

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 3 August 1993

LAND TRANSPORT BILL

Proposed Amendments

Hon. W. ROB STOREY, in Committee, to move the following amendments:

Clause 524: To omit subclauses (2) and (3) from lines 22 to 29 on page 12, and substitute the following subclauses:

(2) Any material incorporated in a rule by reference under subsection (1) of this section shall be deemed for all purposes to form part of the rule; and, unless otherwise provided in the rules, every amendment to any material so incorporated by reference that is made by the person or organisation originating the material shall, subject to subsection (4) of this section, be deemed to be part of the rule.

(3) The Director shall make available for inspection free of charge or purchase at a reasonable price, at the head office of the Authority, copies of all material incorporated in a rule by reference under subsection (1) of this section and copies of all amendments deemed to be part of any rule.

(4) No amendment to any material incorporated in a rule by reference under subsection (1) of this section shall have effect until it is made available for inspection or purchase in accordance with subsection (3) of this section.

Second Schedule: By inserting in the proposed section 41B (3) of the Transport Act 1962 (as set out on page 63), before the expression "subsection (2)", the words "paragraph (b) or paragraph (c) of".

By inserting in the second column on page 65, after the proposed section 41B of the Transport Act 1962, the following items:

By omitting from section 42 (1) (as so substituted) the word "evidence" where it first occurs, and substituting the word "proof".

By inserting in section 42 (as so substituted), after subsection (1), the following subsection:

"(1A) The production in any proceedings for a moving vehicle offence of an image purporting to be an image referred to in subsection (1) of this section shall, in the absence of proof to the contrary, be sufficient evidence that the image was produced by means of an exposure taken by approved vehicle surveillance equipment."

By inserting in the second column on page 70, after the item relating to section 199B, the following item:

By omitting from Part V of the Second Schedule the expression "41B (5)" (as inserted by section 39 (1) of the Transport Amendment Act (No. 3) 1992), and substituting the expression "41B (7)".

By inserting in the proposed section 33 (1A) of the Transit New Zealand Act 1989 (as set out on page 84), after the words "by ensuring that", the words "the total".

EXPLANATORY NOTE

This Supplementary Order Paper amends the Land Transport Bill in several respects.

First, *clause 524* is amended to change the way in which an amendment to any material incorporated by reference in a rule made under the Bill is brought into force. In its original form, the clause required such amendments to be promulgated by a rule. The proposal provides for such an amendment to come into force automatically so long as it is made available to the public for inspection or purchase. This follows the approach taken in the Transport Act 1962 in relation to vehicle standards.

Secondly, the *Second Schedule* is amended to enhance the provisions of the Transport Act 1962 relating to proof of offences established by vehicle surveillance equipment. Section 42 of that Act is amended to overcome difficulties that could arise in proving that an image has been produced by means of approved vehicle surveillance equipment. The amendment removes the need for such proof, except where the defendant can prove that the image was not produced by means of such equipment.

The other amendments are of a technical nature.