



Part B: *Laws on the Move: The Lessons*

School Road Safety Objective

- Students have a basic understanding of road rules and laws as they affect them, and are aware of their rights and responsibilities as road users.
- Students can explain what happens when road laws are broken.

Lesson 1 *How Laws are Made*

Links with the New Zealand Curriculum Framework

Social Studies in the New Zealand Curriculum

Social Organisation Level 5: How systems of government are organised and affect people's lives.

Essential Learning about NZ Society: The origins, development and operation of systems of government and law.

Settings: New Zealand

Perspectives: Current Issues

Essential Skills

(See Appendix page 37)

Communication 1

Information 2, 3

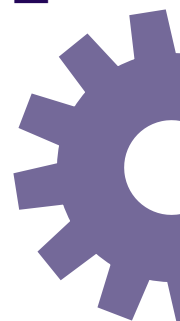
Problem-solving 1, 2, 5, 7

Social and Co-operative 1, 2

Study Skills 1

Learning Outcomes

- 1 **Students will be able to explain how law, especially traffic law, is made and implemented in a parliamentary democracy.**



Resources

Copysheet 1 **Advance Organiser Lesson 1** page 14

Copysheet 2 **The Legislative Process** page 15

Sets of laminated cards **The Legislative Process**– 1 set for each group

Note: Five copies of the process have been provided, already laminated. These should be cut up into sets. A template for these cards has been provided on pages 35 - 36, in case additional sets are needed.

Note:

1 Background information has been provided for teachers on the Legislative Process.

This material was prepared by Mark Gobbi, Barrister and Solicitor of the High Court, and Parliamentary Council. It includes changes in the legislative process made on November 1 1999.

2 The New Zealand Law Society resource Years 9-10 Living with the Law could be useful here. One copy was distributed free to all secondary schools in 1998. Particularly helpful would be the booklet Living with the Law and posters showing court layout. For more information contact The New Zealand Law Society, 26 Waring Taylor Street, Wellington. Telephone (04) 472 7837

The Activities

- 1** Present students with the advance organiser for lesson 1, as an OHP and go over this.
- 2** Explain to students that they are going to be thinking about how laws are made, in particular the Land Transport Act of 1998. Put students into small groups and give each group a set of cards **The Legislative Process - How a Law is made**. The group must put them in the sequence that they think best describes the process of how a law is made.
- 3** When groups have finished, draw their attention to the small letters on the bottom of each card. If the letters make up the phrase **safe road users**, they have got the sequence in the correct order. If not, they can correct their sequence.

Discuss the steps, answering any questions students may have. You may like to expand the information on the legislative process according to the ability of the class. The information contained in the appendix, pages 30 - 34 may be helpful here.

Students can either copy the steps into their books, or glue in Copysheet 2 **The Legislative Process - How a Law is made**. Ask them to put all the steps straight down the left hand side of the page, leaving a column on the right. This column should be headed **The Land Transport Act**. Introduce the following information to students, which personalises the legislative process to the Land Transport Act. This can be added to the right hand column, in the appropriate place.

- Step 1** There was concern that the existing transport laws were contained in two Acts, had many amendments, were hard to read and hard for Judges to apply. It was decided that there needed to be changes to the transport laws.
- Step 2** The Minister of Transport, working through the Ministry of Transport, wrote the idea up into the Land Transport Bill 1997
- Step 3** The Land Transport Bill was circulated for comment.

- Steps 4-6** The Land Transport Bill passed through each of these stages.
- Step 7** The Land Transport Bill was accepted by the House.
- Steps 8-9** The Land Transport Bill went to the Transport and Environment Select Committee.
- Step 10** The Land Transport Bill passed the second reading in Parliament.
- Step 11** Changes were made to the Land Transport Bill.
- Step 12** The Land Transport Bill was accepted at the third reading in Parliament.
- Step 13** The Land Transport Bill became The Land Transport Act 1998. The Act took effect on March 1 1999 (most provisions) and May 3 1999 for driver licensing.

4 Review or assessment activity

Either: Student Continuum

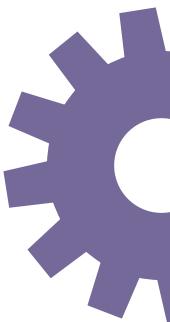
Randomly give each of nine students one of the laminated cards *How a Law is made*.

The students must arrange themselves into the correct sequence. Then each student explains their step in the law making process.

Or: Storytelling

Students prepare the story of Linda Law, Lionel Law or Leitu Law, telling how he or she was made. This could be presented as a Fairy Tale, Rhyming Poem or Rap.

This could be done in groups, with each group sharing their story with the class, or individually for homework.



Lesson 2 *The Law in Action*

Links with the New Zealand Curriculum Framework

Social Studies in the New Zealand Curriculum

Social Organisation Level 5: How systems of government are organised and affect people's lives.

Essential Learning about NZ Society: The origins, development and operations of systems of government and law.

Setting: New Zealand

Perspective: Current Issue

Essential Skills

(See Appendix page 37)

Communication 1, 2, 4

Information 1, 2, 3, 4

Problem-solving 1, 2, 4, 5, 6, 7, 9

Social and Co-operative 1, 3, 5, 6, 7, 8

Work and Study 1

Learning Outcomes

- 1 Students will be able to explain how traffic laws affect people's lives.**
- 2 Students will be able to explain how the judicial system works.**

Resources

Copysheet 3 **Advance Organiser Lesson 2** page 16

Copysheet 4 **Crash Scenario** page 17

Copysheet 5 **Crash Diagram** page 18

Copysheet 6 **Character Descriptions** page 19 -20

Copysheet 7 **The Offence and Penalties** page 21

Copysheet 8 **Court Room** page 22

Copysheets 9A and B, and 10A - E (Pages 23-29) provide extra information about the crash.

Play **Trial Drive**

The Activities

- 1 Present students with Copsheet 3 **Advance Organiser Lesson 2**, as an OHP, and go over this.
- 2 Explain to students that they are going to be taking part in a play which is based on a crash involving death and serious injury. Hand out or display as OHP's, Copsheet 4 and 5 that describe the incident, and go over these. Alternatively, you may like to have the action unfold as the trial takes place.

Arrange the room as for a court, using Copsheet 8 as a guide.

Hand out copies of the play and allocate parts to everyone in the class. Allow time for students to get familiar with their part and to decide what their 'character' is like. Handout Copsheet 6 **Character Descriptions**, to those concerned.

- 3 Play out the Court Scene, up to the point where the Jury retires.
- 4 The Jury retires to come up with a verdict. Explain to the class that from here on, the play is unscripted. Characters must decide how they are going to behave and what they will say. The Judge can use Copsheet 7 to help decide on a sentence.

The Jury returns to give the verdict. The rest part of the play is carried out unscripted, with the Judge passing sentence.

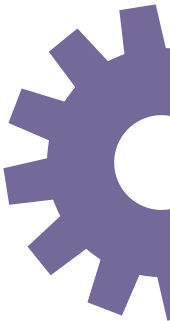
Note: The first part of the play, up to the Jury retiring, could be read in one period. The Jury then makes its decision before the next period, when the Court Room drama takes up again.

Optional Suggestions

- i) The police education officer could set up a simulation of the crash for the Jury to look at.
- ii) The police education officer could take the part of the Judge.
- iii) The police education officer could lead the discussion with the Jury.

5 Review or assessment activity

Students write a newspaper article about the trial to go in the "Courts" pages of the local newspaper, from the point of view of the court reporter.



Advance Organiser for Lesson 1

Advance Organiser

Topic:	Laws on the Move
Subtopic:	How Laws are Made
Concepts:	Parliamentary Process: Explanation
Links to Prior Learning:	Parliament, members of parliament, democracy, submission
Learning Outcome:	By the end of the lesson you will be able to explain how laws are made.
Vocabulary:	Bill, Act, select committee, drafted
Important because:	You need to know what law is and how laws are made, so that you can play a part in getting laws changed.
Lesson Structure:	Sequencing activity Note taking Review

The Legislative Process

How a Law is made	Land Transport Act 1998
1 Someone gets the idea that the law should be changed and convinces the Government of the day that it should be changed.	
2 The Minister in charge of the relevant area, via his or her ministry, instructs the Parliamentary Counsel Office to write the idea up into a Bill.	
3 The Parliamentary Counsel Office drafts the Bill, circulates it among government agencies for comment, and makes the changes suggested.	
4 The Cabinet Legislation Committee approves the Draft Bill.	
5 Cabinet approves the Draft Bill.	
6 The Bill is introduced to Parliament by the Clerk of the House of Representatives.	
7 First Reading The Bill is read in Parliament for the first time. The House debates the Bill and votes to accept, reject or defer the Bill. If accepted, the Bill is referred to a Select Committee debate. If it is not accepted, the process ends here.	
8 The Select Committee, made up of MPs, calls for submissions from interested people, and reports from experts. The select committee makes recommendations on changes to the Bill after considering all the information. It produces a report for the House that explains all the changes that it recommends be made to the Bill.	
9 The Select Committee presents its report to Parliament.	
10 Second Reading The Bill is read in Parliament for the second time. They decide: a) whether the Select Committee's changes should be accepted; b) whether the Bill should proceed. If the answer is 'no' the process will end.	
11 The Committee of the Whole of the House meet and consider the Bill clause by clause, or part by part. Any MP may propose changes to the Bill. The Parliamentary Council Office makes any agreed changes.	
12 Third reading The Bill is read in Parliament for the third time. If rejected, the process stops. If approved, it is sent to the Governor-General for assent.	
13 The Bill becomes an Act when the Governor-General assents. An Act takes effect on assent, or on a specified date.	

Advance Organiser for Lesson 2

Advance Organiser

Topic:	Laws on the Move
Subtopic:	How the Court system works in relation to traffic law.
Concepts:	Court system and procedures.
Links to prior learning:	How laws are made; why we have laws; how laws are implemented and enforced.
Learning Outcome:	By the end of the lesson you will be able to explain how the judicial system works and how traffic laws affect people's lives.
Vocabulary:	Registrar, prosecutor, O.C. case, defence lawyer, court cryer, court orderly, jury, dock, complainant, defendant, witness.
Important because:	You need to know the consequences of breaking traffic law, and also, as a member of society, you must know how a court system works.
Lesson Structure:	<p>Introduction to a New Zealand Court of Law Set the scene for the courtroom activity.</p> <p>Court room activity (play).</p> <p>Review.</p>

Crash Scenario

Case for the Court Scene Play

On Saturday 6th March at 4pm a 17 year old male, Jason Palmer, was joy riding in his car, with four friends - Gregg Luke, Rebecca Stephens, Karl Sa'anga and Cindy Wipatene. Cindy was sitting in the front seat. It appears that Jason was showing off to Cindy and was repeatedly doing wheelies, snakies and hand brakies. He was also driving well above the speed limit. Both Gregg and Rebecca had repeatedly asked him to slow down and stop the wheelies. They reported that he laughed and said it was fun.

As they were travelling down Fraser Road, a gravel road, Palmer was driving too fast and lost control of the vehicle on a sharp bend. He braked sharply and the car skidded, flipped over several times, crashed through a fence and came to rest against a power pylon. The front passenger side of the vehicle was crushed.

Cindy Wipatene died at the scene. Gregg Luke suffered spinal injuries and is now a paraplegic. Rebecca Stephens suffered a fractured femur and severe concussion. Karl Sa'anga suffered a sprained wrist and bruising.

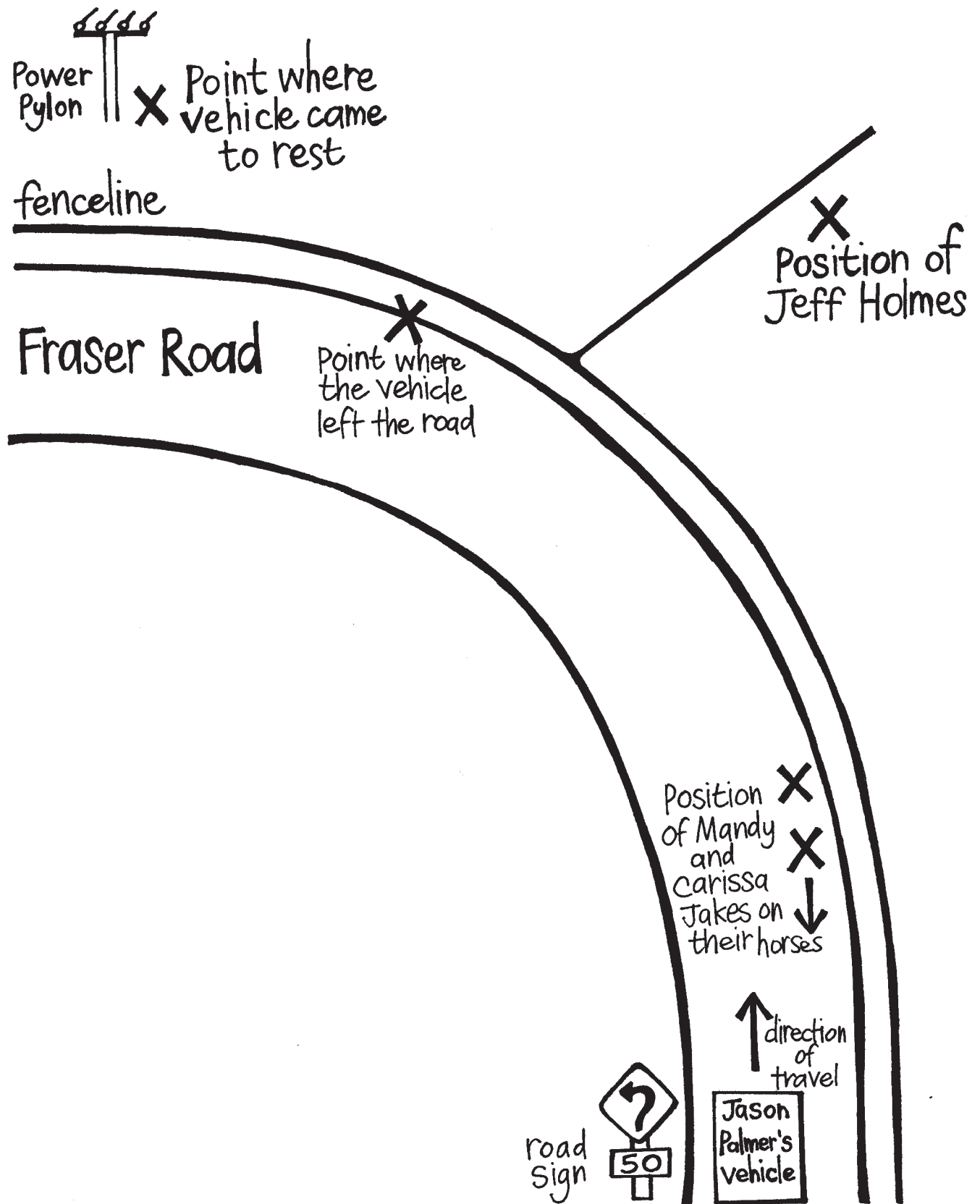
Rebecca, Gregg and Cindy were not wearing seatbelts.

Jason Palmer was charged with Dangerous Driving Causing Death, and with two counts of Dangerous Driving Causing Injury, under Section 36 (1) (a) of the Land Transport Act 1998. He entered a not guilty plea. At depositions, (a hearing at which it is decided whether or not the case should go to Court) the Judge decided that there was a case for the defendant to answer. The case is to be tried in the District Court. The Judge will be different from the one at the depositions. Jason Palmer elected trial by Jury. The trial date is set for 7 October.

There were three witnesses to the crash, in addition to the passengers in the car. These were Jeff Holmes, farmer who was working in a paddock close to the scene and two teenage girls, Mandy and Carissa Jakes, who were riding their horses. The vehicle passed them before crashing.

The attending officer was Constable Harris.

Crash Diagram



Character Descriptions

Jason Palmer

17 year old. Left school at the end of last year and is currently working as a pizza delivery person. Had a reasonable school record and had not come to the notice of Police until January this year when he was pulled over for erratic driving and given a caution. Lives at home with his parents and older brother, Stuart. Jason has had a full driver licence for 2 months.

Gregg Luke

17 years old. Jason's good friend. Has also left school and at the time of the crash was serving an apprenticeship with a local plumber. Gregg was a keen sportsman and played representative rugby. Gregg lives with his mother and younger sister Melia. Gregg claims that he had tried to get Jason to slow down and stop fooling around and Jason had taken no notice. He said that Jason had been driving that way for at least 40 minutes. He is very bitter about the crash. His mother is angry and wants Jason to pay for what has happened to her son.

Rebecca Stephens

16 years old. She and Cindy were still at school at the time of the crash, but saw a lot of the boys at weekends. Rebecca lives with her grandmother as both of her parents were killed in a car crash when she was 11. She has no brothers and sisters. She works after school at an Old People's Home. She is devastated by Cindy's death. She reports that she was very frightened in the car and pleaded with Jason to slow down. She said he was showing off to Cindy, who was encouraging him.

Karl Sa'anga

17 years. In Year 13 at school and plays for the first fifteen. Used to be very friendly with Jason, but hasn't seen so much of him this year. Works part time at a service station as he is saving to go to varsity next year. Lives with his parents, grandmother and 2 younger brothers and his 19 year-old sister. He had been going round with Cindy for a while.

Jeff Holmes

42 year old farmer who owns his own farm on Fraser Road. He was fencing in the paddock next to the one the car ended up in. He has a young family. Has often been heard to say how he thinks the young people of today have too much freedom and not enough responsibility. He says he heard the car coming and could quite clearly see that it was swerving all over the road. He at first wondered if the driver had had a heart attack but then saw that they were young people. He could hear loud music playing on the car stereo. He witnessed the whole crash, from the slide in the gravel, to the overturning and final stopping of the vehicle. He stopped a passing vehicle and sent them off to ring an ambulance and then he went to see what he could do.

Mandy and Carissa Jakes

14 and 16 years. They had heard the car approaching fast and had got their horses as far off the road as they could. They said the car was making a lot of dust and music was playing loudly. Mandy said the car was going all over the road and then on the corner it braked and did a flip and kept going in the paddock.

Both girls were very shaken and upset. Both girls knew the deceased and Rebecca Stephens. Carissa was in their class at school.

The Offence and Penalties

The Offence

Contravention of Section 36 (1) (a) of the Land Transport Act 1998

It is an offence against this section to cause injury to or the death of another person by operating a motor vehicle on a road at a speed or in a manner that is or might be dangerous.

Sentencing

- (a) The maximum penalty is imprisonment for a term not exceeding 5 years or a fine not exceeding \$20,000; and
- (b) The court must order the person to be disqualified from holding or obtaining a driver licence for 1 year or more.
- (c) A community sentence may be substituted for the mandatory term of disqualification in certain circumstances.
- (d) The driver can be ordered to attend a driver improvement school or to sit a driver test. If he or she does not pass the test their licence would be suspended.

Note:

After the verdict has been given by the Jury, and before sentencing, the Judge will be advised of any previous convictions recorded against the defendant. Where there is a possibility the defendant may be imprisoned, the Judge would normally direct the Probation Service to prepare for him a report on the defendant. The Police will also submit Victim Impact Statements outlining to the Court how the actions of the defendant have adversely affected the lives of the victims.

Definitions

Dangerous Driving

The driver fails to exercise the skill or care of a competent experienced driver, to such an extent that he or she puts other road users, including those in his or her own car, in danger. It does not have to be proved that the driver realised at the time that he or she was causing such danger.

Serious Injury

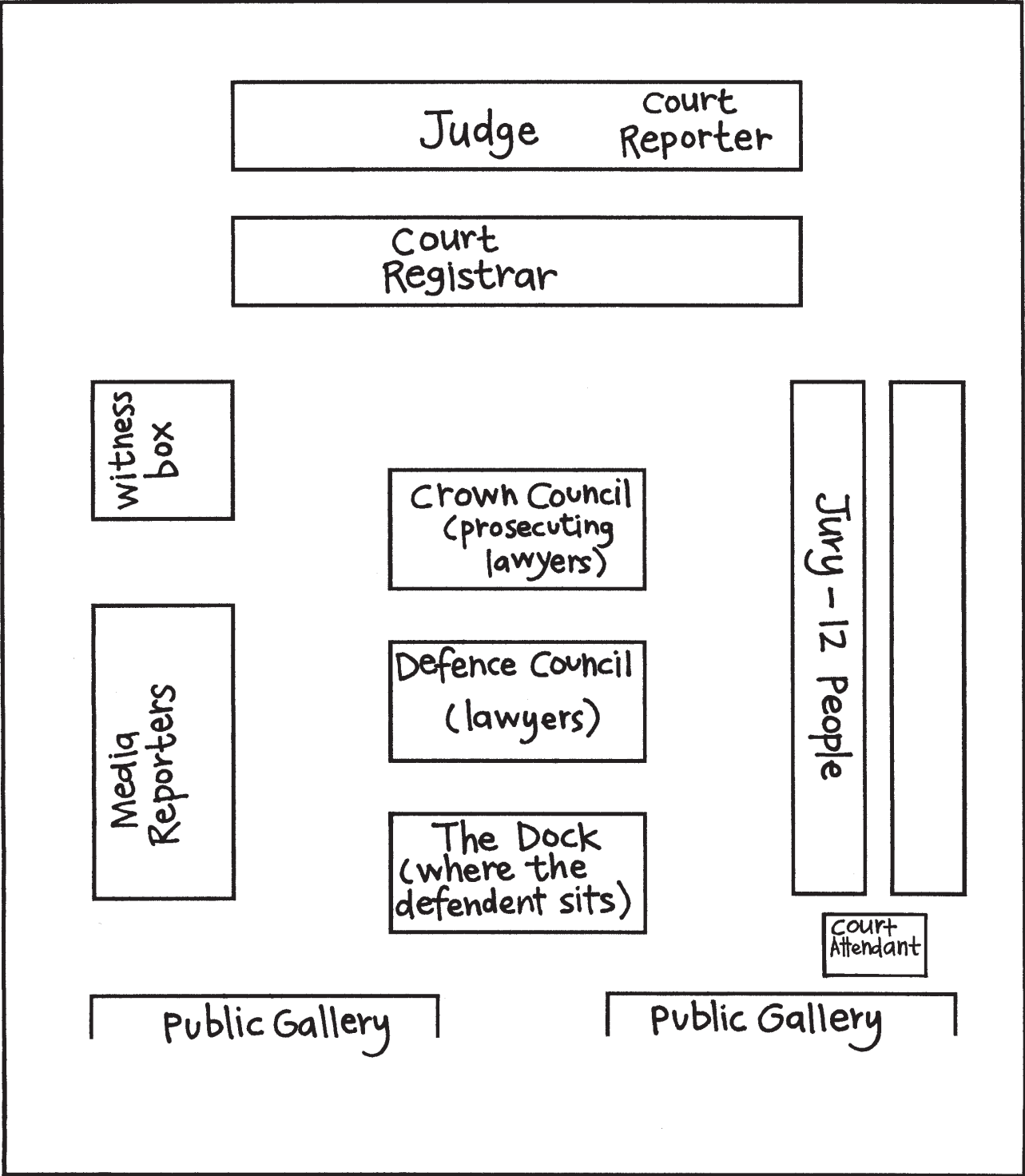
Fractures, concussion, internal injuries, crushings, severe cuts and lacerations, severe general shock necessitating medical treatment and any other injury involving removal to and detention in hospital.

Injury

A person requires medical attention either at hospital or by a General Practitioner.

Court Room

DISTRICT COURT



VICTIM IMPACT STATEMENTName: Gregg Luke*[The victim must be informed that:**The information in this statement will be put before the Judge after the accused is found guilty and before sentencing, as one of the matters which will help in deciding on a suitable sentence for the offender. The information given will need to be true and correct. A copy of this statement will be available to other people such as defence counsel, the probation officer and the accused.]*

Statement to take narrative form and to cover following:

Victim Details if appropriate

- e.g.: age, occupation, gender, living arrangements/ marital status, relationship to offender (if any), ethnic origin

Physical Injuries

- include type and extent of injuries, long/short term effects, whether treatment/ absence from work/ hospitalisation reqd. medical/dental reports.

Property damage or loss

- provide full description of property damaged/stolen

Financial Costs

- include costs of treatment, replacement/repair costs, loss of wages/income, incidental costs.

Emotional/Psychological Effects

- include changes in behaviour/ lifestyle/personal reaction. Include details of treatment/ counselling as appropriate. Attach psychological/other relevant reports.

Any other effects of the offence

- on the victim/victim's lifestyle.

Gregg Luke is 17 years old. He left school at the end of last year and until the time of the crash was an apprentice plumber. He lives with his solo mother and sister Melia. Gregg is Maori. He has been friends with Jason since they were 5.

Gregg suffered spinal injuries and has been hospitalised since the crash. He is now a paraplegic and faces a long period of rehabilitation and an uncertain future.

Mrs Luke is faced with having to have the house adapted with a view to Gregg's eventual return home. As she is the only earner in the household this places an enormous burden on the family. She must decide whether to give up work to care for Gregg, or to employ helpers. Melia is devastated by her brother's state.

Gregg is in a state of denial. He can't face friends and believes there is no future for him. His sporting career and apprenticeship are over. He is very bitter that his friend could do this to him.

Gregg is required to have ongoing treatment. The adaptation of his parent's house has been quoted at \$18,500. The Spinal Unit has recommended he live in one of their home placements. He will be required to pay for this care. At the time of writing this the final cost was estimated to be \$22,750 per year.

Gregg's whole life has changed. He now feels he has nothing to live for. One of the hardest parts to come to terms with was when he was unable to attend Cindy's funeral.

Prepared by: J HarrisDesignation: ConstableDate: 4/5/200

Sources of information:

[Continue on next page if necessary]

Refer Clinical Reports Mr Burwood

VICTIM IMPACT STATEMENTName: Rebecca Stephens*[The victim must be informed that:**The information in this statement will be put before the Judge after the accused is found guilty and before sentencing, as one of the matters which will help in deciding on a suitable sentence for the offender. The information given will need to be true and correct. A copy of this statement will be available to other people such as defence counsel, the probation officer and the accused.]*

Statement to take narrative form and to cover following:

Victim Details if appropriate

- e.g.: age, occupation, gender, living arrangements/ marital status, relationship to offender (if any), ethnic origin

Physical Injuries

- include type and extent of injuries, long/short term effects, whether treatment/ absence from work/ hospitalisation reqd. medical/dental reports.

Property damage or loss

- provide full description of property damaged/stolen

Financial Costs

- include costs of treatment, replacement/repair costs, loss of wages/income, incidental costs.

Emotional/Psychological Effects

- include changes in behaviour/ lifestyle/personal reaction. Include details of treatment/ counselling as appropriate. Attach psychological/other relevant reports.

Any other effects of the offence

- on the victim/victim's lifestyle.

Rebecca Stephens is 16 years old. She is in year 12 at Morgan High. She lives with her grandmother, as both of her parents were killed in a car crash when she was 11. She went to primary school with the defendant and has been friends with him ever since.

Rebecca fractured her femur and had severe concussion. She was hospitalised for 3 weeks and then was unable to attend school for another 5 weeks. Since then she has frequently been absent. During this time she had to attend the fracture clinic and physiotherapy sessions.

While the hospital treatment was free, the costs involved for the grandmother to visit Rebecca, since they did not live close to public transport and taxis were used.

Rebecca was very traumatised after the crash. Not only was she in great pain herself, but she lost her best friend in the crash. Also the trauma of her parents' death was relived. Rebecca will need ongoing counselling and grief therapy. She was not able to attend the funeral of her friend.

This crash has put a great strain on Rebecca and her Grandmother, both financially and emotionally. There is some question over whether or not the grandmother will be able to continue to supply the level of care Rebecca needs.

Prepared by: J HarrisDesignation: ConstableDate: 1/5/200

Sources of information:

[Continue on next page if necessary]

Refer Clinical Psychologist S.Mills

TRAFFIC CRASH REPORT

Send top pages to LTSA Regional Office

POL 565

Page 1

1 Local Body: Taranaki

City ☐ District ☒ Motorway ☐

Locality or suburb: Normanby

Accident road: Fraser Road

At Instn with OR 5 Metres Km N E S W of

Side road: Grays Road

Route position: SH 129 RP 04

Fatal
accidentInjury
accidentNon-injury
accident

2 Crash date: March 6 2000

Crash time: 1600hrs 24 Hour clock

Sun 1	Mon 2	Tue 3	Wed 4	Thu 5	Fri 6	Sat 7
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Officer arrival time: 1715 Didn't attend ☐

SCNSTN SECTOR CODE

N	P	N	B	Y					
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Where Stationed

N	Y	P
---	---	---

Reporting Member initials/Reg No. CH2048

CODE

1V

3 VEHICLE 1 Reg. No. NX7799

Car/Wagon ☒ Taxi ☐ Van/ute ☐ Truck ☐ Bus ☐

School bus ☐ Motor cycle ☐ moPed ☐ Other ☐

Towing: Boat ☐ Caravan ☐ Trailer ☐ Semi-trailer ☐ A train ☐ B tRain ☐ Other ☐

Make & Model: Toyota Corolla

Year: 1987 CC rating: 1800cc

WOF or COF: ☒ Yes ☐ No Expiry date : : :

VIN 951000

Speed before ax: 95/100 km/h Parked ☐ Reversing ☐

Total passengers: Front: 1 Rear: 3 Other:

Damage severity

Fire
O/Turn
Extensive
Minor/Moderate
Nil

DAMAGE R-LOCATION

1	2	3
6	5	4

Alcohol ☐

4 DRIVER 1 Forenames Jason Ralph Surname PALMER

Name: Jason Ralph PALMER

Address: 19 Stockdale Rd
HAWERA

Phone nos: 06 9184729

D.O.B.: 16 06 1983 Male ☒ Female ☐

Occupation: Pizza Delivery Boy

Licence no.: BF 246890

Licence status: Learner ☐ Restricted ☐ Full ☒ Never lic'd ☐

Wrong Class ☐ Disqualified ☐ Overseas ☐ unKnown ☐ Expired ☐

Injuries: (in detail) minor cuts + abrasions

Hospitalised at: Taranaki Base Hospital

Unknown ☒ Not suspected ☐ Suspected ☐

Screen ☐ Evidential ☐ Blood ☐

Fatal ☐ Serious ☐ Minor ☒ Nil ☐PREC/OFF
CODE

Code 1 Code 2 Code 3 D. Loc Role FAC 4 FAC 5 FAC 6 CODER DAY MONTH

5 DRIVER INTERVIEW NOTES:

Driver 1 signature

6 TON NUMBERS: OFFENCE: DRIVER:

TON NUMBERS: OFFENCE: DRIVER:

7 CHECKED BY: rank/name Minuted To Det./Sen./Sgt./Const. Initials Reg. No. Signature Date

of Member/Section Intended (Minuting Member)

FILSID	25	FILE	YEAR	MONTH	DAY	NUMBER
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10 DRIVER INTERVIEW NOTES:

11 If there is no further Police action, please state reason(s):

ACCIDENT DIAGRAM - Show direction and intended path for all parties.
- Identify vehicles by driver surname.



Power Pylon

25m

Fence Line

40m

Vehicle

50km/h

13 WHAT HAPPENED _____

14 OBJECTS HIT: _____

OBJ	MVMT	1	D	S	2	3	4	FAC 1	FAC 2	FAC 3

15

WHY ACCIDENT HAPPENED

Driver factors: Held licence (Full) for 2 months
Stereo very loud when attending officers arrived

Road factors:

Gravel Road

Vehicle factors:

initial inspection appears OK, needs VTNZ inspection

Other factors:

Bright sun, low in sky
Car of young people
Alcohol?

16

DETAILS

Speed limit	100	Advisory speed	50	ROAD	1-way	2-way	Off rd.	Total lanes:	0	1	2	3	4	5	6	7	8	
CURVATURE	stRaight	Easy	Moderate	Severe	MARKINGS	Ped. Xing	Raised isld	Paint isld	No Pass Line	Centre line	Nil							
SURFACE	Sealed	Unsealed			TYPE	Bridge	M'way ramp	Rly Xing	Flat rd.	Hill rd.								
SURFACE	Wet	Dry	Ice or snow			JUNCTION	Driveway	Roundabout	X	T	Y	Multileg						
LIGHT	Bright sun	Overcast	Twilight	Dark	CONTROL	Traf. signals	Stop	Give Way	Sch Patrol/warden	Nil								
STREET LIGHTS	On	Off	None			WEATHER	Fine	Mist/Fog	Lt rain	Hvy rain	Snow	Frost	Str. wind					

17

OTHER PERSONS INVOLVED — CYCLISTS PEDESTRIANS PASSENGERS PILLIONS

Forenames	Surname	Cyclist, pedestrian passenger with	Age	Sex	Injury	Office Use
1. Name: Cindy maureen	WIPATENE	PAUMER	16 yrs	M	Fatal Serious Minor Nil	
Address: Main Road	NORMANBY					
Injuries: Severe head injuries, broken neck?						
2. Name: Gilegg Lucas Joseph	LUKE	PAUMER	17 yrs	M	Fatal Serious Minor Nil	
Address: 27 Union Street	HAWERA					
Injuries: Spinal injuries suspect back? lacerations						
3. Name: Rebecca Jane	STEPHENS	PAUMER	16 yrs	M	Fatal Serious Minor Nil	
Address: 7 Ruth Street	HAWERA					
Injuries: Broken leg, knocked out						
4. Name: Glenn Haffitia	SA ANGA	PAUMER	17 yrs	M	Fatal Serious Minor Nil	
Address: State Highway 3	KD2 Normanby					
Injuries: Sore arm, bruising						
5. Name:				M	Fatal Serious Minor Nil	
Address:				F		
Injuries:						
6. Name:				M	Fatal Serious Minor Nil	
Address:				F		
Injuries:						

18

INDEPENDENT WITNESSES OR OTHER NOTES

Name: ^{Forenames} Jeffery John ^{Surname} Holmes
 Residential Address: Fraser Road Normanby Phone: 06 3576300
 Business Address: Above Phone:
 Heard loud music + car speeding, witnessed vehicle
 slide in gravel and then overturn. Just before
 crash he saw vehicle swerving all over road.

Name: ^{Forenames} Mandy Mary Katherine ^{Surname} JAKES
 Residential Address: Fraser Road, Normanby Phone: 06 9378042
 Business Address: Phone:
 Riding horse on grass edge of road heard car
 coming from behind them sounded fast. Moved horse
 to far side of grass verge. Car past ~~them~~ going
 all over road. Heard loud music. Lots of dust
 on road. Saw car flip over 2+ times. Mandy felt
 Scared + upset when that happened.

Name: ^{Forenames} Carissa Aleesha ^{Surname} JAKES
 Residential Address: Fraser Road, Normanby Phone: 06 9378042
 Business Address: Phone:
 With sister riding along on her horse. Heard a
 car speeding. Went past them and flip.
 (very upset - needs to be interviewed again with
 parents).

19

Next of kin notified (when, where, by whom)

Taranaki base hospital, 2000hrs, Dr Nanaya K Kara.
 Mr + Mrs Wipatene.

20

SPECIAL PROJECTS

Office
Use

1. Project Name:

2. Project Name:



1. Outline of Legislative Process

Overview of Changes

Prior to 1 November 1999, the procedure for handling Bills in the House was as follows:

- Introduction (which was considered the First Reading, albeit with no debate);
- Second Reading;
- Select Committee;
- Report Back (report presented and debated);
- Committee of the Whole of the House; and
- Third Reading.

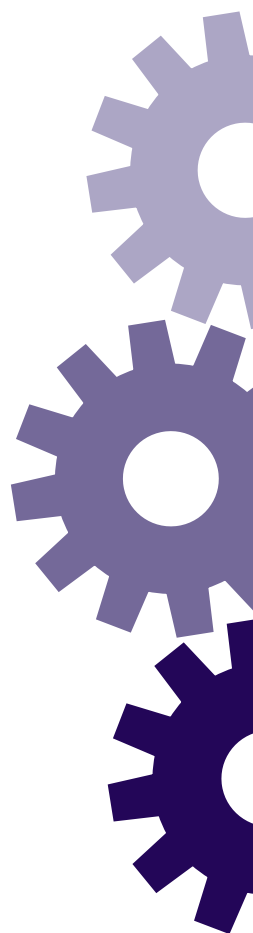
As of 1 November 1999, the procedure is as follows:

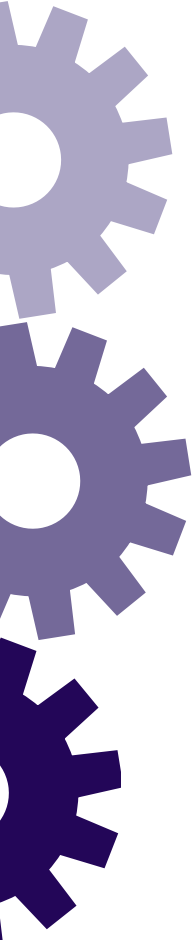
- Introduction (no longer considered the First Reading);
- First Reading (full debate);
- Select Committee;
- Report Back (report presented, but second reading effectively replaces its debate);
- Second Reading (full debate);
- Committee of the Whole of the House; and
- Third Reading.

A The legislative process begins with ideas. Someone somewhere comes to the conclusion that the law should be changed. If sufficiently committed to this conclusion, the next step will be taken. The ideas can come from anywhere and be promoted by anyone. Typically, they are put forward by governmental agencies, the media, lobbyists, community or business organisations, activists, concerned citizens, political parties, members of Parliament (MPs) or ministers.

B The next step is democratic political action. As a general rule, ideas become law only if the necessary political support can be built and maintained throughout a lengthy procedural process. While Parliament has the capacity to pass laws very quickly, it usually takes several years for an idea to become law. Organising the necessary political support can take a lot of work. It can involve lobbying or campaigning (e.g. phone calls, speeches, rallies, marches, meetings, interviews, discussions, articles, and letters to the media and MPs). Sometimes it requires getting enough like-minded individuals elected to Parliament. Knowledge of the formal legislative process helps build and maintain the necessary political support.

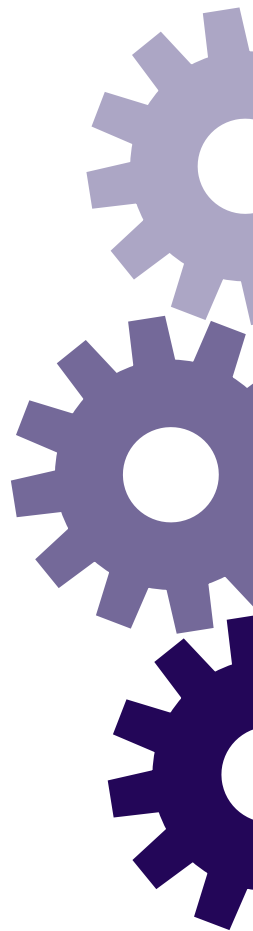
- C** The government of the day sponsors the vast majority of legislation that is enacted each year. In most cases, therefore, the formal legislative process begins with ministers. Ministers are MPs, but they are more powerful than most other MPs. They are invariably members of the party or parties that control the House of Representatives (i.e. they generally have enough votes to enact the bills they want and to defeat the bills they do not want). They may or may not be members of Cabinet, which is a committee of ministers that decides the important issues confronting the government of the day, such as whether a bill should be introduced to change the law in a particular area.
- D** Ministers are responsible for the work of government agencies. For example, the Minister of Transport is responsible for the work that the Ministry of Transport is or is not doing, and can, within the bounds of the law, determine what work it does or does not do. Through a variety of mechanisms, each ministry is obliged to serve its minister. For example, the purchase agreement between the Minister of Transport and the Ministry of Transport sets out the Ministry's work priorities, including the work that it may do to alter the law. If a minister sees merit in changing the law and can convince Cabinet of this, then the change is likely to occur. For this reason, ministers are generally a crucial part of the legislative process.
- E** As a general rule, an agency must have ministerial authorisation to act. The agency need not wait for its minister to pursue a certain issue (e.g. change the law). It can approach the minister for authorisation to act, which will be given if the agency convinces the minister of the need to act. From this point, it is up to the agency and the minister to marshal the arguments and evidence that will persuade the Cabinet Legislation Committee (LEG) and then the full Cabinet to act on the advice. LEG is a Cabinet subcommittee consisting of senior ministers, who look after the legislative programme of the government of the day. Cabinet generally follows its recommendations.
- F** As matter of practice, Cabinet sets the legislative programme at the start of each year by calling for legislative bids from each minister. The ministers rely upon their ministries to make these bids. Ministries draw on their expertise in their areas and their understanding of the aims of their ministers to formulate and prioritise their bids. Cabinet, acting on the advice of LEG, establishes its legislative programme for the year by sorting through and prioritising the legislative bids from each minister. Cabinet, as it often does, can change the legislative programme, especially in the light of political developments or unforeseen circumstances arising later in the year.
- G** If Cabinet incorporates a particular bid into the legislative programme, then a three-step process takes place. First, Cabinet, acting on the advice of LEG, decides on the legislative priority to be allocated to the bid. Second, the responsible minister authorises the issuance of drafting instructions to the Parliamentary Counsel Office (PCO). Third, Cabinet, acting on the advice of LEG, approves the draft of the Bill to be introduced into the House.
- H** The third step consists of several components. Initially, the draft that PCO has prepared is circulated among interested agencies for comment. It is also vetted for compliance with the New Zealand Bill of Rights Act 1990, the Privacy Act 1993, the principles of the Treaty of Waitangi, New Zealand's international obligations, and the Legislation Advisory Committee's guidelines on legislative drafting. The instructing agency may also circulate the draft to subject matter experts outside of government for comment, but this requires express ministerial approval.



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- I** PCO alters the draft in the light of these comments. When the instructing agency is happy with the Bill, it submits it to LEG with a paper that explains its purpose and recommends that it be introduced on a particular date. If LEG approves the Bill, it is referred to Cabinet. Occasionally, particularly if time is short, the Bill can be sent straight to Cabinet, bypassing LEG. Once Cabinet approves the Bill, it usually refers it to caucus. It also refers it to Business Committee of the House, which decides when the Bill is to be introduced.
 - J** A Bill can be introduced on a sitting day or a non-sitting day. It is a purely administrative step, which is triggered by advising the Clerk of the House of Representatives, who is responsible for organising the business to be conducted in the House each day (i.e the Order Paper). The Clerk announces its introduction to the House on the next sitting day.
 - K** The first reading of the Bill follows its introduction. The first reading will not usually be before the third sitting day after the bill's introduction. The first reading debate consists of 12 10-minute speeches. A Bill may be defeated in its first reading. If it is not defeated, the first reading authorises the Bill to proceed to a select committee, but without "in principle" endorsement.
 - L** Following the first reading, the Bill, as a general rule, is referred to a select committee nominated by the minister in charge of the Bill (during his or her first reading speech). The bill is not referred to a select committee if it is an appropriation Bill, an imprest supply Bill, or Bill that is to be passed under urgency. A select committee is a subcommittee of the House. It is typically composed of MPs from each party in the House. Usually, the MPs belonging to the party or parties that control the House have the majority on the committee.
 - M** The select committee considering the Bill generally calls on the public at large to make written submissions on the Bill. It can also invite comment from recognised experts and from those whose interests are likely to be affected. The call for written submissions generally close no earlier than 5 weeks after the select committee has received the Bill.
 - N** After considering the written submissions, the select committee usually hears oral submissions from those who made written submissions and also wish to address the select committee in person. This gives the select committee an opportunity to explore the concerns expressed, and tests the arguments made, in the written submissions. It also gives the submitters an opportunity to raise new issues or to emphasise or clarify points made in their written submissions.
 - O** Officials from the ministry in charge of the Bill and PCO also study the written submissions and attend the select committee to hear the oral submissions. Once submissions have been made, the officials from the ministry in charge of the Bill provide the select committee and PCO with its report on the submissions. It analyses the submissions and often makes recommendations to change the Bill.
 - P** After considering the report, the select committee meets to decide whether or not it should change the Bill, either in accordance with proposals made in the submissions, in the report prepared by officials, or concerns that the members of the select committee

have raised. The changes, if any, must be relevant to the subject matter of the Bill. Officials from the ministry in charge of the bill and PCO attend these meetings. PCO incorporates the decisions of the select committee into the Bill, identifying those portions that have been struck out and those portions that have been added.

- Q** This marked up version of the Bill becomes part of the select committee's report to the House, in which the select committee explains the changes it recommends be made to the Bill before it is enacted. Unless the House provides an extension, select committees are required to report back on bills within six months of receiving them. If this deadline is not met, the Bill is discharged from the select committee and referred back to the House for its next stages (committee of the whole House and third reading).
- R** The second reading follows the report back. The second reading will not usually be before the third sitting day after the select committee report is presented. The second reading consists of 12 10-minute speeches. Two questions are usually decided. The first question is whether the changes to the Bill agreed to by the majority of the select committee should be adopted (changes that have select committee's unanimous support are automatically adopted). The second question is whether the Bill should proceed (i.e., should be endorsed in principle). If the answer is no, the Bill is automatically discharged, and the process ends.
- S** The next stage is known as the committee stage. All MPs (except the Speaker) comprise a committee called the committee of the whole House. The bill is considered, and any MP can propose changes to it. These changes must be relevant to the subject matter of the Bill. The government of the day frequently uses this stage to make changes to the Bill. The committee of the whole House generally considers and approves the Bill clause by clause, but occasionally does this part by part. PCO makes the changes to the Bill that the committee agrees to adopt.
- T** The third reading follows the committee stage. It is a short debate during which the Bill, as reported back by the committee of the whole House, is considered. Further changes to the Bill are not allowed. The House either votes for or against the bill. If the House votes against the Bill, it is discharged and the process ends.
- U** If the House approves the Bill, then it is referred to the Governor-General for assent. Once assent is given, the Bill becomes an Act of Parliament, which may, depending on how it is drafted, take effect immediately or on a specified date.
- V** Generally, Acts have empowering provisions that allow the Governor-General, acting on the advice of ministers, to make regulations. Regulations are usually the method by which operational details are written into the law. For example, an Act may state that a fee can be specified in regulations. If the minister in charge of the Act convinces Cabinet that the fee should be a certain amount, e.g., \$50.00, the minister instructs PCO to prepare the regulations. The draft is then vetted by the relevant agencies. PCO makes the changes that the instructing ministry accepts. The regulations then go to LEG for approval. If LEG approves, they go to Cabinet (reconstituted as the Executive Council) for approval. If approved at this stage, the regulations go to the Governor-General for his or her signature. Once signed, they may, depending on how they are drafted, take effect on a specified date or 28 days after being notified in the **Gazette**. Notice of the regulations must be published in the **Gazette** in either case.



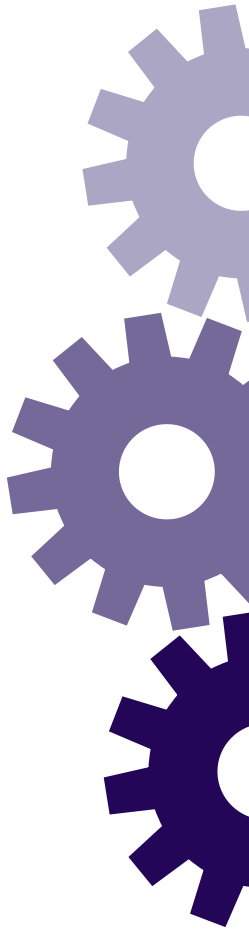


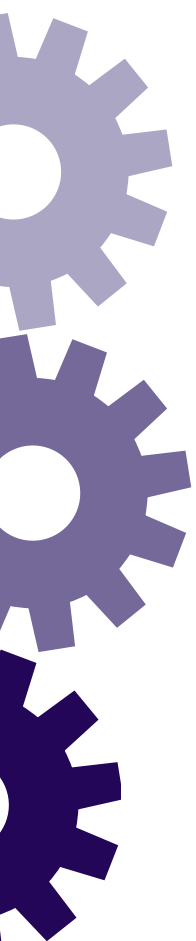
How Law is Made - Summary

Acts	Regulations
<i>Someone gets the idea that the law should be changed and convinces the government of the day that it should be changed.</i>	<i>The act may authorise the making of regulations.</i>
<i>Minister in charge of the relevant area, via his or her ministry, instructs PCO to draft Bill.</i>	<i>If regulations are needed, the minister in charge instructs PCO to draft regulations.</i>
<i>PCO drafts Bill, circulates it among government agencies for comment, and incorporates agreed changes.</i>	<i>PCO drafts regulations, circulates them among government agencies for comment, and incorporates agreed changes.</i>
<i>LEG approves draft of Bill.</i>	<i>LEG approves draft of the regulations.</i>
<i>Cabinet approves draft of Bill.</i>	<i>Cabinet (reconstituted as the Executive Council) approves the regulations and advises the Government-General to sign them.</i>
<i>Bill is introduced.</i>	
<i>Bill read for first time; House debates the bill and votes to accept, reject, or defer Bill; if accepted, the Bill is referred to select committee debate; if rejected, process ends.</i>	
<i>Select Committee calls for and studies submissions on Bill, considers recommendations from officials, and produces a report for the House that explains the changes that it recommends be made to the Bill.</i>	
<i>Report back (select committee's report is presented).</i>	
<i>Bill read for second time; changes that the select committee supported unanimously are automatically adopted; changes with majority support require House approval to be adopted; House decides whether Bill should proceed (i.e. endorsed in principle); if not, process ends.</i>	
<i>Committee of the whole of the House; Bill considered clause by clause or part by part; any MP may propose changes to the Bill; PCO makes any agreed changes.</i>	
<i>Bill read for the third time; if rejected, the process ends; if approved, sent to the Governor-General for assent.</i>	
<i>Bill becomes an Act when Governor-General assents; Act takes effect on assent or on specified date.</i>	<i>Governor-General signs regulations; they take effect on a specified date or 28 days after being notified in the Gazette.</i>

2. The Legislative Process: Cards - template

<p>Someone gets the idea that the law should be changed and convinces the Government of the day that it should be changed.</p> <p>s</p>	<p>Cabinet approves the Draft Bill.</p> <p>r</p>
<p>The Minister in charge of the relevant area, via his or her ministry, instructs the Parliamentary Counsel Office to write the idea up into a Bill.</p> <p>a</p>	<p>The Bill is introduced to Parliament by the Clerk of the House of Representatives.</p> <p>o</p>
<p>The Parliamentary Counsel Office drafts the Bill, circulates it among government agencies for comment, and makes the changes suggested.</p> <p>f</p>	<p>First Reading. The Bill is read in Parliament for the first time. The House debates the Bill and votes to accept, reject or defer the Bill. If accepted, the Bill is referred to a Select Committee debate. If it is not accepted, the process ends here.</p> <p>a</p>
<p>The Cabinet Legislation Committee approves the Draft Bill.</p> <p>e</p>	<p>The Select Committee, made up of MPs, calls for submissions from interested people, and reports from experts. The select committee makes recommendations on changes to the Bill after considering all the information. It produces a report for the House that explains all the changes that it recommends be made to the Bill.</p> <p>d</p>





<p>The Select Committee presents its report to Parliament.</p> <p>u</p>	<p>The Bill becomes an Act when the Governor-General assents. An Act takes effect on assent, or on a specified date.</p> <p>s</p>
<p>Second Reading. The Bill is read in Parliament for the second time. They decide: a) whether the Select Committee's changes should be accepted; b) whether the Bill should proceed. If the answer is 'no' the process will end.</p> <p>s</p>	
<p>The Committee of the Whole of the House meet and consider the Bill clause by clause, or part by part. Any MP may propose changes to the Bill. The Parliamentary Council Office makes any agreed changes.</p> <p>e</p>	
<p>Third reading. The Bill is read in Parliament for the third time. If rejected, the process stops. If approved, it is sent to the Governor-General for assent.</p> <p>r</p>	