

House of Representatives

Supplementary Order Paper

Tuesday, 22 August 2023

Land Transport (Road Safety) Amendment Bill

Proposed amendments for the consideration of the Committee of the whole House

Key:

- **this is inserted text**
- **~~this is deleted text~~**

Note: This Supplementary Order Paper shows amendments to the Bill that are being proposed by the Minister for the purposes of consideration in Committee of the whole House. This document does—

- **NOT have official status in terms of unamended text**
- **NOT have the status of an as-reported version of the Bill.**

Explanatory note

This Supplementary Order Paper makes several amendments to the Land Transport (Road Safety) Amendment Bill. A small number of amendments are substantive in nature, while the great majority are minor amendments or corrections made to improve clarity, precision, and consistency (including amendments that are consequential to amendments already made).

An amendment of substance concerns the requirement of the registered person or owner of a motor vehicle that has been impounded under *new section 96AAA* (in relation to the offence of failing to stop or remain stopped) to pay fees for towage and storage. *New section 97A(4)* of the Land Transport Act 1998 (the **Act**), inserted by *clause 13*, currently requires those fees and charges to be paid to Waka Kotahi New Zealand Transport Agency (the **Agency**), from whom they are recoverable by the vehicle recovery service operator and the storage provider. This approach is to be removed, with the result that the registered person or owner is to pay the vehicle service operator and the storage provider directly, as happens under the Act in connection with 28-day impoundments. This change affects the Bill in the following ways:

- in *clause 10*, *new section 96AAA(2A)* of the Act is removed, as the Agency will no longer need a copy of the impoundment notice:
- in *clause 12*, which amends section 97 of the Act, *new subsection (3AAA)* requires the registered person, within 38 days after the vehicle is seized and impounded, to either pay the relevant fees and charges or enter into an arrangement with the vehicle recovery operator (for towage) or the storage provider (for storage) for the payment of those fees and charges (such as an instalments arrangement).

In *clause 12*, which amends section 97 of the Act,—

- inserts *new subsection (2A)*. That subsection sets out circumstances in which the registered person is not required to pay fees and charges for towage and storage: when the vehicle is unclaimed, when it is released under specified provisions, and when the registered person is a security interest holder who has repossessed the vehicle and become the registered person:
- inserts *new subsections (3B) to (3D)*. *New subsection (3B)* describes circumstances in which the vehicle recover operator and storage provider can recover fees and charges from the Police – that is, when the vehicle is seized or confiscated from impoundment under the Summary Proceedings Act 1957, confiscated or forfeited under the Sentencing Act 2002, or released by Police under specified provisions. The operator and provider are then required to reimburse the registered person for fees and charges paid by that person.

In *clause 17*, which amends section 102 of the Act, *new subsection (1)(ga)* contains an additional ground of appeal against the impoundment of a vehicle under *new section 96AAA* (failing to stop, or remain stopped). The additional appeal ground is that the seizure and impoundment have caused or will cause extreme hardship to the regis-

tered person or owner (or undue hardship to another person) and the release of the vehicle is not contrary to the interests of road safety.

Clause 26 inserts new sections 139AAA to 139AAC (automated infringement system):

- *new section 139AAA(1)* is amended to clarify that, besides verifying the offence and its particulars, the automated infringement system also produces an infringement notice for issuing by the Agency as enforcement officer under section 139:
- *new section 139AAB* is amended to require the Minister to consult the Privacy Commissioner before approving an automated infringement system:

Clause 28 inserts new sections 146A to 146E (point-to-point average speed system). New section 146E, which requires traffic control devices (eg signs) to inform drivers of the presence of a point-to-point average speed system, is amended by removing the provision that protects the validity of a prosecution in the event of a traffic control device being obscured, defaced, damaged, or removed and inserting a provision that the presence of a traffic control device at the relevant time can be proved by certificate.

Many provisions amended by this Supplementary Order Paper now refer to a “relevant person” rather than the registered person. The relevant person refers to the registered person for a registered vehicle but also to the owner of the vehicle if the vehicle is not registered. This does not occur in all cases, but in provisions that are concerned with the entitlement to have the impounded vehicle released and rights of appeal.

Other amendments in the Supplementary Order paper are minor in nature. They include extensive consequential amendments to forms and other provisions in a number of sets of regulations made under the Act.

Departmental disclosure statement

The Ministry of Transport is required to prepare a disclosure statement to assist with the scrutiny of this Supplementary Order Paper. It provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=sop&subtype=government&year=2023&no=420&>

The Honourable Damien O’Connor, in Committee, to propose the amendments shown in the following document.

Hon Damien O'Connor

Land Transport (Road Safety) Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Land Transport (Road Safety) Amendment Act **2023**.

2 Commencement

This Act comes into force on ~~the day that is 6 weeks after Royal assent~~ 1 March 2024.

Part 1

Amendments to Land Transport Act 1998

3 Principal Act

This Part amends the Land Transport Act 1998.

4 Section 2 amended (Interpretation)

In section 2(1), insert in their appropriate alphabetical order:

automated infringement system means a device or a system of devices that has been approved by the Minister of Transport under **section 139AAB**

convert, in relation to a motor vehicle, means to dishonestly and without claim of right, but not so as to be guilty of theft, take or use the vehicle for one’s own purposes or another person’s purposes (*see* Crimes Act 1961, section 226), and **converted** has a corresponding meaning

detection point, in relation to a point-to-point average speed system, means a point on a road at which an item of approved vehicle surveillance equipment that is part of the system detects the presence of a motor vehicle

electronic address includes an email address

information system, in relation to electronic communications, means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications

point-to-point average speed system means a system that—

- (a) consists of 2 items of approved vehicle surveillance equipment that operate in combination and with the support of associated software; and
- (b) has the ability to ~~calculate the average speed of a motor vehicle between 2 detection points; and—~~
 - (i) ~~detect a speeding offence; and~~
 - (ii) ~~calculate the average speed of a motor vehicle between 2 detection points; and~~
- (c) has been approved by the Minister by notice (*see* subsection (6)).

5 Section 22 amended (Driver’s duties where accident occurs)

- (1) After section 22(2)(a), insert:
 - (aa) the driver’s or rider’s electronic address (if the driver or rider has an electronic address); and
- (2) After section 22(2)(b), insert:
 - (ba) the owner’s electronic address (if the owner has an electronic address); and
- (2A) In section 22(3), delete “by him or her”.
- (2B) In section 22(4),—
 - (a) delete “he or she is”:
 - (b) delete “by him or her”.
- (3) After section 22(4)(a), insert:
 - (aa) the driver’s or rider’s electronic address (if the driver or rider has an electronic address); and

6 Section 49 amended (Contravention of section 97(5) or (6))

In section 49(1)(a) and (b), replace “sections 96, 96A” with “sections 96, **96AAA, 96AAB**, 96A”.

7 Section 52A amended (Contravention of section 114)

In section 52A(4), replace “1 year” with “a period of not less than 1 year and not more than 2 years”.

7A Section 55 amended (Tampering with vehicle surveillance equipment)

(1) In the heading to section 55, after “equipment”, insert “or point-to-point average speed system”.

(2) In section 55, after “equipment”, insert “or a point-to-point average speed system” in each place.

7B Section 88 amended (Demerit points to be recorded by Director)

In section 88(1), after “equipment”, insert “or a point-to-point average speed system”.

8 Section 91B amended (Ways in which warning notice or driver licence stop order or details of related fines must be served)

(1) In section 91B(1)(b), replace “his or her” with “the defendant’s”.

(2) Repeal section 91B(5).

8A Section 95 amended (Mandatory 28-day suspension of driver licence in certain circumstances)

In section 95(1)(c)(i) and (ii), after “equipment”, insert “or a point-to-point average speed system”.

9 Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances)

(1AAA) In section 96(1)(c), replace “his or her” with “their”.

(1) Repeal section 96(1AB).

(1A) In section 96(1E), replace “he or she” with “the enforcement officer”.

(2) In section 96(1E) and (2), replace “(or authorises the impoundment of)” with “, or seizes and authorises the impoundment of,”.

(3) After section 96(2)(a)(i), insert:

(ia) the driver’s electronic address (if the driver has an electronic address); and

(4) Replace section 96(2)(c) and (d) with:

(c) if the driver has left the scene, give a copy of the notice to the registered person, if that person is present at the time of the seizure, or send a copy of the notice to that person in accordance with **subsection (2AAA)**; and

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- (d) give or send a copy of the notice to the vehicle recovery service operator who tows or carries the impounded motor vehicle to the place where it is to be stored; and
 - (da) give or send a copy of the notice to the storage provider who stores the motor vehicle; and
- (5) After section 96(2), insert:
- (2AAA) For the purposes of **subsection (2)(c)**, if the registered person is not present at the time of the seizure, the enforcement officer must, as soon as practicable, send a copy of the notice to the registered person—
- (a) by post addressed to that person at their last known place of residence or business, their last known postal address, or their address as recorded on the register of motor vehicles or any other register administered by the Agency; or
 - (b) by electronic means addressed to that person at ~~their electronic address (if any) as recorded on the register of motor vehicles or any other register administered by the Agency.~~
 - (a) an electronic address that the person has given to an enforcement authority; or
 - (b) otherwise, the person’s last known electronic address.
- (6) After section 96(2A)(a)(ii), insert:
- (iia) electronic address (if the driver has an electronic address); and
- (7) After section 96(2A)(b)(ii), insert:
- (iia) electronic address (if the person has an electronic address); and
- (8) In section 96(3), replace “The owner of an impounded vehicle” with “The relevant person specified in **subsection (6B)**”.
- (8A) In section 96(4), replace “he or she was” with “they were”.
- (9) In section 96(5), replace “seize or impound” with “seize and impound”.
- (10) In section 96(6) and (6A), replace “the owner” with “the relevant person specified in **subsection (6B)**”.
- (11) Repeal section 96(6)(a)(iii) and (iv).
- (11A) In section 96(6)(b)(iii), after “confiscated”, insert “or forfeited”.
- (11B) In section 96(6A)(a), replace “he or she” with “the driver”.
- (12) Replace section 96(6B) with:
- (6B) In subsections ~~(3), (6), and (6A)~~, the vehicle is released relevant person is—
- (a) ~~to~~ the registered person, if the vehicle is registered; or
 - (b) if the vehicle is not registered, ~~to~~ a person who the enforcement officer is satisfied is the owner of the vehicle.

10 New sections 96AAA and 96AAB inserted

After section 96, insert:

96AAA Impoundment of motor vehicle used in ~~fleeing driver~~ offence of failing to stop, etc

- (1) An enforcement officer may seize and impound, or seize and authorise the impoundment of, a motor vehicle for 6 months if the officer believes on reasonable grounds that—
- (a) the person driving the vehicle has failed to stop (or remain stopped) as signalled, requested, or required under section 114 (*see* section 52A(1)(a) and (b) for the offence); and
 - (b) the vehicle—
 - (i) is not a stolen vehicle; and
 - (ii) has not been converted; and
 - (iii) is not a write-off; and
 - (iv) has not suffered severe damage.
- (2) ~~If an enforcement officer seizes and impounds, or seizes and authorises the impoundment of, a motor vehicle under this section, section 96(2) to (4A), (7), and (8) applies, with any necessary modifications, as if the vehicle were seized and impounded under section 96.~~
- (2) If an enforcement officer seizes and impounds, or seizes and authorises the impoundment of, a vehicle under this section, the following provisions apply, with any necessary modifications, as if the vehicle were seized and impounded under section 96:
- (a) section 96(2) to (4A), (7), and (8):
 - (b) section 97:
 - (c) section 98.
- (2A) ~~Despite **subsection (2)**, the enforcement officer who gives or sends a copy of the notice to a storage provider under **section 96(2)(da)** must, at the same time, send a copy of the notice to the Agency.~~
- (3) A vehicle to which this section applies and a notice under section 96(2) relates must be released to the relevant person specified in **subsection (5)** if—
- (a) the Police have decided not to take any of the following proceedings (or proceedings have been taken and the person against whom they are taken is acquitted):
 - (i) proceedings against the driver who failed to stop (or remain stopped) (*see* section 52A(1)(a) or (b) for the offence):
 - (ii) proceedings against the registered person for, or hirer of, the motor vehicle who, without reasonable excuse, failed or refused to provide information or provided false or misleading information

~~requested in response to a request under~~ **section 118(4)** (*see* section 52(6) for the offence); and

- (b) the vehicle has not been—
 - (i) released; or
 - (ii) seized under the Summary Proceedings Act 1957; or
 - (iii) confiscated under the Sentencing Act 2002.
- (4) A vehicle to which this section applies and a notice under section 96(2) relates may be released to the relevant person specified in **subsection (5)** if that person—
 - (a) was not the person driving the vehicle when the vehicle failed to stop (or remain stopped); and
 - (b) has provided the information requested under **section 118(4)**.
- (5) For the purposes of **subsections (3) and (4)**, ~~the vehicle is released~~ relevant person is,—
 - (a) if the vehicle is registered,—
 - (i) ~~to~~ the hirer (if any) of the vehicle; or
 - (ii) otherwise, ~~to~~ the registered person for the vehicle; or
 - (b) if the vehicle is not registered, ~~to~~ a person who the enforcement officer is satisfied is the owner of the vehicle.

96AAB Impoundment of motor vehicle for failure to give information about fleeing driver offence of failing to stop, etc

- (1) This section applies if a vehicle—
 - (a) is involved in the commission of an offence against section 52A(1)(a) or (b); and
 - (b) has not been seized and impounded under **section 96AAA**.
- (2) An enforcement officer may seize and impound, or seize and authorise the impoundment of, a motor vehicle for 28 days if the officer believes on reasonable grounds that—
 - (a) either—
 - (i) the driver of the vehicle failed or refused to provide information or provided false or misleading information in response to a demand for information made by the officer under section 114(3)(b) (*see* section 52A(1)(c) for the offence); or
 - (ii) the registered person for, or the hirer of, the motor vehicle, without reasonable excuse, failed or refused to provide information or provided false or misleading information ~~requested in response to a request~~ under section **118(4)** (*see* section 52(6) for the offence); and

- (b) impounding the vehicle is necessary to prevent a serious threat to road safety.
- (3) If an enforcement officer seizes and impounds, or seizes and authorises the impoundment of, a vehicle under this section, the following provisions apply, with any necessary modifications, as if the vehicle were seized and impounded under section 96:
 - (a) section 96(2) to (4A), (7), and (8):
 - (b) section 97:
 - (c) section 98.
- (4) A vehicle to which this section applies and a notice under section 96(2) relates must be released to the relevant person specified in **subsection (6)** if the Police have decided not to take any of the following proceedings (or if proceedings have been taken and the person against whom they are taken is acquitted):
 - (a) proceedings against the driver for a matter referred to in **subsection (2)(a)(i)**:
 - (b) proceedings against the registered person or hirer for a matter referred to in **subsection (2)(a)(ii)**.
- (5) A vehicle to which this section applies and a notice under section 96(2) relates may be released to the relevant person specified in **subsection (6)** if—
 - (a) the driver has given the information demanded under section 114(3)(b); or
 - (b) the registered person or hirer has given the information requested under **section 118(4)**.
- (6) For the purposes of **subsections (4) and (5)**, ~~the vehicle is released~~ relevant person is,—
 - (a) if the vehicle is registered,—
 - (i) ~~to~~ the hirer (if any) of the vehicle; or
 - (ii) otherwise, ~~to~~ the registered person for the vehicle; or
 - (b) if the vehicle is not registered, ~~to~~ a person who the enforcement officer is satisfied is the owner of the vehicle.

11 Section 96A amended (Impoundment of vehicle used in transport service)

- (1) After section 96A(2)(a)(i), insert:
 - (ia) the driver's electronic address (if the driver has an electronic address); and
- (2) After section 96A(2)(a)(ii), insert:

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- (iia) the transport service operator’s electronic address (if the transport service operator is different from the driver and has an electronic address); and
- (3) Replace section 96A(2)(c) and (d) with:
- (c) if the driver has left the scene, give a copy of the notice to the registered person, if that person is present at the time of the seizure, or send a copy of the notice to that person in accordance with **subsection (2AAA)**; and
- (d) give or send a copy of the notice to the vehicle recovery service operator who tows or carries the impounded motor vehicle to the place where it is to be stored; and
- (da) give or send a copy of the notice to the storage provider who stores the motor vehicle; and
- (4) After section 96A(2), insert:
- (2AAA) For the purposes of **subsection (2)(c)**, if the registered person is not present at the time of the seizure, the enforcement officer must, as soon as practicable, send a copy of the notice to the registered person—
- (a) by post addressed to that person at their last known place of residence or business, their last known postal address, or their address as recorded on the register of motor vehicles or any other register administered by the Agency; or
- (b) by electronic means addressed to that person at ~~their electronic address (if any) as recorded on the register of motor vehicles or any other register administered by the Agency.~~—
- (a) an electronic address that the person has given to an enforcement authority; or
- (b) otherwise, the person’s last known electronic address.
- (5) After section 96A(2A)(a)(ii), insert:
- (iia) electronic address (if the driver has an electronic address); and
- (6) After section 96A(2A)(b)(ii), insert:
- (iia) electronic address (if the transport service operator has an electronic address); and
- (7) In section 96A(3), replace “owner of an impounded vehicle” with “relevant person specified in **subsection (7)**”.
- (7A) In section 96A(4), replace “he or she was” with “they were”.
- (8) In section 96A(6), replace “owner” with “relevant person specified in **subsection (7)**”.
- (9) After section 96A(6), insert:
- (76A) For the purposes of subsections (3) and (6), the relevant person is,—

- (a) if the vehicle is registered, the registered person for the vehicle; or
- (b) if the vehicle is not registered, a person who the enforcement officer is satisfied is the owner of the vehicle.

12 Section 97 amended (Storage of impounded vehicles)

- (1) In the heading to section 97, after “vehicles”, insert “: generally”.
- (2) In section 97(1), after “section 96”, insert “~~or 96AAB, 96AAA, 96AAB, or 96A~~”.
- (3) In section 97(2) and (3), replace “owner of the impounded vehicle” with “registered person for the impounded vehicle”.
- (4) ~~Repeat section 97(2A).~~ Replace section 97(2A) with:

(2A) Subsection (2) does not apply if—

- (a) the registered person, or a person authorised by them, has not claimed the vehicle; or
- (b) the vehicle is released under **section 96(6) or (6A), 96AAA(3) or (4), or 96AAB(4) or (5)**; or
- (c) in the case of a vehicle seized and impounded under **section 96AAA**, the registered person is a person who—
 - (i) held a security interest in the vehicle before its seizure for impoundment; and
 - (ii) since the impoundment,—
 - (A) repossessed the vehicle under Part 3A of the Credit Contracts and Consumer Finance Act 2003 or section 109 of the Personal Property Securities Act 1999; and
 - (B) became the registered person.

(4A) After section 97(3), insert:

(3AAA) The registered person for a motor vehicle impounded under **section 96AAA** must, within 38 days after the vehicle is seized and impounded,—

- (a) pay the fees and charges for towage and storage referred to in subsection (2); or
- (b) enter into an arrangement with the vehicle recovery operator and the storage provider for the payment of those fees and charges (for example, an arrangement for payment by instalments).

(4B) In section 97(3A), replace “seized or confiscated from impoundment” with “seized, confiscated, or forfeited from impoundment”.

(4C) After section 97(3A), insert:

(3B) The fees and charges referred to in subsection (2) are recoverable from the Commissioner by the vehicle recovery service operator or storage provider if the vehicle is released under—

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- (a) section 96(6) or (6A), **96AAA(3) or (4)** or **96AAB(4) or (5)**; or
- (b) section 102(3) (unless the ground of appeal is the ground set out in section 102(1)(gb)).
- (3C) **Subsection (3D)** applies to a vehicle recovery service operator or a storage provider who is entitled to recover fees or charges under subsection (3A) or **(3B)**.
- (3D) The vehicle recovery operator or storage provider must repay to the registered person any fees or charges previously recovered from that person in relation to the impoundment within 10 working days after becoming aware of the seizure, confiscation, or forfeiture referred to in subsection (3A) or the direction to release under subsection **(3B)** (as applicable).
- (5) In section 97(4), replace “owner of the vehicle” with “registered person for the vehicle”.
- (6) In section 97(6)(a), replace “owner or a person authorised for the purpose by the owner” with “registered person (or the owner, if the vehicle is not registered) or a person authorised for the purpose by the registered person (or owner)” in each place.
- (6A) After section 97(6)(c), insert:
 - (d) an order of forfeiture made under **section 142AAB** of the Sentencing Act 2002.
- (7) In section 97(7), replace “he or she thinks” with “they think”.

13 New sections 97A and 97B inserted

After section 97, insert:

97A Storage of vehicles impounded under section 96AAA

- (1) A motor vehicle seized and impounded under **section 96AAA** must be stored where the enforcement officer directs.
- (2) The registered person for the impounded vehicle is liable to pay the fees and charges for towage and storage that are prescribed or assessed in the manner specified by regulations made under section 167.
- (3) **Subsection (2)** does not apply if—
 - (a) the registered person, or a person authorised by them, has not claimed the vehicle; or
 - (b) the vehicle is released under **section 96AAA(3) or (4)**; or
 - (c) the registered person is a person who—
 - (i) holds a security interest in the vehicle before its seizure for impoundment; and
 - (ii) since the impoundment,—

- (A) ~~repossessed the vehicle under Part 3A of the Credit Contracts and Consumer Finance Act 2003 or section 109 of the Personal Property Securities Act 1999; and~~
 - (B) ~~became the registered person.~~
- (2A) ~~However, a registered person described in **subsection (3)(c)** is liable to pay a prescribed fee or charge to cover costs incurred by the Agency in locating the vehicle on request by that person on becoming entitled to possession of the vehicle after it was impounded.~~
- (4) ~~Fees and charges under **subsection (2)** are—~~
- (a) ~~payable to the Agency; and~~
 - (b) ~~recoverable from the Agency by a vehicle recovery service operator or a storage provider.~~
- (5) ~~**Subsection (6)** applies if—~~
- (a) ~~a court orders—~~
 - (i) ~~the confiscation of the vehicle under the Sentencing Act 2002; or~~
 - (ii) ~~the forfeiture of the vehicle under **section 142AAB** of that Act; and~~
 - (b) ~~the vehicle is sold under section 137 of the Sentencing Act 2002 (including as that provision is applied by **section 142AAE or 142AAF** of that Act).~~
- (6) ~~In the circumstances described in **subsection (5)**, fees and charges under **subsection (2)** are recoverable by a vehicle recovery service operator or a storage provider from the chief executive of the Ministry of Justice as impoundment costs in accordance with that provision.~~
- (7) ~~Any 1 or more of the following persons may enter into any arrangements they consider necessary with vehicle recovery service operators and storage providers for the payment of fees and charges under this section:~~
- (a) ~~the Commissioner;~~
 - (b) ~~the Agency;~~
 - (c) ~~the chief executive of the Ministry of Justice;~~
 - (d) ~~a Registrar.~~
- (8) ~~A person may not remove or release an impounded motor vehicle from storage unless allowed to do so under this Act.~~
- (9) ~~In **subsection (7)(d)**, **Registrar** means any Registrar of the High Court or of the District Court, as the case may require, and includes a Deputy Registrar.~~
- 97B Fee arrangements for vehicles impounded under section 96AAA**
- (1) ~~For the purposes of section 98(1)(b) (as applied by **section 98AAA(2)**), the Agency may, on request, enter into an arrangement with the registered person~~

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- ~~under which fees and charges for towage and storage of the vehicle may be paid by instalments.~~
- (2) ~~On receiving a request for an instalment arrangement, the Agency may—~~
- ~~(a) ask the person making the request for further information to enable the Agency to make a decision; or~~
- ~~(b) make a counter-offer to the person who made the request.~~
- (3) ~~After considering all available information, the Agency may—~~
- ~~(a) enter into an instalment arrangement if satisfied that doing so is necessary or desirable to maximise recovery of unpaid fees and charges; or~~
- ~~(b) on any reasonable grounds, decline to make an arrangement.~~
- (4) ~~The terms of an instalment arrangement may include an interest charge at the rate determined under section 120E(1)(a) of the Tax Administration Act 1994.~~
- (5) ~~The Agency may cancel an instalment arrangement if satisfied that—~~
- ~~(a) the arrangement was entered into on the basis of information given by the person who requested the arrangement that was false or misleading in a material particular; or~~
- ~~(b) the person is not meeting their obligations under the arrangement.~~
- (6) ~~If an instalment arrangement is cancelled, the outstanding unpaid fees and charges remain payable.~~

14 Section 98 amended (Release of vehicle after 28 days)

(1AAA) In the heading to section 98, replace “**vehicle after 28 days**” with “**28-day impoundment impounded vehicle**”.

(1) Before section 98(1), insert:

(1AAA) This section applies if a vehicle has been impounded for 28 days under section 96, **96AAB**, or 96A.

(2) In section 98(1), replace “the 28-day impoundment period, the owner of the vehicle, or a person authorised for the purpose by the owner” with “the impoundment period, the relevant person specified in **subsection (10)**, or a person authorised for the purpose by the relevant person”.

(3) Replace section 98(1)(a)(i) with:

- (i) in the case of the relevant person specified in **subsection (10)**, or a person authorised for the purpose by the relevant person, either the relevant person’s copy of the notice of acknowledgement of seizure and impoundment or 1 of the following:
- (A) if the relevant person is the registered person for the vehicle, proof of registration of the vehicle in their name:
- (B) if the relevant person is the owner of the vehicle, proof of ownership of the vehicle; or

- (3A) In section 98(3), replace “the 28-day impoundment period” with “the impoundment period”.
- (3B) In section 98(3)(b), replace “to the officer his or her current driver licence” with “produces their current driver licence to the officer”.
- (3C) After section 98(3), insert:
- (3A) In addition to the early release allowed by subsection (3), an enforcement officer authorised for the purpose by the Commissioner may order the release of a vehicle impounded under **section 96AAA** to the registered person at any time before the close of the impoundment period if the registered person is a person who—
- (a) held a security interest in the vehicle before its seizure for impoundment; and
 - (b) since the impoundment,—
 - (i) repossessed the vehicle under Part 3A of the Credit Contracts and Consumer Finance Act 2003 or section 109 of the Personal Property Securities Act 1999; and
 - (ii) became the registered person.
- (3D) Replace section 98(4)(a) with:
- (a) 38 days have passed since the vehicle was impounded (whether it was impounded for 28 days or 6 months); and
- (4) In section 98(4)(b), replace “the owner, or a person authorised for the purpose by the owner” with “the relevant person specified in **subsection (10)**, or a person authorised for the purpose by the relevant person”.
- (4A) After section 98(4), insert:
- (4A) In making a decision under subsection (4) in relation to a vehicle impounded under **section 96AAA** (and any personal property found in the vehicle), the enforcement officer must have regard to whether the Police intend to take any of the following proceedings:
- (a) proceedings against the driver of the vehicle who failed to stop (or remain stopped):
 - (b) proceedings against the registered person for, or hirer of, the motor vehicle who, without reasonable excuse, failed or refused to provide information or provided false or misleading information in response to a request under **section 118(4)**.
- (4B) If the relevant person specified in **subsection (10)** has lodged an appeal under section 102 or 110, the enforcement officer must not approve the disposal of the vehicle (and any personal property found in it) before the appeal is determined.
- (5) In section 98(7)(b), replace “owner of the impounded vehicle” with “registered person for the impounded vehicle”.

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- (6) After section 98(9), insert:
- (10) For the purposes of subsections (1) and (4)(b), the vehicle may be removed from storage by, or released to, **relevant person** is—
- (a) the registered person, if the vehicle is registered; or
 - (b) if the vehicle is not registered, a person who the enforcement officer is satisfied is the owner of the vehicle.
- (11) In this section, unless the context otherwise requires, **impoundment period** means,—
- (a) for a vehicle impounded under section 96, **96AAB**, or 96A, the 28-day period for which the vehicle was impounded;
 - (b) for a vehicle impounded under **section 96AAA**, the 6-month period for which the vehicle was impounded.

15 New section 98AAA inserted (Release of vehicle after 6-month impoundment)

After section 98, insert:

98AAA Release of vehicle after 6-month impoundment

- (1) ~~This section applies if a vehicle has been impounded for 6 months under **section 96AAA**.~~
- (2) ~~On and after the close of the 6-month impoundment period, section 98 applies, with all necessary modifications, to the impoundment of a vehicle under **section 96AAA**.~~
- (3) ~~In addition to the early release allowed by section 98(3), an enforcement officer authorised for the purpose by the Commissioner may order the release of an impounded vehicle to the registered person at any time before the close of the 6-month impoundment period if the registered person is a person who—~~
- ~~(a) had a security interest in the vehicle before its seizure for impoundment; and~~
 - ~~(b) since the impoundment,—~~
 - ~~(i) repossessed the vehicle under Part 3A of the Credit Contracts and Consumer Finance Act 2003 or section 109 of the Personal Property Securities Act 1999; and~~
 - ~~(ii) became the registered person.~~

16 Section 98A amended (Commissioner may prohibit sale or disposal of certain motor vehicles)

(1) Replace section 98A(1) with:

(1) This section applies if—

- (a) a person is charged with an offence under this Act or any other enactment that would, if the person is convicted of the offence, permit or require a court to order—
 - (i) the confiscation of the person’s motor vehicle under the Sentencing Act 2002; or
 - (ii) the forfeiture of the vehicle under **section 142AAB** of that Act; and
 - (b) the Commissioner believes, on reasonable grounds in the circumstances, that the court would, if the person is convicted of the offence, order that confiscation or forfeiture.
- (2) In section 98A(4)(b)(ii), replace “owner of the vehicle” with “registered person for the motor vehicle”.
 - (3) In section 98A(4)(b)(iii), replace “owner of the motor vehicle” with “registered person for the motor vehicle”.

17 Section 102 amended (Appeal to Police against impoundment of vehicle)

(1AAA) In the heading to section 102, after “**vehicle**”, insert “: **general**”.

- (1) In section 102(1), replace “An owner whose motor vehicle has been seized and impounded under section 96 or section 96A” with “A relevant person specified in **subsection (6)** whose motor vehicle has been seized and impounded under section 96, **96AAA**, **96AAB**, or 96A”.
- (2) Replace section 102(1)(b) with:
 - (b) the enforcement officer who seized the vehicle did not—
 - (i) have reasonable grounds of belief as required by section 96, **96AAA**, **96AAB**, or 96A; or
 - (ii) comply with the notice requirements in section 96(2) (including as applied by section **96AAA(2)** or **96AAB(3)**) or 96A(2) (whichever applies); or
- (3) In section 102(1)(c), (d), and (h), replace “owner” with “relevant person”.
- (4) Replace section 102(1)(f) and (g) with:
 - (f) if section 96(1AA) or (1A), **96AAA**, or **96AAB** applies, the relevant person did not know and could not reasonably be expected to know that the operator or hirer of the vehicle would contravene section 22A(1) or (3), 22AF, 114, or **118(4)** (whichever applies); or
 - (g) if section 96(1AA) or (1A), **96AAA**, or **96AAB** applies, the relevant person took all reasonable steps to prevent the operator or hirer of the vehicle from contravening section 22A(1) or (3), 22AF, 114, or **118(4)** (whichever applies); or
- (5) Repeal section 102(1)(ga).

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(5) In section 102(1)(ga), replace “section 96(1AB) applies, the owner” with “**section 96AAA** applies, the relevant person specified in **subsection (6)**”.

(5A) After section 102(1)(ga), insert:

(gb) if **section 96AAA** applies, release of the vehicle to the relevant person is appropriate because—

(i) the seizure and impoundment of the vehicle have resulted or will result in—

(A) extreme hardship to the relevant person (whether in relation to employment or otherwise); or

(B) undue hardship to a person other than the relevant person (whether in relation to employment or otherwise); and

(ii) release of the vehicle is not contrary to the interests of road safety; or

(6) In section 102(3)(a),—

(a) replace “to the owner” with “to the relevant person specified in **subsection (6)**”:

(b) replace “by the owner” with “by the relevant person”.

(6A) In section 102(3)(b), replace “he or she believes” with “they believe”.

(7) After section 102(5), insert:

(6) For the purposes of **subsections (1) and (3)(a)**, the relevant person is—

(a) the registered person for the vehicle, if the vehicle is registered; or

(b) if the vehicle is not registered, a person who the enforcement officer is satisfied is the owner of the vehicle.

17A ~~New section 102A inserted (Appeal to Police against impoundment of vehicle under section 96AAA)~~

After section 102, insert:

102A ~~Appeal to Police against impoundment of vehicle under section 96AAA~~

(1) A relevant person specified in **section 102(6)** whose motor vehicle has been seized and impounded under **section 96AAA** may appeal to the Police against the seizure and impoundment on any of the following grounds:

(a) the impounded vehicle was a stolen or converted vehicle at the time of the seizure and impoundment;

(b) the enforcement officer who seized and impounded, or seized and authorised the impoundment of, the vehicle—

(i) did not have reasonable grounds of belief as required by that section; or

- (ii) ~~did not comply with the notice requirements in section 96(2) (as applied by **section 96AAA(2)(a)**):~~
 - (e) ~~the relevant person did not know and could not reasonably be expected to know that the operator of the vehicle would contravene section 114:~~
 - (d) ~~the relevant person took all reasonable steps to prevent the operator of the vehicle from contravening section 114:~~
 - (e) ~~the relevant person—~~
 - (i) ~~was not the person driving the vehicle when the vehicle failed to stop (or remain stopped); and~~
 - (ii) ~~either—~~
 - (A) ~~did not know, and could not reasonably have been expected to know, the identity of the driver; or~~
 - (B) ~~has otherwise provided the information requested under section 118(4):~~
 - (f) ~~the driver drove the vehicle in a serious medical emergency (including carrying a person who is about to give birth):~~
 - (g) ~~release of the vehicle to the relevant person is appropriate because—~~
 - (i) ~~the seizure and impoundment of the vehicle have resulted or will result in—~~
 - (A) ~~extreme hardship to the relevant person (whether in relation to employment or otherwise); or~~
 - (B) ~~undue hardship to a person other than the relevant person (whether in relation to employment or otherwise); and~~
 - (ii) ~~release of the vehicle is not contrary to the interests of road safety.~~
- (2) ~~Section 102(2) to **(6)** applies, with all necessary modifications, to an appeal under this section.~~

18 Section 110 amended (Appeal against refusal of Police to direct release of impounded vehicle)

- (1) ~~In section 110(1), replace “under section 102 may, on any grounds set out in subsection (1) of that section” with “under section 102 or **102A** may, on any grounds set out in section 102(1) or **102A(1)**”.~~
- (2) ~~In section 110(1A), after “section 102”, insert “or **102A**”.~~
- (3) ~~In section 110(1B), after “section 102(2)”, insert “(including as applied by **section 102A**)”.~~
- (4) ~~In section 110(2), replace “subsection (1) or (5) of section 102” with “section 102(1) or (5) (including as applied by **section 102A**)”.~~
- (5) ~~In section 110(3)(a)(i), after “section 102”, insert “or **102A**”.~~

19 Section 113 amended (Enforcement officers may enforce transport legislation)

- (1) In section 113(1), replace “his or her authority” with “their authority”.
- (2) In section 113(2)(a), after “full address,”, insert “electronic address (if the person has an electronic address),”.

20 Section 114 amended (Power to require driver to stop and give name and address, etc)

- (1) In section 114(3)(b)(i), replace “give his or her full name, full address,” with “give their full name, full address, electronic address (if they have an electronic address),”.
- (2) In section 114(3)(b)(ii), replace “owner of the vehicle” with “registered person for the vehicle”.
- (3) Replace section 114(3)(b)(iii) with:

(iii) if the driver is not the registered person for the vehicle, give the name and address of the registered person or such particulars within the driver’s knowledge as may lead to the identification of the registered person.

21 Section 118 amended (Requirement to give information as to identity of driver or passenger)

(1AAAA) In section 118(1),—

- (a) replace “his or her” with “the registered person’s or hirer’s”:
- (b) replace “him or her” with “the registered person or hirer”.

(1AAA) In section 118(1) and (2), replace “the owner or hirer of the vehicle” with “the registered person for, or the hirer of, the vehicle”.

(1AAB) In section 118(3) and (5), replace “owner or hirer” with “registered person or hirer”.

(1AAC) Replace section 118(4) with:

(4) If a vehicle failed to stop (or remain stopped) as signalled, requested, or required under section 114, an enforcement officer may request the registered person for, or the hirer of, the vehicle to give all information in their the registered person’s or hirer’s possession or obtainable by them the registered person or hirer that may lead to the identification and apprehension of the driver, and the registered person or hirer must give the officer that information immediately.

(2) In section 118(6), replace “the full name and address of the driver” with “the driver’s full name, full address, and electronic address (if the driver has an electronic address)”.

22 Section 119 amended (Powers of entry)

- (1) Replace section 119(1)(a)(i) with:
 - (i) has failed to comply with a requirement under section 114(2) or (3) (relating to stopping a vehicle, remaining stopped, or giving information to an enforcement officer); and
- (2) In section 119(3), replace “section 96, 96A” with “section 96, **96AAA, 96AAB**, 96A”.
- (3) In section 119(4) and (5), replace “section 96 or section 96A or section 123” with “section 96, **96AAA, 96AAB**, 96A, or 123”.

23 Section 133 amended (Owner liability for moving vehicle offences and special vehicle lane offences)

- (1) In section 133(4)(b), replace “he or she was” with “they were”.
- (2) In section 133(4)(c)(i)(B), after “telephone number”, insert “, or electronic address”.

24 Section 133A amended (Owner liability for stationary vehicle offences)

- (1) In section 133A(4)(a)(i), replace “he or she was” with “they were”.
- (2) In section 133A(4)(c)(i)(B), replace “and telephone number” with “telephone number, or electronic address”.

25 Section 139 amended (Issue of infringement notice)

- (1) Replace section 139(2)(c) and (d) with:
 - (c) by sending it, or a copy of it, to the person who appears to have committed the infringement offence—
 - (i) by post addressed to the person at their last known place of residence or business or last known postal address; or
 - (ii) by electronic means addressed to the person at their electronic address; or
 - (d) if the person is the holder of a land transport document, by serving it, or a copy of it, on that person—
 - (i) by post at the last address the person provided for service for the purposes of that land transport document; or
 - (ii) by electronic means at their electronic address.
- (1A) In section 139(3)(a), replace “subsection (2)(ba)” with “subsection (2)(b) or (ba)”.
- (2) In section 139(3)(b), replace “subsection (2)(c) or (d)” with “**subsection (2)(c)(i) or (d)(i)**”.
- (3) After section 139(3)(b), insert:

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(c) is sent electronically to a person under **subsection (2)(c)(ii) or (d)(ii)** must, unless the contrary is shown, be treated as having been sent to, or served on, the person at the time the electronic communication containing the notice first enters an information system that is outside the control of the enforcement officer.

(4) After section 139(3), insert:

(4) ~~Despite section 24(1)(e) of the Summary Proceedings Act 1957, a reminder notice may be served on a person for the purposes of section 21(2) of that Act—~~

(a) ~~by sending it, or a copy of it, to the person who appears to have committed the infringement offence by electronic means addressed to the person at their electronic address; or~~

(b) ~~if the person is the holder of a land transport document, by serving it, or a copy of it, on that person by electronic means addressed to the person at their electronic address.~~

(4) After section 139(6), insert:

Service of reminder notice

(6A) Despite section 24(1)(e) of the Summary Proceedings Act 1957, a reminder notice may be served on a person for the purposes of section 21(2) of that Act by serving the notice in accordance with **subsection (2)(c)(ii) or (d)(ii)** in addition to the other modes of service set out in section 24(1) of that Act and without otherwise limiting or affecting the operation of section 24 of that Act.

(5) After section 139(7), insert:

(8) In this section, unless the context otherwise requires, **electronic address**, in relation to a person, means—

(a) ~~the an~~ electronic address that the person has given to ~~the Agency an~~ enforcement authority; or

(b) otherwise, the person's last known electronic address.

26 New sections 139AAA to 139AAC inserted

After section 139, insert:

139AAA Infringement notice for offence verified by automated infringement system

(1) This section applies if an automated infringement system that is linked to information on the register of motor vehicles verifies, on the basis of data provided by approved vehicle surveillance equipment or a point-to-point average speed system ~~that is linked to information on the register of motor vehicles,~~—

(a) the commission of an infringement offence, that is a moving vehicle offence, detected by the equipment or system; and

(b) the following data in connection with the offence:

- (i) 1 or more electronic images (or sequences of electronic images) connected with the infringement offence;
- (ii) the registration plate of the vehicle involved in the infringement offence;
- (iii) the registered person for the vehicle; and
- (c) that the images referred to in **paragraph (b)(i)** are of sufficient quality to be used as evidence in relation to the offence.

(1A) The automated infringement system produces an infringement notice in relation to the verified infringement offence that the Agency issues as enforcement officer under section 139.

(2) For the purposes of section 139(1), the Agency as enforcement officer (*see **section 208A***) is treated as having reasonable cause to believe ~~an~~ the infringement offence has been committed if the automated infringement system verifies the matters set out in **subsection (1)** in relation to the offence.

139AAB Approval of automated infringement system

(1) The Minister of Transport may approve an automated infringement system for the purposes of **section 139AAA** if satisfied that— the system is capable of verifying the matters set out in **section 139AAA(1)**.

- ~~(a) the system is capable of verifying the matters set out in **section 139AAA(1)**; and~~
- ~~(b) the system is capable of collecting, holding, using, and disclosing personal information in accordance with the Privacy Act 2020; and~~
- ~~(c) the system will undergo annually a quality assurance process for auditing the capabilities referred to in **paragraphs (a) and (b)**.~~

(1A) Before approving an automated infringement system, the Minister must consult the Privacy Commissioner about—

- (a) how the system is proposed to operate; and
- (b) any privacy implications of its operation.

(2) The Minister of Transport may ~~sign and~~ issue a certificate of approval.

(3) A certificate of approval issued under **subsection (2)** is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2024	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

139AAC Annual quality assurance of automated infringement system

The Agency must ensure that an automated infringement notice-system undergoes annually a quality assurance process to ensure the ongoing capability of the system—

- (a) to verify the matters set out in **section 139AAA(1)**; and
- (b) to collect, hold, use, and disclose personal information in accordance with the Privacy Act 2020.

26A Section 140 amended (Contents of infringement and reminder notices)

After section 140(1), insert:

- (1A) For the purposes of subsection (1)(a) and (b), in the case of a speeding offence where the person issuing the infringement notice relies on **section 146A**,—
- (a) the place of the offence is the length of road between the 2 detection points in relation to which the point-to-point average speed system operated; and
 - (b) the time of the offence is the whole time during which the vehicle was travelling between the 2 detection points; and
 - (c) the speed at which it is alleged the driver was travelling is the average speed calculated under **section 146A**; and
 - (d) if more than 1 speed limit applies between the 2 detection points, the applicable speed limit is the average weighted speed limit calculated under **section 146B**.

27 New section 141A inserted (Evidence of capability of automated infringement system)

Before section 142, insert:

141A Evidence of ongoing capability of automated infringement system

- (1) In proceedings relating to an infringement offence verified by an automated infringement system, the production of a certificate (or a document purporting to be a copy of the certificate) purporting to be signed by a person authorised for the purpose by the Agency, as to the capability of the automated infringement system referred to in the certificate, is, in the absence of proof to the contrary, sufficient proof that—
- (a) the system had, within the preceding 12 months, undergone a quality assurance process as required by **section 139AAC**; and
 - (b) the system was verifying the matters set out in **section 139AAA(1)**; and
 - (c) the system was being operated in a way that collects, holds, uses, and discloses personal information in accordance with the Privacy Act 2020.
- (2) A certificate under **subsection (1)**—

- (a) must be, or have been, current on the date of the alleged offence; and
 - (b) is not valid if it was given more than 12 months before the date of the alleged offence.
- (3) In any proceedings where a certificate has been produced under this section, the court may, on application made not less than 14 days before the hearing of the charge concerned, and if satisfied that there is good cause to do so, set aside the certificate and require the capability of the automated infringement system to be established by evidence other than the certificate.

27A Section 145 amended (Evidence of approved vehicle surveillance equipment)

- (1) In section 145(1), replace “an image produced by means of an exposure taken by approved vehicle surveillance equipment” with “data (including electronic images or a sequence of electronic images) produced by approved vehicle surveillance equipment”.
- (2) Replace section 145(2) with:
- (2) The production, in proceedings for a moving vehicle offence or a special vehicle lane offence, of data purporting to be data referred to in subsection (1) is, in the absence of proof to the contrary, sufficient evidence that the data was produced by approved vehicle surveillance equipment.

28 New sections 146A to 146E inserted

After section 146, insert:

146A Average speed treated as actual speed

- (1) In proceedings against a person for a speeding offence, the average speed of the relevant vehicle between 2 detection points on a road calculated by a point-to-point average speed system must, in the absence of proof to the contrary, be treated as being the speed at which the vehicle was actually travelling between those 2 detection points.
- (2) The average speed of a vehicle between 2 detection points on a road is to be calculated using the following formula (and expressed in kilometres per hour rounded down to the next whole number):

$$(d \times 3.6) \div t$$

where—

- d is the surveyed distance (expressed in metres and rounded down to the next whole number)
- t is the period (expressed in seconds) between the time when the vehicle passes the first detection point and the time when it passes the second detection point.
- (3) In this section and **sections 146B to 146D**, unless the context otherwise requires,—

data, in relation to a speeding offence detected by a point-to-point average speed system, means any form of data (including electronic images or a sequence of electronic images) about any 1 or more of the following:

- (a) the time of any event recorded (including the time a vehicle passed a detection point):
- (b) the position of a vehicle on a road at any given time:
- (c) the direction in which a vehicle is moving:
- (d) the characters on a vehicle's registration plate:
- (e) the average speed of a vehicle between 2 detection points:
- (f) any speed limit or speed limits between 2 detection points:
- (g) any self-test, diagnostic, or other data about how the system is operating.

~~**detection point** means a point on a road at which an item of approved traffic surveillance equipment that is part of a point-to-point average speed system detects the presence of a motor vehicle~~

element, of a point-to-point average speed system, means any 1 or more of the following:

- (a) the 2 items of approved vehicle surveillance equipment at the detection points:
- (b) the location of the 2 detection points:
- (c) the surveyed distance between those 2 detection points:
- (d) if only 1 speed limit applies between those 2 detection points, that speed limit:
- (e) if more than 1 speed limit applies between those 2 detection points,—
 - (i) those speed limits; and
 - (ii) when those speed limits apply; and
 - (iii) the intermediate surveyed distance for each speed limit; and
 - (iv) the weighted average speed limit between those 2 detection points, as calculated under **section 146B**

intermediate surveyed distance, in a case where 2 or more speed limits apply between 2 detection points, means the distance along the length of road where each speed limit applies—

- (a) measured by a cadastral surveyor licensed under the Cadastral Survey Act 2002 in accordance with the method determined and published by the Director after consulting with the Surveyor-General appointed under that Act; and
- (b) published by the Director ~~for the purposes of this section and **sections 146B and 146D**~~ under **section 146D**

surveyed distance means the distance between 2 detection points to which 1 or more speed limits apply—

- (a) measured by a cadastral surveyor licensed under the Cadastral Survey Act 2002 in accordance with the method determined and published by the Director after consulting the Surveyor-General appointed under that Act; and
- (b) published by the Director ~~for the purposes of this section and sections 146B and 146D~~ under section 146D.

146B Weighted average speed limit between 2 detection points

- (1) This section applies if more than 1 speed limit applies between 2 detection points on a length of road along which the average speed of a vehicle is to be calculated for the purposes of **section 146A**.
- (2) The speed limit for the purpose of that calculation is the average weighted speed limit calculated under **subsection (3)**.
- (3) The average weighted speed limit for a length of road between 2 detection points is to be ~~determined—calculated~~ using the following formula, (and expressed in kilometres per hour rounded up to the next whole number):

$$d_t \div ((d_1 \div s_1) + (d_2 \div s_2) + \dots (d_n \div s_n))$$

where—

d_t is the surveyed distance (expressed in metres and rounded down to the next whole number)

$d_1, d_2 \dots d_n$ are the intermediate surveyed distances (expressed in metres and rounded down to the next whole number) over which the speed limits between the 2 detection points apply

$s_1, s_2 \dots s_n$ are the speed limits that apply between the 2 detection points.

146C Evidence relating to average speed

- (1) This section applies to proceedings for a ~~moving vehicle speeding~~ offence in which the average speed of the vehicle under **section 146A** is relied on.
- (2) In those proceedings, the production of data relating to the alleged speeding offence and purporting to be generated by a point-to-point average speed system is, in the absence of proof to the contrary, sufficient evidence of the accuracy of that data.
- (3) In those proceedings, the production of a notice published under **section 146D** describing an element of a point-to-point average speed system is, in the absence of proof to the contrary, sufficient evidence of that element.
- (4) In cases to which **section 146B** applies, the weighted average speed limit calculated under that section— must be treated as a speed limit in provisions in or under this Act that impose different penalties for speeding offences depending

on the degree to which a speed limit is exceeded, and those provisions apply accordingly.

- (a) ~~must be treated as the applicable speed limit for the purpose of the calculation of a vehicle's average speed under **section 146A**; and~~
 - (b) ~~must be treated as a speed limit in provisions under this Act (for example, Part 2 of Schedule 1B of the Land Transport (Offences and Penalties) Regulations 1999) that impose different penalties for speeding offences depending on the degree to which a speed limit is exceeded, and those provisions apply accordingly.~~
- (5) This section does not limit or affect any other evidence of the speed of a motor vehicle in proceedings for a moving speeding offence.

146D Publication of matters relating to point-to-point average speed system

- (1) The Director must publish—
 - (a) the elements of a point-to-point average speed system; and
 - (b) the method by which a surveyed distances and intermediate surveyed distances are is to be measured for the purpose of the operation of any point-to-point average speed system.
- (2) The Director must publish those matters by notice—
 - (a) in the *Gazette*; and
 - (b) on an Internet site maintained by the Agency.

146E Traffic control devices informing drivers of system

- (1) If the Agency installs a point-to-point average speed system on a road, it must at the same time install and maintain ensure that, while the system is being operated, 1 or more traffic control devices are in place that inform informing drivers that passing the first detection point of the presence of the system a point-to-point average speed system is present at that location.
- (2) The validity of proceedings to which **section 146A or 146B** applies is not affected if a sign that has been installed under **subsection (1)** is obscured, defaced, damaged, or removed by any person.
- (2) In proceedings for a speeding offence in which the average speed of the vehicle under **section 146A** is relied on, a certificate purporting to be signed by a constable, a Police employee who is not a constable, or an employee of the Agency, that states that 1 or more traffic control devices were in place on a date no more than 1 year before the date of the alleged offence, is, in the absence of proof to the contrary, sufficient evidence that the device or devices were in place as stated.

29 Section 199 amended (Agency to maintain register of driver licences)

In section 199(2)(a), after “address,”, insert “electronic address (if they have an electronic address that is known to the Agency).”

30 Section 199A amended (Register of transport service licences)

- (1) After section 199A(2)(c), insert:
- (ca) the holder's business or personal electronic address (if they have an electronic address that is known to the Agency):
- (2) After section 199A(2)(d), insert:
- (da) the business or personal electronic address of any person in control (if they have an electronic address that is known to the Agency):

31A Section 208A amended replaced (Agency is enforcement officer for certain infringement offences)

Replace section 208A with:

208A Agency is enforcement officer for certain infringement offences

- (1) This section applies in relation to an infringement offence that is—
- (a) a moving vehicle offence detected by approved vehicle surveillance equipment; or
 - (b) a speeding offence detected by a point-to-point average speed system.
- (2) The Agency is an enforcement officer for the purposes of issuing an infringement notice under section 139.
- (3) This section applies whether the approved vehicle surveillance equipment or the point-to-point average speed system was operated by the Agency or another person.
- (1) In section 208A, after “section 139”, insert “or **139AAA**”.
- (2) In section 208A(b),—
- (a) after “surveillance equipment”, insert “or a point-to-point average speed system”;
 - (b) after “the equipment”, insert “or system”.

32 Section 210 replaced (Service of notices)

Replace section 210 with:

210 How notices and requests are given, served, or made

- (1) This section describes—
- (a) how a notice required to be given, sent, or served or sent to a person, or served on a person, under this Act (other than an infringement notice) may be given, sent, or served; and
 - (b) how a request in writing to a person under section 118 may be made.
- (2) The notice or request may be given, sent, served, or made by—
- (aaa) delivering it to the person; or

Proposed amendments to

- (a) ~~causing it to be delivered to the relevant person, or to be left~~ leaving it at—
- (i) the person’s usual or last known place of residence or business; or
 - (ii) at the address specified by the person in any application or other document under this Act or the Transport (Vehicle and Driver Registration and Licensing) Act 1986; or
- (b) ~~causing it to be sent~~ sending it—
- (i) by post addressed to the person at the place or address referred to in **paragraph (a)**; or
 - (ii) by electronic means addressed to the person at their electronic address ~~(if any) as recorded on the register of motor vehicles or any other register administered by the Agency.~~
- (3) A notice or request that is, in accordance with **subsection (2)(b)**, sent to a person—
- (a) by post must, unless the contrary is shown, be treated as having been given, sent, served, or made when it would have been delivered in the ordinary course of post and, in proving the delivery, it is sufficient to prove that the letter was properly addressed and posted;
 - (b) by electronic means must, unless the contrary is shown, be treated as having been given, sent, served, or made at the time the electronic communication first enters an information system that is outside the control of the person giving or serving the notice or making the request and, in proving the sending, it is sufficient to prove that the electronic communication was properly addressed and sent.
- (4) In this section, unless the context otherwise requires, **electronic address**, in relation to a person, means—
- (a) an electronic address that the person has given to an enforcement authority; or
 - (b) otherwise, the person’s last known electronic address.

33 Section 233 amended (Interpretation matters applying to this Part)

In section 233(1), replace the definition of **personal information** with:

personal information means the following information about a person registered or previously registered in respect of a motor vehicle:

- (a) their name;
- (b) their physical address;
- (c) their ~~an~~ electronic address ~~(if they have an electronic address)~~ that the person has given to an enforcement authority (or, otherwise, the person’s last known electronic address):

- (d) if the person is an individual, their date of birth and driver licence number;
- (e) any other information about the person that is on the register

34 Section 241 amended (Authorised access to name and address only)

- (1) In section 241(1), replace “names and addresses” with “names, addresses, and electronic addresses (if any)”.
- (2) In section 241(2), replace “he or she” with “the Secretary”.
- (3) In section 241(4),—
 - (a) replace “his or her” with “the Secretary’s”:
 - (b) delete “by him or her”.
- (4) In section 241(6)(a)(i), replace “his or her” with “the person’s”.

35 Section 249 amended (Circumstances when motor vehicle may be seized and impounded)

After section 249(2)(b)(i), insert:

- (ia) the electronic address of the driver (if the driver has an electronic address); and

36 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

Part 2
Amendments to other Acts

Subpart 1—Amendments to Sentencing Act 2002

37 Principal Act

This subpart amends the Sentencing Act 2002.

38 Section 128 amended (Confiscation of motor vehicle)

In section 128(1)(b), replace “52A(1)” with “52A(1)(c)”.

39 Section 129 amended (Confiscation of motor vehicle after subsequent offence)

2 After section 129(4), insert:

- (4A) Despite subsection (3), if the subsequent offence is against section 52A(1)(a) or (b) of the Land Transport Act 1998, the court must—
 - (a) make a confiscation order under subsection (3); or

(b) order that the vehicle be forfeited to the Crown under **section 142AAB**.

40 New sections 142AAA to 142AAF and cross-heading inserted

After section 142, insert:

Forfeiture of vehicles of fleeing drivers used in offence of failing to stop, etc

142AAA Interpretation of terms used in sections 142AAB to 142AAF

The definitions set out in section 127 apply, with all necessary modifications, to **sections 142AAB to 142AAF**.

142AAB Forfeiture of vehicle driven by fleeing driver used in offence of failing to stop, etc

- (1) This section applies if a person is convicted of an offence against section 52A(1)(a) or (b) of the Land Transport Act 1998.
- (2) The court may make an order under **subsection (3)** if satisfied that, at the time of the conviction, the offender or a substitute for the offender owns or has an interest in the motor vehicle that was used in the commission of the offence.
- (3) The court may order that the motor vehicle be forfeited to the Crown.
- (4) Section 128(3A) to (5) applies, with any necessary modifications, to the making of a forfeiture order under this section.

142AAC Offence to sell or dispose of motor vehicle subject to forfeiture order

- (1) This section applies if a motor vehicle—
 - (a) is subject to a forfeiture order under **section 142AAB(3)** or a confiscation order under **section 142AAE(4)**; and
 - (b) has not yet been surrendered to, or seized by, a Registrar, bailiff, or constable.
- (2) A person who sells or disposes of the motor vehicle or any part of the motor vehicle commits an offence and is liable on conviction to a fine not exceeding \$2,000.

142AAD Offence to remove forfeited vehicle

A person who removes or attempts to remove a motor vehicle surrendered to or seized by a bailiff or constable under section 132 (as modified by **section 142AAF**) from the custody of that bailiff or constable, or from the custody of the Registrar of the court (without the approval of the Registrar), commits an offence and is liable on conviction to a fine not exceeding \$200.

142AAE Offender must not acquire new interest in motor vehicle for 12 months

- (1) This section applies if—
 - (a) a court makes an order for the forfeiture of a motor vehicle under **section 142AAB**; or

- (b) a court has made an order under section 131(2)(a) (as applied by **section 142AAF**) prohibiting an offender from acquiring a motor vehicle for 12 months.
- (2) The offender must not, within 12 months after the date of the order, acquire any interest in any motor vehicle.
- (3) A person who acquires any interest in a motor vehicle in contravention of **subsection (2)** commits an offence and is liable on conviction to a fine not exceeding \$500.
- (4) If a court convicts a person of an offence against this section, then instead of, or in addition to, imposing a fine, the court may order that the motor vehicle concerned be confiscated.
- (5) If a court orders the confiscation of a motor vehicle under **subsection (4)**, sections 129EA, 130, 131 to 135, 136A, 137 (except section 137(3)(g)), and 138 to 142 (as applied and modified by **section 142AAF**) apply accordingly.

142AAF Modified application of confiscation scheme to forfeiture

- (1) If a court orders the forfeiture of a motor vehicle under **section 142AAB**, the provisions specified in **subsection (2)** apply, with all necessary modifications, to the order, the motor vehicle, the offender and other persons, and in all other respects, in the same way as they apply if a court orders the confiscation of a vehicle under section 128 or 129.
- (2) The following provisions apply:
 - (a) sections 129B to 129D (relating to written cautions given to persons with interest in motor vehicles involved in offences):
 - (b) sections 129E and 129EA (relating to appeals against confiscation):
 - (c) section 130 (court may order declaration of ownership to be completed):
 - (d) sections 130A and 131 (relating to the effect of any disposal of a motor vehicle or ownership or other interest in it):
 - (e) sections 132, 134, and 135 (relating to the enforcement of a confiscation order):
 - (f) section 136A (Registrar must apply for deregistration of motor vehicle subject to confiscation and destruction order):
 - (g) section 137 (except section 137(3)(g)) and sections 138 to 141C (relating to the sale of confiscated motor vehicles):
 - (h) section 142 (order may be cancelled on application by bona fide purchaser).
- (3) Modifications to the application of the provisions specified in **subsection (2)** include the following:
 - (a) a reference to the confiscation of a motor vehicle, or an order for the confiscation of a motor vehicle, under section 128 must be read as a ref-

erence to the forfeiture of a motor vehicle, or an order for the forfeiture of a motor vehicle, under **section 142AAB**:

- (b) any other reference to the confiscation of a motor vehicle must be read as a reference to the forfeiture of a motor vehicle:
- (c) a reference to an offence specified in section 128(1) must be read as a reference to an offence against section 52A(1)(a) or (b) of the Land Transport Act 1998 (as referred to in **section 142AAB(1)**):
- (d) any reference to an offender in connection with an offence specified in section 128 or 129 must be read as a reference to an offender in connection with an offence against section 52A(1)(a) or (b) of the Land Transport Act 1998 (as referred to in **section 142AAB(1)**):
- (e) any other reference to section 128 must be read as a reference to **section 142AAB**:
- (f) any reference to any section specified in **subsection (2)** must be read as a reference to that section as applied and modified by this section.

Subpart 2—Amendments to Summary Proceedings Act 1957

42 **Principal Act**

This subpart amends the Summary Proceedings Act 1957.

43 **Section 2 amended (Interpretation)**

In section 2(1), insert in its appropriate alphabetical order:

impoundment period, in relation to a motor vehicle that is impounded under the Land Transport Act 1998, means,—

- (a) for a vehicle impounded under section 96, **96AAB**, or 96A of that Act, the 28-day period for which the vehicle would otherwise be required to be impounded:
- (b) for a vehicle impounded under **section 96AAA** of that Act, the 6-month period for which the vehicle would otherwise be required to be impounded

44 **Section 100 amended (Seizure of motor vehicles impounded under Land Transport Act 1998)**

- (1) In section 100(1), after “96”, insert “, **96AAA, 96AAB**,”.
- (2) In section 100(2), replace “102 or 110” with “102, **102A**, or 110”.

45 **Section 100E amended (Release of property if fine and other costs paid or if certain appeals successful)**

- (1) In section 100E(1)(b), after “96”, insert “, **96AAA, 96AAB**,”.
- (2) In section 100E(4),—

- (a) delete “section 96 or 96A of”;
 - (a) after “96”, insert “, **96AAA, 96AAB,**”;
 - (b) replace “28-day period for which the vehicle would otherwise be required to be impounded under that Act” with “impoundment period”.
- (3) In section 100E(6),—
- (a) ~~replace “28-day period for which the motor vehicle would otherwise be required to be impounded under section 96 or 96A of that Act” with “impoundment period”;~~
 - (b) replace “102 or 110” with “102, **102A,** or 110”.
- (3) In section 100E(6), replace “28-day period for which the motor vehicle would otherwise be required to be impounded under section 96 or 96A of that Act” with “impoundment period”.

45A Section 100F amended (Release of property to certain owners)

- (1) In section 100F(5), after “96”, insert “, **96AAA, 96AAB,**”.
- (2) In section 100F(5)(a)(i), replace “28-day period for which the vehicle would otherwise be required to be impounded under that Act” with “impoundment period”.

45B Section 100G amended (Determination of claim by owners)

- (1) In section 100G(5), after “96”, insert “, **96AAA, 96AAB,**”.
- (2) In section 100G(5)(a)(i), replace “28-day period for which the vehicle would otherwise be required to be impounded under that Act” with “impoundment period”.

45C Section 100H amended (Lessor may apply to Registrar)

In section 100H(4),—

- (a) after “96”, insert “, **96AAA, 96AAB,**”;
- (b) replace “28-day period of impoundment for which the motor vehicle would otherwise be required to be impounded under that Act” with “impoundment period”.

45D Section 100L amended (Sale of secured property by secured party or by court)

In section 100L(3),—

- (a) after “96”, insert “, **96AAA, 96AAB,**”;
- (b) replace “28-day period of impoundment for which the motor vehicle would otherwise be required to be impounded under that Act” with “impoundment period”.

45E Section 100M amended (Certain payments required before release to lessor or secured party takes effect)

In section 100M(1)(a), after “96”, insert “, **96AAA, 96AAB**,”.

45F Section 100P amended (Sale or disposal of property)

- (1) In section 100P(2), after “96”, insert “, **96AAA, 96AAB**,”.
- (2) In section 100P(2)(a), replace “28-day period for which the motor vehicle would otherwise be required to be impounded under that Act” with “impoundment period”.
- (3) In section 100P(6),—
 - (a) after “96”, insert “, **96AAA, 96AAB**,”;
 - (b) replace “28-day period for which the motor vehicle would otherwise be required to be impounded under that Act” with “impoundment period”.
- (4) In section 100P(7), after “96”, insert “, **96AAA, 96AAB**,”.
- (5) In section 100P(7)(a), replace “28-day period for which the vehicle would otherwise be required to be impounded under that Act” with “impoundment period”.

45G Section 100R amended (Application of proceeds of sale of personal property)

In section 100R(1)(a), after “96”, insert “, **96AAA, 96AAB**,”.

Subpart 3—Amendments to Privacy Act 2020

45H Principal Act

This subpart amends the Privacy Act 2020.

45I Schedule 4 amended

In Schedule 4, under the heading “*New Zealand Transport Agency records*”, after the item relating to rail licensing register, insert:

Traffic offence and infringement enforcement and document processing	Traffic offence and infringement enforcement processing, including infringement fees enforcement and preparation of documents	Police (access is limited to obtaining information for the purposes of— (a) conducting road policing activities and enforcing the Land Transport Act 1998 (including any rules and regulations made under that Act); (b) preventing or lessening a serious threat to public health or public safety, or the
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	life or health of an individual, where a motor vehicle is or is likely to be involved:
(c)	helping to locate vehicles that were involved, or were likely to be involved, in the commission of offences)
	Ministry of Justice (access is limited to obtaining information for the purpose of processing cases before a court)
	Legal Services Commissioner (access is limited to obtaining information for the purpose of processing cases before a court, and for determining an application for a grant of legal aid relating to a criminal matter)

Part 3 Amendments to secondary legislation

Subpart 1—Amendments to Land Transport (Offences and Penalties) Regulations 1999

46 Principal regulations

This subpart amends the Land Transport (Offences and Penalties) Regulations 1999.

47 Regulation 8 amended (Impoundment of motor vehicles under section 96 of Act)

- (1) ~~In the heading to regulation 8, delete “under section 96 of Act”.~~
- (1) In the heading to regulation 8, after “section 96”, insert “, 96AAA, or 96AAB”.
- (2) ~~In regulation 8, replace “given to the driver and registered person, and to the storage provider under section 96 of the Act,” with “given or sent to a person and to the vehicle recovery service operator and the storage provider under section 96 (including as applied by sections 96AAA and 96AAB) of the Act”.~~
- (3) In regulation 8, replace “Schedule 4 or 4A” with “Schedule 4, 4AAA, or 4A”.

47A Regulation 8A amended (Impoundment of motor vehicles under section 96A of Act)

In regulation 8A, replace “given to the driver and registered person, and to the storage provider under section 96A of the Act,” with “and to the vehicle recovery service operator and the storage provider given or sent to a person under section 96A of the Act”.

48 Schedule 4 amended

(1AAA) In the heading to Schedule 4, replace “**failure to stop**” with “**failure to give information**”.

- (1) In Schedule 4, form, Part 1, above “Driver’s full name:”, insert:
~~{Do not include in notice to registered person unless registered person is also driver}~~
- (1A) In Schedule 4, form, Part 1, driver’s details, after “Full address:”, insert:
 Electronic address:
- (2) In Schedule 4, form, Part 1, above “Registered person’s full name:”, insert:
~~{Do not include in notice to driver unless driver is also registered person}~~
- (2A) In Schedule 4, form, Part 1, registered person’s details, after “Full address:”, insert:
 Electronic address:
- (2B) In Schedule 4, form, Part 1, registered person’s details, after “Driver licence number:”, insert:
~~{Include in all notices}~~
- (3) In Schedule 4, form, Part 1, in the text under the heading “**Advice to driver or operator or owner or registered person**”, ~~revoke-replace~~ paragraph (d) with:
 (d) in the circumstances referred to in **section 96AAB(1)** of the Act,
you,—
 (i) as driver of the vehicle, failed or refused to provide information or provided false or misleading information in response to a demand for information made under section 114(3)(b) of the Act; or
 (ii) as the registered person for, or the hirer of, the motor vehicle, without reasonable excuse, failed or refused to provide information or provided false or misleading information in response to a request under section **118(4)** of the Act.
- (4) In Schedule 4, form, Part 1, after the heading “~~The vehicle is seized and impounded for 28 days~~”, insert:
Advice to registered person
 I am seizing and impounding, or seizing and authorising the impoundment of, the motor vehicle described below for 6 months because I believe, on reasonable grounds, that the vehicle was driven on a road while the driver failed to

stop or to remain stopped in the circumstances referred to in **section 96AAA** of the Land Transport Act 1998 (the Act).

~~The vehicle is seized and impounded for 6 months.~~

- (4) In Schedule 4, form, Part 1, under the statement “**The vehicle is seized and impounded for 28 days.**”, replace “rights of appeal given to the registered person of an impounded vehicle” with “rights of appeal given to the registered person for, or hirer of, an impounded vehicle (or the owner of the vehicle, if it is not registered)”.
- (4A) In Schedule 4, form, Part 2, paragraph 3, after “motor vehicle that has been seized and impounded”, insert “(or the owner of the vehicle, if it is not registered)”.
- (4B) In Schedule 4, form, Part 2, revoke paragraph 4(b)(iv).
- (4C) In Schedule 4, form, Part 2, after paragraph (4)(b), insert:
- (ba) the enforcement officer who seized the motor vehicle did not believe on reasonable grounds that—
- (i) either—
 - (A) the driver of the vehicle failed or refused to provide information or provided false or misleading information in response to a demand for information made by the officer under section 114(3)(b); or
 - (B) the registered person for, or the hirer of, the motor vehicle, without reasonable excuse, failed or refused to provide information or provided false or misleading information in response to a request under **section 118(4)**; and
 - (ii) impounding the vehicle is necessary to prevent a serious threat to road safety; or
- (5) In Schedule 4, form, Part 2, paragraph 4(d) and (e), replace “section 96(1A), (1AA), or (1AB) of the Act applies, the registered person” with “section 96(1A) or (1AA) or **96AAA** of the Act applies, the registered person or vehicle owner”.
- (6) In section 4, form, Part 2, paragraph 4(f), replace “section 96(1AB) of the Act applies, the registered person” with “section **96AAB** of the Act applies, the registered person or vehicle owner”.
- (7) In Schedule 4, form, Part 2, paragraph 12,—
- (a) replace “the registered person or a person authorised by the registered person if your appeal” with “the registered person (or the owner of the vehicle, if it is not registered) or a person authorised by the registered person (or owner) if your appeal”:
 - (b) replace “registered person if the Police” with “registered person (or owner) if the Police”:

- (c) replace “the registered person of the vehicle, or a person authorised by the registered person, on or after the close of the 28-day impoundment period if the registered person or authorised person” with “the registered person (or owner) of the vehicle, or a person authorised by the registered person (or owner), on or after the close of the 28-day impoundment period if the registered person (or owner) or authorised person”:
- (d) replace “a registered person may enter into an arrangement” with “a registered person (or owner) may enter into an arrangement”.
- (8) In Schedule 4, form, Part 2, paragraph 14(b), replace “the registered person of the vehicle, or a person authorised by the registered person,” with “the registered person for the vehicle (or the owner of the vehicle, if it is not registered) or a person authorised by the registered person (or owner)”.

48A New Schedule 4AAA inserted

After Schedule 4, insert the **Schedule 4AAA** set out in **Schedule 2**.

49 Schedule 4A amended

- (1) In Schedule 4A, form, Part 1, above “Driver’s full name:”, insert:
{Do not include in notice to registered person unless registered person is also driver}
- (1A) In Schedule 4A, form, Part 1, driver’s details, after “Full address:”, insert:
Electronic address:
- (2) In Schedule 4A, form, Part 1, above “Registered person’s full name:”, insert:
{Do not include in notice to driver unless driver is also registered person}
- (2A3) In Schedule 4A, form, Part 1, registered person’s details, after “Full address:”, insert:
Electronic address:
- (4) In Schedule 4A, form, Part 1, under the heading “**The vehicle driven by you is seized and impounded for 28 days.**”, replace “rights of appeal given to the registered person of an impounded vehicle” with “rights of appeal given to the registered person of an impounded vehicle (or the owner of the vehicle, if it is not registered)”.
- (5) In Schedule 4A, form, Part 1, registered person’s details, after “Driver licence number:”, insert:
Include in all notices
- (6) In Schedule 4A, form, Part 2, paragraph 3, after “has been seized and impounded”, insert “(or the vehicle’s owner, if the vehicle is not registered)”.
- (7) In Schedule 4A, form, Part 2, paragraph 4(d) and (e), after “registered person”, insert “(or the vehicle’s owner, if the vehicle is not registered)”.
- (8) In Schedule 4A, form, Part 2, paragraph 12,—

- (a) replace “the registered person or a person authorised by the registered person if your appeal” with “the registered person (or the owner of the vehicle, if it is not registered) or a person authorised by the registered person (or owner) if your appeal”:
 - (b) replace “registered person if the Police” with “registered person (or owner) if the Police”:
 - (c) replace “the registered person of the vehicle, or a person authorised by the registered person, on or after the close of the 28-day impoundment period if the registered person or authorised person” with “the registered person (or owner) of the vehicle, or a person authorised by the registered person (or owner), on or after the close of the 28-day impoundment period if the registered person (or owner) or authorised person”:
 - (d) replace “a registered person may enter into an arrangement” with “a registered person (or owner) may enter into an arrangement”.
- (9) In Schedule 4A, form, Part 2, paragraph 14(b), replace “the registered person of the vehicle or a person authorised by the registered person” with “the registered person for the vehicle (or the owner of the vehicle, if it is not registered) or a person authorised by the registered person (or owner)”.

49A Schedule 5 amended

- (1) In Schedule 5, form, driver’s details, after “Full address:”, insert:
Electronic address:
- (2) In Schedule 5, form, Transport Service Operator’s details, after “Full address:”, insert:
Electronic address:
- (3) In Schedule 5, form, under the statement “**The vehicle driven or operated by you is seized and impounded for 28 days.**”, replace “given to the owner of an impounded vehicle” with “given to the registered person for an impounded vehicle, (or the owner of an impounded vehicle that is not registered).”.
- (4) In Schedule 5, form, under the heading “*Release of vehicle* What are my appeal rights?”, replace “you are the owner of the motor vehicle that has been seized and impounded” with “you are the registered person for the motor vehicle that has been seized and impounded (or the owner of that vehicle if it is not registered)”.
- (5) In Schedule 5, form, under the heading “*What are my appeal rights?* Release of vehicle”,—
 - (a) replace “to the owner or a person authorised by the owner” with “to the registered person (or the owner if the vehicle is not registered) or a person authorised by the registered person (or owner)”:
 - (b) replace “to the owner if the Police” with “to the registered person (or the owner if the vehicle is not registered) if the Police”:

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- (c) replace “The storage provider must release the impounded vehicle to the owner of the vehicle, or a person authorised by the owner, on or after the close of the 28-day impoundment period if the owner” with “The storage provider must release the impounded vehicle to the registered person (or the owner) or a person authorised by the registered person (or owner) on or after the 28-day impoundment period if the registered person (or owner)”.
- (d) replace paragraph (a) with:
- (a) shows proof of identity and,—
- (i) in the case of the registered person, proof of registration of the vehicle in their name; or
- (ii) in the case of the owner, proof of ownership of the vehicle; and
- (a) in paragraph (b), replace “an owner” with “a registered person or an owner”.
- (6) In Schedule 5, form, under the heading “*Vehicle and personal property may be sold by storage provider*”, paragraph (b), replace “the vehicle owner or a person authorised by the owner” with “the registered person (or the owner if the vehicle is not registered) or a person authorised by the registered person (or owner)”.

49B Schedule 6 amended

In Schedule 6, form, under the heading “*Notes*”,—

- (a) in the second occurring paragraph (b), replace “the owner of the vehicle named in Part 2” with “the registered person for the vehicle named in Part 2”:
- (b) in the second occurring paragraph (c), replace “the owner of the motor vehicle” with “the registered person for the motor vehicle”.

Subpart 1A—Amendments to Land Transport (Infringement and
Reminder Notices) Regulations 2012

49C Schedule 1 amended

- (1) In Schedule 1, form, details of user of vehicle, after “Full address:”, insert:
Electronic address:
- (2) In Schedule 1, form, under the heading “**Payment of infringement fee(s)**”, replace “*or posted*” with “*posted, or sent by electronic means*”.

49D Schedule 1A amended

- (1) In Schedule 1A, form, under the heading “**To:**”, after “Full address:”, insert:
Electronic address:

- (2) In Schedule 1A, form, under the heading “**Payment of infringement fee(s)**”, replace “*or posted*” with “*posted, or sent by electronic means*”.

49E Schedule 2 amended

- (1) In Schedule 2, form, under the heading “**To**”, after “Full address:”, insert:
Electronic address:
- (2) In Schedule 2, form, under the heading “**Alleged infringement offence details**”, final item, replace “*or posted*” with “*posted, or sent by electronic means*”.
- (3) In Schedule 2, form, under the heading “**Details of speeding offence (if applicable)**”,—
- (a) after “Speed limit”, insert “(or average weighted speed limit, if applicable)”:
- (b) after “Alleged speed”, insert “(or alleged average speed, if applicable)”:
- (c) after “Limit ~~exceeded by~~”, insert “(or average weighted speed limit, if applicable) ~~exceeded by~~”.
- (4) In Schedule 2, form, under the heading “**Defences relating to moving vehicle offences and special vehicle lane offences**”, paragraph 8(c)(i), after “occupation,”, insert “electronic address,”.

49F Schedule 3 amended

- (1) In Schedule 3, form, under the heading “**To heavy motor vehicle user**”, after “Full address:”, insert:
Electronic address:
- (2) In Schedule 3, form, under the heading “**Payment of overloading infringement fee(s)**”, replace “*or posted*” with “*posted, or sent by electronic means*”.

49G Schedule 5 amended

- (1) In Schedule 5, form,—
- (a) under the heading “**To defendant**”, after “Full address:”, insert:
Electronic address:
- (b) after “*the applicable speed limit*”, insert “(or *the average weighted speed limit, if applicable*)”:
- (c) after “*the speed*”, insert “(or *the average speed, if applicable*)”.
- (2) In Schedule 5, form, under the heading “**Defences relating to moving vehicle offences and special vehicle lane offences**”, paragraph 8(c)(i), after “occupation,”, insert “electronic address,”.
- (3) In Schedule 5, form, under the heading “**Defences relating to stationary vehicle offences and special vehicle lane offences**”, paragraph 12(c)(i), after “occupation,”, insert “electronic address,”.

49H Schedule 6 amended

- (1) In Schedule 6, form, under the heading “**To driver of vehicle/registered person of the vehicle**”, after “Full address:”, insert:
Electronic address:
- (2) In Schedule 6, form, under the heading “**To driver of vehicle/registered person of the vehicle**”, paragraph (b)(i), after “name and address”, insert “(or electronic address)”.

49I Schedule 7 amended

- (1) In Schedule 7, form, under the heading “**To defendant**”, after “Full address:”, insert:
Electronic address:
- (2) In Schedule 7, form, under the heading “**To defendant**”, paragraph (b)(i), after “name and address”, insert “(or electronic address)”.

49J Schedule 8 amended

- (1) In Schedule 8, form, under the heading “**To user of vehicle**”, after “Full address:”, insert:
Electronic address:
- (2) In Schedule 8, form, under the heading “**Defences relating to special vehicle lane offences**”, paragraph 8(c)(i), after “occupation,”, insert “electronic address,”.

Subpart 1B—Amendments to Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999

49K Principal regulations

This subpart amends the Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999.

49L Regulation 2 amended (Interpretation)

- (1) In regulation 2, definition of **arrangement**,—
- (a) after “97”, insert “or **97A**”;
- (b) after “96,”, insert “**96AAA, 96AAB**,”.
- (1) In regulation 2, definition of **arrangement**, replace “section 96 or section 122” with “section 96, **96AAA, 96AAB**, or 122”.
- (2) In regulation 2, definition of **impounded vehicle**, after “96,”, insert “**96AAA, 96AAB**,”.

49M Regulation 12 amended (Payment arrangements)

- (1) In regulation 12(2),—

- (a) replace “the owner of an impounded vehicle” with “the registered person for an impounded vehicle (or the owner of the vehicle if it is unregistered)”;
 - (b) replace “the owner’s ability” with “the ability of the registered person or the owner (as applicable)”.
- (2) After regulation 12(2), insert:
- (3) ~~However, the storage provider must not enter into any payment arrangement under subclause (1) or (2) in connection with the storage of a motor vehicle that has been impounded under **section 96AAA**.~~

Subpart 2—Amendments to Land Transport (Storage and Towage Fees for Impounded Vehicles) Regulations 1999

50 Principal regulations

This subpart amends the Land Transport (Storage and Towage Fees for Impounded Vehicles) Regulations 1999.

50A Regulation 2 amended (Interpretation)

In regulation 2, insert in its appropriate alphabetical order:

relevant person, in relation to a motor vehicle, means—

- (a) the registered person for the vehicle if the vehicle is registered; or
- (b) if the vehicle is not registered, the owner of the vehicle

51 Regulation 3 amended (Towage fees for impounded vehicles)

(1AAA) In regulation 3(1), (2), and (3), replace “owner of a motor vehicle” with “relevant person in relation to a motor vehicle”.

(1A) In regulation 3(1) and (2),—

- (a) delete “section 96, 96A, or 122 of”;
- (a) after “96”, insert “, **96AAA, 96AAB**,”;
- (b) delete “to the vehicle recovery service operator or storage provider”.

(3) In regulation 3(3),—

- (a) after “section 102(3)”, insert “(including as applied by **section 102A**)”;
- (b) after “section 102(1)(b)”, insert “or **102A(1)(b)**”.

(4) After regulation 3(3), insert:

- (4) The towage fee must be paid,— to the vehicle recovery service operator or storage operator (see section 97(3) of the Act).
- (a) ~~for a motor vehicle impounded under section 96, **96AAB**, 96A, or 122 of the Act, to the vehicle recovery service operator or storage operator (see section 97(3) of the Act); or~~

- (b) for a motor vehicle impounded under **section 96AAA** of the Act, to the Agency (*see* **section 97A(4)** of the Act).

52 Regulation 4 amended (Storage fees for impounded vehicles)

(1AAA) In regulation 4(1), (2), and (3), replace “owner of a motor vehicle” with “relevant person in relation to a motor vehicle”.

(1A) In regulation 4(1),—

(a) delete “section 96, 96A, or 122 of”;

(a) after “96”, insert “, **96AAA, 96AAB,**”;

(b) delete “to the vehicle recovery service operator or storage provider”.

(2) After regulation 4(1), insert:

(1A) The relevant person in relation to a motor vehicle that is seized and impounded under section 96, **96AAB**, 96A, or 122 of the Act must pay the charges specified in subclause (1) for each of the 28 days of the impoundment.

(1B) The relevant person in relation to a motor vehicle that is seized and impounded under **section 96AAA** of the Act must pay the charges specified in subclause (1) for each of 182 days.

(3) In regulation 4(2),—

(a) replace “subclause (1)” with “subclauses (1) to **(1B)**”;

(b) replace “section 96 or 96A” with “section 96, **96AAA, 96AAB,** or 96A”.

(4) In regulation 4(3),—

(a) after “section 102(3)”, insert “(including as applied by **section 102A)**”;

(b) after “section 102(1)(b)”, insert “or **102A(1)(b)**”.

(5) After regulation 4(3), insert:

(4) The storage fee must be paid,— to the vehicle recovery service operator or storage operator (*see* section 97(3) of the Act).

(a) for a motor vehicle impounded under section 96, **96AAB**, 96A, or 122 of the Act, to the vehicle recovery service operator or storage operator (*see* section 97(3) of the Act); or

(b) for a motor vehicle impounded under **section 96AAA** of the Act, to the Agency (*see* **section 97A(4)** of the Act).

53 Regulation 5 amended (Penalty for late payments)

In regulation 5(1),—

(a) replace “owner” with “relevant person” in each place:

(b) replace “of an impounded vehicle” with “in relation to an impounded motor vehicle”.

Schedule 1
New Part 7 of Schedule 1 of Land Transport Act 1998 inserted

s 36

Part 7
Provision relating to Land Transport (Road Safety) Amendment Act
2023

26 Increased penalty for second offence under section 52A

Section 52A(4), as amended by the Land Transport (Road Safety) Amendment Act **2023**, applies only if the relevant first offence is committed on or after the day on which that Act comes into force.

Schedule 2
New Schedule 4AAA of Land Transport (Offences and Penalties)
Regulations 1999

s 48A

Schedule 4AAA
Vehicle seizure and impoundment notice (failure to stop or remain stopped)

r 8

Form

Form of vehicle seizure and impoundment notice (failure to stop or remain stopped)

Section 96AAA, Land Transport Act 1998

Notice No:

Part 1

Do not include in notice to registered person unless registered person is also driver

Driver's full name:

Full address:

Electronic address:

Telephone number:

Date of birth:

Occupation:

Driver licence number:

Do not include in notice to driver unless driver is also registered person

Registered person's full name:

Full address:

Date of birth:

Occupation:

Telephone number:

Driver licence number:

Include in all notices

Date of offence:

Time of offence:

Date of seizure:

Time of seizure:

Advice to driver *or* operator *or* owner *or* registered person

I am seizing and impounding, or seizing and authorising the impoundment of, the motor vehicle described below for 6 months because I believe, on reasonable grounds, that the vehicle was driven on a road while the driver failed to stop or to remain stopped in the circumstances referred to in **section 96AAA** of the Land Transport Act 1998 (the Act).

The vehicle is seized and impounded for 6 months.

Registration number or VIN:

Make:

Model:

Vehicle year:

It is to be impounded at:

Enforcement officer ID:

Station:

Part 2 of this form outlines rights (including an outline of the rights of appeal given to the registered person of an impounded vehicle under sections 102 and 110 of the Act).

Part 2

Outline of rights relating to impoundment of vehicle referred to in this notice

What about personal property in the vehicle?

- 1 Any personal property (other than property attached to or used in connection with the operation of the vehicle) will be released on request to any person who produces satisfactory evidence that he or she was lawfully entitled to possession of the vehicle or personal property immediately before the vehicle was moved. If the vehicle was carrying goods at the time of seizure and impoundment, they will be released to any person acting on behalf of the owner of the goods if the person produces satisfactory evidence of the owner's consent to the release, or they will be released to a bailiff or constable executing a warrant to seize property under section 98 of the Summary Proceedings Act 1957.

Will my trailer be impounded?

- 2 A trailer or any other vehicle without motive power that is being towed by or is attached to a motor vehicle at the time of seizure and impoundment will not be seized or impounded.

What are my appeal rights?

- 3 If you are the registered person of the motor vehicle that has been seized and impounded (or the owner of the vehicle, if it is not registered), you may appeal

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against the seizure and impoundment of the vehicle. In the first instance, you may appeal to the Police; if that appeal is unsuccessful, you may then appeal to the District Court. If you decide to appeal to the Police, you must lodge your appeal with the Police within 14 days after the date on which the vehicle was seized and impounded. After that time, you may appeal to the District Court only with the agreement of the Police, who must be satisfied that exceptional circumstances exist that prevented you from appealing to the Police within the 14-day period. These appeal rights are set out in full in sections 102 and 110 of the Act.

What are the grounds for appeal?

- 4 The grounds for appeal are that—
- (a) the impounded vehicle was a stolen or converted vehicle at the time of the seizure and impoundment; or
 - (b) the enforcement officer who seized the vehicle did not believe on reasonable grounds that, at the time of driving (or operating) the vehicle on a road, a person driving the vehicle had failed to stop (or remain stopped) as signalled, requested, or required under section 114 of the Act; or
 - (c) the enforcement officer who seized the vehicle did not comply with the notice requirements set out in section 96(2) of the Act; or
 - (d) the registered person (or the owner of the vehicle, if it is not registered) did not know and could not reasonably have been expected to know that the operator of the vehicle would contravene section 114 of the Act; or
 - (e) the registered person (or the owner) took all reasonable steps to prevent the operator of the vehicle from contravening section 114 of the Act; or
 - (f) the registered person (or owner)—
 - (i) was not the person driving the vehicle when the vehicle failed to stop (or remain stopped); and
 - (ii) either—
 - (A) did not know, and could not reasonably have been expected to know, the identity of the driver; or
 - (B) has otherwise provided the information requested under **section 118(4)**; or
 - (g) release of the vehicle to the registered person (or the owner) is appropriate because—
 - (i) the seizure and impoundment of the vehicle have resulted or will result in—
 - (A) extreme hardship to that person (whether in relation to employment or otherwise); or

- (B) undue hardship to a person other than that person (whether in relation to employment or otherwise); and
- (ii) release of the vehicle is not contrary to the interests of road safety;
or
- (h) the driver drove the vehicle in a serious medical emergency (which for the purpose of this paragraph includes carrying a person who is about to give birth).

How do I lodge an appeal?

5 If you believe you have grounds for appealing against the impoundment of the vehicle, you should go to the Police station nearest to where the vehicle was impounded and pick up a copy of the appeal documents. The appeal must be in writing and set out in a statutory declaration. It must clearly state the grounds for the appeal. The declaration must be taken in front of someone entitled to take statutory declarations. You must lodge your appeal with the Police within 14 days after the date on which the vehicle was seized and impounded.

Who will determine my appeal?

6 The initial appeal against the impoundment of a vehicle will be determined by an enforcement officer authorised for the purpose by the Commissioner of Police.

Is there a time limit within which an appeal must be determined?

7 The officer who determines your appeal must do so as soon as is reasonably practicable and not later than 2 working days after the day of lodgement, in the case of an appeal lodged on the ground that the impounded vehicle was a stolen or converted vehicle at the time of seizure and impoundment, and not later than 5 working days after the day of lodgement, in any other case.

Results of appeal to Police

8 The officer who determines your appeal will either allow the appeal or dismiss it. He or she may refuse to consider your appeal if satisfied that the appeal is frivolous or vexatious, or that you have provided insufficient information. If your appeal is not dismissed on those grounds, the officer who considers it will allow it if satisfied that one of the grounds listed in paragraph 4 is established. If he or she is not satisfied that one of the grounds listed in paragraph 4 is established, the appeal will be dismissed.

Appeal to District Court

9 If your appeal is dismissed, you may appeal to the District Court where a District Court Judge will decide whether your appeal should be allowed. An appeal to a District Court must be made not later than 28 days after the date on which you were notified of the decision appealed against, or within such further period as the court may allow. Requirements about the way in which the

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Schedule 2

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appeal is to be made and determined are specified in section 111 of the Act. The District Court must determine the appeal only on the grounds specified in the Act.

Towage and storage fees

10 The fees for towage and storage are set out in regulations. You can obtain a copy of the fees from your nearest Police station.

How do I go about paying the fees?

11 If you are the registered person, you are required to do 1 of the following within 38 days after the vehicle was seized and impounded:

- (a) pay the fees and charges for towage and storage;
- (b) enter into an arrangement with the vehicle recovery operator (for towage) or the storage provider (for storage) for the payment of those fees and charges (for example, an arrangement for payment by instalments).

Release of vehicle

12 The storage provider must release the impounded vehicle to the registered person or a person authorised by the registered person if your appeal is successful. The storage provider must release the impounded vehicle to the registered person if the Police finally decide not to take proceedings against the person who drove the vehicle (or operated the vehicle), or if proceedings have been taken and the person is acquitted. The Act specifies other circumstances in which an impounded vehicle may be released before the close of the impoundment period. The storage provider must release the impounded vehicle to the registered person of the vehicle, or a person authorised by the registered person, on or after the close of the impoundment period if the registered person or authorised person—

- (a) shows proof of identity and either proof of ownership of the vehicle or the registered person's copy of this notice; and
- (b) pays the towage and storage fees and charges or enters into an arrangement with the storage provider to pay those fees and charges. (Note that a registered person may enter into an arrangement only with the agreement of the person with whom the arrangement is entered into.)

Vehicle may be seized under warrant

13 The vehicle may be seized by a bailiff or constable executing a warrant to seize property under section 98 of the Summary Proceedings Act 1957 or by a registrar, bailiff, or constable executing a warrant of confiscation under section 132 of the Sentencing Act 2002.

Vehicle and personal property may be sold by storage provider

- 14 The storage provider may apply to an enforcement officer authorised by the Commissioner of Police for approval to dispose of the impounded vehicle, and any personal property found in the vehicle, if—
- (a) 38 days have elapsed since the vehicle was seized and impounded; and
 - (b) the registered person for the vehicle (or the owner, if the vehicle is not registered) or a person authorised by the registered person (or owner) has not claimed the vehicle and has not paid the towage and storage fees and charges or entered into an arrangement to pay those fees and charges; and
 - (c) no other person has established to the satisfaction of the authorised officer that the person is entitled to possession of the vehicle or any personal property found in the vehicle.