

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 10 June 1987

TRANSPORT (LAW REFORM) BILL
Proposed Amendments

Hon. RICHARD PREBBLE, in Committee, to move the following amendments:

Clause 1: To omit subclause (2) (lines 8 and 9, page 2), and substitute the following subclauses:

(2) Except as provided in subsection (3) of this section, this Act shall come into force on the 1st day of August 1987.

(3) Sections 3 (3A) and (8), 7, and 18A of this Act, and the Second Schedule to this Act to the extent that it inserts Part IIA into the Second Schedule to the principal Act, shall come into force on a date to be fixed by the Governor-General by Order in Council.

Clause 3: To omit from subclause (3) the definition of the term "logbook" (lines 4 to 6, page 3), and substitute the following definition:

"'Logbook' means a logbook (being a logbook in a form approved by the Secretary) referred to in sections 70c and 70d of this Act."

To omit from subclause (8) the expression "(No. 2)" (line 5, page 4), and substitute the expression "(No. 3)".

Clause 4: To add to section 7 the following subsection (after line 14, page 5):

"(4) For the purposes of section 42A of this Act, the expression "officer" shall be deemed to include a parking warden appointed or deemed to have been appointed by a local authority under this section, whether or not the person is an officer or employee of the local authority."

Clause 5: To omit the words "paragraph (b) or paragraph (c)" (line 19, page 5), and substitute the words "paragraph (c) or paragraph (d) or paragraph (e)".

To omit the expression "(c)" (line 25, page 5), and substitute the expression "(e)".

Clause 6: To omit this clause (lines 29 to 36, page 5), and substitute the following clause:

6. Court orders relating to persons convicted twice or more of alcohol or drug related traffic offences—
(1) Section 30A of the principal Act (as inserted by section 6 of

the Transport Amendment Act (No. 3) 1983) is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Court shall not make an order under subsection (1) of this section unless both the offences referred to in that subsection were committed on or after the 1st day of December 1983, and at least one of those offences was an offence—

“(a) Against paragraph (a) or paragraph (b) of section 58 (1) of this Act (or against paragraph (a) of section 58 (1) of this Act as that paragraph was in force before its repeal by section 10A of the Transport (Law Reform) Act 1986) and 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

“(b) Against paragraph (c) or paragraph (d) of section 58 (1) of this Act (or against paragraph (b) of section 58 (1) of this Act as that paragraph was in force before its repeal by section 10A of the Transport (Law Reform) Act 1986) and 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

“(c) Against section 58 (1) (e) of this Act committed on or after the 1st day of August 1987; or

“(d) Against section 58A (5) or section 58B (13) or section 58C (1) or section 58C (2) of this Act.

(2) Section 30A of the principal Act (as so inserted) is hereby further amended by omitting from subsection (3) the words “against section 58 (1) (b) of this Act”, and substituting the words “referred to in subsection (2) (b) of this section”.

Clause 7: To omit from section 42A (3) the word “the” where it first occurs (line 12, page 7), and substitute the word “a”.

To insert in subclause (2), before paragraph (a) (before line 18, page 11), the following paragraph:

“(aa) Section 7 (4) of the principal Act (as enacted by section 4 of this Act):”.

Clause 10: To omit paragraph (a) of the definition of the term “positive evidential breath test” (lines 30 to 34, page 12), and substitute the following paragraph:

“(a) Exceeds 150 micrograms of alcohol per litre of breath in the case of 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 a motor vehicle of the class that the person was driving or attempting to drive, and in respect of whom the officer is not satisfied that the person holds such a licence; or”.

To add the following subclause (after line 38, page 12):

(4) Section 57A of the principal Act (as so substituted) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Nothing in the definition of the term ‘positive evidential breath test’ in subsection (1) of this section, and nothing in section 58A (3) (aa) (i) of this Act, shall oblige an enforcement officer to

seek any information or take any action (other than requiring the production of a driver's licence) for the purpose of satisfying himself or herself that the person concerned holds a licence entitling the person to drive the vehicle in question."

Clause 10A: To add (after line 3, page 14) the following subclauses:

(2) Section 58 of the principal Act (as so substituted) is hereby further amended by omitting subsection (4), and substituting the following subsection:

"(4) Notwithstanding any other provision of any Act or rule of law, the result of a positive evidential breath test shall not be admissible in evidence in proceedings for an offence against paragraph (a) or paragraph (b) of subsection (1) of this section if—

"(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,—

"(i) In the case of a positive test that indicates that the proportion of alcohol in the person's breath does not exceed 500 micrograms of alcohol per litre of breath, the test could of itself, 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 under this Act; and

"(ii) In any other case, the test could of itself be sufficient evidence to lead to that person's conviction for an offence under 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

"(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

"(ii) Complies with section 58B (1) of this Act."

(3) Section 58 of the principal Act (as so substituted) is hereby further amended by omitting from subsection (5) the expression "subsection (1)(b)", and substituting the words "paragraph (c) or paragraph (d) of subsection (1)".

Clause 10B: To omit subparagraphs (i) and (ii) of paragraph (aa) (lines 10 to 17, page 14), and substitute the following subparagraphs:

"(i) 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 a vehicle of the class that the person was driving or attempting to drive, and in respect of whom the officer is not satisfied that the person holds such a licence; or

"(ii) A person who is 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,—".

New clause 10C: To insert, after line 20 on page 14, the following new clause:

10C. Blood tests—(1) Section 58B (1) of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by omitting paragraph (b), and substituting the following paragraph:

“(b) It appears to an enforcement officer that an evidential breath test undergone by a person pursuant to section 58A of this Act indicates that the proportion of alcohol in the person’s breath exceeds 300, but does not exceed 500, micrograms of alcohol per litre of breath; or”.

(2) Section 58B of the principal Act (as so substituted) is hereby amended by omitting from subsection (1)(e) the expression “section 58 (1) (c)”, and substituting the expression “section 58 (1) (e)”.

(3) Section 58B of the principal Act (as so substituted) is hereby further amended by repealing paragraph (c) of subsection (9A) (as inserted by section 17 of the Transport Amendment Act (No. 3) 1983), and substituting the following paragraph:

“(c) The blood specimen received by the analyst relating to the defendant has been analysed and found to contain,—

“(i) In the case of a defendant charged under paragraph (c) of section 58 (1) of this Act, not more than 30 milligrams of alcohol per 100 millilitres of blood; or

“(ii) In any other case, not more than 80 milligrams of alcohol per 100 millilitres of blood; or”.

New clauses 11A and 11B: To insert, after line 28 on page 14, the following new clauses:

11A. Reasonable compliance—Section 58E of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by omitting the words “paragraph (a) or paragraph (b)”, and substituting the words “any of paragraphs (a) to (d)”.

11B. Arrest of drivers under influence of drink or drugs—Section 62 of the principal Act (as amended by section 8 (5) of the Transport Amendment Act (No. 3) 1978) is hereby amended by omitting the expression “subsection (2) of section 55, section 58 (1) (c)”, and substituting the expression “section 55 (2) or section 58 (1) (e)”.

Clause 13: To omit the expression “70AA” in both places where it occurs in subsection (1) of section 63 (lines 3 and 5, page 16), and substitute in each case the expression “70B”.

To omit from paragraph (c) of that subsection the word “his” (line 19, page 16), and substitute the words “the person’s”.

To omit paragraphs (b) and (c) of subsection (3) (line 39 on page 16 to line 6 on page 17), and substitute the following paragraphs:

“(b) The evidential breath test indicated that the proportion of alcohol in the person’s breath—

“(i) Did not exceed 150 micrograms of alcohol per litre of breath in the case of a person referred to in

subparagraph (i) or subparagraph (ii) of section 58A (3) (aa) of this Act; or

“(ii) Did not exceed 500 micrograms of alcohol per litre of breath in any other case; or

“(c) Any evidence given under section 58B or section 58D of this Act in respect of that blood specimen indicates that the proportion of alcohol in that specimen—

“(i) Did not exceed 30 milligrams of alcohol per 100 millilitres of blood in the case of a person referred to in subparagraph (i) or subparagraph (ii) of section 58A (3) (aa) of this Act; or

“(ii) Did not exceed 80 milligrams of alcohol per 100 millilitres of blood in any other case.”

Clause 18A: To add “s” to the word “section” (line 28, page 21).

To omit subsections (1) and (2) of section 69B (line 29, page 21 to line 10, page 22), and substitute the following subsection:

“(1) No user of a heavy motor vehicle or combination of vehicles shall use or permit the use of the vehicle or vehicles in breach of—

“(a) Any of the provisions of this Act or of any regulations made under this Act, other than regulation 19 (6) of the Transport Licensing Regulations 1984; or

“(b) Any limits prescribed by a controlling authority under the Heavy Motor Vehicle Regulations 1974, or any regulations made in substitution for those regulations,—

being provisions which fix, or by or pursuant to which are fixed, maximum gross weight limits for motor vehicles or maximum weight limits for axles or groups of axles of motor vehicles.

To insert after subsection (3) (line 19, page 22) the following subsection:

“(3A) For the purposes of this Act, separate overloading offences shall be deemed to be committed in respect of every axle, every group of axles, and the total number of axles of any heavy motor vehicle or combination of vehicles, the weight on which exceeds the maximum weight fixed by or pursuant to the relevant provision or prescribed limit.

To insert, after line 41 on page 23, the following subclause:

(1A) Section 44 (1) of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970, and amended by section 8 (6) of the Transport Amendment Act 1980) is hereby amended by omitting the words “against subsection (9) of section 69B of this Act or an offence”.

Clause 19, new section 70AA: To omit subsections (1) to (3) (all the words in lines 18 to 42 on page 24, and lines 1 to 27 on page 32), and substitute the following:

“**70B. Driving hours**—(1) No person shall drive any passenger service vehicle (other than a taxicab or other passenger service vehicle designed for the carriage of not more than 8 persons including the driver), any heavy motor vehicle, or any goods-service vehicle used for commercial purposes, or any 2 or more such vehicles, and no person shall operate any such vehicle or vehicles, in such a manner that any one person—

- “(a) Drives any such vehicle, or both drives and carries out loading activities for a continuous period exceeding 5½ hours; or
 - “(b) In respect of any 24-hour period during which the person drives any such vehicle,—
 - “(i) Spends more than a total of 11 hours in driving any such vehicle and in carrying out loading activities (if any); or
 - “(ii) Works or is on duty for more than a total of 14 hours within that period; or
 - “(iii) Does not have at least 10 consecutive hours off duty within that period (not being a 24-hour period that commences during the currency of any such 10-hour off duty period); or
 - “(c) In respect of any 7-day period during which the person drives any such vehicle,—
 - “(i) Works or is on duty for more than a total of 70 hours within that period; or
 - “(ii) Does not have at least 24 consecutive hours off duty within that period (not being a 7-day period that commences during the currency of any such 24-hour off duty period).
- “(2) For the purposes of this section, and of section 70c of this Act,—
- “(a) Any 2 or more periods spent in driving or in carrying out loading activities, or both, shall be deemed to be a single continuous period unless separated by an interval of not less than half an hour which is available to the driver for rest or during which the driver is off duty:
 - “(b) No period shall be counted as available for rest if it is spent by the driver in or on any vehicle referred to in subsection (1) of this section, being a vehicle connected with the driver’s business or employment, while that vehicle is moving:
 - “(c) The terms ‘working’ and ‘on duty’ include engaging in any of the following activities:
 - “(i) Driving a vehicle referred to in subsection (1) of this section:
 - “(ii) Loading or unloading any such vehicle, or waiting for the loading or unloading of any such vehicle:
 - “(iii) Maintenance, cleaning (other than unpaid cleaning that occurs during any off duty period of not less than 24 hours), or other activities relating to any such vehicle:
 - “(iv) Any other activity (whether or not it relates to a vehicle of any kind) relating to the provision of transport services for passengers or goods:
 - “(v) Any paid employment of any kind (whether or not it relates to any transport service or to any vehicle of any kind), including any period of paid employment that is, or is set aside for or available as a rest period:
 - “(d) A person shall be deemed to be off duty only when that person is not working or on duty within the meaning of paragraph (c) of this subsection:

“(e) The terms ‘loading’ and ‘loading activities’ include unloading and unloading activities.

“(3) The requirements of this section shall apply in respect of any vehicle referred to in subsection (1) of this section whether or not the vehicle is engaged in any transport service or is carrying any load or passengers at any time.

To omit from subsection (5A) the words “to whom this section applies”, and substitute the words “who drives a vehicle referred to in subsection (1) of this section” (line 2, page 26).

New section 70AB: To omit subsections (1) to (3) of this section (lines 28 to 46 on page 26 and lines 1 to 7 on page 27), and substitute the following:

“**70c. Driver logbooks**—(1) Every driver of any vehicle to which this section applies shall maintain a logbook, which shall be in a form approved by the Secretary, containing a clear and legible record of—

“(a) The driver’s name and residential address; and

“(b) All periods spent—

“(i) In driving any vehicle referred to in section 70b (1) of this Act or in carrying out loading activities, or both; and

“(ii) Working or on duty; and

“(iii) As rest periods (being periods of not less than half an hour); and

“(iv) Off duty; and

“(c) The relevant starting and finishing dates, times, and (except in the case of off duty periods) places of the periods referred to in paragraph (b) of this subsection; and

“(d) The registration number of each vehicle driven; and

“(e) Where the vehicle is required to be fitted with a distance recorder by or under the Road User Charges Act 1977, the distance recorder readings at the start and finish of each period of driving.

“(2) Except as provided in subsection (3) of this section,—

“(a) The date, time, and place of commencement of every period required by subsection (1) of this section to be entered in a logbook, and (where driving is involved in any such period) the relevant distance recorder reading and vehicle registration number, shall be entered in the driver’s logbook at the commencement of that period; and

“(b) The date, time, and place of finishing of any such period, and, where appropriate the relevant distance recorder reading, shall be entered in the driver’s logbook at the finish of that period.

“(3) Where 2 or more periods spent in driving or in loading activities, or both, are deemed by section 70b (2) (a) of this Act to constitute a single continuous period,—

“(a) The driver may enter the relevant dates, times, and places of commencement and finishing, and (except where more than 1 vehicle is driven) the relevant distance recorder readings and vehicle registration number, as if those 2 or more periods were a single period spent in driving, or in both driving and loading activities; but

“(b) Where the driver so elects, the total of those 2 or more periods, together with any time spent between these periods (whether or not such time is actually spent in driving or in loading activities) shall be treated for the purposes of section 70B (1) (a) and (b) of this Act as a single continuous period spent in driving, or in both driving and loading activities.

To insert in subsection (8A), after the word “other”, the words “passenger service” (line 20, page 28).

New section 70AC: To omit the expression “70AC” (line 12, page 29), and substitute the expression “70D”.

To omit the expression “70AB” in the 4 places it occurs (at line 17 on page 29; line 28 on page 29; line 3 on page 30; and line 43 on page 30), and in each case substitute the expression “70c”.

To omit paragraph (c) of subsection (2) (lines 23 to 25 on page 29), and substitute the following paragraph:

“(c) On demand by a traffic officer produces a logbook—
 “(i) That omits a material particular, whether or not the driver knows of the omission; or
 “(ii) In which any material particular is entered illegibly or in such a manner that the matters specified in section 70c (1) of this Act cannot be readily ascertained.

To omit the expression “70AA” (line 33, page 30), and substitute the expression “70B”.

To omit subclause (2) (lines 17 to 22, page 31), and substitute the following subclauses:

(2) Section 38 of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting from subsection (1) the words “this Part of”.

(3) Section 38 of the principal Act (as so substituted) is hereby further amended by repealing paragraph (b) of the proviso to subsection (2) (as substituted by section 5 (1) of the Transport Amendment Act (No. 3) 1978), and substituting the following paragraph:

“(b) Where a person is disqualified on conviction for an offence against this Act of any of the kinds specified in subsection (1) or subsection (2A) or subsection (3) of section 30 of this Act, or for an offence against section 70 or section 70B or section 70c or section 70D of this Act, no order shall be made that authorises the person to obtain a limited licence before the expiration of one month from the date of commencement of the order of disqualification.”

Clause 20: To insert, after subclause (A1) (line 7, page 32), the following subclause:

(AA1) Section 77 (1) of the principal Act is hereby further amended by repealing paragraph (fb), and substituting the following paragraph:

“(fb) Prescribing requirements as to devices, fittings, or equipment to be incorporated in the construction of, fitted to, or carried on motor vehicles or any specified class of motor vehicles, or to be used by the driver of or any person in or on a motor vehicle

or any specified class of motor vehicles; and any such regulations may—

“(i) Prescribe, or authorise the Secretary to prescribe, standards for any such device, fitting, or equipment, or class thereof (whether such standards are prescribed in relation to the device, fitting, or equipment as such or in relation to the function of that device, fitting, or equipment):

“(ii) Require the approval of the Minister or Secretary to be obtained, in such way as may be prescribed, for any such device, fitting, or equipment, or class thereof, to be incorporated in, fitted to, or carried on a motor vehicle, or used by the driver of or any person in or on a motor vehicle:”.

Clause 24: To omit the expression “70AA and 70AB”, and substitute the expression “70B and 70C”.

Clause 27: To omit from paragraph (e) the expression “70AA and 70AB”, and substitute the expression “70B and 70C and 70D”.

Clause 29: To add to section 197 the following subsection (after line 43, page 38):

“(6) In any proceedings for an offence against this Act or the Road User Charges Act 1977, or any regulations or bylaws made pursuant to this Act or that Act, proof that any weighing device bore the stamp of a mark of verification under the Weights and Measures Act 1987 indicating that the weighing device had been so stamped in a month not earlier than 12 months before the month of the alleged offence shall, in the absence of proof to the contrary, be sufficient evidence that the weighing device was accurate on the date of the alleged offence.”

Clause 30: To omit from subclause (2) the word “June” (line 14, page 39), and substitute the word “August”.

New clause 30A: To insert, after line 21 on page 39, the following new clause:

30A. Transitional provision—Every person who, but for the passing of this Act, could have been charged with an offence against paragraph (a) or paragraph (b) of section 58 (1) of the principal Act (as repealed by section 10A of this Act) in respect of any act done before the 1st day of August 1987 may be charged with and convicted of such offence, and the relevant provisions of the principal Act shall continue to apply, as if this Act had not been passed.

New clause 32A: To insert, after line 40 on page 39, the following new clause:

32A. Interpretation—Section 2 (1) of the principal Act is hereby amended by omitting the definition of the term “traffic officer”, and substituting the following definition:

“‘Traffic officer’ means a traffic officer appointed or deemed to be appointed under section 6 of the Transport Act 1962:”.

Clause 38: To omit paragraph (d) of section 48A (2) (lines 30 to 33, page 43), and substitute the following paragraph:

“(d) Confer power on Chief Traffic Officers who are officers of the Department to extend, for a period not exceeding 6 months in any one instance, the duration of specified conditions in specified circumstances, whether or not those circumstances concern the commission of an offence.”.

Second Schedule: To omit from the second column of Part I of the new Second Schedule the word “fixed” where it secondly, fourthly, sixthly, and eighthly occurs (page 46).

To omit the expression “(3)” from the reference to section 37 (3) (b) appearing in the first column of Part IV of that Schedule (page 51), and substitute the expression “(4)”.

Proposed Motion to Divide the Bill into 2 Bills

That Part I, and the First and Second Schedules, be a separate Bill, and that for clause 2 there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Transport Act 1962

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

1. **Short Title and commencement**—(1) This Act may be cited as the Transport Amendment Act 1987, and shall be read together with and deemed part of the Transport Act 1962 (hereinafter referred to as the principal Act).

(2) Except as provided in subsection (3) of this section, this Act shall come into force on the 1st day of August 1987.

(3) Sections 3 (3A) and (8), 7, and 18A of this Act, and the Second Schedule to this Act to the extent that it inserts Part IIa into the Second Schedule to the principal Act, shall come into force on a date to be fixed by the Governor-General by Order in Council.

That Part II be a separate Bill, and that for clause 32 there be substituted the following Title, enacting words, and Short Title:

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

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

1. **Short Title and commencement**—(1) This Act may be cited as the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1987, and shall be read together with and deemed part of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of August 1987.

EXPLANATORY NOTE

The bulk of the amendments contained in this Supplementary Order Paper relate to the following 3 matters:

- (a) The alteration of the main commencement date to 1 August 1987, and the separating out of some of the provisions of the Bill to come into force on a date to be fixed by Order in Council. These provisions relate to infringement offences, and are linked with the new infringement procedures proposed in Part I of the Summary Proceedings Amendment Bill that is currently before the House. It is proposed that the Order in Council will fix the same commencement date as that proposed for the Summary Proceedings Amendment Bill, once that date is known.

- (b) Amendments to various sections of the principal Act relating to drink-drive offences. These amendments follow on from the rewriting by the Communications and Road Safety Committee of section 58 (1) of the Act (in *clause 10A*) to introduce lower breath and blood alcohol levels for persons who do not hold a licence entitling them to drive the vehicle in respect of which the offence is committed. Some of the amendments are simple alterations of cross-references; others insert fuller references to the lower levels of alcohol required for breath and blood tests.
- (c) An attempted simplification of the new sections relating to driving hours and logbooks, and the renumbering of those sections as *sections 70B, 70C, and 70D*.

It is also proposed to divide the Bill into 2 Bills, one amending the Transport Act 1962, and the other amending the Transport (Vehicle and Driver Registration and Licensing) Act 1986.

The amendments most worthy of note are as follows:

Clauses 10 to 10C: The prime purpose for the amendments to these clauses is to cater for those unlicensed persons who, under the proposed new *section 58 (1) (a) and (c)* of the Act, may be convicted on the lower breath and blood alcohol levels of 150 (rather than 500) micrograms and 30 (rather than 80) milligrams respectively. But there are some consequences for properly licenced drivers. The proposed amendments take into account the fact that an enforcement officer dealing with a motorist at the roadside will not always be able to ascertain on the spot whether or not the motorist holds the necessary licence.

The effect of the amendments is, generally, that where an enforcement officer is not satisfied that a person holds a licence entitling them to drive the vehicle in question, and the person does not, if requested, produce a driver's licence, the person may be treated as if they were in fact an unlicensed driver. This has the following practical effects:

- (a) The officer may require the person to undergo an evidential breath test if there is any alcohol at all (rather than a level of 400 micrograms) revealed in their breath by a breath screening test.
- (b) The evidential breath test will be treated as being positive if it exceeds 150 (rather than 500) micrograms.
- (c) The officer is then required to inform the person that, if they do not in fact hold a driver's licence, the test could of itself be sufficient evidence to lead to a conviction under the Act.
- (d) If the reading is 300 micrograms or less it will then be up to the person to decide whether or not to proceed to a blood test. If the reading exceeds 300 (but not 500) micrograms, the officer may require the taking of a blood test (as is presently the case).
- (e) While the person may be treated as an unlicensed person for the purposes of the various tests, this does not mean that they will actually be convicted of an offence at the lower breath/blood alcohol levels, so long as they can produce evidence of their entitlement to drive at some later stage. If they are found to have exceeded the higher breath/blood alcohol levels, however, it will be no defence that the "unlicensed driver" procedures were applied to them.

Clause 19: The extensive amendments to new *sections 70AA and 70AB* (now renumbered as *sections 70B and 70C*) reflect an attempt to distinguish more clearly between the periods that a driver spends (i) in actually driving a vehicle, or in carrying out loading activities; and (ii) in carrying out other work of any kind; and (iii) off duty. All such periods, along with rest periods, are required to be recorded in the driver's logbook, but they each have different implications for how long the driver is permitted to be "on the job". New *section 70B (2) (b)* makes it clear that a period cannot be counted as a rest period if it is spent in the cab of a moving vehicle. The main aim of new *section 70C (2)* is to reduce the need for multiple entries in the logbook where periods of driving on short journeys are interrupted only by loading activities or by other activities of short duration.

Clause 20: The amendment to this clause repeals and replaces the regulation-making power contained in paragraph (fb) of section 77 (1) of the principal Act. That paragraph is rewritten to cover the prescribing of devices, fittings, or equipment for the use of drivers or passengers in or on any motor vehicle (rather than being limited to the vehicle itself), and makes provision for the prescribing of standards or the obtaining of approvals for any such equipment.

Clause 38: The amendment to the regulation-making power contained in paragraph (d) relates to a recommendation of the Regulations Review Committee. The power is now confined to Chief Traffic Officers who are officers of the Ministry of Transport, and the maximum period for which any conditions can be extended in any one instance is now limited to 6 months.