

*This correspondence from:*  
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3 July 2009

Clerk of the Committee  
Transport and Industrial Relations Committee  
Select Committee Office  
Parliament Buildings  
WELLINGTON

Dear Sir/Madam

**Submission to the Transport and Industrial Relations Select Committee on the  
LAND TRANSPORT (ENFORCEMENT POWERS) AMENDMENT BILL**

**Introduction**

This submission is from the New Zealand Federation of Motoring Clubs (FOMC). We do not wish to appear before the committee to speak to our submission.

The NZ Federation of Motoring Clubs is an incorporated society representing over 120 clubs with individual membership of some 20,000 enthusiasts who collectively own approximately 30,000 special interest vehicles comprising cars, motorcycles, trucks and military vehicles, tractors and traction engines, and vintage machinery spanning all years of production.

**Executive Summary**

Our comments on this Bill relate to the section permitting Road Controlling Authorities to make bylaws prohibiting "cruising". The FOMC is particularly concerned that the bylaw as written will prohibit a wide range of public events organised by legitimate clubs, which, while not intending to breach the bylaw or cause offence, depending on interpretation

could be deemed to do so. However, we propose a modest insertion of a curfew subclause, and stricter definition of the term “cruising”, which would address this concern.

The FOMC does not condone dangerous, illegal, or inconsiderate behaviour on the roads, and many club members support initiatives to crack down on illegal street racing and associated anti-social behaviour.

Any enthusiast vehicle owner or member of a FOMC member club committing any offence under the existing legislation should be subject to the law, and consequently the FOMC has no comments on the other aspects of the Bill (or its sister legislation, the Vehicle Confiscation and Seizure Bill) that amend penalties or prohibit the sale of motor vehicles under certain circumstances. We do not consider that enthusiast vehicle owners will be unduly affected by these amendments.

#### **Section 22AB: Road controlling authorities may make certain bylaws**

The FOMC is concerned that this clause will prohibit common weekend activities on public roads organised unofficially by vehicle clubs throughout the country, as well as other official events such as military parades, car or motorbike shows, local anniversaries or charity events.

Many of these events may involve a convoy, and according to the definition of “cruising” in the Bill, could unintentionally impede traffic flow or draw attention to vehicle noise. In some cases the events will be organised with the permission of the road controlling authority, but whether official or not, these events are not catered for in the Bill.

The FOMC submits there are hundreds of events held throughout the country each year which could be deemed to breach such a bylaw if it were strictly enforced, although we recognise not all road controlling authorities will pass the bylaw. In some cases the events cross several jurisdictions and the organisers may be unaware that bylaws exist.

The ownership and legal use of enthusiast and heritage vehicles is a legitimate past-time, and people’s ability to enjoy their hobby on public roads with like-minded enthusiasts will be compromised by the passage of this Bill in its current form. Many events often have a

charitable motive and are an important part of local communities, and it would be most unfortunate if such events were curtailed under this Bill.

The Bill's explanatory note suggests the bylaw will help combat the public nuisance of illegal street-race gatherings and associated obnoxious behaviour, such as 'burn-outs' and noisy exhausts or car stereos, yet these are not referred to in the bylaw or the definition of "cruising" itself. We submit that the wording of the bylaw is too broad and should be more specific about the type of behaviour it aims to prohibit, lest the commonplace and acceptable activities our member clubs partake in are unintentionally prohibited. Equally, the explanatory note asserts that "cruising" may have a negative impact on business and tourism, yet banning legitimate parades or club activities under a potential bylaw could have similar economic consequences.

The FOMC recognises that illegal street racing and associated vehicle noise is a significant concern, but it is our view that such anti-social activity predominately occurs at night, when noise disturbance is particularly problematic, and that is the motivation for this Bill.

Therefore, we consider that an amendment to the Bill permitting road controlling authorities to pass bylaws prohibiting "cruising" at night would address our concerns as the legitimate events we refer to typically occur during the day.

Consequently, the FOMC recommends amending subclause (4) so that Section 22AB does not apply to events organised outside a defined night-time curfew, which should take into account some summer events that run into the evenings. We also suggest that the term "cruising" be more clearly defined to encompass the targeted behaviour such as illegal street racing and sustained loss of traction.

Yours sincerely

**Mark Stockdale**  
**FOMC Secretary**

*Representing the responsible special interest and heritage motoring enthusiast*