

OC210499

2 August 2021

[REDACTED] Withheld to protect personal privacy

Dear [REDACTED] Withheld to protect personal privacy

I refer to your request dated 15 June 2021, pursuant to the Official Information Act 1982 (the Act), seeking: “any information regarding the decision to document a person’s sex on infringement notices? Specifically when this decision was made and the rationale for it?”

To provide context to the information released, the decision to include a person’s sex on a infringement notice under land transport legislation was made in 2011 as a consequence of the Courts and Criminal Matters Bill (the Bill); an omnibus Bill facilitated by the Ministry of Justice. The Bill was designed to improve the collection and enforcement of monetary penalties and included an amendment to the Summary Proceedings Act 1957 (the Act). This amendment inserted a new set of provisions (Sections 92A to 92I), which enable credit-reporting agencies to make fines status queries and set out a definition of “identifying particulars” that includes “sex” (Section 92A). The Act requires that a fine status query “set out the identifying particulars of the query subject” (92D(c)). This means that when a credit reporter makes a fine status query about an individual, the enforcement entity needs to have collected this identifying information on the infringement notice at the time of the offence – to refer to in the process of a credit check and to provide greater certainty that the correct person has been identified as owing the infringement fee.

The following documents fall within the scope of your request and are enclosed:

	<b>Date</b>	<b>Document</b>	<b>Description of information withheld</b>
1	15 April 2011	Email from D Parsons (NZ Police) to C Roblett (Ministry of Transport), Subject: <i>RE: Amendments to land transport regulations</i>	Some information withheld under Section 9(2)(a) and if out of scope of the request.
2	19 April 2011	Email from C Roblett to D Parsons, Subject: <i>RE: Amendments to land transport regulations</i>	Some information withheld under Sections 9(2)(a) and 9(2)(h), and if out of scope of the request.
3	19 April 2011	Email from A Holmes (Ministry of Justice) to D Parsons and C Roblett, Subject: <i>RE: Fw: Amendments to land transport regulations</i>	Some information withheld under Section 9(2)(a).

4	7 June 2011	Email from C Roblett to Department of the Prime Minister and Cabinet, Minister of Transport's Office, Treasury, Ministry of Justice, Subject: <i>Amendment to land transport regulations</i>	Some information withheld under Section 9(2)(a) and if out of scope of the request.
5	9 June 2011	Report " <i>Land Transport (Offences and Penalties) Amendment Regulations 2011 and Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011</i> " to Hon Steven Joyce (then Minister of Transport)	Some information withheld under Section 9(2)(a) and if out of scope of the request.
7	9 June 2011	Accompanying Speaking Notes for LEG meeting on 23 June 2011 " <i>Land Transport (Offences and Penalties) Amendment Regulations 2011 and Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011</i> "	Some information withheld if out of scope of the request.
8	2 May 2012	Briefing " <i>Land Transport (Infringement and Reminder Notices) Amendment Regulations 2012 – Consent to Consult Non-Government Agencies</i> " to Hon Simon Bridges (then Associate Minister of Transport)	Some information withheld under Section 9(2)(a).
9	29 May 2012	Briefing " <i>Land Transport (Infringement and Reminder Notices) Regulations 2012 and Land Transport Amendment Act 2011 Commencement Order 2012</i> " to Hon Simon Bridges (then Associate Minister of Transport)	Some information withheld under Section 9(2)(a).
11	29 May 2012	Accompanying Talking Points for Cabinet Business Committee meeting " <i>Land Transport (Infringement and Reminder Notices) Regulations 2012   Land Transport Amendment Act 2011 Commencement Order 2012</i> "	No information withheld.

There are two additional documents related to your request that are still being consulted on that have not been released. We will update you as soon as possible on the outcome of this consultation, and if appropriate will release the information to you.

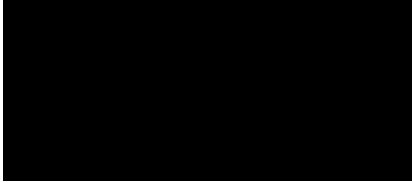
Certain information is being withheld in reliance on Section 9(2)(a) which relates to the privacy of natural persons, as well as on Section 9(2)(h) which relates to the maintenance of legal professional privilege. Other sections have been redacted as they are outside the scope of your request.

Regarding the information that has been withheld under Section 9 of the Act, I am of the opinion that there are no countervailing considerations that make it desirable, in the public interest, to make the information available.

You have the right under section 28(3) of the Official Information Act to make a complaint about the withholding of information to the Ombudsman, who can be contacted at [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

*The Ministry publishes our Official Information Act responses and the information contained in our reply to you will be published on the Ministry website. Before publishing we will remove any personal or identifiable information.*

Yours sincerely



Withheld to protect personal privacy

**Brent Lewers**  
Regulatory Policy  
Ministry of Transport – Te Manatū Waka

Withheld under Section 9(2)(a) of the Official Information Act 1982

**From:** PARSONS, David (Dave) [REDACTED]  
**Sent:** Friday, 15 April 2011 3:30 PM  
**To:** Chris Roblett Withheld under Section 9(2)(a) of the Official Information Act 1982  
**Cc:** [REDACTED]  
**Subject:** RE: Amendments to land transport regulations

Withheld due to being out of scope of the request

Hi Chris. [REDACTED]  
[REDACTED]

The first thing I have noticed without going through it all is that the schedule amendments for police forms has included 'sex' as part of the particulars police would request of a driver. The Land Transport Act 1998 s. 114 as amended back in 2009, does not include 'sex' as part of the particulars that may be requested. Not a big issue, but I just wonder at the requirements in a 'prescribed' form going further than the empowering provisions in the Act. I ask as I had already included the additional items of occupation and telephone number on all our offence notices back in 2009, but wonder now if I should be getting them amended for future prints to include 'sex'. Other than the very rare customer who may be of 'unknown' sex, it is not an issue and I wonder why it has been included in the amending regulations.

Withheld due to being out of scope of the request  
[REDACTED]

Dave

**Dave Parsons**  
**Inspector**

**Road Policing Support**

Police National Headquarters | 180 Molesworth Street | P.O.Box 3017 | Wellington | New Zealand  
[REDACTED]

Withheld under Section 9(2)(a) of the Official Information Act 1982

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**From:** Chris Roblett  
**Sent:** Tuesday, April 19, 2011 11:20 AM  
**To:** PARSONS, David (Dave) [REDACTED]  
**Cc:** [REDACTED] Leo Mortimer;  
 Alan Dixon; Judy Voyce; Hugh Hanna **Withheld under Section 9(2)(a) of the Official Information Act 1982**  
**Subject:** RE: Amendments to land transport regulations

Hi Dave,

**Withheld under Section 9(2)(h) of the Official Information Act 1982**

I have included provision for gender to be recorded because of regulation 15B(3)(b) of the Summary Proceedings Regulations 1958

15B Reminder notice for infringement offence

(1) The particulars of a reminder notice referred to in section 21(4)(a) of the Act are—

- (a) the number of the reminder notice; and
- (b) the name and address of the informant; and
- (c) the full name and full address of the defendant; and
- (d) details of the alleged infringement offence, including the date, time, place of the offence, the enactment and provision contravened, and the registration number of the vehicle (if any) used in the offence; and
- (e) the infringement fee, or the amount of the infringement fee remaining unpaid, other fees, and any other penalties specified in respect of the alleged offence; and
- (f) the name or number (if any) of the officer who issued the infringement notice.

(2) The particulars of a reminder notice referred to in section 21(4)(b) of the Act are—

- (a) the date and method of service of the infringement notice; and
- (b) the date and method of service of the reminder notice; and
- (c) the full address at which the reminder notice was served.

(3) The particulars of a reminder notice referred to in section 21(4)(c) of the Act are—

- (a) the defendant's date of birth; and
  - (b) the defendant's gender; and
  - (c) the defendant's occupation; and
  - (d) the defendant's telephone number or numbers; and
  - (e) the defendant's driver licence number (if a vehicle was used in the offence).
- (4) The particulars specified in subclause (3) apply only if known.
- (5) The particular specified in subclause (3)(e) applies only if relevant.]]

Section 21(4)(c) of the Summary Proceedings Act 1957 sets out particulars of reminder notices that are required when commencing proceedings in respect of an infringement notice, in particular enforcement as a fine by electronic filing of the particulars of the reminder notice.

For the purposes of subsections (1), (3), and (3D) and subsections (4A) to (5A), the particulars of a reminder notice are—

- (a) the contents of the reminder notice, or such parts of the reminder notice that are prescribed as the particulars for the purposes of this subsection; and
- (b) any particulars relating to the service of the infringement notice and reminder notice that may be prescribed; and
- (c) any other particulars that may be prescribed.

Withheld under Section 9(2)(h) of the Official Information Act 1982

[Redacted text block]

Withheld due to being out of scope of the request

[Redacted text block]

Regards,

Chris  
**Chris Roblett**  
Senior Solicitor  
**Ministry of Transport – Te Manatū Waka**

Withheld under Section 9(2)(a) of the Official Information Act 1982

[Redacted text block]

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Withheld under Section 9(2)(a) of the Official Information Act 1982

**From:** Angela Holmes [REDACTED]  
**Sent:** Tue 19/04/2011 5:56 p.m.  
**To:** Dave Parsons; [REDACTED]  
**Cc:** [REDACTED]; Alan Dixon;  
Hugh Hanna; Judy Voyce; Leo Mortimer  
**Subject:** Re: Fw: Amendments to land transport regulations

Tena korua Chris and Dave

Hugh has forwarded your emails to me.

Collections encourages the collection of the sex of the offender because this assists with subsequent enforcement action. By this stage, all we have are the details provided by the issuer and the more info we have, the more likely we are to be able to convince the person that this really is their fine. Gender is very useful for asexual and unusual names.

In terms of the Land Transport (Infringement and Reminder Notice) Amendment Regulations, I've suggested to Judy that we delay amending Schedule 5 (Reminder Notice for all but Toll Road Offences) to expand the info required to be provided when liability is transferred for *Stationary Vehicle Offences* by the registered person in line with new s133A until the Courts and Criminal Matters Bill passes and the same requirements will also apply to *Moving Vehicle Offences*. We were expecting the Courts and Criminal Matters Bill to pass first and to ensure that the LT (RSOM) Bill did not "override" our amendments to the TA re *Stationary Vehicle Offences*, these amendments were replicated in new s133A, LTA. So we are now in the unexpected position of having different info requirements for liability transfers for *stationary* vehicle and *moving* vehicle offences. I don't think this warrants the cost to Police and local authorities of having to reprint the reminder notice twice in a short period - once to set different info requirements for *Stationary Vehicle Offences* and the second time to standardise the info requirements again.

Naku noa na

**Angela Holmes**  
Senior Policy Analyst  
Service Design - Collections  
Ministry of Justice | Tāhū o te Ture

[REDACTED]  
Vogel Centre | 19 Aitken Street Withheld under Section 9(2)(a) of the Official Information Act 1982  
PO Box 180 | Wellington

[REDACTED]  
Withheld under Section 9(2)(a) of the Official Information Act 1982



**From:** Chris Roblett

**Sent:** Tuesday, 7 June 2011 11:54 a.m. *Withheld under Section 9(2)(a) of the Official Information Act 1982*

**To:** [redacted] 'Emma Quigley' [redacted] 'Ashlar Colebrook' [redacted]; 'reception@justice.govt.nz'

**Cc:** [redacted] Russell Brown [redacted]

**Subject:** Amendment to land transport regulations

Good morning,

Please find attached a draft LEG paper in respect of proposed transport regulations, the –

- Land Transport (Offences and Penalties) Amendment Regulations 2011
- Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011

Current drafts of these proposed regulations are also attached.

*Withheld due to being out of scope of the request*

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

The Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011 make editorial changes to infringement and reminder notices prescribed for transport offences to better align them with the current procedure for infringement offences, including enforcement in the Summary Proceedings Act.

*Withheld due to being out of scope of the request*

[redacted]

[redacted]

[redacted]

[redacted]

Kind Regards,

**Chris Roblett**

Senior Solicitor

**Ministry of Transport – Te Manatū Waka**

*Withheld under Section 9(2)(a) of the Official Information Act 1982*

[redacted] |

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<b>MINISTRY OF TRANSPORT REPORT</b>
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**Subject:** LAND TRANSPORT (OFFENCES AND PENALTIES) AMENDMENT REGULATIONS 2011 AND LAND TRANSPORT (INFRINGEMENT AND REMINDER NOTICES) AMENDMENT REGULATIONS 2011

**Date:** 09 June 2011 **Docmin no.:** WGTA14240

**Attention:** Hon Steven Joyce (Minister of Transport)

**Priority:** Routine **Security level:** In-Confidence

**Deadline:** LEG paper to be lodged with Cabinet Office by 10.00 am on Monday 20 June 2011 for consideration by LEG on Thursday 23 June 2011

**Reason for deadline:** The regulations need to be in force on 1 August 2011

**Purpose of report**

1. This report seeks your agreement to:
  - 1.1. sign the attached paper to the Cabinet Legislation Committee requesting that the Committee authorise the submission of the –
    - 1.1.1. Land Transport (Offences and Penalties) Amendment Regulations 2011
    - 1.1.2. Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011
 (together, the proposed regulations) to the Executive Council
  - 1.2. sign the advice sheets recommending that His Excellency the Governor-General sign the proposed regulations.
2. Copies of the current drafts of the proposed regulations are attached.

**Contact for telephone discussion (if required)**

Name	Position	Telephone		Suggested First Contact
		Direct Line	After Hours	
Chris Roblett	Senior Solicitor	[REDACTED]	[REDACTED]	✓
Chris Foley	Principal Adviser Road and Rail - Safety	[REDACTED]	[REDACTED]	

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**Minister of Transport's office actions**

- Noted*
- Seen*
- Approved*
- Needs change*
- Referred to*
- Withdrawn*
- Not seen by Minister*
- Overtaken by events*

**Executive Summary** Withheld due to being out of scope of the request

3.

4.

5. The Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011 amend the Land Transport (Infringement and Reminder Notices) Regulations 1998 to update and align them with the enforcement regime for infringement offences set out in the Summary Proceedings Act 1957.

**Recommendations**

6. The recommendations are that you:

- (a) **sign** the attached paper to the Cabinet Legislation Committee; Yes/No
- (b) **sign** the attached advice sheets; and Yes/No
- (c) **lodge** the LEG paper by 10.00 am on Monday 20 June 2011 Yes/No

Chris Roblett  
Senior Solicitor

Barry Kidd  
Acting General Manager Road and Rail

**MINISTER'S COMMENTS:**

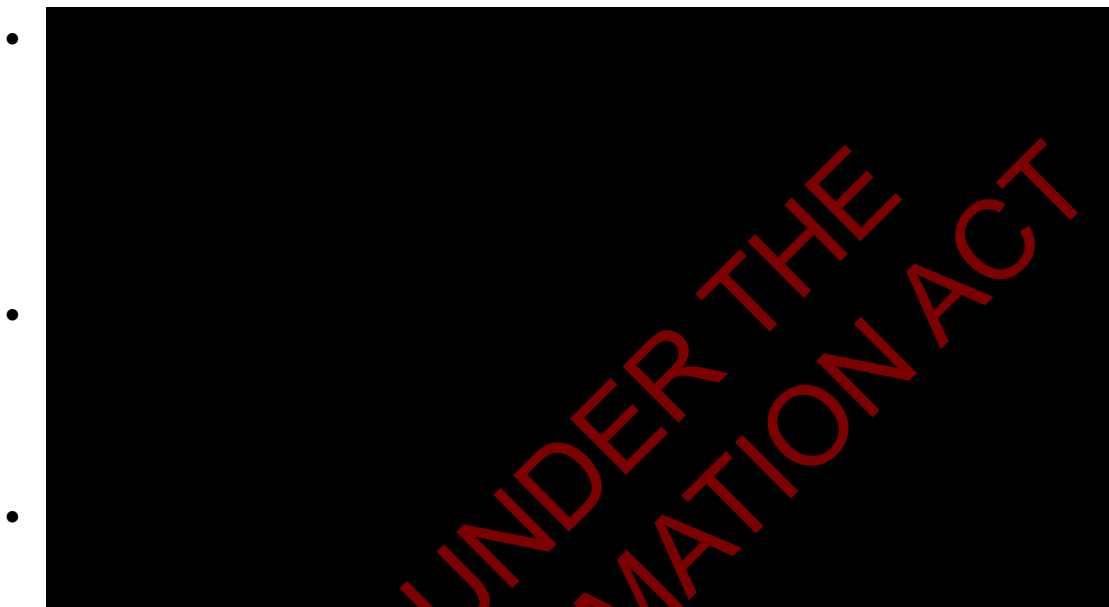
**MINISTER'S SIGNATURE:**

**DATE:**

## Speaking Notes for LEG meeting 23 June 2011

### Land Transport (Offences & Penalties) Amendment Regulations 2011 and Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011

Withheld due to being out of scope of the request



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- The Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011 will also be made under the Land Transport Act 1998 and amend the Land Transport (Infringement and Reminder Notices) Regulations 1998 to update them and align them with the enforcement regime for infringement offences currently set out in the Summary Proceedings Act 1957.
- Both proposed regulations have been drafted to come into force on 1 August 2011.
- Government departments and agencies consulted on this paper have been the Treasury, Ministry of Justice, Parliamentary Counsel Office, New Zealand Transport Agency and the New Zealand Police. The Department of Prime Minister and Cabinet has been informed.

## LAND TRANSPORT (INFRINGEMENT AND REMINDER NOTICES) REGULATIONS 2012 - CONSENT TO CONSULT NON-GOVERNMENT AGENCIES

<b>Reason for this briefing</b>	The purpose of this briefing is to seek your agreement to the Ministry consulting non-government agencies on the draft of the Land Transport (Infringement and Reminder Notices) Regulations 2012.
<b>Action required</b>	Authorise the Ministry to send the draft of the Land Transport (Infringement and Reminder Notices) Regulations 2012 to non-government agencies.
<b>Deadline</b>	As soon as possible
<b>Reason for Deadline</b>	Before the Land Transport (Infringement and Reminder Notices) Regulations 2012 are submitted to the Cabinet Legislation Committee on 31 May 2012 sufficient time needs to be given for consultation of government and non-government agencies.

### Contact for telephone discussion (if required)

Name	Position	Telephone		First Contact
		Direct Line	After Hours	
Brooke Martin	Solicitor			✓
David Bowden	Legal Manager			

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### MINISTER'S COMMENTS:

<b>Date:</b>	02 May 2012	<b>Briefing Number:</b>	OC00761
<b>Attention:</b>	Hon Simon Bridges (Associate Minister of Transport)	<b>Security level:</b>	In-Confidence

### Minister of Transport's office actions

- Noted*
 *Seen*
 *Approved*
- Needs change*
 *Referred to*
- Withdrawn*
 *Not seen by Minister*
 *Overtaken by events*

## Purpose of report

1. The purpose of this paper is to seek your consent to the Ministry consulting non-government agencies on the draft of the Land Transport (Infringement and Reminder Notices) Regulations 2012.

## Comment

2. The Courts and Criminal Matters Bill was an omnibus Bill that provided for the enhancement of the courts' powers and processes for the collection of fines, reparation and other monetary penalties, and civil debts by the courts.
3. The Bill was divided into twenty Amendment Bills by the Committee of the Whole House and these Bills were passed in July 2011. One of these Bills became the Land Transport Amendment Act 2011.
4. The Land Transport Amendment Act 2011, among other things, makes changes to sections in the Land Transport Act 1998 which relate to the particulars that need to be set out in traffic infringement and reminder notices.
5. Therefore, new regulations are required to replace the Land Transport (Infringement and Reminder Notices) Regulations 1998 to reflect these changes.
6. The Ministry has instructed the Parliamentary Counsel Office to draft these regulations and we have received a first draft.
7. The Ministry would like to consult non-government agencies, who process and issue traffic infringement and reminder notices such as major local authorities and the Parking Association, on the draft of the Land Transport (Infringement and Reminder Notices) Regulations 2012. These agencies should be consulted as they hold practical knowledge on whether our proposed amendments will be practical in the day-to-day use of the traffic infringement and reminder notices.
8. The Ministry requires your permission to circulate draft regulations to non-government agencies in accordance with the procedures set out in the Cabinet Manual. We do not see any risk in the proposed consultation.
9. In addition to consulting non-government agencies, the Ministry will be consulting the following government agencies: the Ministry of Justice, the New Zealand Police and the NZ Transport Agency.

**Recommendation**

10. The recommendation is that you:

- (a) **authorise** the Ministry to send the draft Land Transport (Infringement and Reminder Notices) Regulations 2012 to relevant non-government agencies  Yes/No

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Brooke Martin  
Solicitor



David Bowden  
Legal Manager

MINISTER'S SIGNATURE:

DATE:

2 May 2012

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**RECEIVED****29 MAY 2012**

Office Hon. Simon Bridges

**BRIEFING**
**LAND TRANSPORT (INFRINGEMENT AND REMINDER NOTICES) REGULATIONS 2012 AND LAND TRANSPORT AMENDMENT ACT 2011 COMMENCEMENT ORDER 2012**

<b>Reason for this briefing</b>	To enable sections 12 to 16 of the Land Transport Amendment Act 2011, and the Land Transport (Infringement and Reminder Notices) Regulations 2012 to be brought into force on 1 August 2012.
<b>Action required</b>	Sign the attached paper to the Cabinet Business Committee requesting that the Committee authorise the submission of the Land Transport (Infringement and Reminder Notices) Regulations 2012 (the Regulations) and the Land Transport Amendment Act 2011 Commencement Order 2012 (the Order) to the Executive Council.
<b>Deadline</b>	The Cabinet Business Committee paper needs to be lodged with the Cabinet Office by 10am on Thursday 31 May 2012.
<b>Reason for Deadline</b>	The Regulations and the Order need to be considered by the Cabinet Business Committee on Tuesday 5 June 2012 in order for them to be submitted to the Executive Council on 11 June 2012. The Regulations and Order then need to be gazetted on 14 June 2012 in order to give sufficient time to issuing agencies to train staff, make technology changes and print notices before the Regulations and Order come into force on 1 August 2012.

**Contact for telephone discussion (if required)**

Name	Position	Telephone	First Contact
Brooke Martin	Solicitor	[REDACTED]	✓
Judy Voyce	Senior Solicitor	[REDACTED]	

**MINISTER'S COMMENTS:**

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<b>Date:</b>	29 May 2012	<b>Briefing Number:</b>	OC00699
<b>Attention:</b>	Hon Simon Bridges	<b>Security level:</b>	In-Confidence

**Minister of Transport's office actions**

- |                                       |   |  |
|---------------------------------------|---|--|
| <input type="checkbox"/> Noted        | <input type="checkbox"/> Seen                 | <input type="checkbox"/> Approved            |
| <input type="checkbox"/> Needs change | <input type="checkbox"/> Referred to          |  |
| <input type="checkbox"/> Withdrawn    | <input type="checkbox"/> Not seen by Minister | <input type="checkbox"/> Overtaken by events |



## **Purpose of report**

1. This report seeks your agreement to:
  - 1.1 sign the attached paper to the Cabinet Business Committee requesting that the Committee authorise the submission of the Regulations and the Order to the Executive Council
  - 1.2 sign the advice sheets recommending that His Excellency the Governor-General sign the Regulations and the Order
2. A copy of the current draft of the Regulations and the final version of the Order is attached.

## **Background**

3. The Courts and Criminal Matters Bill was an omnibus Bill that provided for the enhancement of the courts' powers and processes for the collection of fines, reparation and other monetary penalties, and civil debts.
4. The Bill was divided into twenty Amendment Bills by the Committee of the Whole House and these Bills were passed in July 2011. One of these Bills became the Land Transport Amendment Act 2011.
5. The Order brings into force sections 12 to 16 of the Land Transport Amendment Act 2011 which deal with powers of parking wardens, information that needs to be provided in statutory declarations, and particulars that need to be set out in traffic infringement and reminder notices.
6. Therefore, new regulations are required to replace the Land Transport (Infringement and Reminder Notices) Regulations 1998 to reflect these changes.

## **Comment**

7. Currently, a person can apply under section 78B of the Summary Proceedings Act 1957 to have proceedings to enforce payment of an infringement fine set aside on the grounds that he or she did not receive the reminder notice for the infringement. This provision is exploited by people who fail to comply with their legal obligation to keep their personal information up to date on the Motor Vehicle Register, therefore almost guaranteeing they will not receive a reminder notice.
8. In 2004, Cabinet agreed that the grounds of appeal under section 78B of the Summary Proceedings Act 1957 should not be available to people who failed to comply with their legal obligations in relation to the Motor Vehicle Register, unless they could prove that they had made reasonable attempts to comply. The Summary Proceedings Amendment Act 2011, another Amendment Act created by the Courts and Criminal Matters Bill, amends the Summary Proceedings Act 1957 to give effect to this decision.

9. Sections 15 and 16 of the Land Transport Amendment Act 2011 amend the Land Transport Act 1998 to ensure people receive full information in infringement notices as, after 1 August 2012, they may not be eligible to challenge an infringement after it has been filed in court on the grounds of non-receipt of the reminder notice. The actual information required to be provided is set down in the Regulations which revoke and replace the Land Transport (Infringement and Reminder Notices) Regulations 1998.

#### *Consultation*

10. The Parking Association (representing the parking enforcement functions of local authorities) has recently raised concerns about the cost of the changes the Regulations make to the traffic infringement and reminder notices. Although the Parking Association was consulted at the time the Courts and Criminal Matters Bill was developed and the Parking Association was aware that changes were coming, it is unhappy with the timeframe to make the changes and the cost involved. Because the Regulations alter infringement notices to include more wording, changes will need to be made to the various computer systems that local authorities use, and the Parking Association doubts that this can be done in time to meet the in force date of 1 August 2012.
11. The Parking Association has also indicated that it may raise these concerns with the Minister of Local Government.
12. All of the relevant changes made by Courts and Criminal Matters Bill come into force on 1 August 2012. The traffic infringement and reminder notices are required to support these law changes. In addition, issuing agencies require as much time as possible to prepare for these changes.

#### *Attached Regulations*

13. The Regulations attached to this paper are not the final version. Due to time constraints we are still working with the Parliamentary Counsel Office on the specific wording of the Regulations. This will mean that small changes in the wording will be made before it is submitted to the Cabinet Business Committee.

#### *Timing*

14. The Regulations and the Order need to come into force on 1 August 2012, to align with the commencement date of the Summary Proceedings Amendment Act 2011 and the Road User Charges Act 2012.
15. The Regulations and the Order need to be considered by the Cabinet Business Committee on 5 June 2012 to ensure that issuing agencies have sufficient time to train staff, print notices and make technology changes before the Order and Regulations come into force on 1 August 2012.

#### *Related paper*

16. This paper is related to a paper that will be submitted to the Cabinet Business Committee, on 5 June 2012, by the Minister for Courts titled "*Courts and Criminal Matters Bill: Regulations and Orders*". That paper deals with other commencement orders and amendment regulations arising out of the implementation of the Courts and Criminal Matters Bill. The Summary Proceedings Amendment Act 2011 is one of the Acts brought into force by that paper. It is proposed that the amendment regulations and commencement orders outlined in that paper also come into force on 1 August 2012.

**Recommendations**

17. The recommendations are that you:

- (a) **sign** the attached paper to the Cabinet Business Committee Yes/No
- (b) **sign** the attached advice sheets Yes/No
- (c) **lodge** the attached paper with the Cabinet Business Committee by 10.00am on Thursday 31 May 2012 Yes/No

Withheld under Section 9(2)(a) of the Official Information Act 1982



Brooke Martin  
Solicitor



David Bowden  
Legal Manager

**MINISTER'S SIGNATURE:**

**DATE:** 29 May 2012

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## Minister's Talking Points for Cabinet

### Land Transport (Infringement and Reminder Notices) Regulations 2012

#### Land Transport Amendment Act 2011 Commencement Order 2012

This paper requests that the Committee authorise the submission to the Executive Council of the Land Transport (Infringement and Reminder Notices) Regulations 2012 (the proposed Regulations) and the Land Transport Amendment Act 2011 Commencement Order 2012 (the proposed Order).

#### Background

- The Courts and Criminal Matters Bill was an omnibus Bill that provided for the enhancement of the courts' powers and processes for the collection of fines, reparation and other monetary penalties, and civil debts.
- The Bill was divided into twenty Amendment Bills by the Committee of the Whole House and these Bills were passed in July 2011. One of these Bills became the Land Transport Amendment Act 2011.
- The proposed Order brings into force sections 12 to 16 of the Land Transport Amendment Act 2011 which deal with powers of parking wardens, information that needs to be provided in statutory declarations, and particulars that need to be set out in traffic infringement and reminder notices.
- The proposed Regulations replace the Land Transport (Infringement and Reminder Notices) Regulations 1998 to reflect the changes made by the Land Transport Amendment Act 2011.
- The proposed Regulations also generally update the language of the traffic infringement and reminder notices to reflect changes in other related legislation.

#### Departments consulted

- The Ministry of Justice, the New Zealand Police, the NZ Transport Agency, major local authorities and the Parking Association were consulted. Where appropriate the Ministry has amended the proposed Regulations in response to comments received.
- The Department of the Prime Minister and Cabinet has been informed.

#### Timing

- It is intended that the proposed Regulations and the proposed Order will come into force on 1 August 2012, to align with the commencement date of the Summary Proceedings Amendment Act 2011 and the Road User Charges Act 2012.

Office of the Minister of Transport

Chair  
Cabinet Legislation Committee

## **LAND TRANSPORT (OFFENCES AND PENALTIES) AMENDMENT REGULATIONS 2011**

## **LAND TRANSPORT (INFRINGEMENT AND REMINDER NOTICES) AMENDMENT REGULATIONS 2011**

### **Proposal**

1. This paper proposes that the Cabinet Legislation Committee (LEG) authorises the submission to the Executive Council of the –
  - 1.1. Land Transport (Offences and Penalties) Amendment Regulations 2011
  - 1.2. Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011(the proposed regulations).

### **Executive summary** Withheld due to being out of scope of the request

2.

3.

4. The Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011 amend the Land Transport (Infringement and Reminder Notices) Regulations 1998 to update and align them with the enforcement regime for infringement offences currently set out in the Summary Proceedings Act 1957.

### **Background** Withheld due to being out of scope of the request

5.

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8. The Act also requires that infringement notices and reminder notices be in a prescribed form, to be specified in regulations made under section 167 of the Act.

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Withheld due to being out of scope of the request

10.



11. The Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011 amend the Land Transport (Infringement and Reminder Notices) Regulations 1998 to maintain consistency with the infringement procedure under the Summary Proceedings Act 1957. In particular –

11.1. to facilitate enforcement by providing for the recording of gender, occupation and telephone numbers

11.2. to amend the content of the prescribed reminder notices specified in Regulations to specify that communications to the informant must be sent so as to be received by the informant within 28 days of service of the notice and not dispatched within 28 days

### **Timing and the 28-day rule**

12. The proposed regulations are to be published in the *New Zealand Gazette* on 30 June 2011 to come into force on 1 August 2011, which is at least 28 days after they are notified in the *Gazette*.

### **Compliance**

13. The proposed regulations comply with the:

13.1. principles of the Treaty of Waitangi

13.2. rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993

13.3. principles and guidelines set out in the Privacy Act 1993

13.4. relevant international standards and obligations

13.5. LAC Guidelines: Guidelines on the Process and Content of Legislation, a publication of the Legislation Advisory Committee

### **Regulations Review Committee**

14. There are no grounds for the Regulations Review Committee to draw the proposed regulations to the attention of the House under Standing Order 310(2).

### **Certification by Parliamentary Counsel**

15. The Parliamentary Counsel Office has certified the Land Transport (Offences and Penalties) Amendment Regulations 2011 and the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011 as being in order for submission to the Executive Council.

**Regulatory impact analysis** Withheld due to being out of scope of the request

16. [Redacted]

17. A Regulatory Impact Statement has not been prepared for the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011 as they are minor and machinery in nature, and do not affect existing arrangements.

**Publicity**

18. The New Zealand Transport Agency (NZTA) will arrange appropriate publicity for the proposed regulations.

**Consultation** Withheld due to being out of scope of the request

19. [Redacted]

20. The following government departments and agencies were consulted on this paper: The Treasury, the Ministry of Justice, Parliamentary Counsel Office, the NZTA, and the New Zealand Police. The Department of Prime Minister and Cabinet has been informed.

**Recommendations**

21. It is recommended that the Committee: Withheld due to being out of scope of the request

1. [Redacted]

2. [Redacted]

3. **note** that the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011 will amend the Land Transport (Infringement and Reminder Notices) Regulations 1998 to correct an inconsistency between content of the reminder notice specified in those regulations and the Summary Proceedings Act 1957, with regard to the time permitted to respond to a reminder notice

4. [Redacted]

Withheld due to being out of scope of the request

5. **authorise** the submission to the Executive Council of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011

Hon Steven Joyce  
**Minister of Transport**

Dated: \_\_\_\_\_

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Office of the Associate Minister of Transport

Chair  
Cabinet

## LAND TRANSPORT (INFRINGEMENT AND REMINDER NOTICES) REGULATIONS 2012

## LAND TRANSPORT AMENDMENT ACT 2011 COMMENCEMENT ORDER 2012

### Proposal

1. This paper proposes that Cabinet authorise the submission to the Executive Council of the:
  - Land Transport Amendment Act 2011 Commencement Order 2012 (the Order)
  - Land Transport (Infringement and Reminder Notices) Regulations 2012 (the Regulations)

### Background

2. The Courts and Criminal Matters Bill was an omnibus Bill that provided for the enhancement of the courts' powers and processes for the collection of fines, reparation and other monetary penalties, and civil debts.
3. The Bill was divided into twenty Amendment Bills by the Committee of the Whole House and these Bills were passed in July 2011. One of these Bills became the Land Transport Amendment Act 2011.
4. The Order brings into force sections 12 to 16 of the Land Transport Amendment Act 2011 which deal with powers of parking wardens, information that needs to be provided in statutory declarations and particulars that need to be set out in traffic infringement and reminder notices.
5. Therefore, new regulations are required to replace the Land Transport (Infringement and Reminder Notices) Regulations 1998 to reflect these changes.

### Comment

6. Currently, a person can apply under section 78B of the Summary Proceedings Act 1957 to have proceedings to enforce payment of an infringement fine set aside on the grounds that he or she did not receive the reminder notice for the infringement. This provision is exploited by people who fail to comply with their legal obligation to keep their personal information up to date on the Motor Vehicle Register, therefore, almost guaranteeing they will not receive a reminder notice.



7. In 2004, Cabinet agreed that the grounds of appeal under section 78B of the Summary Proceedings Act 1957 should not be available to people who failed to comply with their legal obligations in relation to the Motor Vehicle Register, unless they could prove that they had made reasonable attempts to comply [SDC Min (04) 31/10; confirmed in 2008 – SDC Min (08) 14/10 refers]. The Summary Proceedings Amendment Act 2011, another Amendment Act created by the Courts and Criminal Matters Bill, amends the Summary Proceedings Act 1957 to give effect to this decision.
8. Sections 15 and 16 of the Land Transport Amendment Act 2011 amend the Land Transport Act 1998 to ensure people receive full information in infringement notices as, after 1 August 2012, they may not be eligible to challenge an infringement after it has been filed in court on the grounds of non-receipt of the reminder notice. The actual information required to be provided is set down in the Regulations which revoke and replace the Land Transport (Infringement and Reminder Notices) Regulations 1998.

#### *The Order*

9. Section 2(2) of the Land Transport Amendment Act 2011 empowers the Governor-General to bring into force provisions of this Act by Order in Council.
10. The Order brings sections 12 to 16 of the Land Transport Amendment Act 2011 into force on 1 August 2012.
11. Section 12 of the Land Transport Amendment Act 2011 amends the information that parking wardens can request from people when enforcing provisions relating to stationary vehicle offences and special vehicle lane offences. Sections 13 and 14 make changes to information that needs to be provided in statutory declarations relating to moving vehicle offences, special vehicle lane offences and stationary vehicle offences.
12. Section 16 of the Land Transport Amendment Act 2011 substitutes a new section 140(2) of the Land Transport Act 1998, which requires reminder notices to contain “the same particulars, or substantially the same particulars, as the infringement notice”. The particulars set down in the new section 140(1) must be in each infringement notice relating to the Land Transport Act 1998. This requirement means changes to the infringement notices are required to ensure sufficient particulars are provided at an earlier stage. This is because a person may no longer be able to challenge an infringement after it has been filed in court on the basis they did not receive a reminder notice.
13. The Order does not introduce any new policy.

#### *The Regulations*

14. Section 167(1)(l) of the Land Transport Act 1998 empowers the Governor-General to make regulations, by Order in Council, to prescribe forms for the purposes of the Act.
15. The Regulations replace the Land Transport (Infringement and Reminder Notices) Regulations 1998 to reflect the amendments made by the Land Transport Amendment Act 2011. The Regulations have an in force date of 1 August 2012.
16. The Regulations also generally update the language of the traffic infringement and reminder notices to reflect changes in other related legislation.

### *Related paper*

17. This paper is related to the paper submitted by the Minister for Courts titled "*Courts and Criminal Matters Bill: Regulations and Orders*" which deals with other commencement orders and amendment regulations arising out of the implementation of the Courts and Criminal Matters Bill. The Summary Proceedings Amendment Act 2011 is one of the Acts brought into force by that paper. It is proposed that the amendment regulations and commencement orders outlined in that paper also come into force on 1 August 2012.

### **Timing and the 28-day rule**

18. The Regulations and the Order have a commencement date of 1 August 2012, to align with the commencement date of the Summary Proceedings Amendment Act 2011 and the Road User Charges Act 2012.
19. To ensure issuing agencies have sufficient time to train staff, make technology changes and print notices before the Regulations and Order come into force, the Regulations and Order would need to be made by the Administrator of the Government on 5 June 2012, so that they may be notified in the *New Zealand Gazette* on 7 June 2012.
20. No waiver of the 28-day rule is sought.

### **Compliance**

21. The Regulations and Order comply with the:
  - 21.1 principles of the Treaty of Waitangi
  - 21.2 rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
  - 21.3 principles and guidelines set out in the Privacy Act 1993
  - 21.4 relevant international standards and obligations
  - 21.5 LAC Guidelines: *Guidelines on the Process and Content of Legislation, a publication of the Legislation Advisory Committee*

### **Regulations Review Committee**

22. There are no grounds for the Regulations Review Committee to draw the Regulations to the attention of the House under Standing Order 315.

### **Certification by Parliamentary Counsel**

23. The Parliamentary Counsel Office has certified the Regulations and the Order as being in order for submission to the Executive Council.



## Regulatory Impact Analysis

24. A regulatory impact analysis was prepared in accordance with the necessary requirements and submitted at the time that Cabinet Committee approval of the policy relating to the Regulations was sought.

## Publicity

25. Due to their administrative nature, no publicity is planned for these changes.

## Consultation

26. The Ministry of Justice and the Police have been consulted on this paper. The Department of the Prime Minister and Cabinet has been informed.
27. In addition, the NZ Transport Agency, the Parking Association and major local authorities have been consulted on the Regulations.
28. The Minister of Transport has agreed to the submission of this paper.

## Recommendations

29. The Associate Minister of Transport recommends that the Committee:
- (a) **note** that the Land Transport Amendment Act 2011 Commencement Order 2012 will bring sections 12 to 16 of the Land Transport Amendment Act 2011 into force on 1 August 2012
  - (b) **note** that the Land Transport (Infringement and Reminder Notices) Regulations 2012 will replace the Land Transport (Infringement and Reminder Notices) Regulations 1998, to reflect amendments made by the Land Transport Amendment Act 2011
  - (c) **authorise** the submission to the Executive Council of the Land Transport Amendment Act 2011 Commencement Order 2012
  - (d) **authorise** the submission to the Executive Council of the Land Transport (Infringement and Reminder Notices) Regulations 2012



Hon Simon Bridges  
Associate Minister of Transport

Dated: 29 May 2012





# Cabinet

CAB Min (12) 19/11

Copy No: 4

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Land Transport (Infringement and Reminder Notices) Regulations 2012 and Land Transport Amendment Act 2011 Commencement Order 2012

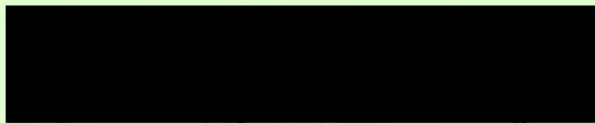
Portfolio: Associate Transport

On 5 June 2012, Cabinet:

- 1 **noted** that:
  - 1.1 the Courts and Criminal Matters Bill, which provided for the enhancement of the courts' powers and processes for the collection of fines, reparation and other monetary penalties, and civil debts, was divided into 20 Amendment Bills, which were passed in July 2011;
  - 1.2 note that one of the Amendment Bills became the Land Transport Amendment Act 2011;
- 2 **noted** that the Land Transport Amendment Act 2011 Commencement Order 2012 will bring sections 12 to 16 of the Land Transport Amendment Act 2011, which deal with the powers of parking wardens, information that needs to be provided in statutory declarations, and particulars that need to be set out in traffic infringement and reminder notices, into force on 1 August 2012;
- 3 **noted** that the Land Transport (Infringement and Reminder Notices) Regulations 2012 (the regulations) will replace the Land Transport (Infringement and Reminder Notices) Regulations 1998, to reflect amendments made by the Land Transport Amendment Act 2011;
- 4 **authorised** the submission to the Executive Council of the:
  - 4.1 Land Transport Amendment Act 2011 Commencement Order 2012 [PCO 15496/6.0];
  - 4.2 Land Transport (Infringement and Reminder Notices) Regulations 2012 [PCO 15781/10.0];

5 noted that the regulations will come into force on 1 August 2012.

Withheld under Section 9(2)(a) of the Official Information Act 1982



Secretary of the Cabinet

Reference: CAB (12) 262

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