

5 October 2007

ATTORNEY-GENERAL

LEGAL ADVICE
CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
LAND TRANSPORT (DRIVER LICENSING) AMENDMENT BILL

1. We have considered whether the Land Transport (Driver Licensing) Amendment Bill (the Bill) is consistent with the New Zealand Bill of Rights Act 1990 (Bill of Rights Act). The Bill is a Members' Bill in the name of Hon Peter Dunne and has been adopted as a Government Bill.
2. This Bill seeks to change the age at which a driving licence may be granted, from 15 to 16 years old, and increase from 6 months to 12 months the length of time a driver must hold a learner's licence before being granted a restricted licence.
3. We have concluded that the Bill does not appear to be inconsistent with the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990.
4. For completeness, we have assumed that the amendments are prospective. If this is not the case, drivers aged 15 to whom learner or restricted licences have been issued may, upon the Bill coming into force, inadvertently commit offences under the Land Transport Act 1998. This may give rise to an issue of inconsistency with the Bill of Rights Act. It would therefore be beneficial for the Select Committee or the House of Representatives to consider whether a transitional provision is necessary in order to ensure that drivers are not vulnerable to this possibility.

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