

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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OFFICIAL INFORMATION ACT

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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