: Section 14. (R.S. Vol. 16, p. 947.)
- 1987, No. 96—The Transport Amendment Act 1987: Sections 4, 5, 8 to 13, and 17.