



Cabinet Legislation Committee

Minute of Decision

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Land Transport (Wheel Clamping) Amendment Bill: Approval for Introduction

Portfolio Commerce and Consumer Affairs

On 19 March 2019, the Cabinet Legislation Committee:

- 1 **noted** that the Land Transport (Wheel Clamping) Amendment Bill holds a [REDACTED] on the 2019 Legislation Programme;
- 2 **noted** that the Land Transport (Wheel Clamping) Amendment Bill introduces a prescribed maximum amount that a person can charge for a parking breach that requires the removal of a wheel clamp and makes it an infringement offence to charge more than the prescribed amount of \$100;
- 3 **agreed** to the Land Transport (Wheel Clamping) Amendment Bill providing that:
 - 3.1 a wheel clamp operator must remove a wheel clamp as soon as reasonably practicable after a fee is paid, or on request of the motorist if no fee is charged, and that it will be an infringement offence if a wheel clumper breaches this requirement;
 - 3.2 a wheel clumper must be reasonably available to respond to requests from the motorist relating to the removal of a wheel clamp;
 - 3.3 if a wheel clumper fails to remove the clamp as soon as reasonably practicable or is not reasonably available, the motorist may remove or arrange for the removal of the clamp and will be immune from any civil or criminal liability provided that as little damage is caused to the wheel clamp as possible;
 - 3.4 an enforcement officer can remove the wheel clamp or direct a wheel clumper to do so;
- 4 **noted** that the Minister of Commerce and Consumer Affairs will consult the Principal Disputes Tribunal Referee on this Bill;
- 5 **approved** the Land Transport (Wheel Clamping) Amendment Bill [PCO 21151/8.0] for introduction, subject to the final approval of the government caucuses and sufficient support in the House of Representatives;
- 6 **agreed** that the Bill be introduced on 2 April 2019;

- 7 **agreed** that the government propose that the Bill be:
- 7.1 referred to the Transport and Infrastructure committee for consideration;
 - 7.2 enacted by November 2019.

Vivien Meek
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Chris Hipkins (Chair)
Hon David Parker
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Tracey Martin
Hon Kris Faafoi
Hon Aupito William Sio
Hon Eugenie Sage
Hon Ruth Dyson (Senior Government Whip)

Officials present from:

Officials Committee for LEG

Hard-copy distribution:

Minister of Commerce and Consumer Affairs

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