



# Land Transport (Vehicle User Safety) Amendment Bill

229—1

Report of the Transport and Industrial Relations Committee

---

## Contents

|                                                   |   |
|---------------------------------------------------|---|
| Recommendation                                    | 2 |
| Purpose of the bill                               | 2 |
| Submitters' main concerns about the bill          | 2 |
| Reason for recommending that the bill not proceed | 3 |
| Appendix                                          | 4 |

# Land Transport (Vehicle User Safety) Amendment Bill

## Recommendation

The Transport and Industrial Relations Committee has examined the Land Transport (Vehicle User Safety) Amendment Bill and recommends that this bill not proceed.

---

## Purpose of the bill

The Land Transport Amendment (Vehicle User Safety) Amendment Bill is a Member's bill sponsored by Jami-Lee Ross. It seeks to improve the safety of road users by prohibiting the washing of vehicles in a way that is unsafe, intimidating, or causes a nuisance or obstruction to vehicles. The bill would create an enforcement regime against windscreen washing by amending the Land Transport Act 1998, the Land Transport (Road User) Rule 2004, and the Land Transport (Offences and Penalties) Regulations 1999.

Window washers are currently dealt with through bylaws. Under section 145 of the Local Government Act 2002, individual local authorities can create bylaws to:

- protect the public from nuisance
- protect, promote, and maintain public health and safety
- minimise the potential for offensive behaviour in public places.

Breaches of bylaws are treated as court prosecutions. However, these can be expensive and time-consuming for local authorities and ratepayers.

## Submitters' main concerns about the bill

We received 52 submissions on the bill. Most submitters expressed support for its intent. However, some also expressed the following concerns:

- Its focus on intimidating behaviour is too narrow. It should also address the road safety risk and the negative economic effect on businesses in areas where window washers operate, and should require window washers to comply with businesses' requirements.
- The terms "unsafe", "intimidating", "nuisance", and "obstruction" in the proposed offence are not adequately defined. The Legislation Design and Advisory Committee's guidelines specify that an infringement offence must be precisely defined so that it cannot be open to interpretation by an enforcement officer.
- The wording of the bill as introduced could capture unintended users, such as a person washing their own vehicle on the road outside their home or community groups operating car washes for fundraising.

- The desired outcome could be achieved through existing rules. Clause 11.6 of the Land Transport (Offences and Penalties) Regulations, dealing with pedestrians' use of roads, could be applied to window washers. Although breaches of the rules are dealt with by an expensive court process, submitters suggested that the rules could be amended to make windscreen washing a more straightforward infringement offence.
- Targeting the enforcement of window washers could divert police officers from other more urgent crimes, such as robberies.
- Imposing infringement fees on window washers will not address the reasons why they are window washing. In addition, a fine is unlikely to be effective if the window washer is unable to pay.

### **Reason for recommending that the bill not proceed**

The provisions of this bill were addressed in Supplementary Order Paper 350 of the Land Transport Amendment Bill (No 2) which had its third reading on 3 August 2017. This bill is therefore unnecessary, and we recommend that it not proceed. Some of us are concerned that some elements of the bill were highlighted as problematic. The committee would have addressed these, but did not have that opportunity before the contents of this bill were presented to the House as a Supplementary Order Paper that has now been passed into law.

## **Appendix**

### **Committee procedure**

The Land Transport (Vehicle User Safety) Amendment Bill was referred to the committee on 12 April 2017. The closing date for submissions was 1 June 2017. We received and considered 52 submissions from interested groups and individuals. We heard oral evidence from four submitters.

We received advice from the Ministry of Transport and the New Zealand Police. The Regulations Review Committee reported to the committee on the powers contained in clauses 4 to 6 of the bill.

### **Committee members**

Jonathan Young (Chairperson)  
Hon David Bennett  
Kris Faafoi  
Iain Lees-Galloway  
Clayton Mitchell  
Sue Moroney  
Dr Parmjeet Parmar  
Denise Roche  
Alastair Scott  
Hon Maurice Williamson  
Dr Jian Yang

Julie Anne Genter replaced Denise Roche for this item of business.