

House of Representatives

Supplementary Order Paper

Tuesday, 20 October 2009

Land Transport (Enforcement Powers) Amendment Bill

Proposed amendments

Hon Steven Joyce, in Committee, to move the following amendments:

Clause 16

To insert the following subclause after *subclause (2)* (after line 19 on page 13):

(2A) Section 96 is amended by inserting the following subsection after subsection (1A):

“(1AB) 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 person driving the vehicle has failed to stop as signalled, requested, or required under section 114(1) or (2).”

To insert the following subclause after *subclause (5)* (after line 18 on page 14):

(2B) Section 96(6)(a) is amended by inserting “or **(1AA)** or failed to stop in the circumstances referred to in **subsection (1AB)**” after “(1A)”.

Clause 21

To omit this clause (lines 1 to 4 on page 20) and substitute the following clause:

21 Appeal to Police against impoundment of vehicle

(1) Section 102(1) is amended by repealing paragraph (f) and substituting the following paragraph:

“(f) if section 96(1A), **(1AA)**, or **(1AB)** applies, the owner did not know and could not reasonably be expected to know that the operator of the vehicle would contravene section 22A(1) or (3), **22AF**, or 114(1) or (2) (whichever applies); or”.

- (2) Section 102(1) is amended by repealing paragraph (g) and substituting the following paragraph:
“(g) if section 96(1A), **(1AA)**, or **(1AB)** applies, the owner took all reasonable steps to prevent the operator of the vehicle from contravening section 22A(1) or (3), **22AF**, or 114(1) or (2) (whichever applies); or”.
- (3) Section 102(2) is amended by adding “and lodged no later than 14 days after the date on which the vehicle is seized and impounded”.

Schedule 2

To insert the following items after the item relating to paragraph 3 in Part 2 of the notice in Schedule 4 of the Land Transport (Offences and Penalties) Regulations 1999 (after line 18 on page 34):

Second paragraph (b) in Part 1 of the notice in Schedule 4: omit “Act.” and substitute “Act; or”.

Part 1 of the notice in Schedule 4: insert after the second paragraph (b):

- (c) you failed to stop in the circumstances referred to in **section 96(1AA)** of the Act; or
- (d) you failed to stop in the circumstances referred to in **section 96(1AB)** of the Act.

Paragraph 4(g) in Part 2 of the notice in Schedule 4: insert “or **(1AB)**” after “96(1A)”.

Paragraph 4(h) in Part 2 of the notice in Schedule 4: insert “or **(1AB)**” after “96(1A)”.

Explanatory note

This Supplementary Order Paper amends the Land Transport (Enforcement Powers) Amendment Bill. The amendments allow for the seizure and impoundment of motor vehicles for failure to stop as signalled, requested, or required under section 114(1) or (2) of the Land Transport Act 1998.
