



**National Council of
Women of New Zealand**

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**Submission to the Transport and Industrial Relations Select Committee
on the Land Transport Amendment Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies. It has 33 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ is concerned with all matters which affect the well-being of society, and consequently has taken an interest for many years in the transport industry, and particularly those aspects which affect safety. We therefore welcome the provisions in this legislation which will increase help to increase safety for many sectors of the public. This submission has been prepared by members of the Standing Committee on Public Issues, using NCWNZ policies and earlier submissions on related subjects.

Part 2

Amendments to principal Act

Clause 6: Drivers not to be reckless or dangerous

We are pleased to see the omission of the words "on a road" and the addition of "or cause a motor vehicle to be driven" although the latter may be difficult to prove.

Clause 7: New section 8 substituted: Drivers not to be careless or inconsiderate

As in the previous clause, we are pleased the broadening of definitions.

Clause 9: Director may issue temporary driver licences

We agree with concept that temporary licences may be granted by the Director to enable a person to continue to drive while his or her fitness to drive is assessed by the Director or a person authorised by the Director. However this should be used only in very special circumstances, not permitted to become common practice. Although recognizing that the current allowance in Section 24 (1) (b) of 21 days is extremely short to gain assessment of fitness to drive we consider that permitting a year's grace for such assessment is excessive. We suggest that six months should be the maximum of such extension, and that in many cases three months would be sufficient.

Clause 10: New section 26 substituted: Drivers may be tested and examined

We are pleased that "completion of courses approved by the Director" could be a requirement for applicants for and holders of driving licences in addition to tests and examinations

Clause 11: Photographic driving licence

We agree that the original date of issue of a New Zealand licence should be on the current licence, not the date of latest renewal. Few of us can remember when that was, and we trust that these records have been kept. We agree that in the case of a driver licence that has been revoked, the new driver licence must show the date of issue of the new licence, and that a licence converted from an overseas licence shows the date of conversion to a full New Zealand licence.



13 New section 29A inserted: Persons convicted of specified serious offences prohibited from holding or applying for passenger endorsement

It is important that persons convicted of certain serious offences, such as murder or a sexual crime, be prohibited from holding or applying for passenger endorsement. We are surprised to realize that this is not already the case. Concern has been raised however, by an article in the *The Dominion Post* of Saturday August 7, 2004, "Legislation is before Parliament to bar those convicted of serious sexual or violent offences from driving taxis. It is not however retrospective. People in the industry know of drivers with serious convictions, including murder, and this law change will not force them out – unless they offend again" However, we consider this matter is probably covered under the following part of the Bill, under the heading "Fit and proper person test". While NCWNZ is, in general, opposed to retrospective legislation, and would not want to inhibit rehabilitation of past offenders, we suggest that persons who have committed such crimes in the past should have their applications for renewal of their passenger endorsement given serious consideration.

Part 4A

Transport services licensing

Subpart 2 – Fit and proper person test

Assessment criteria

We are pleased to see these criteria spelt out so clearly, and presume that 30B (3) (a) (iii) and 30C cover our concern about earlier crimes as expressed in our previous paragraph.

Subpart 3 – Licensing of transport services

30O Director may grant applications for approved taxi organisations

The public does not know the rules and regulations which govern the requirements for approving taxi organisations, but there is a perception that there are far too many of them, and a number with doubtful reputations. While this clause states in (3) that "an approved taxi organization must comply with the requirements relating to an approved taxi organization specified in the regulations or the rules" our members wonder how this is monitored.

30Q Director may revoke approval

Under (1) (c) (ii) the Director may revoke approval if "the drivers within that approved taxi organization have failed to maintain, in accordance with the regulations or the rules --- (A) an adequate area knowledge; or (B) an appropriate ability to communicate in the English language; or (iii) is unable to maintain adequate control over the activities of its members of their drivers." These are issues that particularly concern members of the public and are frequent matters of grievance, but little seems to happen. The words of the legislation are open to interpretation. We wonder who makes the decisions about what is 'an adequate area knowledge' 'an appropriate ability to communicate in English' and 'adequate control'. The taxi industry as a whole is often brought into disrepute because such words are given a very generous interpretation. We wonder too, how such issues are monitored.

Part 4B

Work time and logbooks

Subpart 3 — Evidence in proceedings

Offences relating to driving (other than alcohol-related offences) and penalties



Clause 17: New section 33A inserted: Offence to operate as a driving instructor without authorization.

The proposal that a person will commit an offence if he/she provides, or offers or agrees to provide, driving instruction in a motor vehicle for financial or commercial gain, without an appropriate current driving driver licence authorizing the person to operate as a driving instructor is good, but we suggest that a fine not exceeding \$1000 may not be high enough to act as a deterrent.

The next clause amends section 36 of the Land Transport Act 1998, but in studying the Bill we note that section 35, refers to operating a motor vehicle recklessly on a road, although not causing death or injury. We would have expected this to be amended in line with Clause 6, ie by deleting the words "on a road". As it stands it seems that driving recklessly or speeding other than on a road will not be an offence. We consider that driving recklessly or speeding anywhere should be an offence. Our members have recently expressed concern about the need for greater control over reckless drivers and excessive speeding on beaches.

Clause 18: Contravention of section 7 or section 22 involving injury or death

This amendment to section 36 makes clear when a driver commits an indictable offence. An indictable offence occurs if that person causes injury or death while driving recklessly or dangerously or if the person fails, without reasonable excuse, to stop and ascertain whether a person has been injured after an accident. NCWNZ also supports these amendments as a move to enhance driver responsibility for his/her actions.

20 Contravention of section 8 causing injury or death

This amendment to Section 38 makes it an offence if (a) the person drives a motor vehicle, or causes a motor vehicle to be driven, carelessly or without reasonable consideration for other persons: and (b) by that act or omission, causes an injury to or the death of another person.

We are puzzled as to how this fits in with clause 18. We suggest the offence under this clause should be indictable as the result is the same as under clause 18. The fine line between 'careless' and 'reckless' driving is, at times, difficult to judge.

Part 6B

Offences relating to work time and logbooks

Sub-part 2 — Logbooks

Effect of disqualification or suspension of transport service driver and other persons.

Clause 41 Mandatory 28-day suspension of driver licence in certain circumstances.

(1) As a move towards implementing zero tolerance, NCWNZ is pleased to see that alcohol thresholds for mandatory 28-day licence suspension are reduced from 800 to 650 micrograms for breath alcohol and from 160 to 130 milligrams for blood alcohol: and in the case of a driver already convicted of breaches of various contraventions of breath or blood-alcohol limits and offences— 56 (1) or (2), 58(1), 60(1), 61 (1) or (2) within the previous four years, the limit will be 400 micrograms for breath alcohol and 80 milligrams for blood alcohol. This should discourage repeat offenders.

(2) NCWNZ supports the suggested new speed thresholds for mandatory 28-day licence suspension namely if a driver exceeds the applicable permanent posted speed limit by 40kph or exceeds any other speed limit by 50kph.

Conclusion

It is important that if they are to be effective, all new regulations for all driving offences be strictly enforced, and be known to be enforced. The inability for enforcement simply encourages



disrespect for the law. However we do acknowledge the importance of social attitudes and commend the efforts being made to make it unacceptable to be driving carelessly or recklessly, when under the influence of alcohol or drugs, or when excessively tired.

As we said in an earlier submission 'The National Council of Women firmly believes that being allowed to drive is a privilege granted by society, not a right, and for the well-being of its members society must enforce rules to safeguard its members as well as protect its resources. All policies which work towards the reduction of death and injury on our roads will have the approval and wholehearted support of the National Council of Women of New Zealand.'

We welcome the provisions in this Bill to further protect the public.

Beryl Anderson
National President

Queenie Ballance
Acting Convener, Public issues Standing Committee