

A REP GUIDE TO CARS & THE LAW: THE BARN BROS GO CAR CRAZY



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community law

free legal help

throughout aotearoa

www.communitylaw.org.nz

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SLIDE 1: BACKGROUND MATERIAL

Use this information to inform your teaching.

How to deliver a REP module

Kia ora! Thank you for being a REP volunteer. Your participation in The REP will help young Aotearoians become more aware of their legal rights and responsibilities. By connecting young people with local support services, you will also help build a stronger community for all of us. So... what do you need to know about delivering a module?

Know your Community Law Centre

- The most important thing about The REP is the connection you can build between members of your community and your local Community Law Centre.
- If a class takes only one thing out of a workshop, it should be that if they have a legal problem they can get help from a Community Law Centre.
- Use the REP modules as a way of talking about how Community Law Centres, other community-based services and lawyers can actually help. If anyone in your class asks for help or needs legal advice (which you are not allowed to give if you are not a lawyer), direct them to their local Community Law Centre.
- Consider going the extra step: go along with a student to the Community Law Centre so they don't feel alone or intimidated.

Know the audience

- The second most important thing about The REP is that our education is meant to be interactive and fun. Getting your audience to relax and have a laugh is as important, if not more important, than talking about the law.
- Treat this teaching resource as a guide only; try hard to deliver the material in a way that will suit your audience and that your audience will enjoy.
- REP modules are learner-led. There is no need to cover all the material in the time you have been given. See where the conversation goes, focus on what the class identifies as being important or relevant, and explore those ideas. Just to repeat: there is no need to get through all the material!
- Every group you work with will be different, with different levels of knowledge, different needs, and different expectations. Let the group both guide and teach you; work together to build a picture of how the law actually works in New Zealand.
- In general, everybody likes to know why they are here, whether it's relevant, and how long it will take. Make sure you signpost what the module is going to cover, by explaining or perhaps writing up a short plan on the board.
- Try and get to the heart of the matter: talk about the real world, and the greater social implications of the law. You will get much more out of it, and so will your class.

Know some different teaching styles

- Everybody learns differently. Very few people enjoy being lectured to!
- Some people like to visualise what they're learning (by seeing it written down, making a list, studying a face).
- Some people need to hear things to take them in (maybe by taking part in a role play or a discussion, or by using rhythm or sound as memory aids).
- Other people prefer to move around: they learn best if they're up on their feet and active.
- And others learn with their hands. They like to get creative, draw things, cut things out, make projects or demonstrations.
- The games in this module attempt to cater for every different kind of learner. Work hard at improving your own teaching practice so that everybody can get involved in the class.

Know the games

- These modules are structured so that all the important information can be covered using the games only.
- The games aim to get your class thinking about the issues being discussed and engaging with them in a practical way.
- Know and understand the way the games are run, so you can lead them smoothly and effectively.
- If you can think of more diverse, more engaging and more fun games and exercises, please do. Just make sure you feed these new improved games back to us at The REP.

Know the law

- You need to be up-to-date with the area of law this module covers.
- The background material in this guide is to help you learn the law. The Community Law Manual is also a fantastic guide to all the areas of "community" law. Check out a hard copy at your Community Law Centre or look up the online version: www.communitylaw.org.nz.
- It's always helpful to have some examples up your sleeve of how the law works in practice: if in doubt, talk to your friends, family, teachers, or the lawyers and other kaimahi at your Community Law Centre.

Evaluations

- Getting feedback is essential to improving the REP modules. Please ensure you leave enough time at the end of the class to hand out and collect the evaluation forms.
- And don't forget to fill in your tutor evaluation form!

Last, but not least...

... Smile! Enjoy yourself, have a laugh, and thanks again for volunteering your time.

WHAT YOU WILL NEED:

- Projector and laptop
- Slides (Ctrl+L for fullscreen)
- Chocolate

Printing:

- Teaching guide
- Evaluations x 1 per student
- Tutor self-evaluation x 1
- Game #1 (pg 9) A3 x 1 per group
- Game #2 (pg 14) A4 x 1 per group

SLIDE 2: INTRODUCING THE BARN BROS



GREETINGS

- "Kia ora, talofa lava, ni hao, hello" (introduce yourself, your name, a bit about yourself).
- "This session is brought to you by the Community Law Centre and The REP: the Rights Education Project".
- Introduce the Community Law Centre: Make sure everyone knows how to get to there – perhaps by drawing a map on the whiteboard.
- Introduce the REP.
- This module begins with an "icebreaker" to make it easier for participants to feel comfortable contributing to the workshop and for you to learn your students' names: don't forget them!

THE BARNYARD BROS

- The REP is based on some characters called The Barnyard Bros.
- Use either a hard copy REP Poster, the Powerpoint, or the Prezi show, to zoom in on the characters in this module, and to talk about what kind of animals they are.
- This Cars & the Law module mainly follows Sione as he buys a car, gets pulled over by the cops, and learns about driving offences like drink and drug driving and "boy-racer" laws...

SLIDE 2: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Community Law Centres

- We provide free legal advice, on most topics. You can see a lawyer, for free, on anything to do with employment, family, criminal, tenancy, debt, and beyond.
- Community Law Centres are situated throughout New Zealand and you can locate your nearest one at www.communitylaw.org.nz/your-local-centre/find-a-community-law-centre/. Make sure the class knows where to find their local Community Law Centre. For example: Your nearest Community Law Centre is in Wellington Central at 84 Willis Street Level 2 or in Lower Hutt at 59 Queens Drive. Come in and see us some time!

The REP – Rights Education Project

- We are a team of volunteer students keen to let you know your rights and responsibilities.
- We can present the law on a number of areas, but if you have anything you are particularly interested in, we are always open to new ideas!

Community Law Manual

- Have a look through the Traffic and Driving Law section in Chapter 29 of the Community Law Manual.
- Check out a hard copy at your Community Law Centre or look up the online version: www.communitylaw.org.nz.

Meet the Barn Bros in this Module

- **SIONE THE SHEEP:** Sione is a happy, sensible sheep with a lot of get up and go. Like all of us, Sione sometimes gets into trouble, but unlike most of us, Sione doesn't ignore his problems. He's always up for trying to get justice for himself and his mates.
- **FRANK THE PIG:** Frank is a corporate hotshot who's always looking for the next business deal. He's rumoured to be a bit of a money shark around the farm. He's dodgy and doesn't care if people get hurt.
- **DOUGY THE DOG:** Dougy gets up to all sorts of mischief, and is always trying to pressure his friends into doing the same. He's a thrill seeker, and often doesn't realise that what he's doing is hurting the animals around him.
- **CHAZ THE COW:** Chaz is a chiller. He's a cool guy who makes the hens weak at the knees. He's into skateboarding and hanging out with friends. Chaz is always trying to do the right thing but he doesn't always make the best decisions. Sione often has to dig Chaz out of trouble.

SLIDE 3: CONTENT OF MODULE



STORYLINE

- Use the storylines provided to ground each section of the module. Take turns reading out the storyline before starting the next game. The idea is to explain what the characters are up to in the slides – to give the class something to look at and think about while everything else is going on.
- “Sione has just passed his restricted licence test. Now that he is allowed to drive by himself, Sione has decided to learn about what his rights are when buying a car, his responsibilities as a driver and what could happen if he gets into trouble with the Police while driving.”

THIS MODULE WILL COVER

- Take a moment to explain the content of each of the four sections in your own words.
- Write this on the board if you think it will help ground the class.
- Let the class know how long each section will take. There are four games, with each game taking around 10-15 minutes.
- The material you will cover is:
 - o Traffic offences & penalties
 - o Drink & drug driving
 - o Street racing
 - o Buying a car

ICEBREAKER: “STOLEN CARS”

- The idea of this icebreaker is to encourage participation and to introduce the class members. Work hard to remember the names of everyone in the class.
- Ask the class to say their name and have a guess at the make and/or model of the top 5 stolen cars. (This was between Jan 2009 – Dec 2012, checked Jan 2015).
 1. Honda Torneo
 2. Subaru Impreza
 3. Subaru Forester
 4. Subaru Legacy
 5. Nissan Skyline
- Alternatively, ask for a favourite tv show about cars. For example, Top Gear, Pimp My Ride.
- Reward any correct answers with chocolate.

SLIDE 4: TRAFFIC OFFENCES & PENALTIES



STORYLINE

- “Sione bought a new car a week ago. He was driving home after work last night when he got pulled over by the Police for a random breath-test. Sione has heard that the Police can pull you over for any reason... His mate Chaz the Cow wanted a lift home, and Sione was relieved that he had said that he wasn't allowed to drive him without a full-licence driver in the front seat...”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Police powers and your rights
- Driving offences
- Infringement offences
- Minor driving offences
- Serious driving offences
- Penalties

GAME #1: “OFFENCE Pictionary”


Presenters:

- Get the class into groups and ask them to give their group a name of their favourite car. For example, The Ferraris
- Hand out the “Offence Pictionary” worksheets to each group.
- One person from each group takes a turn to go up to the front to get the offence they will be drawing. Presenters must write this down to prevent cheating. From the moment they hear what it is, they are not allowed to say a word.
- Their team then has to figure out what the offence is which they are trying to draw. The penalties for the offence in the second column are intended as clues...
 - o Reward the drawer and person who guesses the offence with chocolate
 - o No chocolate at all for cheating

CARS & THE LAW GAME #1: OFFENCE Pictionary ANSWERS

PICTURE	PENALTY
NOT WEARING A SEATBELT	<p>FINE OF \$150 TO ANYONE IN THE CAR OVER 15 YEARS OLD.</p> <p>1. OFFENCE: <u>NOT WEARING A SEATBELT</u></p>
TEXTING WHILE DRIVING	<p>FINE OF \$80 AND 20 DEMERIT POINTS.</p> <p>2. OFFENCE: <u>TEXTING WHILE DRIVING</u></p>
DRUNK DRIVING	<p>UNDER 20 YEAR OLDS ARE NOT ALLOWED TO HAVE ALCOHOL. IF YOU ARE CAUGHT YOU GET AN INFRINGEMENT FINE OF \$200 AND 50 DEMERIT POINTS.</p> <p>4. OFFENCE: <u>DRUNK DRIVING.</u></p>
DRIVING WITH PASSENGERS ON LEARNER'S LICENCE	<p>35 DEMERIT POINTS AND A \$100 FINE</p> <p>5. OFFENCE: <u>DRIVING WITH PASSENGERS ON YOUR LEARNER'S LICENCE</u></p>
SPEEDING	<p>FINE FROM \$30 FOR LESS THAN 10KM OVER TO \$630 FOR SPEEDS UP TO 50KM OVER.</p> <p>3. OFFENCE: <u>SPEEDING</u></p>

CARS & THE LAW GAME #1: OFFENCE Pictionary

PICTURE	PENALTY
	<p>FINE OF \$150 TO ANYONE IN THE CAR OVER 15 YEARS OLD.</p> <p>1. OFFENCE: _____</p> 
	<p>FINE OF \$80 AND 20 DEMERIT POINTS.</p> <p>2. OFFENCE: _____</p>
	<p>INFRINGMENT FINE OF AT LEAST \$200 AND 50 DEMERIT POINTS.</p> <p>4. OFFENCE: _____</p>
	<p>35 DEMERIT POINTS AND A \$100 FINE.</p> <p>5. OFFENCE: _____</p>
	<p>FINES FROM \$30 TO \$630 AND DEMERIT POINTS.</p> <p>3. OFFENCE: _____</p>

SLIDE 4: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Police powers

- Police have more powers in relation to drivers than in most other situations.
- Police can stop you at any time, if you're driving or riding a car, motorcycle, bicycle or other vehicle for example, for a random breath-test.
- You **MUST** give them your name, address, date of birth, the name of the car's owner (if it's not your car) and show them your driver's license. They can also ask for your telephone number and occupation. If you refuse, you can be arrested.
- The Police can stop you for as long as is reasonably necessary to get the information they need from you. The maximum amount of time they can stop you to establish your identity is 15 minutes.
- They can also search your car, if they think you might have drugs or a weapon or if they have a search warrant.

Driving offences

- Driving offences include:
 - Infringement offences: common offences such as parking, speeding, and some under-20 drink driving
 - Minor driving offences : offences (other than infringement offences) where the maximum monetary penalty is \$2,000 or less and there is no possible penalty of imprisonment but they can involve disqualification
 - Serious driving offences where the maximum monetary penalty is more than \$2,000 (and for some offences up to \$20,000), or where a sentence of imprisonment may be imposed - there is also often a possible or automatic penalty of disqualification, for example, careless, dangerous and reckless driving
- Note: We will talk about drink and drug driving charges and "boy-racer" charges in the following sections.

Infringement offences

- Driving without a current/valid licence:
 - The penalty is an infringement fine of \$400, being forbidden to drive by police, having your vehicle seized on the roadside and impounded for 28 days, being declined vehicle insurance/insurance claim declined., and receiving a fine of up to \$4000 if summoned by the court
- Not wearing a seatbelt:
 - The penalty is an infringement fine of \$150
- Speeding:
 - The penalties for speeding vary between \$30 for speeds less than 10km/h over the limit, to \$630 for speeds up to 50km/h over the limit.
 - In addition to a fine, you will also incur demerit points for speeding offences not recorded by speed cameras
 - If your speed is more than 40km/h above the speed limit you can get a 28 day licence suspension, and at more than 50km/h over the limit they may be charged with careless, dangerous or reckless driving
- Using a hand-held cellphone while driving:
 - The penalty is and \$80 fine and 20 demerit points
- Running a red light:
 - The penalty is a \$150 infringement fine and 20 demerit points

Minor driving offences

- Exceeding the speed limit by more than 50km p/h:
 - The penalty is a \$630 fine, a 28 day license suspension, and you can also be charged with careless, dangerous or reckless driving

Serious driving offences

- Careless or inconsiderate driving (can include motor vehicles, bikes, skateboards, etc.): it is an offence to drive a vehicle on a road carelessly or without reasonable consideration for other people using the road. The test is whether the driver failed to exercise the degree of care and attention that a reasonable and prudent driver would exercise in the circumstances, having regard to the actions of each of the motorists involved.
 - The maximum penalty is a fine up to \$3,000 and you can also be disqualified from holding or obtaining a driver

licence for such period as the court thinks fit

- o If the careless driving caused injury or death, the maximum penalty is a prison term for up to 3 months, or a fine up to \$4,500, and automatic disqualification for at least 6 months
- o If you were speeding or breaking road rules and caused injury, you will be charged with “aggravated careless use of a vehicle causing injury” - the maximum penalty is a fine up to \$10,000 and automatic disqualification for at least 1 year (the court will balance the seriousness of the consequences and the degree of carelessness)
- Dangerous or reckless driving: it is an offence to a) drive a vehicle recklessly (you were aware of the potential danger and continued to drive in this manner despite knowledge of the possible consequences), or b) in a way that is or could be dangerous to the public generally or to any individual. You must be proven to have driven with knowledge of the circumstances which made the driving dangerous, but need not have thought about the danger.
 - o The maximum penalty is a prison term for up to 3 months or a fine up to \$4,500 and automatic disqualification for at least 6 months
 - o If the dangerous or reckless driving caused injury, the maximum penalty is a prison term for up to 5 years, or a fine up to \$20,000, and automatic disqualification for at least 1 year
 - o If the dangerous or reckless driving caused death, the maximum penalty is a prison term for up to 10 years, or a fine up to \$20,000, and automatic disqualification for at least 1 year
 - o This increase in penalty was made in May 2011 to toughen sanctions for serious or repeat drink driving offenders by doubling the maximum period of imprisonment from five to 10 years for drunk, drugged, dangerous or reckless drivers who cause death (offending of this nature which causes death may instead be charged as manslaughter)
- Failure to stop:
 - o If you are unaware that an accident has occurred, you commit no offence by failing to stop
 - o A further defence to a charge of failure to stop is “reasonable excuse”. For example, if you sustain injuries in an accident which prevent you from ascertaining whether there were other injuries this may constitute a defence

Penalties

- Demerit points: are allocated in various amounts to different offences. If you accumulate 100 or more demerit points in any two-year period, the NZTA must suspend your licence for 3 months, or if you do not hold a current driver’s licence, disqualify you from holding or obtaining a licence for 3 months. Demerit points will be cleared from your record if you do not commit any offences attracting demerit points for two years, or you are disqualified from holding or obtaining a driver’s licence for at least 6 months.
- Note: Demerit points are effective from the date offence was committed, rather than the date of conviction
- Disqualification: means that you are prohibited from holding or obtaining a driver licence. If you are disqualified, your licence is suspended for the disqualification period. If you hold several licences (for example, car and motorbike) disqualification only applies to the licence which you were using during the offence. Any period of disqualification must not be more than 3 years, except where there is a conviction of manslaughter, in which case the court may disqualify the driver for any period it thinks fit. If you drive while disqualified your car will be impounded for 28 days.
- Suspension: means that licence is of no effect and the licence holder is prohibited from driving under that licence.

Limited Licences

- If you are disqualified or suspended from driving, you may apply for a limited licence, unless you:
 - o Are indefinitely disqualified
 - o Are disqualified from driving a vehicle used in a transport service
 - o Are disqualified because of driving while disqualified or contrary to a limited licence
 - o Have been disqualified in the past five years for reckless or dangerous driving, careless or inconsiderate driving causing injury or death, failing to stop after an accident, or driving offences involving alcohol or drug
 - o Have applied for or obtained a driver licence while disqualified from doing so
- You must wait 28 days from the date the order of disqualification to apply if you were disqualified in court rather than for demerit points.
- The court may make an order authorising you to drive to the least extent necessary. The court must be satisfied that the disqualification or suspension has resulted, or will result, in:
 - o Extreme hardship to the applicant (such as job loss and employment prospects)
 - o Undue hardship to a person other than the applicant (may also include hardship suffered by other family members because of the applicant’s inability to drive)
 - o The order is not contrary to the interests of public safety

SLIDE 5: DRINK & DRUG DRIVING



STORYLINE

- "Sione has been invited to a party on Friday night, but it is a bit out of town. His mates really want him to drive them all out as he's the only one with a car. Dougy has told Sione that he can only get in trouble for drink-driving so has offered to get him some weed instead. But Sione has seen some TV ads which make him think that when he drives, he should always be completely sober... "

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Over the limit and under the influence
- Compulsory impairment test
- Breath testing
- Blood tests

GAME #2: "DESIGN YOUR OWN AD CAMPAIGN"

Presenters:

- If you have internet access, show the class two or three drink and drug driving adverts and facilitate a discussion using the questions on the following page. Let the class know that they will get to make up their own campaign soon!
 - o <http://www.youtube.com/watch?v=dIYvD9DIIZA>
 - o <http://www.youtube.com/watch?v=URhtApAjknQ&feature=c4-overview&list=UUafJKmCl3OEqD7p7W7uV0ig>
 - o <http://www.youtube.com/watch?v=0UbARVx-cq8>
- If you have no internet access, find out who has seen the "Ghost-chips" ad, or any ads to do with drink driving to facilitate discussion using questions on the next page.
- Divide the class into groups and hand out the "Design Your Own Ad Campaign" worksheets.
- Let them know they will be asked to present/re-enact their ad or ideas at the end of this section.
- Explain that NZTA are always open to receive youth-focused ideas after the success of "Ghost-chips", so if they come up with a good idea, they could send it in!
- For your ad campaign you will need to come up with:
 - o Characters
 - o Plot
 - o Cool catch-phrases: "I've been internalising a really complicated situation" and "Bro, Monique thinks you're dumb"
 - o Message: Stop a mate from your driving drunk.....LEGEND!

CARS & THE LAW GAME #2: AD CAMPAIGN DISCUSSION

Discuss the “Ghost Chips” ad with the class using the following questions (or make up your own!):

Questions	Potential Answers
What was the message that they were trying to get across?	Stop your mates from drink-driving
Why do you think it was so popular?	Aimed at youth/humour
What’s the problem the ad deals with?	Drink driving
Whose problem is it?	All ages - not only youth. Although more than 40% of all drink-driving crashes involve drunk drivers under the age of 24 years.
What do they do and why?	Party and drink - then drive - money restrictions - peer pressure - don’t want to look like a “dick” and geographic restrictions
What should they do?	Not drink and drive! Tell their mates not to drink and drive. Find other safe ways to get home. Talk about it
What should other people do?	Be the person who encourages them not to and talk about it
What do cops do? What should they do?	Perhaps not penalise a sober driver who is on their restricted licence for driving drunken people home?
What does the law say about it?	If you’re under 20 and have had a small amount to drink, you can get a \$200 fine and 50 demerit points. If you have had more to drink, you will be automatically disqualified and receive a fine of \$2250 or a prison term of up to 3 months.
What situation best shows it?	For “Ghost chips” it is a party scene, people drinking/ drunk, girls etc.

CARS & THE LAW GAME #2: DESIGN YOUR OWN AD CAMPAIGN...



For your ad you'll need to come up with.....

Characters:

Plot:

Cool catch-phrases:

Message:

SLIDE 5: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

Over the limit and under the influence

- It is an offence to drive or attempt to drive a vehicle while under the influence of alcohol or drugs to the extent that you're incapable of properly controlling the vehicle.
- How many alcoholic drinks you can have before you reach these limits depends on many factors, including: whether you are male or female, your size, and how much food you have eaten.

Over 20 limits and penalties

- As of 1 December 2014, if you're 20 or older, you must not drive or attempt to drive while your breath-alcohol level is more than 250 micrograms (mcg) per litre of breath or your blood-alcohol level is more than 50 milligrams (mg) per 100 millilitres (ml) of blood.
 - If a breath screening test shows you have more than 250mcg of alcohol per litre of breath, you will be asked to take an evidential breath test usually in a booze bus or at a police station. If you fail an EBT between 251-400mcg of alcohol per litre of breath, you receive a \$200 infringement fee and 50 demerit points. You will likely be forbidden to drive for up to 12 hours and have no option to elect an evidential blood test
 - The penalty for the first or second conviction for general alcohol/drug-driving offences is a prison term of up to three months or a fine of up to \$4,500, and automatic disqualification for at least six months
 - The penalty is usually more severe for a third or further conviction for any of these offences, whether or not it is the same offence, and is a prison term of up to two years or a fine of up to \$6,000, and automatic disqualification for at least one year
 - You may be subject to an 3 month driver licence suspension if you accumulate 100 or more demerit points from driving offences within two years
 - Police officers must immediately suspend your licence for 28 days if an evidential breath test or blood test shows that you were driving with a breath-alcohol level of more than 650mg per litre of breath, or a blood-alcohol level of more than 130mg per 100ml of blood, you have a previous conviction for a drink or drug-related driving offence within the last four years and are over the limit, or you failed/refused to undergo a blood test
 - At sentencing, if the court is required to impose a mandatory disqualification, the court has a discretion to not impose the mandatory minimum disqualification if, for special reasons relating to the offence, it thinks fit to do so, for example, driving in an emergency, or driving to escape an imminent assault

Under 20 limits and penalties

- If you're under 20, the alcohol limit is zero. You must not drive or attempt to drive while your breath contains any alcohol at all or your blood contains any alcohol at all, as shown by a blood test.
 - That means if you drive after consuming even one drink you can be charged with drink driving
 - Penalties for drivers under 20 who breach the zero-alcohol limit: if you have an alcohol level of less than 150mcg per litre of breath and less than 30mg per 100ml of blood you could be fined \$200 and given 50 demerit points
 - If your alcohol limit is higher, the penalty is automatic disqualification for at least 3 months, and either fined up to \$2250 or given a prison term of up to 3 months

Drugs and limits

- It's also an offence to drive a vehicle when you're "impaired" and a blood test shows you had been using any of the following drugs or medicines:
 - Class A drugs, such as heroin, cocaine, LSD, methamphetamine (P) and the form of ecstasy called MDMA
 - Class B drugs, such as amphetamines (speed), morphine, opium, hash (cannabis resin), hash oil (cannabis oil), fantasy, and the form of ecstasy called MDMA
 - Class C drugs, such as cannabis, BZP (the psychoactive ingredient in most "party pills") - some Class C drugs are excluded, for example the pharmaceutical drugs codeine and pseudoephedrine
 - Prescription medicines

Compulsory impairment test

- If an enforcement officer has good reason to suspect that a person has taken drugs, they can require the person to have a compulsory impairment test in any of the following situations:
 - When the person has been driving or attempting to drive
 - When there is good reason to suspect the person has recently committed a driving offence
 - When the person has been in a driving accident (even if the person was not the driver, if the officer cannot work out who was driving)
- A compulsory impairment test involves checking that your eyes are functioning normally, getting you to walk in a straight line and then turn, and getting you to stand on one leg.
 - It is an offence to refuse to have a compulsory impairment test when you're required to. If you fail the test or refuse to have it, the Police can require you to have a blood test
 - The results of the blood test can't be used in a prosecution for drug use under the Misuse of Drugs Act 1975
 - It is also an offence to drive or attempt to drive when a blood test shows use of any Class A drugs, even if you're not impaired

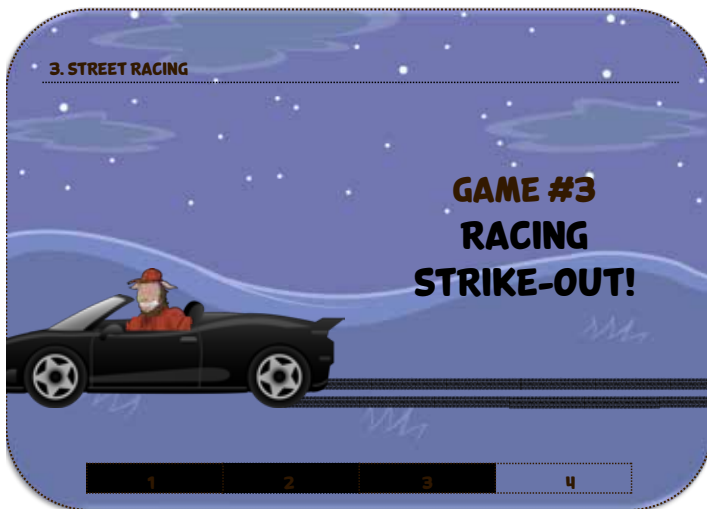
Breath testing

- You can be stopped by the police and breath-tested at any time. It is an offence to not go with an officer if you fail a road-side breath test.
- Passive test: The police officer will place a hand-held device in front of your mouth and ask you to talk into it. This will show if you have recently drunk any alcohol. If any alcohol is detected, a breath screening test will be required. A driver can refuse to have a passive breath test, but can then be asked to undergo a breath screening test.
- Breath screening test: The driver is required to breathe into a device to provide a sample of breath for analysis. If the breath screening test is positive or the driver fails it or refuses to take it without delay, the enforcement officer will require the driver to undergo an evidential breath test, a blood test, or both. At this stage, the driver should be advised of their rights to consult and instruct a lawyer.
- Evidential breath test: This is an electronic device you blow into, which gives a reading that can be used in court as evidence of your breath-alcohol concentration. If the driver is aged 20 or older, and the test shows that the level of alcohol in their breath is over 250 mcg per litre of breath, it is considered positive. If the driver is under 20 years of age, no amount of breath alcohol is allowed. You will have committed an infringement offence and be fined or given demerit points.

Blood tests

- If the result of your evidential breath test appears to be positive, you have the right, within 10 minutes of being advised by an enforcement officer about the result and the conditions of the admissibility of the test, to elect to have a blood test to assess the proportion of alcohol in your blood. A blood-test may be required if:
 - You fail or refuse to undergo an evidential breath test without delay
 - No evidential breath testing device is available
 - You have been arrested for suspected driving under the influence of alcohol or drugs, and either a doctor has examined you and believes you are under such influence, or you refused to be examined by a doctor for an assessment
 - You have failed to satisfactorily complete a compulsory impairment test and there is good reason to suspect that you have taken drugs
 - You produced a positive evidential breath test and elect to undergo a blood test to assess the proportion of alcohol in his or her blood
- A blood test must be taken by a doctor or, in some circumstances, by an authorised nurse.
- If you are in hospital as a result of a motor vehicle accident, breath tests are not permitted but blood samples may be taken whether the driver consents or not, or when the driver is incapable of giving consent (for example, they are unconscious). Normally the blood sample is divided into two parts and the driver can subsequently request an independent analysis of one of those samples.

SLIDE 6: STREET RACING



STORYLINE

- “Sione’s mates have been hassling him to chill out and have some fun by doing some donuts or burnouts. He has heard about this “boy-racer” law which would get his new car crushed if he was caught doing that three times. He really likes his new car, and as much as he thinks it would be fun, really doesn’t want to get his car crushed...”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- Street racing
- Offences and penalties
- Confiscating and crushing cars
- Car modifications

GAME #3: “RACING STRIKE-OUT!”

Presenters:

- This game is similar to baseball.
- In the same groups, ask each group to decide on a car buzzer noise for example, beep or crash.
- Every group nominates a driver to represent them.
- Explain the following rules of the game to the class:
 - The drivers of each group stand in one corner of the room
 - The presenter asks the questions on the following page and the teams buzz in to answer
 - The first team to buzz in gets one attempt to answer it - If they get the answer correct, their driver moves to the next corner, if they get it wrong, the presenter asks the question again, and the other teams buzz in again for a chance (and so on)
 - The presenter keeps a tally of wrong answers - If a group gives three wrong answers throughout the game, they strike out and their car gets crushed!
 - A team wins when their driver returns home to the original corner of the room after stopping in the other 3 corners along the way
 - The first team back to home base wins chocolate

CARS & THE LAW GAME #3: RACING STRIKE-OUT!

QUESTION	ANSWER
1. Dougy the Dog is a “boy racer”. What does that mean?	<ul style="list-style-type: none"> • This means racing (by both boys and girls!) • “Displaying unnecessary speed or acceleration” deliberately and in front of others • Deliberately or intentionally doing a wheel spin • Intentionally spilling oil or petrol on the road (sometimes people do this to accelerate donuts etc)
2. Sione the Sheep is 17. How much alcohol is he allowed to have and still drive?	<ul style="list-style-type: none"> • Under 20 - zero alcohol tolerance limit • When over 20 - 250mcg per litre of breath and 50mg per 100ml of blood • How many drinks before the limit depends on many factors, including: whether you are male or female, your size, and how much food you have eaten
3. Dougy got caught txtng and driving. How much was the fine?	<ul style="list-style-type: none"> • An \$80 fine and 20 demerit points.
4. Sione and Dougy are at a red light waiting for it to turn green to RACE each other, is this illegal?	<ul style="list-style-type: none"> • YES, racing your car or putting on a display of unnecessary speed or acceleration is an offence, even if you’re driving within the speed limit
5. What is the penalty for Dougy showing off to his mates by accelerating unnecessarily fast? Hint...Fine? Prison time? Loss of license?	<ul style="list-style-type: none"> • Maximum penalty three months’ prison or a fine of up to \$4,500 <p>AND</p> <ul style="list-style-type: none"> • Automatic disqualification for at least six months
6. What is the maximum amount of prison time that Dougy will get if he is illegally street races and injures someone? Hint...its between 1 – 6 years!	<ul style="list-style-type: none"> • First of all you’re in serious trouble! The maximum penalty is a prison term of up to 5 years, or a fine up to \$20,000, and an automatic disqualification of at least 1 year.
7. What can happen to Dougy’s car if he is convicted of 3 “street racing” related charges?	<ul style="list-style-type: none"> • It can be crushed! • Do any of you remember in 2012 when the first person’s car was crushed and the minister stood on top of the car? He had committed 4 driving offences and “Less than three hours after receiving his third strike from the court, he was back behind the wheel, did a ‘burn out’, lost control and crashed into a fence.”
8. Dougy lost his licence! It is illegal for him to drive without it and if so how much is the fine?	<ul style="list-style-type: none"> • \$400 fine • Note: If you are in an accident, your insurance claim may be denied if you were driving without a current licence
9. What is a LVV certification and how much will it cost you?	<ul style="list-style-type: none"> • LVV stands for Low Volume Vehicle Certification • Your car has to be checked by a LVV certifier that your modifications meet the specified standards. • This will cost between \$250 - \$800, depending on extent of the modifications.
10. Dougy is thinking about smoking some weed but knows that he has to drive home. What would happen if he drives after taking drugs?	<ul style="list-style-type: none"> • If no one is injured, or you fail or refuse to do the drug impairment test the maximum penalty for first time offences is a prison term of up to 3 months, or a fine up to \$4,500 and an automatic disqualification of at least 6 months • If you cause injury or death, the maximum penalty is a prison term of up to 2 years, or a fine up to \$6,000 and an automatic disqualification of more than one year
11. What if Dougy drives your car and is caught street racing?	<ul style="list-style-type: none"> • Your car will be impounded for 28 days even if it wasn’t you driving • You’ll also get a green sticker, which means that after you get your car back you won’t be allowed to drive it anywhere except to get a new Warrant of Fitness

SLIDE 6: BACKGROUND NOTES

Learn this information and integrate it into your teaching. Don't read it out word for word!

Street racing

- In legal terms, this means racing, displaying unnecessary speed or acceleration, or doing a wheel spin.
- These offences must be intentional and deliberate. For example, an accidental loss of traction would not be intentional, whereas speeding down the main street on a Friday night could be deliberate and in front of others.

Offences and penalties

It is an offence to:

- Race your car or put on a display of unnecessary speed or acceleration, unless you're driving within the speed limit and not committing any other offences.
- Make your vehicle do a wheel-spin (what the Land Transport Act calls causing a vehicle "to undergo a sustained loss traction") without a reasonable excuse.
 - o The maximum penalty is a prison term of up to 3 months, or a fine of up to \$4,500 and automatic disqualification for at least 6 months.
 - o The Police must also seize and impound your car for 28 days

It is a further offence through committing one of those offences you:

- Cause injury to another person.
 - o The maximum penalty is a prison term of up to 5 years, or a fine up to \$20,000, and an automatic disqualification of at least 1 year
- Cause the death of another person.
 - o The maximum penalty is a prison term of up to 10 years, or a fine up to \$20,000, and an automatic disqualification of at least 1 year
 - o Street-racing activities could also lead to charges of dangerous, reckless, careless or inconsiderate driving.

It is also an offence to:

- Intentionally pour, or allow to spill onto a road any petrol, oil, diesel fuel or similar substance on to the road.
 - o The maximum penalty is a fine up to \$3,000

Confiscating and crushing cars

- The courts can confiscate (permanently seize) your vehicle if you're convicted of street-racing or wheel-spins, or of some other offences that are increasingly associated with "boy-racing", such as failing to stop and give your details when required to by the Police.
 - o If you're charged with a traffic offence and your vehicle is likely to be confiscated if you're convicted, the Police can prevent you selling it before your case is decided
 - o If you repeatedly use someone else's vehicle (for example, your parents') to commit traffic offences for which a vehicle can be confiscated, the courts can confiscate that vehicle from the vehicle's owner (called a "substitute" for you), even though it was you who committed the offences
- The Vehicle Confiscation and Seizure Bill came into effect in December 2009. It means that if you are caught street racing or wheel spinning three times (kind of like being given three strikes) in four years, your car can be confiscated and destroyed.
- Cars to be crushed are purchased from the Government by the wrecking company and stripped prior to crushing. The company can then recoup its costs by selling salvageable parts.

Car Modifications/LVV certification?

Depending on what modifications you get, you may need to get LVV (Low Volume Vehicle) Certification.

- A list of LVV certifiers can be found here: <http://www.lvvt.org.nz/contact.html#certifier>.
- The certifier will check the modifications (this costs between \$250 – \$800). If the modifications meet the specified standards, the certifier will arrange for you to get an LVV certification plate, which will be attached to a permanent part of your vehicle – this must be fitted within 2 months of getting certified. Without the plate, you can't legally drive your car on the road.
- Once you have the certificate, you will then be able to get a warrant of fitness (WOF).

SLIDE 7: BUYING A CAR



STORYLINE

- “Stone is saving up to buy his own car. He wants to make sure he buys a reliable car and so is starting to look into how to save up, the best way to pay, his rights when buying from Frank the Pig and how to make sure he is getting a good deal...”

THIS SECTION AIMS TO BRING OUT THE FOLLOWING IDEAS

- The right price
- What to check before you buy
- Buyer protections
- Car registration and vehicle licencing
- Insurance

GAME #4: “BUYER BEWARE”

Presenters:

- There is scenario below which you and the other presenter (or two student volunteers) will act out.
- After the role-play about registered car dealers, facilitate a discussion around what sounded dodgy from the seller and the key things buyers should always be aware of when buying a car.

CARS & THE LAW GAME #4: BUYER BEWARE

Presenters read to set the scene:

“A new car yard has moved in down the road, there are lots of signs advertising cheap cars and easy loans. The new car yard claim to be a registered car dealer, so they must be legit, right? Sione the Sheep is checking out a cool car at the new dealership and Frank the Pig is trying to push for his first sale in his new job.”

Role-Play:

Frank the Pig: Hey there, can I help you today?

Sione the Sheep: Hmmmm maybe, this car looks pretty siiiiiick.

Frank: I can offer this car to you for an UNBEATABLE price, nowhere else in town will be able to do this for you. I can give this to you for a cheap \$7000 CASH.

Sione: \$7000 Cash? I don't have that kinda money... I only have about \$1000 in savings.

Frank: If you can't afford this money right now, we can sort something out for you, we have cheap interest rate loans we can offer you through our very good friends “The Friendly Loan Sharks” which is a finance company down the road, who can put together a credit contract, if you pay \$1000 up front you can pay the rest back at a 10% interest rate....pretty good if you ask me. Why don't I ring them and set up a time for you to go down there and have a chat about a loan?

Sione: WOW really? So how much per week does that work out to?

Frank: Oh its per month, not sure how much it works out to weekly off the top of my head, but I think it's a pretty good deal. As soon as you sign up and give us the \$1000 the car is all yours to take. MOVING ON - this car has only had ONE other owner before in its life time.

Sione: Does it have a current warrant of fitness?

Frank: It doesn't have a current warrant of fitness, it's only just expired though, but I'm sure it will be fine to get another one, no problem.

Sione: Umm my mum has said that all cars which are being sold, should have something called a Consumer Information Notice, I can't seem to see it on the car anywhere.

Frank: The Consumer Information Notice isn't currently on this car as it's just come into the dealership so we haven't had time to print it out, but you can trust me that this car is a keeper! And I'm sure we can print it off for you if you buy it.

Sione: Umm okay then, has the car got a current rego?

Frank: Yes it does, I think it's about to run out though in a couple of months.

Sione: Do you know who the last owner was? Have all the debts been cleared on the vehicle?

Frank: Of course, we wouldn't be selling it otherwise!

Sione: Cool, well I might just have a think about it at the moment, not sure if I can really afford it...

CARS & THE LAW GAME #4: BUYER BEWARE

Discussion

First ask the class what things were wrong with this conversation?

- Check whether the interest rate is per year, per month or per week! This can make a huge difference! E.g. 15% on a \$6,000 loan (because you would've paid \$1000 up front) = \$900 per month = \$10,800 over the period of one year if the interest rate is per month! So you've now paid \$3,800 more than the asking price. Sometimes lenders will give a "per month" or "per week" rate to make it sound lower.
- All motor vehicle traders must attach a Consumer Information Notice to every used vehicle they offer for sale. (Private sellers do not have to display a notice).
- Read the Consumer Information Notice carefully – it contains important information about the vehicle you're buying. If the notice is missing, inaccurate, not completed, or misleading you can report this to the Commerce Commission on 0800 943 600
- Check if money is owed on the vehicle: A previous owner may still owe money to a finance company for the vehicle. You can check whether money is owed on the vehicle by checking texting FIND (3463) with registration number, VIN and/or chassis number (cost \$3) to find out if there is any debt attached to the car. If you buy a vehicle knowing that money is owed on it, then the finance company could take the vehicle from you.
- Check the quality of the vehicle, although you may be entitled to a remedy from car-yard trader if the vehicle is faulty, its best to have the vehicle checked before deciding to buy it.
- Don't feel pressured into buying before you are really sure. If a trader tells you they're offering you a good deal compare the price of similar vehicles at other yards. Read carefully what you're signing, don't get caught out by signing something you haven't read properly.
- Remember to mention when you buy from a registered car dealer you have rights under the Consumer Guarantees Act and the Fair Trading Act (can't be misled by seller, must be of acceptable quality).

SLIDE 7: BACKGROUND MATERIAL

Learn this information and integrate it into your teaching. Don't read it out word for word!

The right price

- The consumer website (www.consumer.org.nz) has a car database with the prices you should be looking at for used models and new models. There is also a lot of other relevant info for example, how much petrol each model chews through.
- You have to be a member of the website to access some of the info, but Citizen Advice Bureaux have a membership and you can access the site through them for free.
- You can also check market prices on TradeMe and other adverts in newspapers and online.
- Need a loan to pay for the car? Get one from a bank, not the car dealer! You can get sucked into dodgy deals and credit contracts. If you can't afford to buy the car the first thing we suggest is SAVE UP. If you want to get a loan from a finance company, bank or car dealer, we suggest you complete this check list (<http://www.consumeraffairs.govt.nz/for-consumers/motor-vehicles/truecost/checklist-english.pdf>). The Consumer Affairs website has brilliant info on what you need to look out for when getting a loan for a car (<http://www.consumeraffairs.govt.nz/for-consumers/motor-vehicles>).
- Budgeting advice services can help you figure out how much you can afford to borrow (www.familybudgeting.org.nz).

What to check before you buy

- That the car isn't stolen: you can check on the police website for stolen vehicles (<http://www.police.govt.nz/stolen/vehicles>). You will need to have either the VIN (vehicle identification number – a 17 character number that identifies your car usually stamped into the vehicle somewhere – rear window, number plates), registration number or chassis number (is usually located on a metal plate in the engine compartment or stamped into the vehicle body).
- That the car has a current Warrant of Fitness (WOF) & registration. Legally the WOF must be less than one month old, otherwise you have to undertake in writing that you accept the WOF as is.
- That the car works: you can get a mechanical check from the AA for \$169 for non-members.
- That there's no money owing on the car: YOU MAY END UP BUYING THE DEBT!!! Text FIND (3463) with registration number, VIN and/or chassis number (cost \$3) to find out if there is any debt, for example fines, attached to the car.

Buyer protections

- You have different levels of legal protection depending on where you buy your vehicle from:

Registered Dealers	Private Sales (TradeMe, friends...)
<ul style="list-style-type: none"> • Rights under Consumer Guarantees Act (doesn't cover cars sold at auction) and Fair Trading Act 	<ul style="list-style-type: none"> • Don't have as much protection
<ul style="list-style-type: none"> • Unless you buy under auction on TradeMe where you're covered by the Sale of Goods Act 	<ul style="list-style-type: none"> • The Consumer Guarantees Act and Fair Trading Act DON'T APPLY
<ul style="list-style-type: none"> • Can't be misled by the seller 	<ul style="list-style-type: none"> • The Contractual Remedies Act may apply if: <ul style="list-style-type: none"> o The seller's statements are untrue
<ul style="list-style-type: none"> • Must be of acceptable quality 	<ul style="list-style-type: none"> o You were persuaded to buy the car because of what the seller said
<ul style="list-style-type: none"> • Provide Consumer Info Notice (CIN) 	<ul style="list-style-type: none"> o The seller's false statements have caused you to lose money

- The CIN gives you important info about a particular used car. You can compare this information with other cars you may be looking at, or use it to check everything is in order. On the back of the CIN there is also information about the rights you have as a consumer, and details about where to go if you have problems. When you purchase the car the trader must ask you to sign the CIN - as proof that they have provided it to you.
 - o For example:, in 2008 a motor vehicle trader who sold hundreds of cars on TradeMe was fined \$5590 for failing to display the CIN

Car registration and vehicle licensing

- Car registration is the process where a vehicle's details are added to the Motor Vehicle Register and registration plates are issued.
- Vehicle licensing (often referred to as "rego") is where you pay a regular fee to use your vehicle on public roads. The fee helps to pay for roading projects and road safety programmes. Your vehicle must be both registered and licensed for you to legally drive it on the road.

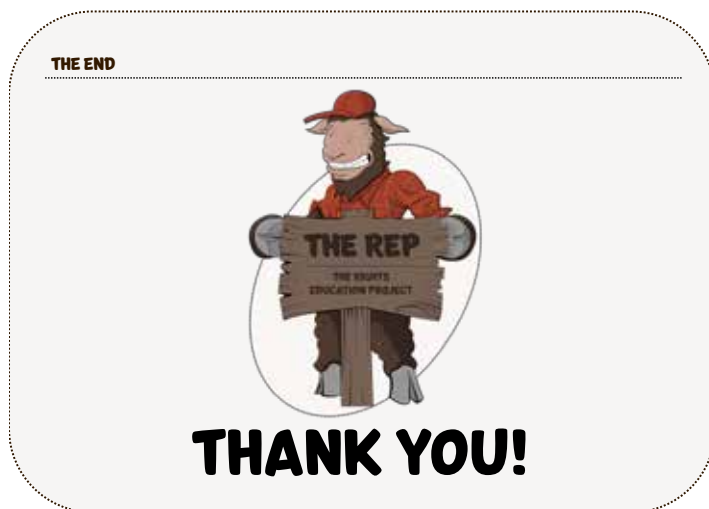
Insurance

- Third party insurance can include fire and theft. The cost depends on things like the car make, age, licence type, previous crashes. Shop around for insurance, get fee quotes and compare what is best for you.

What to do if things go wrong

- Licenced Motor Vehicle Dealer (LMVD):
 - o Talk to the trader first
 - o Motor Vehicle Dealer Tribunal you can make a claim up to \$100,000. It costs \$51.11 for you to do this.
 - o OR Disputes Tribunal where you can make a claim up to \$15,000 (or \$20,000 if both parties agree)
- Private Sale:
 - o Talk to the seller first
 - o If having a discussion goes nowhere then go to the Disputes Tribunal

SLIDE 8: CONCLUSION



WRAPPING UP

- Hand out the evaluation forms: make sure everyone fills one in (Note: explain that chocolate can't be their favourite part).
- Find your own way to wrap up the class: thank everyone for participating.
- Remember to link people in with the Community Law Centre if needed.
- Follow up on any questions or issues: bring the correct answers to your next class.
- Fill in tutor evaluation form between the two presenters.
- Have a rest