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NZ Automobile Association submission on:
Antisocial Road Use Legislation Amendment Bill



SUBMISSION TO: Justice Committee

REGARDING: Antisocial Road Use Legislation Amendment Bill

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SUBMISSION AUTHORISED BY: Simon Douglas
Chief Policy & Advocacy Officer
New Zealand Automobile Association Incorporated (NZAA)
PO Box 1
Wellington, 6140

SUBMISSION AUTHOR: Terry Collins

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Introduction

The New Zealand Automobile Association (AA) welcomes the opportunity to provide feedback on the Antisocial Road Use Legislation Amendment Bill. We acknowledge the intent behind the Bill is to deter antisocial driving behaviour that affects road and community safety.

This submission has been prepared by the AA's Transport Policy & Advocacy team (which advocates on behalf of NZAA Members for better and safer transport). The AA supports the aim of the Bill to deter antisocial, disruptive and dangerous driving behaviour that negatively affects road and community safety in New Zealand.

Executive Summary

The AA supports the introduction of the Antisocial Road Use Legislation Amendment Bill. However, in this submission we outline three key concerns, and provide one suggestion for an additional sanction. If implemented, we think these changes would make the final Bill more effective and minimise the safety risk of fleeing drivers.

Concern 1: Our primary concern is the presumption in favour of forfeiture, or forfeiture and destruction, of vehicles used by offenders for a first offence. Those offences being: failing to stop, failing to provide information, participating in a frightening or intimidating convoy, and street racing activities. If all these offences are subject to this same harsh sanction, then we believe a highly likely unintended consequence will be that drivers will choose to flee instead of stopping: the rationale being that the car is going to be taken off them anyway, so they have nothing to lose by trying to get away. This creates a much more dangerous situation than failing to give information. Our view is that seizure or destruction should be at the discretion of the courts not a presumptive sanction.

Concern 2: We also do not support the proposed new presumption of forfeiture, or forfeiture and destruction, of vehicles for owners who fail to provide information about the identity of the driver in an offence involving the vehicle but when the driver couldn't be identified at the time. New Zealanders have the right not to be compelled to be a witness or confess to a crime.

Concern 3: In addition, we think the proposed fine for failing to comply with a direction to leave or not to enter an accessible place is too high and not relative to other offences for road safety.

Additional sanction suggested: Finally, the AA suggests that a further sanction of forfeiture, or forfeiture and destruction, be applied to sirens and other devices specifically designed to disturb the public with unreasonable or excessive noise.

We elaborate on our views on each of these issues below.

Presumption in Favour of Forfeiture, or Forfeiture and Destruction

The Bill proposes to amend the Sentencing Act 2002 to create a new presumption (with specified exceptions) requiring a court to order that a vehicle be forfeited, or forfeited and destroyed, on a first

offence basis, upon conviction for street racing, sustained loss of traction, frightening or intimidating convoys, and failure to stop while exceeding the speed limit or driving dangerously.

It also provides that the new presumption of forfeiture, or forfeiture and destruction, of vehicles will apply for vehicle owners who fail to provide information about the identity of the driver when there is evidence the vehicle was involved in an offence, but the driver couldn't be identified at the time.

The AA is concerned that this presumptive sentence treats each offence as if equal, but there will be differences in the seriousness of individual situations, so the ability for Police and courts to apply discretion needs to be retained.

We foresee these sanctions leading to negative outcomes. For example, where a driver caught doing a burn out may be aware that the vehicle will be seized and forfeited, so decides to flee the Police rather than stop. In the driver's mind the vehicle is lost either way so there would be the perverse incentive to try to escape by fleeing the Police. If the driver knew that there was a greater possibility of avoiding forfeiture by stopping, as that sanction would be at the discretion of the courts, then we believe that this would lessen the chances of drivers fleeing and the associated dangers a fleeing driver presents. Fleeing driver events can be high-risk and fast-paced, exposing Police and the public to significant risk.

Over the past five years fleeing driver incidents have increased 51% from 4,846 in 2020 to 9,512 in 2024. The AA is fearful that these statistics will worsen if the presumptive sentence must be applied to the offences of street racing, sustained loss of traction, frightening or intimidating convoys, and failing to provide information about the identity of the driver.

The AA instead supports a change to the Bill that enables a Judge's discretion in imposing the forfeiture, or forfeiture and destruction sanction, considering the totality and circumstances of the offending. This discretion would still mean a boy racer could lose their car on a first offence if a judge felt the individual circumstances warranted it.

Failing to Provide Information About the Identity of the Driver

The AA does not support the proposed new presumption of forfeiture, or forfeiture and destruction, of vehicles for vehicle owners who fail to provide information about the identity of the driver.

We note the concerns of Crown Law that the compulsion of information from registered persons, i.e. through the penalty of impoundment and forfeiture or destruction, may contravene the NZ Bill of Rights Act (NZBORA) section 14 relating to freedom of expression. Our further concern is that NZBORA includes "the right not to be compelled to be a witness or confess to a crime".

The AA is worried that the circumstances around providing driver information could be complex: sometimes information may be deliberately withheld, but in other cases it simply might not be known by the registered owner. It could be very difficult to determine what is deliberately withheld and what is unknown.

We note that the Office of the Privacy Commissioner (OPC) says that the proposal to compel, through vehicle confiscation, a vehicle owner to name an offending driver is a direct intrusion on the owner's privacy and creates a risk of people falsely being accused of driving offences.

We are concerned about the absence of analysis to determine whether the new presumptive sentence of vehicle forfeiture or destruction attached to this offence may compel vehicle owners to provide false or misleading information. For example, an unintended consequence of this proposal could be a registered owner naming a young family member who would be subject to the jurisdiction of the Youth Court, rather than the older family member who committed the offence and would be subject to the jurisdiction of the District Court. This would have the perverse outcome of a youth entering the justice system because of a family attempting to evade the possibility of vehicle forfeiture.

Therefore, the AA does not support a presumptive sentence requiring a court to order that a vehicle be forfeited, or forfeited and destroyed, on a first offence basis, for the registered owner failing to provide information about the identity of a driver.

Failing to Leave a Temporarily Closed Area

The Bill creates a new infringement offence of failing to comply with a direction, to leave or not to enter an accessible place. The new offence makes a person who fails to comply with a direction liable to an infringement fee of \$1,000 or a court-imposed fine not exceeding \$3,000.

The AA supports an infringement fine for this offence but is concerned at the magnitude of the fine and its relativity with other offences. By way of comparison, the infringement fine for an alcohol level between 251 and 400 micrograms per litre of breath, or between 51 and 80 milligrams per 100 millilitres of blood, is \$200 (one fifth of the proposed infringement of \$1,000 for failing to leave an area).

There is a considerable lack of relativity when comparing an offence that impairs a driver and presents a road safety risk, with an offence that exhibits disobedience but does not present a direct road safety risk. The AA is further concerned that the issuing of these infringements could be arbitrary in nature – for example, in a large crowd, what is the Police criteria for selecting individuals who will be subject to the infringement notice?

Excessive Noise

The AA supports the amendment to the Land Transport (Offences and Penalties) Regulations 1999 to increase the infringement penalty for creating excessive noise within, or on, a vehicle from \$50 to \$300 and the court fine from \$1,000 to \$3,000.

However, the AA also suggests that a further sanction of forfeiture or forfeited and destruction be applied to sirens and other devices specifically designed to disturb the public with unreasonable or excessive noise. The power to seize noisy instruments and appliances already exists under the Resource Management Act 1991 stereos etc. can be seized.

Increasing Fines for Driving Offences

The Bill proposes increasing the penalties for excessive noise and creating a new fine for failing to comply with a direction to leave or not to enter an accessible place.

We support this move to set penalties in the future to ensure they remain an effective deterrent. But we also do not think it's good practice when fines and penalties are set without the full consideration of their relativity with other fines. We believe a full review of transport related fines and penalties is well overdue.

We would also like to point out however that our AA research and Member feedback indicates that simply increasing fines is not going to be the whole answer for changing unsafe driving behaviour.

The AA would like to take this opportunity to highlight a range of broader changes that we believe would create a more effective approach to fines and penalties. These include:

- **Link penalties to inflation**
Current traffic offence fines should be increased by at least 100% as a starting point to restore their deterrent value, reflecting inflation since the last review in 1999. Fines should also be automatically adjusted for inflation in the future, so their effectiveness is maintained without requiring repeated government reviews. Most States in Australia inflation index fines, not only for traffic offences but other non-traffic offences as well.
- **Alignment of penalties with safety risk**
In addition to the inflation adjustment, we would like to see a focus on behaviours most strongly linked to fatal and serious crashes: being non-use of restraints, impairment, distraction, and speed. The penalties should be consistent and at a level that will maximise deterrence.
- **A comprehensive review of the demerit system**
The demerit point system should be reviewed to ensure it is functioning efficiently and that the highest points are consistently applied to behaviours that pose the greatest road risks, being non-use of restraints, impairment, distraction, and speed.
- **Stronger penalties for repeat and high-risk offenders**
Increased penalties for repeat offenders should be considered, including the possibility of a multiplier for demerit points if someone continues to commit similar offences.
- **Expanded use of alternative and non-monetary penalties**
The AA supports expanding alternatives to monetary fines, such as community-based programs and road safety education, especially for those on low or no income.
- **Continued support for treatment and rehabilitation options**
Alcohol and drugs are involved in a large proportion of fatal crashes and a substantial number of drivers caught drunk or drugged may have substance abuse problems. Penalties that don't address this are unlikely to be very successful at changing their behaviour.

When the Government looks at changing specific penalties in the future, we believe these changes will help ensure that penalties are both fair and effective in improving road safety.

What our AA Members say:

We surveyed more than 2,000 AA Members early in 2025 on issues related to traffic fines and penalties and the results included:

- **Less than half of AA Members believe current fines are effective at discouraging unsafe driving.**
- **Most Members believe demerits are more effective than fines at discouraging unsafe driving.**
- **There is strong support for non-monetary penalties and for ensuring penalties are proportionate and fair, particularly for vulnerable groups.**

The [full survey results are available online](#).

About the New Zealand Automobile Association

The NZAA is an incorporated society with over 1.1 million Personal Members who belong to the Association, as well as over 1 million business vehicle memberships, representing a large proportion of New Zealand’s road users.

The AA was founded in 1903 as an automobile users’ advocacy group, but today our work reflects the wide range of interests of our large membership, many of whom are cyclists and public transport users as well as private motorists.

Across New Zealand, drivers regularly come into contact with the AA through our breakdown officers, 36 AA Centres and other AA businesses. Meanwhile, 18 volunteer AA District Councils around New Zealand meet each month to discuss local transport issues. Based in Wellington and Auckland, our professional policy and advocacy team regularly surveys our members on transport issues, and Members frequently contact us unsolicited to share their views. Via the AA Research Foundation, we commission original research into current issues in transport and mobility. Collectively, these networks, combined with our professional resource, help to guide our advocacy work, and enable the NZAA to develop a comprehensive view on mobility issues.

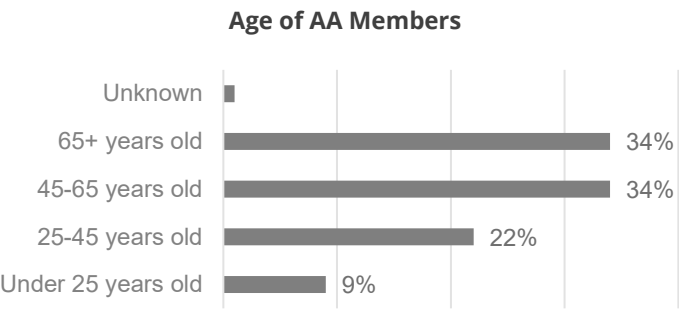
Motorists contribute over \$5 billion in taxes each year through fuel excise, road user charges, registration fees, ACC levies, and GST. This money is reinvested by the Government in our transport system, funding road building and maintenance, public transport services, road safety work including advertising, and Police enforcement activity. On behalf of AA Members, we advocate for sound and transparent use of this money in ways that improve transport networks, enhance safety, and keep costs fair and reasonable.

Our advocacy takes the form of meetings with local and central government politicians and officials, publication of research and policy papers, contributing to media on topical issues, and submissions to select committees and local government hearings.

AA reach	More than 1.1 million Personal Members	
	More than 1 million vehicles covered by business relationships	
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% of licenced drivers	At least 29% of licensed drivers are Personal AA Members (based on Class 1 licences for cars and light vehicles)	
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Gender split	54%	Female
	46%	Male
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Age range & Membership retention



53% of AA Members have been with us for over 10 years.