

House of Representatives

Supplementary Order Paper

Tuesday, 25 July 2017

Land Transport Amendment Bill (No 2)

Proposed amendment

Michael Wood, in Committee, to move the following amendment:

Part 1, new subpart 5A

In *Part 1*, after *clause 79* (page 42, after line 12), insert:

Subpart 5A—Vehicle clamping

79A Section 2 amended (Interpretation)

(1) In section 2(1), insert in their appropriate alphabetical order:

clamping agent means a person who clamps another person's motor vehicle

off-road parking means the stopping or standing of a vehicle on land which is not a road

vehicle clamping service licence means a licence granted or deemed to be granted under subpart 3 of Part 4A that authorises its holder to carry out vehicle clamping

vehicle clamping service vehicle—

(a) means a vehicle used or available for use in a vehicle clamping service for clamping any motor vehicle; but

(b) does not include any vehicle specified as an exempt vehicle clamping service vehicle in the regulations or the rules

(2) In section 2, in the definition of **transport service licence**, replace paragraph (d) with:

(d) a vehicle recovery service licence:

(e) a vehicle clamping service licence

- (3) In section 2, in the definition of **transport service vehicle**, after “rental service vehicle,” insert “vehicle clamping service vehicle,”.

79B Section 30D amended (Additional criteria for small passenger service vehicles and vehicle recovery service)

- (1) In the heading of section 30D, after “for small passenger service vehicles”, insert “, vehicle clamping service,”.
- (2) In section 30D, replace “or to any vehicle recovery service” with “or to any vehicle clamping service or vehicle recovery service”.

79C Section 30J amended (Transport service operators may not carry on certain transport services unless licensed to do so)

In section 30J, replace paragraph (d) with:

- (d) vehicle recovery service;
(e) vehicle clamping service.

79D New Part 6D inserted (Offences relating to private parking)

After section 79V, insert:

**Part 6D
Offences relating to private parking**

79W Clamping for off-road parking

- (1) Where a person allows off-road parking on their land, a clamping agent may carry out a vehicle clamping service on that property subject to the following conditions:
- (a) the vehicle must have breached a term or condition displayed clearly on a sign authorised by the Agency; and
 - (b) the clamping agent must hold a vehicle clamping service licence; and
 - (c) only 1 agent may conduct a vehicle clamping service at 1 location at any time; and
 - (d) the clamping agent must wear photo identification in the form approved by the Agency.
- (2) Where a clamping agent has clamped a vehicle, they may recover the costs of that clamping and any unpaid off-road parking fees subject to the following conditions:
- (a) costs recovered under this section must not exceed \$50; and
 - (b) where a car has been towed after being clamped, the vehicle clamping service may not recover costs of the towing; and

- (c) the costs of clamping a vehicle for off-road parking may not be recovered except in accordance with this section.

79X Appeal process

- (1) Any person who believes their vehicle has been unfairly clamped must first complain to the company or person responsible.
- (2) After a person has complained in accordance with **subsection (1)** they may lay a complaint with the Agency.

79Y Penalties under this Part

- (1) The penalty on conviction for a clamping agent who commits an offence against **section 79W** is a fine not exceeding \$2,000.
- (2) The penalty on conviction for a company, manager, or director who commits an offence against **section 79W** is a fine not exceeding \$20,000.

79E Section 158 amended (Rules concerning licensing, standard-setting, etc)

- (1) In section 158(b)(xiv), after “vehicle recovery service vehicles,” insert “vehicle clamping service vehicles.”
- (2) After section 158(b)(xx), insert:
- (xxi) specify requirements for a vehicle clamping service including identification, driver duties and conduct, operator duties, complaints management, record keeping, and clamping restrictions and authorisations:

Explanatory note

This Supplementary Order Paper amends the Land Transport Amendment Bill (No 2) to insert *new subpart 5A*, in line with the overarching objective of the bill as outlined in the general policy statement at introduction, to maintain and improve the efficiency, effectiveness, and safety of the land transport system.