

THE REP: CARS

This education kit will help you facilitate a conversation with young people about their legal rights when driving and buying a car. It includes classroom activities, workshop slides and background legal notes. This workshop is designed to last between 1-1.5 hours.



community law

free legal help
throughout aotearoa



How to deliver a REP module

Use this information to inform your facilitation.

Kia ora! Thank you for being a REP volunteer. Your participation in The REP will help young Aotearoaians 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 their local Community Law Centre or YouthLaw.
- Use The REP modules as a way of talking about how Community Law Centres, other community-based services and lawyers can actually help. Learn about local support services available for youth in your area.
- 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 a Community Law Centre so they feel supported.

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 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, so focus on what the class wants to talk about. 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!

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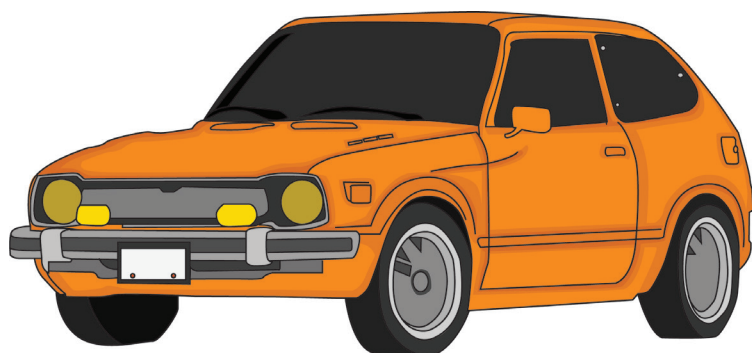
- Every group you work with will be different, with different levels of knowledge, different needs, and different expectations. Let the group both guide and teach you; work together to build a picture of how the law actually works in New Zealand.
- Try and get to the heart of the matter: talk about the real world, and the greater social implications of the law. You will get much more out of it, and so will your class.

Know the activities

- In general, everybody likes to know why they are here, whether it's relevant, and how long it will take. Take your time to signpost what the module is going to cover and the activities, by explaining or perhaps writing up a short plan on the board.
- These modules are structured so that all the important information can be covered through running the activities. The activities aim to get your class thinking about the issues being discussed and engage with them in a practical way.
- It is important to know and understand the way the activities 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 activities to us at The REP.

Know the law

- You need to be up-to-date with the area of law this module covers.
- That said, you are not expected to know everything! If you don't know an answer, a good technique is to reflect the question to the whole class or say you will find out and let them know. Remember, if you say you will find something out, make sure you do.
- 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 the manual online for the relevant chapters to this module here: www.communitylaw.org.nz.



- It's always helpful to have some relevant examples up your sleeve of how the law works in practice. If in doubt, check out the news, talk to your friends, family, teachers, or the lawyers and other kaimahi at your local Community Law Centre.

Know some different teaching styles

- Everybody learns differently. Very few people enjoy being lectured to!
- The activities in this module attempt to cater for different kinds of learners:
 - Some people like to visualise what they're learning (by seeing it written down, making a list or studying an image)
 - Other people need to hear things to take them in (maybe by listening to a story or using rhythm or sound as memory aids)
 - Some people learn by talking (by sharing with a neighbour or taking part in a discussion)
 - Other people prefer to learn while moving around (when up on their feet and active)
 - And others learn with their hands (getting creative, drawing or cutting things out)
- Work hard at improving your own facilitation practice so that everybody can get involved in the class.

From the outset, it is important to

- Establish a safe space. Be aware that the modules contain sensitive content. The key is how you leave the young people **feeling**, so make sure class members are comfortable at all times.
 - For example, if a young person blushes when answering a question, say "have a think about it" and move on to someone else or if a joke is made about a class member, divert the heat onto yourself
 - If you notice that a young person seems triggered, approach them quietly and one-on-one or flag it with their teacher
- Build rapport with the young people. Be respectful, honest and authentic. Young people have a lot of lived experience, so start with the assumption that they know more than you. If you give them the chance to step up, they will.
- Establish flexibility. There is no 'right' way to facilitate these modules. If the class is only interested in one topic, that's fine. Be responsive to your audiences' needs and their body language.
 - For example, if the energy is flat, mix the games up and start with an activity involving movement or with a pair exercise "talk to your neighbour about..."

- Make participation voluntary. Encourage everyone to be involved, but always ask for volunteers so no one is embarrassed by being singled out. Don't ask the young people to do anything you wouldn't do!
- Work with the teacher. Most classes are likely to have a teacher present during your session so check in before the class starts. If something disruptive happens, ask the teacher to step in.
- Have fun! If you're having fun, the class will have fun. Having funny anecdotes helps the class relate to the content and if the session is fun and interesting, young people are more likely to remember.

Evaluations

- Getting feedback is essential to improving The REP. Leave enough time at the end of the class to hand out and collect the evaluation forms. And remember to feed this back to us at The REP.
- Don't forget to fill in your facilitation 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)
- Facilitator notes
- Printing materials
 - Activity #1: 1 x per group
 - Activity #2: 1 x per group
 - Activity #4: 1 x per class
- Evaluations 1 x per class member
- Chocolate
- Community Law Centre flyers

Opening



THE REP: CARS



GREETINGS

- “Kia ora, talofa lava, nǐ hǎo, 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:
 - Community Law Centres 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
 - Make sure the class knows where to find their local Community Law Centre and how to contact YouthLaw. For example: “Your nearest Community Law Centre is in Wellington Central at 15 Dixon Street on Level 2 or Lower Hutt at 59 Queens Drive on Level 2. Come in and see us some time!” and “You can call YouthLaw on **0800 UTHLAW (0800 884 529)** to talk to someone who can help!”
 - Community Law Centres are situated throughout New Zealand and you can locate your nearest one at: www.communitylaw.org.nz/our-law-centres/
- Introduce The REP:
 - We are here to let you know your legal rights and responsibilities. We 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!

Icebreaker



INSTRUCTIONS

- This module begins with an 'icebreaker' to make it easier for participants to feel comfortable contributing to the workshop.
- 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.
- This icebreaker introduces The REP: Cars module by asking the class members to say their name and a fun fact about them.
- Ask the class "If you were a car, what would you be?"
- Start off by introducing yourself and what car you would be (for example, a blue one, a smart car or red mustang).

SECTION 1

Driving offences

OFFENCE Pictionary



ACTIVITY #1 INSTRUCTIONS

- Divide the class into groups and ask each group to come up with a team name for example, the Ferraris.
- Hand out an 'Offence Pictionary' worksheet to each group.
- Each group member takes a turn going to the facilitators to be shown the offence they will go back to their group to draw.
- From the moment they know what the offence is they must be silent – no chocolate for talkers!
- Each drawer then has two minutes to draw the offence and their team has to figure out what the offence is. The penalties in the second column are intended as clues...
- If a group guesses the offence in the time limit, reward the group member drawing and group member who guesses the offence with chocolate.
- Start the next round!

ACTIVITY #1

Offence Pictionary

OFFENCE

PENALTY

1. Offence: **Not wearing a seatbelt**

Fine of **\$150** to anyone in the car over 15 years old

2. Offence: **Texting while driving**

Fine of **\$80** and **20 demerit points**

3. Offence: **Drunk driving**

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**

4. Offence: **Driving with unauthorised passengers**

35 demerit points and a **\$100** fine

5. Offence: **Speeding**

Fine from **\$30** for less than 10km over to **\$630** for speeds up to 50km over

LEGAL NOTES

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

Police powers

- Police have more powers in relation to drivers than in most other situations.
- If you're driving a car or riding a motorcycle (the law says motor vehicle, so this doesn't include a bicycle), the police can stop you at any time 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 licence. 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.
- The police can only search your car if:
 - You give the police permission to search
 - They think you might have drugs, weapons or stolen goods
 - If they think you're committing a crime or about to commit a crime
 - They have evidence that you have committed a crime
 - They have a search warrant

Driving offences

- Driving offences include:
 - Infringement offences: the most common and least serious type of offences that do not result in a criminal record
 - Category 1 offences: these are fine-only offences but do give you a criminal record if convicted
 - Category 2 & 3 offences: these are serious driving offences where a prison sentence may be imposed
- See the next sections for drink and drug driving and 'boy-racer' charges.
- Remember to visit your local Community Law Centre for advice and YouthLaw may be able to help you as well!

Infringement offences

- The NZ Road Code is full of road rules that you can be fined for if you break. These are called infringement offences and penalties apply.

- Driving without a supervisor on a Learner Licence:
 - The penalty is 35 demerit points and an infringement fine of \$100
- Driving without L plates on a Learner Licence:
 - The penalty is 25 demerit points and an infringement fine of \$100
- Driving after 10pm on a Restricted Licence:
 - The penalty is 35 demerit points and an infringement fine of \$100
- Driving passengers (who are not your spouse, children under your care or your parents/guardians) on a Restricted Licence (with no supervisor):
 - The penalty is 35 demerit points and an infringement fine of \$100
- Driving a manual vehicle on a Restricted Licence for an automatic vehicle:
 - The penalty is 35 demerit points and an infringement fine of \$100
- Driving without your licence on you:
 - The penalty is an infringement fine of \$55, however you are more likely to be asked to visit a police station within 72 hours to prove that you are licenced
- Driving without a 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 \$1000 if summoned to court
- Not wearing a seatbelt:
 - The penalty is an infringement fine of \$150 (if you are 15 or under, it is the driver's responsibility but if you are over 15 you will be fined)
- Using a cell phone while driving (not hands free):
 - The penalty is 20 demerit points and an infringement fine of \$80
- Running a red light:
 - The penalty is 20 demerit points and a \$150 infringement fine
- 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

- You will also incur demerit points for speeding offences (unless the fine is from a speed camera)
- If your speed is more than 40km/h above the speed limit you can get a 28-day licence suspension

Challenging an infringement offence

- If you want to challenge an infringement offence notice, you should write a letter to whoever gave the infringement notice (usually the police or local council) explaining that:
 - You deny the offence and want a court hearing (a trial), or
 - You have an explanation or information that you want the enforcement authority to consider, or
 - You admit the offence, but you want to make written submissions to the judge (for example, about how the offence happened or about the penalty)
- You should write to the Police Enforcement Bureau to challenge an infringement notice awarded by police: forms.police.govt.nz/contact-police-infringement-bureau

Parking offences

- When a parking ticket is awarded by a council parking warden, this is an infringement notice. There are rules about how much you can be fined for parking offences:
 - \$40 maximum for not paying for parking
 - \$60 maximum for parking on yellow lines
 - \$12 for overstaying up to 30 mins, \$15 for overstaying up to one hour, \$21 for overstaying up to two hours, and further penalties for above four hours.
- When a parking ticket (called a 'breach notice') is awarded in a private carpark (for example, Wilson Parking or a supermarket carpark), there are different rules which must be followed:
 - If the signage in the carpark makes the conditions of parking clear; you are entering a contract with the landowner to park on their private property.
 - Because of this contract, by not upholding your end of the contract by overstaying or not paying, you might have to pay the breach notice.
- Challenging a breach notice in a private carpark:
 - Private parking companies cannot use the word 'fine', 'penalty', or 'infringement' - they should call it a 'breach notice'
 - If you didn't breach any conditions of the contract (for example, not overstaying), any breach notice would be unjustified.

- If the fine seems too high when considering the cost to the landowner for towing your car or loss of business (for example, by blocking a carpark to another customer), the notice might be unreasonable.
- If you think the ticket is unreasonable or unjustified, the first step is to contact the landowner or ticket-enforcement authority.
- If you are still unhappy about the ticket after making contact, you can make a claim to the Disputes Tribunal.
- As of 2019, wheel clampers cannot charge more than \$100 to remove the clamp. They must also remove the clamp as soon as reasonably possible once the fine is paid.

Category 1: Minor driving offences

- Exceeding the speed limit by more than 50km p/h:
 - The penalty is a fine, a 28-day licence suspension, and you can also be charged with careless, dangerous or reckless driving
- Careless or inconsiderate driving is when you don't think about how your driving might affect other people, or do not use the care and attention that a reasonable driver would use (such as speeding or not indicating) and includes motor vehicles, bikes, skateboards, roller skates and scooters.
 - If the careless driving doesn't cause injury or death, the penalty is a fine up to \$3000 and you can also be disqualified for a period
 - It is more common to get a fine between \$150-\$200 or a community-based sentence

Category 2 & 3: Serious driving offences

- Careless or inconsiderate driving causing injury or death:
 - The penalty is up to three months in prison or a fine up to \$4,500 and automatic disqualification for at least six months
 - If you were speeding or breaking road rules and caused injury, you will be charged with "aggravated careless use of a vehicle causing injury" which has a \$10,000 fine and automatic disqualification for at least one year
- Dangerous or reckless driving means to drive a vehicle recklessly or in a way that is or could be dangerous to the public generally or to any individual.
 - The penalty is up to three months in prison or a fine up to \$4,500 and automatic disqualification for at least six months

- If someone is injured because of reckless driving, the penalty is up to five years in prison or a fine up to \$20,000 and automatic disqualification for at least one year.
- If the reckless driving causes death, the maximum imprisonment increases to ten years.
- Failing to stop or remain stopped when required by an enforcement officer:
 - The amount of time you will be disqualified for depends on how many times you have committed this offence, ranging from six months for a first offence, two years for a second offence, and up to three months in prison for the third or more offence
- Failure to stop after an accident: if you are directly or indirectly involved in an accident you have to stop to check if anyone has been injured and help.
 - Unless you were not aware that an accident occurred or had a reasonable excuse for not stopping, the maximum penalty is up to three months in prison or a fine up to \$4,500 and automatic disqualification for at least six months
 - The amount of time you will be disqualified for depends on how many times you have committed this offence, ranging from six months for a first offence, two years for a second offence, and up to three months in prison for the third or more offence
 - If you're involved in an accident and a police officer or someone else involved asks, you must give them: Your name and address, the name and address of the vehicle owner (if you're not the owner), and the vehicle registration number
 - The penalty for not giving this information is a fine up to \$10,000

Penalties

- There are several ways you can lose your licence, including demerit point suspension, 28-day roadside suspension and disqualification.
- Suspensions are something that happens to your licence, whereas disqualification is something that happens to you.

Demerit points suspension

- Demerit points are allocated for certain offences on the date the offence is committed.
- If you accumulate 100 or more demerit points within a two-year period, the NZTA will suspend your licence for three months, or if you do not hold a current driver's licence, disqualify you from holding or obtaining a licence for three months.

- Demerit points stay on your record for two years. All demerit points will be wiped ("fall off" your record) if you do not commit any offences attracting demerit points for two years, or if you are disqualified for more than six months.
- Suspension means that the licence is of no effect and the licence holder is prohibited from driving under that licence.

28-day roadside suspension

- Suspension notices can be served, often at the roadside, and your driver's licence can be suspended for 28 days if you are caught drink driving with high breath or blood-alcohol levels, repeat drink driving, refusing to have a blood test when required or for serious speeding offences.
- When you're given a suspension notice, you must immediately hand over your licence to the police officer.

Disqualification

- Disqualification means that you are prohibited from holding or obtaining a driver's licence for a period of time.
- Disqualification can only be imposed by a court at sentencing for an offence.
- If you drive while you are disqualified or your licence is suspended or revoked, you are committing another offence and will be disqualified for at least another six months, your vehicle will be impounded, and you can receive up to 3 months imprisonment or a \$4,500 fine.

Vehicle confiscation

- If you commit two serious driving offences within four years (whether the same one twice or two different offences), your vehicle can be confiscated and sold to recover costs.
 - Serious offences include: driving while disqualified, driving in breach of a limited licence, manslaughter involving a vehicle, reckless or dangerous driving and failing to stop at an accident where someone has been injured or killed

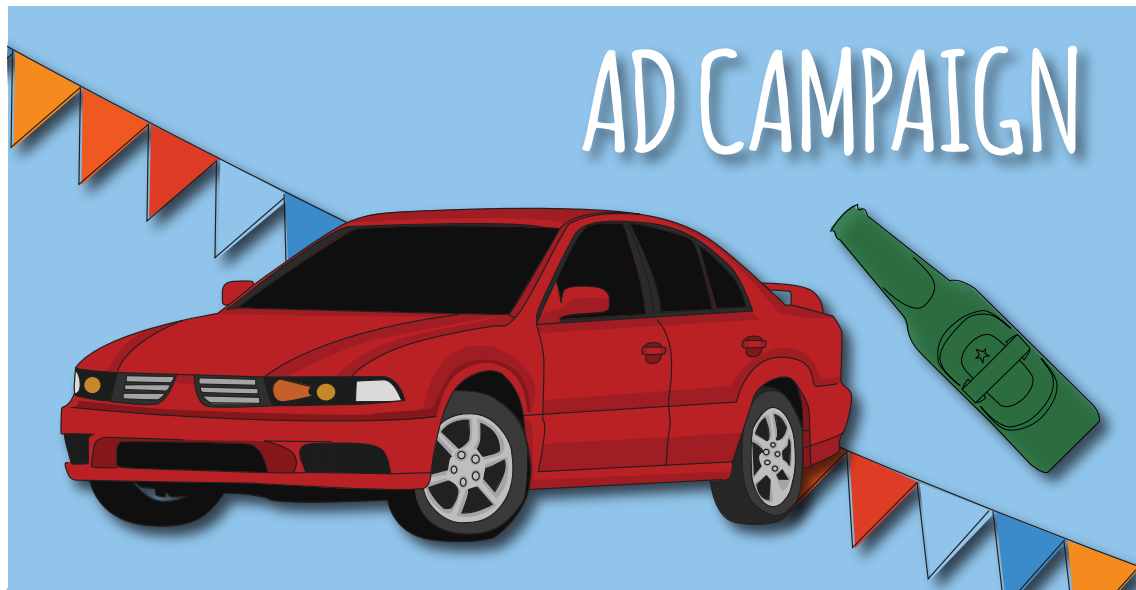
Limited licences

- If you are disqualified or suspended from driving, you may apply for a limited licence, unless you:
 - Are indefinitely disqualified
 - Are disqualified from driving a vehicle used in a transport service
 - Are disqualified because of driving while disqualified or contrary to a limited licence

- 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
- Have applied for or obtained a driver licence while disqualified from doing so
- You must wait 28 days from the date of the order of disqualification to apply for a limited licence 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 will result in:
 - Extreme hardship to the applicant (such as job loss and employment prospects)
 - 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)
 - The order is not contrary to the interests of public safety

SECTION 2

Drink and drug driving



ACTIVITY #2 INSTRUCTIONS

- 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 next page. Let the class know that they will get to make up their own campaign soon!
 - [youtube.com/watch?v=CtWirGxV7Q8](https://www.youtube.com/watch?v=CtWirGxV7Q8)
 - [youtube.com/watch?v=qoxjEcQ37dU](https://www.youtube.com/watch?v=qoxjEcQ37dU)
 - [youtube.com/watch?v=P8KAaf45g5U](https://www.youtube.com/watch?v=P8KAaf45g5U)
- 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 the discussion.
- Divide the class into groups and hand out the “Design Your Own Ad Campaign” worksheets.
- 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!
- Explain that for their ad campaign they will need to come up with:
 - Characters
 - Plot
 - Cool catch-phrases like: “I’ve been internalising a really complicated situation” and “Bro, Monique thinks you’re dumb”
 - Message: “Stop a mate from driving drunk ... LEGEND!”

ACTIVITY #2

Ad campaign

Use the following prompts to help facilitate a discussion about the "Ghost-Chips" ad

- *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' – geographic restrictions

- *What should they do?*

Not drink and drive! Tell their mates not to drink and drive. Plan in advance and find other safe ways to get home. Talk about it!

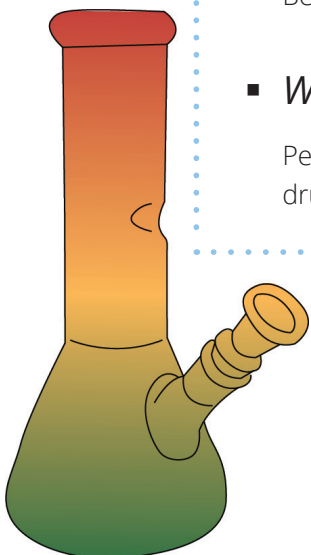
- *What should other people do?*

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?

continued...



- *What does the law say about it?*

If you're under 20 and drink any amount of alcohol,, 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



LEGAL NOTES

Learn this information and integrate it into your facilitation. 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.

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 or blood contains any alcohol at all.
 - That means if you drive after consuming even one drink you can be charged with drink driving
 - The penalty for driving with an alcohol level of less than 150 micrograms (mcg) per litre of breath, or with a blood-alcohol level of more than 30 milligrams (mg) per 100 millilitres (ml) of blood, is 50 demerit points and a \$200 infringement fine
 - If your alcohol reading is higher, you will face criminal charges, and the penalty if you are convicted is disqualification for at least 3 months, up to three months in prison or a fine up to \$2,250 (although it is more common to get a fine between \$300-\$500)
 - If your alcohol reading is over 400mcg per litre of breath (80mg per 100ml of blood), you will be charged under the "adult" limit

Over 20: limits and penalties

- 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 Evidential breath test (EBV) and have between 250-400mcg of alcohol per litre of breath, you receive 50 demerit points and a \$200 infringement fine
 - You will likely be forbidden to drive for up to 12 hours and you do not have the option to elect an evidential blood test

- The penalties increase with the alcohol levels and if it is not your first offence
- If you fail an EBT above 400mcg of alcohol per litre of breath and it is your first or second offence, the penalty is up to three months in prison, a fine up to \$4,500 and a minimum disqualification of six months

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 roadside 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.

Blood tests

- If the result of your evidential breath test is over 400mcg per litre of breath, 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
- If you produced a positive evidential breath test you can elect to undergo a blood test to assess the proportion of alcohol in your 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.
- 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 controlled drugs, even if you're not impaired
- If you cannot take an impairment test because you have been injured and are in hospital, an enforcement officer can require a blood test to be taken whether or not you are conscious. This offence does not require you to be impaired at the time of driving. It relies on evidence of controlled drugs in your blood. Evidence of drugs can stay in your blood for a long time after you were 'high,' in some instances, months after using the drug.

Drugs and limits

- It's also an offence to drive a vehicle with evidence of a controlled drug in your blood or 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 MDMA
 - Class B drugs, such as speed, morphine, hash (cannabis resin), cannabis oil, fantasy or MDMA
 - Class C drugs, such as cannabis or BZP ('party pills')
 - Some prescription medicines, such as codeine

Compulsory impairment test

- If an enforcement officer has good reason to suspect that you have taken drugs, they can require you to have a compulsory impairment test in any of the following situations:
 - When you have been driving or attempting to drive
 - When there is good reason to suspect that you have recently committed a driving offence
 - If you have been in a driving accident (even if you were 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

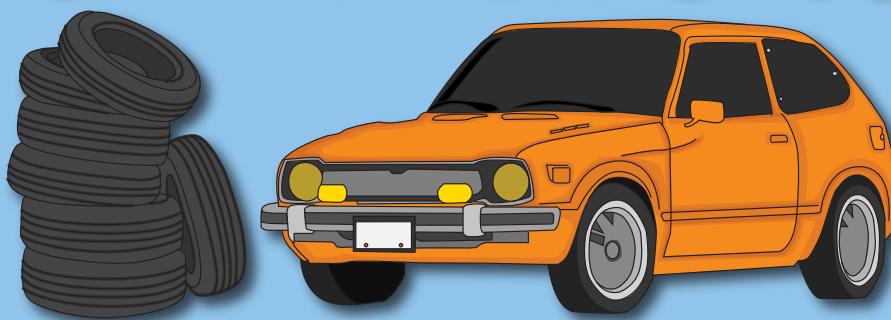
Alcohol interlock programme

- If you are convicted of two driving under the influence offences within five years or blow double the alcohol limit in a random breath test (800 micrograms per litre of breath or 160 micrograms per 100 millilitres of blood), you can be placed on the alcohol interlock programme.
- The alcohol interlock programme requires you to install a breath testing device in your vehicle.
- If you're on the alcohol interlock programme, you can't start your vehicle without blowing into the breath testing device.
 - If you have any alcohol in your breath while the device is installed, the car will not start.
- You must have the device installed for 12 months before you can apply to exit the alcohol interlock programme.
 - You will be automatically allowed to exit the programme if you haven't committed any driving under the influence offences in 6 months.
- Once you exit the alcohol interlock programme, you will have to apply for a zero alcohol licence. You can only apply for a standard licence after having a zero alcohol licence for three years.
- Being on the alcohol interlock programme is expensive. The NZ Transport Agency estimates it cost people on the programme upto \$3,000 every 12 months.
- Because of the programme's high cost, if you are ever placed on the alcohol interlock programme you should contact your nearest Community Law Centre.

SECTION 3

Street racing offences

GRAN TURISMO



ACTIVITY #3 INSTRUCTIONS

- Have you ever played Pūkana? Look it up on YouTube before you work with your class: [youtube.com/watch?v=TUOjDX1xysl](https://www.youtube.com/watch?v=TUOjDX1xysl).
- Ask the class who has played Pūkana before and explain that this game is based on that.
- Get the group to stand in a circle. The first thing you will need to do is brainstorm three car sounds that will accompany the game movements, for example, vroom, an alarm, blow-off valves or brakes. The three movements are passing to your right, to your left or across the circle (you have to make eye contact with the person across the circle if you are playing that move).
- Have a practice round. Ask the class to keep a rhythm by softly slapping their thighs at a speed that players can keep up with. The start call for the game is: Ready, Steady, Go! (or something better).
- The first person to get 'out' (miss a beat) is asked a question. If they get it right they stay in but if they get it wrong they are out. Make one key point to expand on the answer or make sure the class has the correct info.
- Keep the game on track and flowing. If the questions are taking too long, have a few quickfire rounds with no questions.
- The last two people in the game win chocolate!

ACTIVITY #3

Gran Turismo

- *Is it okay to race another car if you stay within the speed limit?*

No! 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. The penalty is up to three months in prison or a fine of up to \$4,500 AND automatic disqualification for at least six months

- *Can you go to prison for street racing?*

Yes! If you hurt or kill someone. The penalty is up to 10 years in prison or a fine up to \$20,000 and an automatic disqualification of at least one year

- *Is it illegal to do wheel spins or pour oil on the road (sometimes people do this to accelerate donuts)?*

Yes! The penalty is up to three months in prison or a fine of up to \$4,500 AND automatic disqualification for at least six months. If you hurt someone it’s more

- *Can your car be crushed for a street racing offence?*

Sometimes! It’s called the ‘three strikes’ law which means you need to be convicted of three street racing offences before your car can be crushed. In 2012, the first person’s car was crushed because after receiving his third strike from the court he did a ‘burn out’, lost control and crashed into a fence

- *If you are driving someone else’s car and get caught street racing can the police impound their car?*

Yes! The car will be impounded for 28 days

- *How much alcohol can someone under 20 have when driving?*

None! When you are over 20, 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

- *If you are over 15 and don’t wear a seatbelt, can you get a fine?*

Yes! \$150 fine for you, not the driver

continued...

- *Is it illegal to drive without a licence?*

Yes! \$400 fine. If you are in an accident, your insurance claim may be denied

- *Is it okay to drive your mates on your restricted licence?*

No! You'll get a \$100 fine and 35 demerit points

LEGAL NOTES

Learn this information and integrate it into your facilitation. 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 in front of others could be deliberate.

Offences and penalties

- To race your car or put on a display of unnecessary speed or acceleration.
- To make your vehicle do a wheel spin (causing a vehicle "to undergo a sustained loss of traction") without a reasonable excuse.
 - The penalty is up to three months in prison or a fine up to \$4,500 and automatic disqualification for at least six months
- To intentionally pour, or allow to spill any petrol, oil, diesel fuel or similar substance on to the road.
 - The penalty is a fine up to \$3,000
- If you commit an offence and you cause injury the penalty is up to five years in prison or a fine up to \$20,000 and automatic disqualification for at least one year.
- If you commit an offence and kill someone the penalty is up to 10 years in prison or a fine up to \$20,000, and an automatic disqualification for at least one year.
- Street racing activities could also lead to charges of dangerous, reckless, careless or inconsiderate driving.

Confiscating and crushing cars

- If you are convicted of street racing or wheel spins (or another associated offence such as failing to stop and give your details to police) more than three times in four years, your car can be confiscated and destroyed:

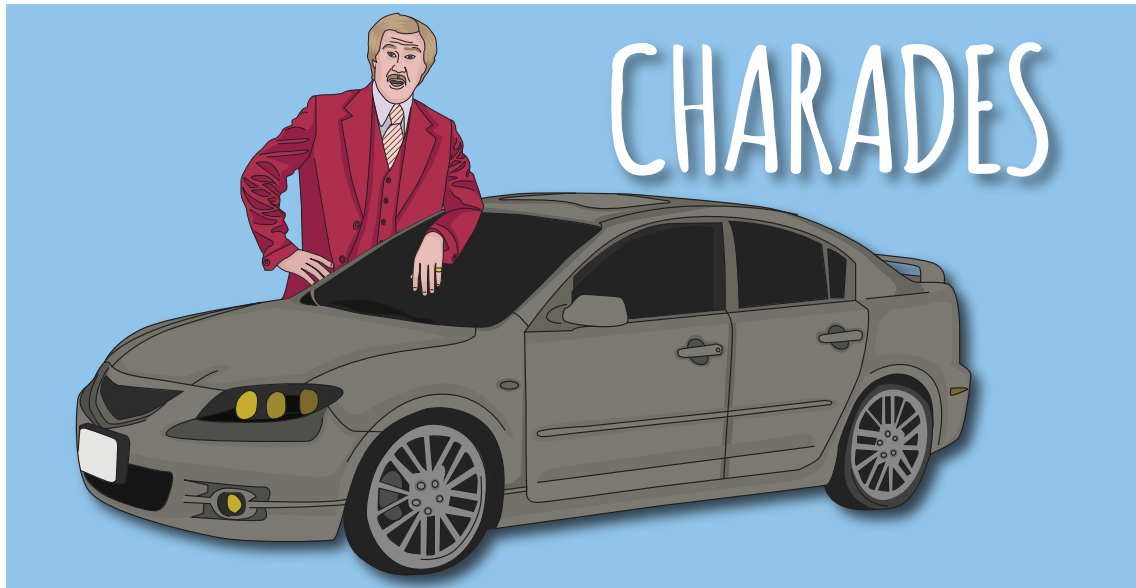
- If you're charged with a traffic offence and your vehicle is likely to be confiscated if you're convicted, you can be stopped from selling it before your case is decided
- If you repeatedly use someone else's vehicle (for example, your parents') to commit traffic offences for which a vehicle can be 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

Car Modifications

- You may need to get car modifications such as lowered suspension, racing seats, tinted windows or engine modifications certified.
- The certifier will check the modifications (this costs between \$500 – \$2000). 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. Without the plate, you can't get a WOF or legally drive your car on the road.

SECTION 4

Buying a car



ACTIVITY #4 INSTRUCTIONS

- Ask the class “who knows how to play charades?”
- If not everyone knows how to play, explain that they need to act out the issue they will be given about what to watch out for when buying a car.
- Divide the class into four groups. Hand out a “Charades” card to each group and give them some time to prepare.
- Explain that they can act the issue out word by word or the whole concept, but either way needs to be without words. This is a hard task but tell them that the leftover chocolate is up for grabs if your team can do it!
- Invite the groups to come up one at a time (you’ll be the coolest group in the world...) and the rest of the class has to try and guess what they are acting out.

ACTIVITY #4

Charades

CAR DOESN'T START

STOLEN CAR

NO WOF OR REGO

MONEY OWING ON CAR

LEGAL NOTES

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

The right price

- The Consumer NZ 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 petrol efficient they are. You have to be a member of the website to access some of the info, but you can visit your local Citizens Advice Bureau to use this website for free as they have a membership.
- You can also check market prices on TradeMe, 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: www.consumerprotection.govt.nz/general-help/guide-to-buying-smart/understand-the-true-cost/#how-to-work-out-true-cost. The Consumer Protection website has brilliant info on what you need to look out for when getting a loan for a car: www.consumerprotection.govt.nz/help-product-service/cars/paying-registering-insuring-car/loan-for-your-car.
- Budgeting advice services can help you figure out how much you can afford to borrow: www.fincap.org.nz.
- See The REP: Money for more on buying stuff and shopping around.

What to check before you buy

- That the car isn't stolen: you can check on the police website for stolen vehicles: 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...)
Dealers must be registered	You don't have as much protection
You have rights under Consumer Guarantees Act 1993 and Fair Trading Act 1986 (for example, the vehicle must be of acceptable quality and a seller must not be misleading or deceptive)	The Consumer Guarantees Act and Fair Trading Act DON'T APPLY
Unless you buy under auction on TradeMe where you're covered by the Sale of Goods Act 1908	If the seller misleads you the Contractual Remedies Act 1979 (now: CCLA 2015) may apply if:
Vehicles must have a WOF less than one month old	<ul style="list-style-type: none">• The seller's statements are untrue• You were persuaded to buy the car because of what the seller said• The seller's false statements have caused you to lose money
You must be told if there are security interests attached to the vehicle	The vehicle must be sold as 'as is where is' if it doesn't have a WOF or registration
A seller must provide you a Consumer Info Notice (CIN)	

- 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.
- 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 is when you have insurance for any damage you cause to someone else's car, but not for your own car. 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):
 - Talk to the trader first
 - You can go to the Motor Vehicle Disputes Tribunal and claim up to \$100,000 and it costs \$50
 - OR you can go to the Disputes Tribunal and claim up to \$30,000
- Private Sale:
 - Talk to the seller first
 - If having a discussion goes nowhere you can go to the Disputes Tribunal

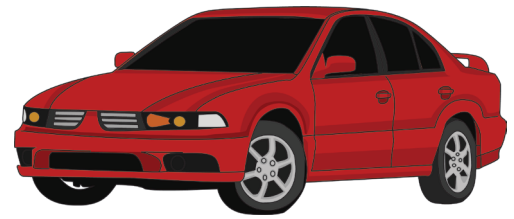
THANK YOU!



WRAPPING UP

- Hand out the evaluation forms: make sure everyone fills one in.
- Thank everyone for participating. Find your own way to wrap up the class.
- Remember to link people in with their local Community Law Centre or YouthLaw if needed.
- Follow up on any questions or issues: bring the correct answers to your next class.
- Make sure to pass on any feedback you have about this module to: info@wclc.org.nz
- Have a rest!

Offence Pictionary



PENALTY

PICTURE

Fine of **\$150** to anyone in the car over 15 years old.

1. Offence: _____

Fine of **\$80** and **20 demerit points**.

2. Offence: _____

Fine of at least **\$200** and **50 demerit points**.

4. Offence: _____

35 demerit points and a **\$100** fine.

5. Offence: _____

Fines from **\$30 to \$630** and **demerit points**.

6. Offence: _____

Ad campaign

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



CHARACTERS:

PLOT:

COOL CATCH-PHRASES:

MESSAGE:



Charades

CAR DOESN'T START

STOLEN CAR

NO WOF OR REGO

MONEY OWING ON CAR

