

Equity of Road Safety Fines and Penalties

Final Report

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Issue	Description	Prepared by	Reviewed by	Authorised by	Date
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Executive Summary

Auckland Transport is interested in advocating for changes to road safety fines and penalties to reduce road trauma and improve road safety outcomes. Road safety fines and penalties are typically for infringements related to restraints (seatbelts), impairment (driving under the influence of drugs and/or alcohol), distraction (including using a mobile phone while driving) and speeding. Given political awareness of inequity in transport and other areas of government, the purpose of this research was to address the following questions:

1. **What is the problem?**
2. **What does good look like in addressing the problem?**
3. **What are potential solutions to the problem?**
4. **What are the benefits and risks to these solutions in the NZ context?**

With the above questions in mind, Auckland Transport is interested in advocating for two specific changes to the road safety fines and penalties:

1. **A minimum \$100 fine** for a road safety infringement (an increase from the current minimum of \$30)
2. **Driver licence demerit points** to be attached to fixed speed camera fines (and potentially, any fines related to infringements detected by cameras)

This research addressed the above questions with a review of local and international literature, and interviews with 13 stakeholders from the social services and legal sectors, academia, the transport sector and from among mana whenua.

In summary, the research addressed these questions as follows:

1. **What is the problem?** *What are the equity concerns with any changes to road safety fines and penalties? Who could be impacted? In what way? What are the equity concerns if there are no changes to road safety fines and penalties?*

Aotearoa New Zealand has an inequitable system of road safety fines and penalties. For various reasons, people who face the most disadvantage in everyday life also incur the most hardship from fines and penalties, for reasons both within and outside of their control.

2. **What does good look like in addressing the problem?** *What is the ideal outcome for the fines and penalties review from an equity perspective? How would we know equity outcomes have been adequately addressed?*

A good outcome would be for road safety fines and penalties to be equitable. There are no clear measures of equity in fines and penalties, so in practical terms addressing the problem relies on stronger, trusted connections to stakeholders at the forefront of community hardship. Their feedback into changes to fines and penalties, and in supporting people and communities to be stronger overall, can help the transport sector know whether it is improving equity of fines and penalties and equity in road safety outcomes.

3. What are potential solutions to the problem? *What do other jurisdictions do to address these issues? How applicable are these solutions to the NZ context? How effective are they in addressing equity issues in NZ?*

There are several potential ways to improve equity of road safety fines and penalties directly. They include:

- Provide a fines structure that is more closely related to people's ability to pay: that is, having different fines for people with higher and lower incomes
- Provide flexible fines payment plans by default and strengthen social sector support for people who accrue fines and penalties
- Increase access to legal aid and community law services and alcohol interlocks: people on lower incomes cannot access enough financial support to apply for a limited licence if their licence is suspended or revoked, and alcohol interlocks can be prohibitively expensive. These inequities can be removed with subsidies.
- Increase automated enforcement where possible to remove potential enforcement bias: while speed cameras do not discriminate, mobile speed enforcement by police officers is less objective, so there is an opportunity to improve both the perceived and actual objectivity of speed enforcement with more cameras that detect infringements including speed.
- Provide flexible, community-centric alternatives to fines and demerit points: for people who simply cannot pay a fine, community-based solutions are likely to be more equitable.

As well as direct solutions, broader interventions to create more equitable access to transport and support mental and physical well-being in all communities would help address the root problems that create inequity in Aotearoa New Zealand.

4. What are the benefits and risks to these solutions in the NZ context? *What are the strengths and weaknesses of the potential solutions to our context? How could they be adapted to work for NZ?*

Equity of fines and penalties is a complex problem, so there is a risk that investing in interventions to reduce inequity will not show a tangible improvement. However, there is also an opportunity to create stronger connections across the social, community and transport sectors so that mana whenua and community voices play a stronger role in road safety more broadly. The benefits of this more comprehensive approach will be realised in reduced road trauma and healthier communities.

Regarding the specific proposals related to increasing the minimum fines from \$30 to \$100 and attaching demerit points to speed cameras, this research found no clear reasons *not* to advocate for those changes. As discussed above, there are solutions that can be used to mitigate equity concerns.

As a next step, it is recommended that Auckland Transport consider ways to promote equity in road safety fines and penalties by adopting this report's recommendations. Further exploration of equity in road safety more broadly, including clearer ways to articulate it within and beyond the road safety professional community, would be worthwhile.

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Appendix A Transport fines and penalties

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1 Introduction

Road safety fines and penalties exist to discourage behaviour that contributes to crash risk. We have unacceptable crash and injury rates from driving in Aotearoa New Zealand. In 2019, 350 people died in traffic crashes, and 14,753 were hospitalised with injuries (Ministry of Transport, 2020). In 2020, 48% of fatal crashes were attributed to alcohol and drugs, 32% to going too fast for conditions and 14% to inattention (Ministry of Transport, 2020). Moreover, wearing a seatbelt reduces the risk of death for drivers and front seat occupants by 45 – 50%, and the use of child restraints may lead to a 60% decrease in death (WHO, 2021).

Enforcement of road rules and behaviour is a key pillar of the government's Road to Zero Road Safety Strategy (Ministry of Transport, 2021). However, it is unclear how fines and penalties affect Aotearoa New Zealand's diverse people and communities differently. If the fines and penalties system is not equitable, some people may accrue more harm from road trauma than others, and some may also be harmed by the fines and penalties regime itself. This report explores equity of road safety fines and penalties in the Aotearoa New Zealand context.

As well as discussing the range of factors affecting equity of road safety fines and penalties the report addresses four key questions, with two specific proposals in mind:

- 1. What is the problem?** *What are the equity concerns with any changes to road safety fines and penalties? Who could be impacted? In what way? What are the equity concerns if there are no changes to road safety fines and penalties?*
- 2. What does good look like in addressing the problem?** *What is the ideal outcome for the fines and penalties review from an equity perspective? How would we know equity outcomes have been adequately addressed?*
- 3. What are potential solutions to the problem?** *What do other jurisdictions do to address these issues? How applicable are these solutions to the NZ context? How effective are they in addressing equity issues in NZ?*
- 4. What are the benefits and risks to these solutions in the NZ context?** *What are the strengths and weaknesses of the potential solutions to our context? How could they be adapted to work for NZ?*

With the above questions in mind, Auckland Transport is interested in advocating for two specific changes to the road safety fines and penalties, which are discussed in the Recommendations section of this report:

- 1. A minimum \$100 fine** for a road safety infringement (an increase from the current minimum of \$30)
- 2. Driver licence demerit points** to be attached to fixed speed camera fines (and potentially, any fines related to infringements detected by cameras)

The report includes a review of literature, a summary of interviews with road safety stakeholders, and recommendations for consideration of equity in reviewing the road safety fines and penalties structure to address the above questions.

2 Literature review

The literature review has been structured around the following questions. They all overlap the key questions listed in the Introduction. This approach has been used to cover the necessary background to understand equity of road safety fines and penalties. The literature reviewed includes peer-reviewed journal articles and government reports from New Zealand and overseas.

- 1) Who suffers road trauma?
- 2) Why do people break the law while driving?
- 3) What are the fines and penalties for driving offences in Aotearoa New Zealand?
- 4) Who incurs the most driving penalties in Aotearoa New Zealand?
- 5) Are current road safety fines and penalties equitable?
- 6) How could road safety fines and penalties be more equitable?

2.1 Who suffers road trauma?

Road trauma is a collective term for deaths and injuries that happen while people are using transport networks. In terms of worldwide statistics, over half of traffic fatalities are vulnerable road users: pedestrians, cyclists and motorcyclists (WHO, 2021). However, the same cannot be said for Aotearoa New Zealand, as most deaths are vehicle occupants (EHINZ, 2020). This difference in statistics is likely attributable to our high rates of car travel and prevalence of footpaths, as most traffic deaths (93%) occur in low and middle income countries (WHO, 2021) that have more vulnerable road users and more limited infrastructure.

In terms of demographics worldwide, according to the World Health Organisation (2021), traffic fatalities are the leading cause of deaths for peoples aged between 5 – 29 years old. Males under 25 are over-represented in this data as they make up 73% of all traffic deaths and are "... 3 times as likely to be killed in a road traffic crash as young females." (WHO, 2021).

In Aotearoa New Zealand, similar age and sex trends are observed. Between 2014 and 2016, in every age group except for infants between 0 and 4 years old, males had higher road traffic injury (RTI) mortality rates. The age and sex groups with the highest mortality rates were males between 15 – 24 years of age and everyone aged over 85.

Road trauma rates are not the same for every ethnic and socio-economic group. For example, Newbury et al. (2008) compared census data from the Auckland region to local child (0-14 years) pedestrian hospitalisation rates related to traffic injury. Their analysis discovered that injury rates were not equal amongst children; male children made up 63% of the injuries, and Māori and Pacific Island children were well over-represented. It was hypothesised child pedestrian injuries might be associated with an unequal distribution of wealth. Māori and Pacific families have lower incomes on average than other ethnicities, so they may be more exposed to risk of road trauma through the necessity of walking.

Hosking et al. (2013) also investigated injury inequality in the Auckland Region for all age groups between 2000 – 2008. The results also include injuries sustained by car/van occupants. Māori had higher injury rates in each age group, both as pedestrians and as car occupants, except for pedestrians over 65 years. Pacific Islanders also had high injury rates but only between the ages of 0 – 24. This finding was especially prominent for pedestrians, i.e., Pacific children were particularly at risk for being hit as pedestrians. The Aotearoa New Zealand European/other and Asian groups tended to have lower risks in most age groups.

Additionally, Hosking et al. (2013) assessed injury rates by deprivation rating and region. Rural areas and southern urban areas had the highest injury rates. The finding that rural areas have higher injury rates is common throughout the world, probably due to various factors like higher speed limits and spending longer travelling on lower-quality roads. Higher deprivation levels may explain why southern urban areas had higher mortality rates. Increased deprivation was associated with higher injury rates for all age groups. This

relationship was especially prominent for children aged 0 – 14 (9% increase per decile decrease) and adults aged 25 – 64 (11% increase per decile decrease), compared to adults over 65 years (3% increase per decile decrease). Children had the highest rates of injuries as pedestrians and a similar rate to adults for cycling injury rates.

The relationships between socioeconomic status and ethnicity are seen overseas too. For example, Brussoni et al. (2018) conducted a similar study to the above. First, in their literature review, the majority of the papers they covered found that young males and indigenous peoples are over-represented in road trauma statistics, with only a few studies finding no relationship. Second, they assessed injury rates in British Columbia between aboriginal people living on and off reserve, and non-aboriginals to see if the same pattern emerged. Their results found that it did; rural populations had a greater risk of road trauma, as did aboriginal people. Low education levels also increased trauma rates. The authors found that the gap of injury inequality was closing over time, perhaps due to road safety programs and funding focused on the communities most at risk. The authors concluded from this finding that socio-economic disadvantage was the cause behind this groups' higher injury rates.

Road traffic injury mortality rates by age group and sex, and by ethnicity are shown in Figure 1 and Figure 2. Note that the data in Figure 2 are not broken down further by ethnic group, so there is no category for Pakeha / New Zealand European.

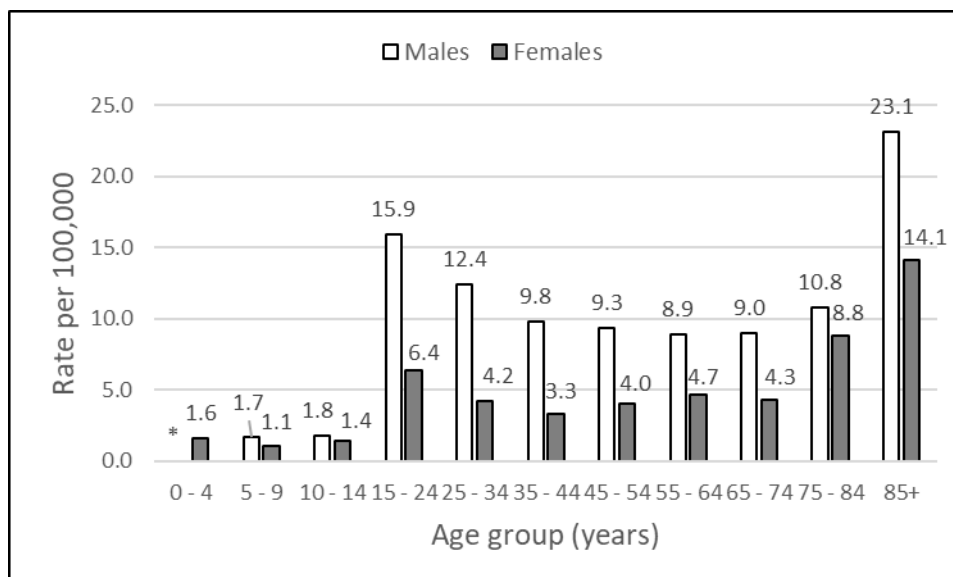


Figure 1 Aotearoa New Zealand road traffic injury mortality rates, by age group and sex, 2014 - 2016¹

¹ https://www.ehinz.ac.nz/assets/Factsheets/Released_2020/Road-traffic-injury-mortality.pdf

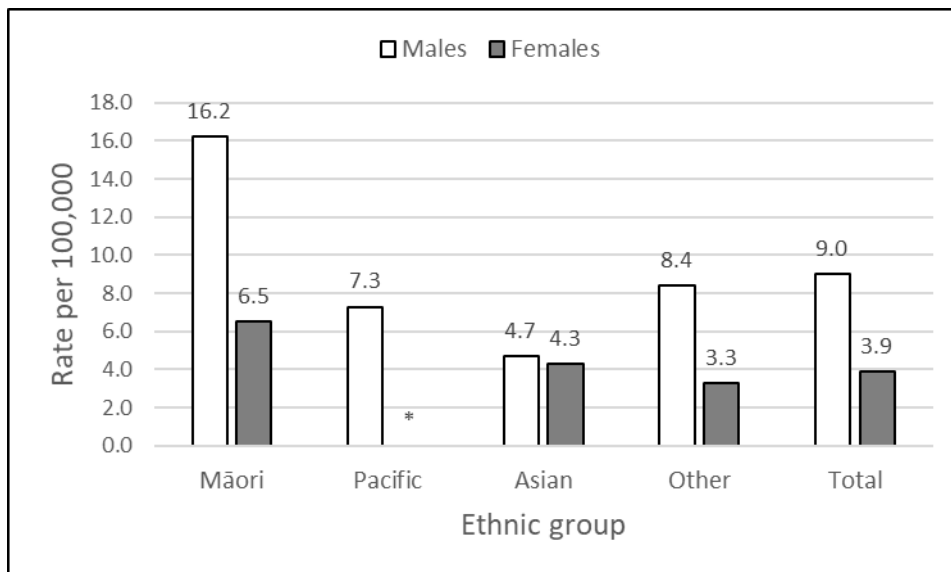


Figure 2 Aotearoa New Zealand road traffic injury mortality rates, by ethnic group and sex, 2014 – 2016¹

2.2 Why do people break the law while driving?

2.2.1 Cognitive basis of road law-breaking

A road user can break the law for various reasons. From a cognitive perspective, these errors can broadly be grouped as intentional violations or unintentional lapses of attention (Parker et al., 1995). Intentional violations are when a driver (for example) knowingly drives at excessive speed, motivated by enjoying driving fast, racing, showing off, or a myriad other reasons. Driving under the influence of drugs or alcohol is also typically a violation, as choosing to drive happens after consuming drugs or alcohol.

Violations are typically addressed through fines and penalties when drivers are caught in the act, and by education initiatives to target the decision-making process that leads to the decision to break the law. Lapses of attention are different from violations in the nature of a driver's (or other road user's) intention. A lapse is an unintentional failure to do the right thing. For example, a driver might unknowingly take the wrong lane through an intersection; turn their indicators on instead of their windscreen wipers; or travel faster than the speed limit without realising it (Parker et al., 1995).

Lapses of attention can be corrected in the short term with infringements such as fines and penalties. However, it is difficult to eliminate lapses through enforcement because of long-term habits in driving behaviour. Instead, minimising unintentional speeding is best addressed through road and street design that naturally fosters appropriate speeds: so-called 'Self-explaining roads' (Charlton et al., 2010).

2.2.2 Law-breaking and socio-demographic variables

Socio-demographic data often correlates with offending. For example, low income has been associated with the non-use of safety equipment (Factor, 2017), drunk driving, and driving while disqualified (Impinen et al., 2011). Similar trends are seen with youth offending: low parental income and education are often both found to be predictors of general offending and youth driving offences (Impinen et al., 2011; Litmus Limited, 2005; Galloway & Skardhamar, 2010).

However, the relationships between factors such as income, education and driving charges are not absolute. For example, Factor (2017) found that higher socio-economic groups were more likely to have speeding tickets in Israel.

What does seem to be a consistent influence on youth driving offences, is low parental monitoring and involvement. While not all children with low parental monitoring will drive recklessly and vice versa, the relationship between the two is strong (Cavallo & Harrison, 2014).

The associations are complex. A variety of personal factors, including material and social conditions, character traits, and individual choice, all affect road safety outcomes. Some research suggests that some groups (youths, racial and ethnic groups and those with older vehicles) appear to be targeted more by police (Wahlquist, 2020; Baumgartner, 2017; Litmus Limited, 2005). Therefore, the true rate of infringement (independent of being caught) is unknown.

Some driving charges people commit can be tied to material circumstances. Two examples of this are driving without a warrant or registration and driving while disqualified. Many people in Aotearoa New Zealand rely on a car to live their life (MRCagney, 2020). For example, many jobs require drivers to have a full license and their own car. These requirements come both as a mandate from employers on the terms of employment and as a practical reality. Shift work and living far away from places of employment make this latter observation especially true, affecting those on the lowest incomes the most as they have the fewest choices about where to live and work. Public transport can be sparse away from denser urban centres and absent in many more remote locations.

The car-centric nature of our communities leaves those without licenses and who cannot afford the work needed to get a warrant, or even the cost of warrants and registrations themselves, in a place where they may need to choose between meeting their basic needs and breaking the law (Litmus Limited, 2005). The same is seen in those with disqualified licenses (Quilter & Hogg, 2018) or who have never sat for the appropriate license. The more rural people get, these issues are less avoidable (Brussoni et al. 2018; Fitzgerald, 2012).

2.3 What are the fines and penalties for driving offences in Aotearoa New Zealand?

In Aotearoa New Zealand, driving offences such as driving while intoxicated, using cell phones while driving, speeding, and not using a seatbelt can result in legal consequences, which we summarise as fines and penalties. The level of fine and nature of penalty depends on various factors, including the severity of the offence and the infringer's driving offence history.

Two of the most common penalties are receiving infringement notices and demerit points. Infringement notices require the infringer to pay a monetary fine as punishment for their behaviour. These are issued outside the court and require the receiver to pay the full amount within 28 days. If the amount is not paid within this time window, the notice will escalate to the court system. People with low incomes can contact the court to ask for a payment plan or to discuss other penalty options if they cannot immediately pay the fine in full. Escalation adds additional court charges to the infringers' balance to pay off, starting with a \$30 court fee and then a \$102 fee if the court takes enforcement action (Ministry of Justice, 2021). Enforcement action can then include direct deductions from a person's bank account, clamping their vehicle, claiming and selling their property, barring overseas travel and driver's license suspension (Community Law, 2022; Ministry of Justice, 2021).

After fines escalate to court, the infringer can apply to create a payment plan instead of paying their balance in a lump sum. (Ministry of Justice, 2021). Some of the amounts listed in Table 1 also include court issued fines as those charged with driving under the influence are more likely to go to court to receive their penalties. Imprisonment is also a higher possibility for those charged with driving under the influence.

In addition to incurring fines or imprisonment, drivers will also receive demerit points or immediate license disqualification. Demerit points are points that a person accumulates for various traffic offences, which, if enough are accumulated within a set period, may result in the suspension of their license. In Aotearoa New Zealand, 100 or more points within two years will lead to license suspension for three months. Someone may accrue 100 points if, for example, they refuse to stop for an evidential breath test and are then found to be intoxicated behind the wheel. Conversely, a driver may reach 100 points through repeated, lesser offences such as several speeding tickets where the person did not exceed 20 km/h (Waka Kotahi NZTA, 2022a). Demerit points are only issued by police officers and the courts, not by speeding cameras.

Those who have repeated driving offences involving drugs and alcohol may have an indefinite disqualification with a minimum period of one year and one day. After suspension, the driver must then 'reinstate' their license. Reinstating a license generally includes completing an application form and eye-sight test, providing ID and medical certificate (if required), taking a new photo and paying a reinstatement fee of \$66.40. Those who receive indefinite disqualifications need to provide additional proof that they have dealt with their alcohol and drug problem when reinstating their license (Waka Kotahi NZTA, 2022a).

In cases where not having a licence causes hardship, drivers can apply for a limited licence. The application is to the court and requires a lawyer to assist with documentation and the application. Criteria related to the driving offence and the specific circumstances of the applicant are considered, and if approved, the applicant then pays a fee and completes an application for the licence itself to Waka Kotahi (Waka Kotahi NZTA, 2022b).

Road safety offences can also result in prison sentences. For example, driving under the influence of alcohol or qualifying drugs can lead to a fine of \$4,500 or jail up to three months for the first and second charges (Community Law, 2022), and a \$6,000 fine or imprisonment for up to two years for a third or subsequent offence. Moreover, if someone causes injury or death while intoxicated, they can be fined up to \$10,000 or sentenced to prison. However, if a blood test proves the person was over the legal limit, the fine increases to \$20,000 or they can be imprisoned for up to five years. (Waka Kotahi NZTA, 2018).

In addition to the road safety fines and penalties listed in Table 1 below there are a variety of other transport-related fines and penalties for offences that are not directly related to road safety, or outside the scope of this report. The fines and penalties associated with other offences are listed in Appendix A: Transport fines and penalties.

Table 1 Fines and demerit points (Waka Kotahi NZ Transport Agency, 2022a)

Type of infringement	Specifics	Infringement fee/court fine	Demerit points (Officer-issued infringements only)
Speeding	10km/h or less over speed limit	\$30	10
	11 – 15km/h over speed limit	\$80	20
	16 – 20km/h over speed limit	\$120	20
	21 – 25km/h over speed limit	\$170	35
	26 – 30km/h over speed limit	\$230	35
	31 – 35km/h over speed limit	\$300	40
	36 – 40km/h over speed limit	\$400	50
	41 – 45km/h over speed limit	\$510	50

Type of infringement	Specifics	Infringement fee/court fine	Demerit points (Officer-issued infringements only)
	46 – 50km/h over speed limit	\$630	50
Seat belt use	Issued to driver if they or a passenger under 15 years old is not wearing a seatbelt/child restraint. Issued to passengers over 15 years of age if they are not wearing a seatbelt.	\$150	
Driving while intoxicated	First and second charge	\$4,500	50
	Third or subsequent charge	\$6,000	50
	Causes injury or death under the influence of qualifying drugs or alcohol	\$10,000 - \$20,000	
Using a hand held cell phone	All instances	\$150	20

2.4 Who incurs the most driving penalties in Aotearoa New Zealand and overseas?

2.4.1 Demographic details of people who accrue traffic fines and penalties

Figure 3 to Figure 5 show a summary of the demographics of those charged with regulatory driving offences between January and December of 2018 compared to the demographics of Aotearoa New Zealand from the 2018 census.

As shown in Figure 4, Māori are well over-represented in traffic charges, where they incurred 44.5% of the charges whilst they only made up 16.5% of the population. Conversely, NZ Europeans only incurred 35.9% of the charges whilst they were 70.2% of the population. A similar split can be seen with sex. Figure 3 shows males made up 76% of those with regulatory driving offences while females made up 24%, even though they had a near even split in the population. Lastly, young people are grossly over-represented for driving offences compared with those aged 35 years and over (New Zealand Police, n.d.).

Trends like these are not Aotearoa New Zealand specific. Disadvantaged ethnicity groups, those in lower socio-economic positions, young people and males make up most charges in Australia (Wahlquist, 2020), the United States of America (Kamanga et al., 2021) and the United Kingdom (Factor, 2018). Considering the lower financial position of disadvantaged ethnicities, young people and those in lower-socio economic positions, determining how fines and demerit points affect these groups is crucial.

Note that data for regulatory offences rather than infringement notices are shown because these are the only data available. While infringements can result in a criminal record, regulatory offences do not. The data do not separate out all offence types so they are provided as an indication of driving offences by demographic group, rather than a precise description of who incurs road safety fines and penalties.

Figure 3 Proportion of regulatory driving offences by stated sex (note: data that includes people identifying with non-binary genders was not reported)

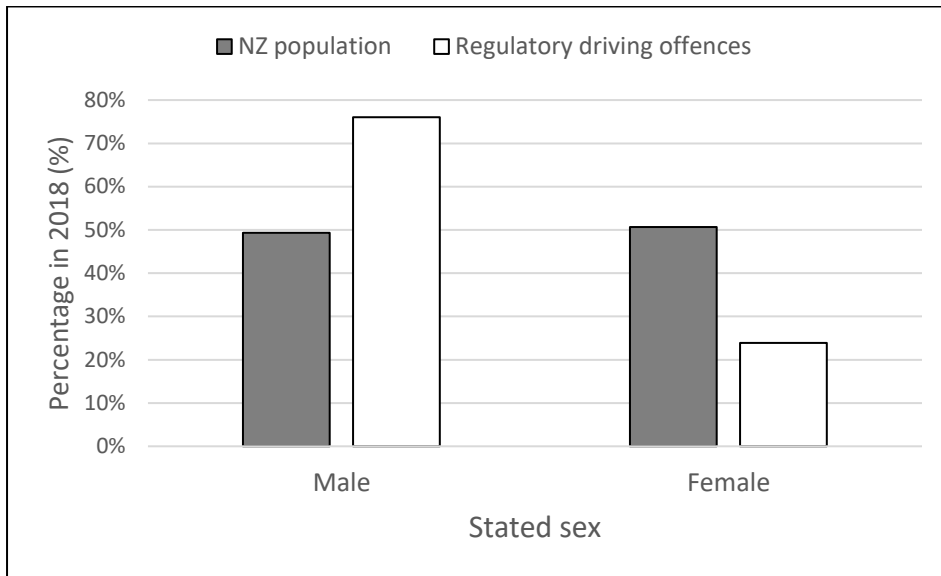


Figure 4 Proportion of regulatory driving offences by stated ethnicity

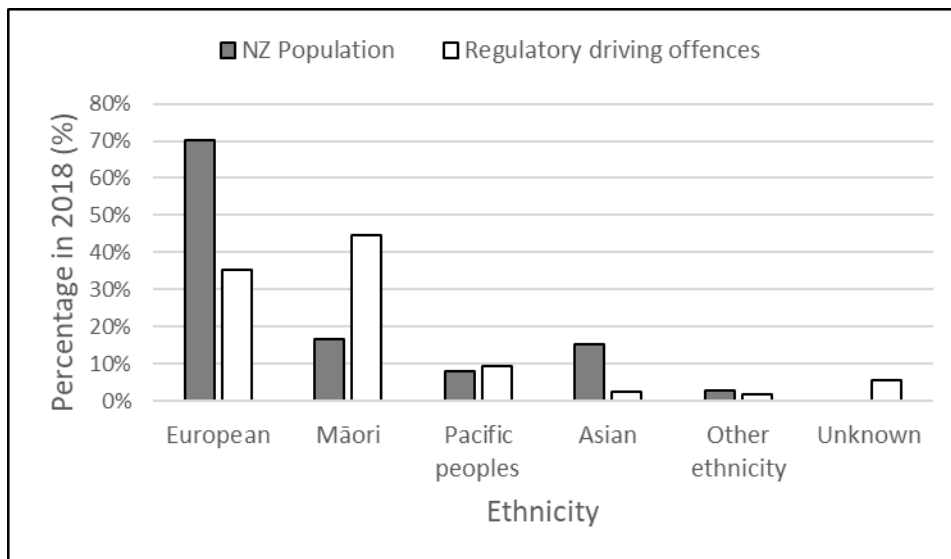
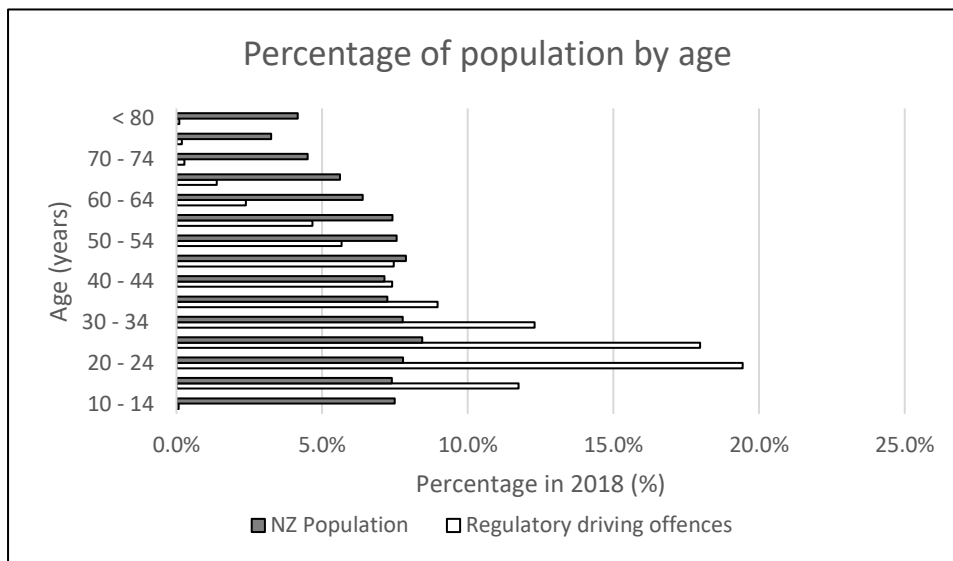


Figure 5 Proportion of regulatory driving offences by age group



2.4.2 Inequity of fines and penalties: who accrues the most costs?

In 2012, A Waka Kotahi research report (Fitzgerald, 2012) investigated the social impacts of a lack of access to transport in rural Aotearoa New Zealand, with implications for road safety fines and penalties. It was suggested that high reliance on motor vehicles, low incomes, and a lack of license testing agencies and garages that can issue warrants of fitness combine to push some local people to break the law. For example, many young people in rural areas drive for years without a license, and many people have unwarranted and unregistered cars. It was also noted that Māori, older people, those with low incomes and low levels of education were less likely to live in areas with high-quality public transport.

Similar issues have been highlighted internationally. For example, in an article titled “the hidden punitiveness of fines”, Quilter and Hogg (2018) argue that fines and infringement notices are inherently inequalitarian in Australia. At the core of this claim is the knowledge that most of those who do not pay fines cannot afford to, and those who do not pay usually incur further penalties. This relationship means that those who are already disadvantaged eventually receive much harsher penalties which affect their lives and livelihoods to a greater extent than those who can pay straight away.

Fines are often escalated if unpaid because disadvantaged people cannot afford them, and many disadvantaged people do not have the resources to ‘fight’ the charges. They have the option of proving their income is not high enough to make immediate payment; however, it’s put on the defendant to provide this information, and they have to go to court to do so. As Quilter and Hogg (2018) stated, “... indigenous Australians, the young, homeless, the welfare dependent, mentally ill people, those with intellectual disabilities and prisoners...” struggle to advocate for themselves or follow the correct procedures due to “... literacy and numeracy problems...” and “... language difficulties...”. These issues provide context to why most unpaid infringement notices go to court and incur added charges even if the person can not pay. If the disadvantaged people can prove they cannot pay off their fines, they can usually pay it off in instalments (which compete with other bills they have) or do community service.

Even if low-income people can pay their debt off by community service, this itself can cause issues because of their low income status. For predominantly women, finding childcare while they attend community service can make this option impossible. For those in low-income jobs, those with dependents, or other debts, taking days off to attend community service also has dire financial consequences. In some parts of Australia,

infringers can opt to serve a prison sentence instead if they can prove they can't afford the amount or do community service, in which prison sentences are a lot shorter. This option incentivised many aboriginal women especially, to go to prison instead to "pay off" their fines. Going to prison has made it harder for those to secure employment since, locking in cycles of poverty. For others who don't have this option, they may not attend their community service. Breaching community service can lead to service extensions, more fines or imprisonment.

Secondly, the authors claimed that suspending low-income peoples' license has added invisible punitiveness. For example, driving while disqualified lead to many additional charges in Australia, especially for aboriginal men. The authors cited a report that investigated why people drive while disqualified. Often, those with lower incomes are faced with the decision to break the law, lose out on employment, or fail to attain essential services for themselves or their dependents. These consequences come from living in car-dominated areas, where jobs expect people to have full licenses and affordable, timely alternative forms of transport are not available. They found this was especially true from those living rurally or away from city centres.

It is likely that similar inequity exists in Aotearoa New Zealand. The New Zealand community law website states:

"On your first or second conviction for driving while disqualified, you can be jailed for up to three months or fined up to \$4,500. You'll also get an additional disqualification for at least six months. On your third or later conviction you can be jailed for up to two years or fined up to \$6,000, and you'll get an additional disqualification for at least one year."

Communitylaw.org.nz, 2022

So for those in NZ on disqualified licenses who, through necessity, continue to drive, getting caught can have huge financial consequences or long-lasting impacts on their ability to gain employment. These consequences do not mention the psychological, social and emotional consequences that come with incarceration or cumulative debt.

2.5 Are current road safety fines and penalties equitable?

In considering equity of road safety fines and penalties, we must consider both those who receive fines as well as the victims of dangerous driving. As covered in section 2.1, the concentration of road trauma on disadvantaged groups and males accentuates health inequalities in society. Therefore, something must be done to reduce dangerous driving practices. However, it is also worth considering whether our current fines and penalties structure is punishing all people in the same way and if it is causing more harm to some socio-demographic groups than others.

Some studies have asked whether fines are an equitable form of punishment, especially when considering people's income differences. Fines and license suspension can have inequitable impacts on disadvantaged groups. These impacts come from the original fine sum and people's practical ability to pay it, and because punishments escalate when people do not pay their fines or are caught driving after license suspension. In summary, people with less money have fewer means to pay fines and penalties than those with higher incomes.

Some aspects of equity, or fairness in road safety fines and penalties include:

2.5.1 Many low-income people suffer hardship whether they pay a fine or not.

If a low-income person does pay a road safety fine, it can mean giving up necessities such as food, rent, or payment of other debts. When people do not pay a fine because they cannot afford it, punishment may escalate. Therefore, it can be argued that escalation is most harmful to those most disadvantaged in the first

place. The penalty of an increasing infringement is related to their inability to pay rather than to anything related to the seriousness of their infringing, which is arguably unfair.

2.5.2 Those in vulnerable positions find interacting with the court overwhelming, and many do not have the skills to interact with it correctly.

People with learning disabilities, the young, those with low numeracy and literacy skills are likely to struggle with administration, making them more likely to accrue additional fines (Litmus Limited, 2005; Williams & Gilbert, 2011; Quilter & Hogg, 2018).

2.5.3 Extra punishments accrue if fines are not paid or if a negotiation is not made between the courts and the infringers.

As noted above, extra fees are charged when an infringement notice is not paid within 28 days without a discussion and agreement with the court to set up a payment plan. Extra fees are also charged if infringers miss a payment in a payment plan. If fees continue to not be paid, the court can take money directly from infringers' bank accounts, can clamp their car, seize and sell their car and property, suspend their licence, stop them from going overseas and reduce their ability to acquire loans (Ministry of Justice, 2021). Additionally, unpaid fines can also lead to an escalation of harsher, non-monetary based punishments.

Some infringers are given a community service sentence instead of a larger fine. However, not turning up to community service can accrue extra penalties (Department of Corrections, n.d.). Missing a day of work to do community service is not the same punishment for people of different economic situations. A missed day of work is a missed day of income and there are those who cannot afford to miss any days. There is an unequal incentive to miss community service for these individuals, especially if they have dependents or high living expenses relative to their income.

Similar income-related disparities exist when considering demerit points that lead to disqualification from driving. Pressures exist here to drive while disqualified. Poorer individuals have a higher likelihood of license disqualification because they are more likely to live and work in places without alternatives to driving, so the pressure to drive while disqualified is higher. If someone is caught driving while disqualified, their car can be impounded. The price to retrieve the vehicle is \$306.67 (for an average vehicle) or \$715.56 (heavy vehicle) after 28 days and increases by \$12.27 (average vehicle) or \$28.62 (heavy vehicle) each day thereafter. The registered owner has 38 days to pay the sum. If the owner has not done so or appealed to the towing company for a payment plan, the towing company can request permission from the police to dispose of the vehicle (Waka Kotahi NZTA, 2018). In addition to the above, being caught driving while disqualified can result in significant legal and monetary consequences:

"On your first or second conviction for driving while disqualified, you can be jailed for up to three months or fined up to \$4,500. You'll also get an additional disqualification for at least six months. On your third or later conviction you can be jailed for up to two years or fined up to \$6,000, and you'll get an additional disqualification for at least one year."

- Community Law, 2022

Spending time in prison immediately impacts people's career trajectories, and it also makes finding employment difficult afterwards. Moreover, there are other consequences for going to prison like: decreased wellbeing, relationship breakdowns, the material and emotional wellbeing for those related to the infringers, and further involvement with the justice system. All of this is to say, in our current traffic safety penalty structure, the same behaviour may lead to a punishment that would be annoying or, even, barely noticeable

for some, or to a stressful string of interactions with the justice system with life changing consequences for others.

It is concluded that fines and penalties are inherently unfair because they exist as structures within an unfair society. Layers of disadvantage and deprivation interact such that road safety fines and penalties are just one of a multitude of government structures that affect some people for the worse, and those people are more likely to be disadvantaged in the first place.

2.6 How could road safety fines be more equitable?

When considering how fines and penalties could be more equitable, there are two ways of conceptualising equity. Two central concepts are vertical and horizontal equity. Horizontal equity exists when everyone experiences the same punishment or pays the same amount for something. Aotearoa New Zealand has a set fine structure that is horizontally equitable: in theory, at least, everyone gets the same punishment for the same infringement.

In contrast to horizontal equity, where fines and penalties are independent of personal circumstances, vertical equity involves calibration of prices and punishment to suit these differences. Two solutions are the “day fine” and the “simple fine”. A ‘day fine’ is when people are charged the amount they would earn over a set of days instead of fining everyone at a fixed amount. However, in many countries, the concept is based on a number of days where the offender has to pay their *expendable* income to the courts. The idea behind this, is that it’s taking away the offender’s access to pleasure for so many days without restricting their ability to meet their basic needs (Eriksson and Goodin, 2007).

A common criticism for ‘day fines’ is that it favours those who are ‘asset rich’ and ‘income poor’ and punishes the inverse more (Hamilton, 2004). In Sweden, they take this into account by assessing the person’s assets, savings, and income stream to determine the amount the person must pay each day. The next main criticism for the day fine is the administrative burden it places on the courts to provide and assess this information. This reason may be especially pertinent in countries with low communication between governmental bodies. Considering the fine is favoured because of its low administration and revenue collecting abilities, expending more effort and resources from government agencies may not be favoured by decision makers, even if it means extra income from wealthy offenders (Eriksson and Goodin, 2007).

In contrast, the simple fine is also based on peoples’ incomes, except instead of creating a sentence based on days and the offender’s income, a tiered fine system exists. So, for any charge, there are multiple set fines and the offender’s income is matched to a strain that seems justifiable. However, this solution still requires administrative burdens as infringers’ income still needs to be known to be matched up to the appropriate amount (Eriksson and Goodin, 2007).

Hamilton (2004) proposed a solution for the administrative burden attached to the simple fine. They suggested everyone should get the maximum charge for an infringement, and it’s the infringer’s responsibility to prove their income levels are lower to get a lower fine level. Central to the argument is that doing the administration is the least the accused can do, considering their negative behaviour (Hamilton, 2004). However, as already discussed, those most at risk of receiving fines and not being able to pay them, also lack the confidence, skills, and knowledge in dealing with administrative systems to prove they have lower incomes in the systems that exist (Quilter & Hogg, 2018; Litmus Limited, 2005). It is possible, this outcome would not change if the system did.

Lastly, it must be mentioned that changing the fine structure to something more vertically equitable may have political issues attached to it. When Sweden decided to change its fine structure, the population was in general agreement that set fines were unfair, and the legal system was favouring the rich by enforcing them (Eriksson and Goodin, 2007). In Aotearoa New Zealand, we may not have the same attitudes.

A study published in 2015 showed Aotearoa New Zealanders had meritocratic attitudes, where they believe the rich should not have more taken away from them because they've earned it. Similarly, most people suggested that poor people are poor because of individual fault (Skilling & McLay, 2015). Conversely, a study of Finnish people showed respondents believed structural issues, rather than deservingness, were the cause behind relative poverty (Niemelä, 2008), and as mentioned, they believe in taxing the poor less (Bosmans & Esposito, 2015). Therefore, it may be politically difficult to implement a vertically equitable fines structure for road safety in Aotearoa New Zealand.

3 Interviews

To gain specific insights into the equity effects of changes to road safety fines and penalties in Aotearoa New Zealand, we interviewed 13 stakeholders about their perceptions. Table 2 below outlines the different areas of knowledge that the interviews covered, and the question areas directed at different interviewees.

The interviews were all conducted over the phone or videoconference in March 2022 due to Covid restrictions. Several dozen individuals and organisations were contacted, inviting them to express interest in being interviewed. From those, eleven interviews were completed (including one interview involving three participants from the same organisation).

Interviewees were given an information sheet (Appendix B) and an opportunity to ask questions before agreeing to be interviewed. After the interview, a summary of the conversation was offered to interviewees for their review; however, transcripts were not recorded.

To maintain confidentiality, no participants are identified in the discussion of interview themes. The discussion of interview themes combines responses from all of the interviews with some quotes to provide context, and participants identified only by their interviewee group.

Table 2 Interviewees

Interviewee group	Number of interviews	Interview question areas
Social Services sector workers (e.g., budget advisors, social service agency representatives, support workers for low-income people)	2	The ability of different people in Aotearoa New Zealand to pay fines, and the impact of penalties on their lives and livelihoods
Legal/judicial system (including people who work on road traffic law and violations)	2	The practicalities of changing the system of fines and penalties, including their thoughts on making it fairer
Academics with experience in transport, law, ethics and/or other areas relevant to road safety fines and penalties	2	Equity implications of changes to road safety fines and penalties with reference to cognitive psychology, and public health
Transport authority representatives	1 (3 interviewees)	The relationship between road safety policy and fines and penalties, including their impression of equity impacts of any changes to fines and penalties.
Iwi and mana whenua representatives	4	The specific impacts of road safety fines and penalties on Māori; impact of road trauma on Māori

4 Discussion of interview themes

The interviews provided rich data about equity of road safety fines and penalties. Many interviewees touched on high-level issues, including inequity in society as a whole and personal challenges that might contribute to someone being fined or penalised while driving. The discussion here is structured to provide the broadest overview first. It then discusses the detail of fines and penalties themselves; their impact on different people in society; and specific insights related to mana whenua. Finally, the consequences of an increase in fines and opportunities to improve equity of fines and penalties are presented.

4.1 Road safety fines and penalties are just one part of an inequitable society

Many interviewees described system issues beyond fines and penalties themselves as needing to be addressed for a more equitable society. Discussion ranged from the causes of drug and alcohol addiction to the need for many people in Aotearoa New Zealand to have a car because of a lack of other options.

The inequitable outcomes after someone has been fined or penalised were also discussed. When road safety penalties result in someone losing their licence, it is more likely that lower income people will risk driving without a licence because they feel they have no realistic alternative. People on higher incomes are more likely to be able to afford a taxi, and they are also more likely to live somewhere well served by public transport.

Some interviewees discussed addressing the causes of offending, particularly repeat violations where people are completely aware that they are breaking the law. Repeated choices to drive with excessive speed or under the influence of drugs or alcohol may seem like isolated bad choices. But they are often linked back to problems within a person's life, such as drug or alcohol addiction, or to childhood trauma that makes risk-taking behaviour such as speeding more likely.

Some suggested that the systemic nature of road safety problems could be addressed by working with communities, including mana whenua, on initiatives to support healthier life choices, better mental health, and more supportive environments overall.

Examples of interview quotes about systemic problems that relate to road safety fines and penalties include:

"Problem in New Zealand is we don't have public transport that can be relied upon. Driving is a necessity for most people. Very small percentage of New Zealand who can access public transport. To take someone's licence is massively punitive. Whereas I lived in London for many years, didn't need to drive. On the odd occasion you'd hire a car. It's the opposite here – to take away a young person's mode of transport, it's like a lifeline you're cutting off, like turning off the wifi. A car is access, connection to the world. If you're in a group where you feel excluded, to lose your licence only enhances that view."

– Legal sector representative

"I suppose there are certainly groups in this area of forced car ownership where the financial impacts are disproportionate on them of owning and operating a car. And I suppose things like registration and warrants are one of the costs that people can sometimes struggle to meet. So putting fines on top of that can make things even more difficult."

– Academic

"We're seeing guys who are going up fighting, driving, domestic violence are all wrapped together – a lot of these things don't happen in a vacuum."

– Legal sector representative

"If you're in a socioeconomic group where you think life sucks, what's the point, school doesn't work for me, employment doesn't work for me, I'm bored. I've got - between the internet and gang members - unrealistic expectations of life and the universe."

- Legal sector representative

In discussing drug and alcohol offences in particular, interviewees frequently discussed addressing the cause of drug and alcohol use rather than waiting for a driving offence to take place. For example:

[Society] needs to find better ways to be able to rehabilitate and or help people to address the issues. Usually [with] drugs and alcohol, my understanding is, that there's a source to that.

- Mana whenua representative

I think it's about understanding the situation. When it comes to drugs and alcohol, I just think that mental health is really prevalent right now. And so, I think mental health is one of the biggest issues that this country is going to face in the coming years. And what I know from some of the experiences that we've had, ways in which people cope with anxiety, with depression, with fear, with loss, trauma with grief and or from experience of violence; it's been dealt [with] through drugs and alcohol. That is the way in which people have dealt with it.

- Mana whenua representative

4.2 Some fines and penalties seem fairer than others

The issue of fairness of road safety fines and penalties was raised in two main ways. The amount of intent or disregard for the law is one aspect, whereas the other relates to where enforcement happens. Several interviewees described the difference in fairness and outcome between people they describe as behaving recklessly or intentionally breaking the law, often repeatedly, and those who make a one-off mistake. Those who intentionally break the law are seen as more deserving of fines and penalties, regardless of income. However, the fines and penalties often do not act as a deterrent to behaviour.

The issue of police discretion regarding who is fined or penalised and where enforcement happens came up in several interviews. Some interviewees suggested that people know where the police tend to issue the most infringements, and they avoid those places. They felt that some people, particularly people in lower-income areas, and Māori and Pasifika people – are more likely to be enforcement targets. Conversely, some interviewees highlighted positive aspects of police discretion. For example, police in smaller towns and rural areas may get to know the local community. With that knowledge they sometimes use discretion and take an education approach if they understand the detrimental impact of a fine or disqualification might have on someone's life.

Examples of quotes related to some fines and penalties seeming fairer than others include:

"I got a speeding ticket, it was so bad, I was horrified as I didn't realise I was speeding, it woke me up, I thought oh my gosh that's food out of my kid's stomach – that's me, not everybody thinks like that. We've got these

recidivist offenders, we need to be impacting them where it affects them, community service, not fines and demerits."

- Social sector representative

"Sometimes they're for things that they can take responsibility for themselves, like wearing their seatbelt and speeding. But sometimes when it's around costs of the car like registration, warrant of fitness, getting new tyres and doing some sort of maintenance before getting their warrant – that can really impact if you've got a low income."

- Social sector representative

"It's not uncommon in a working class and or a polynesian or māori family, mum stays home looks after the kids, dad comes home, mum goes out and does cleaning at night time. The car's in use all the time. Large families, large outgoings. They are only one of these tickets away from financial problems, and they can be tipped over by failing a warrant, or a small car accident, they can't afford to get it fixed, they end up robbing peter to pay paul in an effort to keep driving for work and family purposes... The flipside of that, if I politely call them the car enthusiasts. They don't give a shit how big the fines are because they're never going to pay them, if you take their cars they just buy shitters off the side of the road, unregistered unwarranted and they often have tragic consequences. You can't fine these people into compliance."

- Legal sector representative

4.3 Fines and penalties affect poor people more than wealthier people

All interviewees articulated the inherent unfairness of a fixed fine structure being less affordable for low-income people than wealthier people. The interaction of having a low income and not being able to pay for a good quality vehicle increases the risk of failing a Warrant of Fitness, for example. Other affordability challenges across people's lives impact their ability to pay a fine in the same way as any other bill payment is challenging.

Issuing fines at a fixed rate to people with different abilities to pay means that some people will not pay fines because they cannot afford them. Many interviewees described challenges that lower-income people face accruing fines, with broadly two kinds of outcomes. Some people do not pay fines and continue to accrue them, resulting in very high amounts. It is not uncommon for a judge to assess someone's ability to pay and order the fines to be paid back at \$10 or \$15 per week. For some people, the fines can take years to pay back, with little real impact on their driving behaviour. If they get another fine, it makes no difference to the amount they pay per week, so they do not necessarily see the impact of the fine. As a result, large amounts of fines for low-income people are unlikely to achieve their purpose as a deterrent.

For other people on low incomes who do pay a road safety fine, it can mean that they forego food or rent to pay it. Others might get a loan to pay the fine. People on low incomes cannot always access loans at the same interest rates as wealthier people, so they face debts much higher than the original fine, with penalties for non-payment. These issues are increasingly stark because of rising costs of living.

Examples of quotes related to fines and penalties affecting poorer people more than wealthier people include:

"For example a polynesian large family with a people-mover, might be the only vehicle in the family, might be on a benefit or working on would be on what we call struggle street. No discretionary income. Things like WoFs, registration, road user charges are one traffic ticket or traffic accident away from financial disaster. Those people get absolutely hammered by tickets now anyway. Not the only factor but often the factor that tips them over in to money problems. So as a consequence, you end up with unlicensed, unregistered, unwarranted drivers who just have to keep driving to work or survive– they don't have the resources to pay for unexpected financial hits"

-Legal sector representative

"They are only one of these tickets away from financial problems, and they can be tipped over by failing a warrant, or a small car accident, they can't afford to get it fixed, they end up robbing peter to pay paul in and effort to keep driving for work and family purposes. There are variations of that all the time. All you need is your stupid teenage son or daughter and gets caught driving illegally and the car gets impounded and their financial world takes a hit."

-Legal sector representative

"I also would say that much of the fines that are done also have social circumstances, i.e. when you can't afford to go and get your tyre replaced, which means you don't get your warrant of fitness which means you can't get a good bill of health, which means you're going to end up with a fine. It cascades."

- Mana whenua representative

- *"The [council] decided to change the parking and make everything paid, no free parking. They have a new scheme that scans numberplates to know whether the warrant and rego was up. So we had people going to WINZ to get an allowance to pay their rego and while they were parked at WINZ they got a \$400 ticket for not being registered or warranted."*

- - Legal sector representative

"I represented a guy, pleaded guilty to something, and the judge said what about his fines – the judge stood up and raised his arm, the list of fines dropped to the floor, \$20,000 of fines, a 17 year old in 2000. I don't know the ins and outs but we often see people with several thousand dollars worth of fines and they're 17, 18, 19, 20."

- Legal sector representative

I think in this particular time, when there is surging inflation, the cost of living is high and there is a significant proportion of working poor, many of whom are Māori and Pacific and minority groups – the impact is high. When a whole heap of disposable income that you don't have is then having to be used on fines. What do you think the impact will be and who do you think might be impacted by that? So, let's think about that.

And right in the middle of Tamaki it is the most expensive place in this country to live. And if you are Ngāti Whātua it is impossible to be able to live well and then to be able to have funds at your disposal that can actually help you not to get those things [warrant of fitness failures]. So, I agree when people are speeding, they should get a ticket. They should because it's kino, wrong. But for things like [parking infringements], they are shocking, I feel like they are witch-hunting particular populations. They go places and spaces where they know they're going to find people that are infringing. That's how I feel. That's our experience".

- Mana whenua representative

"We've worked with a couple of clients who have had to have the breathylser put on their car. The impact financially was really good: it was hard for them to do it, but their need to be able to drive was more important, so they had to figure out how to pay it and have everything installed. It gave them a 'oh my gosh I better wake up' moment. The two that I'm thinking of, neither of them drink now, they realise the impact on them financially as well as the danger it was putting them in. There was a cost to get the breath/interlock installed, but the cost was no greater than what they were spending on alcohol."

- Social service representative

"If we have prescribed financial penalties, the deterrent impact on one of our clients compared to a CEO or commissioner of police is totally different. My thoughts are that it should be pegged to some sort of IRD or income declaration, that should be used to determine how much discretionary income people have – fines should be based on discretionary income. Depriving people of that, rather than potential living costs. For some people it's paying the fine, or rent or food."

- Legal sector representative

"On board with [demerit points] in concept, but we are in a new climate. Young people have to work now. Dropping out of school to work in year 12, so we need to be more flexible in how we allocate the services."

- Transport sector representative

4.4 Specific insights related to Māori disadvantage

The importance of equity of road safety fines and penalties overlaps with several aspects of disadvantage and multigenerational trauma experience by Māori. Therefore, the inequity described by all interviewees has some overlap with unfairness for mana whenua in particular. However, many interviewees noted that Māori are a diverse people. While no one issue affects them in isolation from other people, we have obligations under Te Tiriti to engage with and support mana whenua in particular. Some suggest these obligations are far from being met when it comes to both road safety trauma, and fines and penalties.

Examples of quotes related to the effects of fines and penalties on Māori in particular include:

"Well, look if I think nationally, there is a disproportionate number of Māori people who are incarcerated for traffic fines and or lack of driver licenses and the like. It's disgusting, the scale in which Māori people are incarcerated for, what I call, kind of things that you could overcome."

The impact of what happens when you are incarcerated, when you're sent to prison for something like that, something that can be worked through – getting a license, say, and then all the fines that go with it – the impact that that has on the social circumstance of the families that they support, the amount of whakamā or embarrassment and or shame that comes with having a parent and or a loved one and or a sibling being incarcerated. Whether or not it's for thing A, B or C, it's [for] something that I could consider relatively minor and easy to overcome. That's not just about a fine. That's about intergenerational trauma."

- Mana whenua representative

"There is a perception that police sit in areas to meet a certain target. Whether that is true or false, we haven't addressed that issue with mana whenua... They sit in areas where they will get a high level of speeding. When we change speed, we haven't engaged with mana whenua or anyone about what the changes will be. Some previous speed changes were not communicated around schools, around other areas."

- Transport sector representative

[In some areas the transport sector is] working with police, now connected to the marae, warrants – they can scrub the tickets if the driver gets [the warrant within] a certain time. There are other ways to do this.

- Transport sector representative

It is absolutely true that any fines that are levied against the general population disproportionately, negatively impact Māori... So, specifically when it comes to fines, one of the things that are relevant is Māori are, generally, socio-economically in a less positive position relative to the rest of the population.

So, we're poorer, we're less educated, we're more likely to drive vehicles that are unwarranted or unregistered or not in a position to be able to make the necessary repairs to vehicles. So, when you get stopped and get fined \$200 or \$400, or whatever it is, for not having a registration or a warrant. And then, go and have a look, Māori are disproportionately over-represented for those who don't have car licenses. And so, the impact is a significant financial burden on Māori. In addition to the financial burden on Māori, there is in the incidence of people being jailed for having things like overdue fines, which is absolutely ridiculous.

This is a real, lived reality for most Māori. All you have to do is have a look at places like South Auckland and the incidence of poverty and socio-economic circumstances that mean that Māori, and particularly in our immediate whānau that we are very closely connected to, are experiencing these struggles and barriers everyday. It happens to my daughters, it happens to my cousins. I mean, I don't know a whānau that's not impacted by this to be perfectly honest.

- Mana whenua representative

4.5 Consequences of increased fines

The situations described by interviewees suggest that equity of fines and penalties is not as straightforward as poorer people pay more. Some lower-income people take on more debt or forego the necessities of life to pay a fine. Others accrue so many fines that there is no practical way to pay them. These two scenarios show that the impact of higher fines will be different for different lower-income people. Some people will face increased hardship. Others will likely continue to ignore and accrue fines. Some people will always look for ways to evade fines and penalties through illegal means. For example:

"You double the fines, you'll double the attempts at evasion. You'll likely create a more lucrative kind of forgery system for id or licences or regos or whatever"

- Legal sector representative

4.6 Opportunities to improve equity of road safety fines and penalties

Some interviewees described potential alternatives to fines and penalties that could be used with discretion so that lower-income people in particular are not given a relatively unfair burden.

4.6.1 Switching to a more vertically equitable fines structure

The opportunity to give lower fines to people on lower incomes was discussed by several interviewees. All noted that the issue is not necessarily straightforward, but the difficulty involved is not a reason to avoid investigating it. This was because the current system, where everyone gets the same fine regardless of their ability to pay, is so obviously inequitable. An addition to the concept of vertical equity is to reward people for compliance with laws in potentially creative ways. Quotes that highlight issues of vertical equity include:

I think it would be fairly straightforward, it would be an IRD type income – it's the communication between police and IRD. It shouldn't be put in the too-hard basket. It's worked in other countries for example, where police will look at a taxpayer database and there'll be some sort of scale, and a matter of redrafting the schedule of fines that allows for percentages of discretionary income instead of a prescribed fee. In the parent legislation there'd be some sort of method for communication between IRD and the police or Waka Kotahi.

- Legal sector representative

"A number of years ago VW ran a contest to see what people thought about other ways of enforcing speeding fines. Very popular way was to take all the money collected each day from a given speed camera and hand it out to all those who drove the correct speed. Lots of creative ideas out there – just have to try them."

- Academic

4.6.2 Improved equity of access to alcohol interlocks, limited licences, and fine payment plans

Many interviewees, particularly those from the social and legal sectors, described inequity of access to different parts of the system, from payment plans that avoided the need for a lump sum through to alcohol interlocks and limited licences. All interviewees described complexities about fines and penalties, and their interaction with equity – including all sorts of inequities throughout social and legal systems, some of which could be improved.

For example, alcohol interlocks, which are installed on an offender's vehicle so that it cannot be started unless they are sober, are an effective way to reduce drunk driving. However, they are expensive and not always readily available.

Interviewees from the legal sector described the unfair access to limited licences. People who can afford the legal and administration fees are more likely than lower-income people to get a limited licence, which minimises or removes the impact of disqualification. The fees for limited licences are not typically covered by legal aid or community law services, so the cost is prohibitive for people on low incomes.

Community service can be a fairer alternative to paying fines for people with low incomes. Additionally, it can also help to motivate people to make positive changes in their lives, according to interviewees from the social services sector. However, without good access to legal advice, people may not know that community service might be an option for them, or they do not have anyone to advocate for it on their behalf.

The issue of payment plans for fines also affects low-income people because typically, only very large fines are converted into a payment plan of \$10 or \$15 per week to make them more affordable. One-off fines of \$100 are not usually issued with payment options, which can have significant effects on low-income people. Paying that fine off over a longer period can be much more manageable and less overwhelming than a large fine weighing over them. However, paying off a large fine over a long time period can lessen the impact of the punishment on driving behaviour because it can become an invisible expense.

A quote related to alcohol interlocks stated:

"Interlock licences, for people who blow over 800 on an evidential breath test, or who are repeat offenders... The costs can be prohibitive for the working poor... There's a setup cost and an ongoing lease, it works out over a thousand. The monthly unsubsidised rental cost is \$175 per month. If someone is working poor, they're going to earn too much to qualify for that. It's not a very realistic, real-world subsidy."

- Legal sector representative

Quotes about equitable access to limited licences included:

"These limited licences are mainly accessed by middle class because they are expensive and you in most cases need to be in employment as you can apply for a work licence if you can show that losing the licence will create hardship to yourself, typically if you lose your job. Limited licences start at \$1500 plus court costs, & GST. Some lawyers charge \$2000, \$2500. That prices out poorer people. The rich will get disqualified and it'll be back on the road real quick – if it's demerits, within the week. If it's disqualification, a mandatory 28 days but they'll be back driving for 5 of their 6 months disqualified. The poor people, in most cases they continue to drive, as they won't be able to afford a limited licence or make out the hardship grounds to qualify for one"

- Legal sector representative

"There's a discrepancy where limited licences aren't covered by legal aid. Our advice might be that people could apply for a limited licence, but your next bit of advice is that it's not covered, you'll have to pay a thousand dollars for it. Something that could be implemented straightforwardly is that legal aid should cover limited licences... Our legally aided clients are much more likely to need a limited licence. The test for a limited licence is all around 'undue hardship' which is going to be just more real with legally aided clients."

- Legal sector representative

Quotes related to fine payment plans included:

"A lot of people who have come to us over the years have been in strife because they are a little bit disorganised with their money. So paying a regular payment is much better for them. We find that with electricity – nobody pays for electricity monthly anymore, especially a low income earner. It's getting them onto that regular weekly [payment scheme], and then if they miss a week it's not so bad as missing a month."

- Social sector representative

"Usually people are hungry when they're coming in here [Social service] or they're about to lose something that is important to them – that's what drives them in here. And when we come up with something they can do, and it brings the budget right, then it's a win-win for us, because it's not just

about what we do, it's about what they do. So maybe if there was more of that or if it [community service] was more of an option it could be a good thing."

- Social sector representative

"By the time it gets to court, there are massive fees and the person can't do anything about it except wait for it to get to court and then pay it off at \$10 a week. But if they were able to pay it off [with a payment scheme] in the first instance, then we wouldn't have so much of a problem. A lot of people would be able to pay it off when it is smaller... In that instance I would recommend that you don't just say "let's just let you pay it off [slowly]" or "let's just give you a lower fine because you're really poor". I would say send them to a budget service where they can get some help. Because we know your level of income isn't really impactful, it's how you're spending that it really impactful."

- Social sector representative

"I definitely think it [the fines and penalties system] should have some form of social welfare service. That service has to be available for them to go to for that form of assistance. I'm not into taking away fines – otherwise it just becomes a free for all, and that's what we don't want to endorse."

- Mana whenua representative

4.6.3 Alternatives to fines or penalties

The issue of whether or not fines and penalties improve road safety was raised by several interviewees, with some more direct approaches recommended to encourage safe choices and behaviour. For example, some interviewees suggested that people who receive a fine for driving without a valid warrant of fitness or registration could be given the opportunity to get the warrant or registration to avoid the fine. More leniency was recommended, particularly for registrations and warrants of fitness.

As well as addressing the problem directly, by referring people to social service sector advisors for example, a theme from several interviewees was the lack of connection between the infringement or offence, and the outcome. Improving societal understanding of why road safety fines and penalties exist was seen as important. This is particularly important in small and rural areas, where the police are part of a community, and everyone knows each other.

Several interviewees described alternatives to fines and penalties that may reduce inequity, including examples from other countries. Many of these alternatives related to broader transport system interventions that target the causes of offending rather than the outcome, for example driver training.

Quotes related to alternatives to fines and penalties included:

"Clearly breaking the law (no license, no rego, no warrant etc.) but going to work to feed their family... Close relationship with people up north – all want the best outcomes... Have to look at the moral obligations as well as the legal obligations. Papakura working with police, now connected to the marae, warrants – scrub the tickets if got [the warrant] in a certain time"

" – Transport authority representative

"Rural police often don't enforce speeding fines because they have to live with the people. If fines were increased, they would be even less inclined to infringe people. So have to make it clear why we're doing it, even to the Police."

- Academic

More Māori are losing their license. It would be better to focus the resource on getting better behaviour, better compliance. Having heavy penalties isn't fixing it.

- Transport sector representative

"Now, I don't even know whether or not they have considered any other ways to reduce speeding. You know, if I think about the way that they do it in other countries. Speeding is bad, but speeding can be managed when they've got good drivers. They put a lot more effort into defensive driving and the age of people when they can get their licenses."

- Mana whenua representative

"You know, maybe the answer is if you get a demerit point, you can reclaim your demerit point if you go and do driving lessons. Like how do you lose [a demerit point] but gain at the same time? How do you turn something like that, some penalty into a space where people have the ability to redeem themselves? I've never seen anything like that."

- Mana whenua representative

"At the time of the infringement, instead of a fine for some of them, put them to work and enforce it. Make them go out and do conservation, do roadside cleanups, make them work in a hospital where they have to help the overwhelmed nurses put people back together after a car crash... .. For even the low level [offences] making those ones enforced – doesn't have to be jail time or monetary – but making people spend time and putting them in contact with various contingencies of their actions. Put them on the roadside in an orange vest. Put them in a hospital. And that needs to be done."

- Academic

If the problem we're trying to solve is "we want people to slow down", then do some more work to get a better communications strategy, do some more work to find out, are the vehicles people are driving safe vehicles? Do they even know they were speeding? Y'know, is there driver education going on? I would much rather see driver education particularly targetting Māori and licensing, and safe driving habits, targeting Māori before we see any support of any increase in any fines.

- Mana whenua representative

4.6.4 Addressing equity of enforcement

Some interviewees discussed the nature of enforcement bias. As suggested by literature (see section 2.4.1), some suggested that enforcement bias, or as a minimum, the perception of bias, affects how equitable people think that fines and penalties are. There are ways to account for that bias in both the location of enforcement, and in road and street design that reduces the need for enforcement in the first place.

Some quotes around equity of enforcement and designing out enforcement included:

"It also depends on where you do the enforcement. So if some areas have stronger enforcement than others, or different enforcement or resourcing practices, then that sort of location base can also be important for the equity impacts."

- Academic

"When it comes to speed, there are strategies that don't require enforcement such as design based approaches such as self-explaining roads – the human factors type approaches that intrinsically slow how fast people travel and therefore don't need enforcement because the road is making people drive slower even though the speed limits haven't changed. Or you might have a reduction in speed limit and support that with design based approaches so that you know that fewer people are going to be exceeding the new limit and therefore that reduces the need for enforcement."

- Academic

"Speeding is harder [to educate for] because it's not just one decision. Its a decision you make moment to moment to moment. A lot of that decision making is made unconsciously. You drive to suit the road, or at a speed that you drove on that road previously or a similar looking road. If its a new road you make decisions about the speed to drive at based on assumptions that people are typically very bad at making, particularly around the risk inherent in the road and their own driving skill."

- Academic

4.6.5 Transport system improvements to avoid the need to drive

Related to the systemic issue about people's reliance on cars is the obvious response of improving people's transport choices. Several interviewees talked about strengthening land use and transport planning so that all people, but particularly low-income people are not as reliant on cars in the first place. Quotes related to transport system improvements that avoid the need to drive included:

"Absolutely, reducing the need to drive – there are lots of reasons to do that. And it absolutely does reduce the need for enforcement for driving related behaviours like speeding. Being able to met their needs and access their needs is important for a range of reasons including health, education, employment and social participation – they're all associated with good health, even if it's a relatively indirect effect. So it's all really important that people can access these things by means other than car use – there are a whole range of benefits from that."

- Academic

"Also something to be said about people who don't have an alternative to driving personal transport are usuasly working poor. So it's easier for higher income people to work from home or arrange alternative transport, they're probably living in cities. I'm based very regionally, there's no public transport, it's probably a lower income area too. The impact on someone [more regionally] is a lot more than someone in Auckland."

- Legal sector representative

4.6.6 Broader society interventions to reduce road trauma

At a broader level than transport interventions, some interviewees discussed investment in mental health services can support people to be healthier, reducing their likelihood to take risks related to road safety. Systemic interventions can also be applied related to drug and alcohol use, for example:

"In terms of helping to reduce the harms that might come from enforcement, strategies to reduce alcohol consumption overall could certainly be part of that. And the main... ..strategy is about changing the alcohol environment rather than focusing on people and individuals."

- Academic

4.7 Summary of interviews

The following key points were clear themes across several interviews:

- Road safety is a serious issue in Aotearoa New Zealand and we should do all we can to reduce road trauma.
- The current road safety fines and penalties structure is not equitable.
- Low-income people are least able to afford road safety fines, and often either do not pay them, or pay them at great cost to their wellbeing.
- There is unequal access to legal help when people face hardship due to road safety fines and penalties.
- The consequences of losing a driver's licence are most severe for people who either have low incomes, few or no other transport choices, and who live in rural areas.
- There is inequity in demerit points due to wealthier people having greater access to limited licences if they are suspended or disqualified from driving.
- Fines for not having a warrant of fitness or registration are seen as disproportionate to the offence.

All of the interviewees discussed the complexity of road safety fines and penalties, suggesting that across the many different situations people find themselves in, there is no obvious, inherent way to make the system 'fair' or entirely equitable. The differences in intent are opaque, and differences in people's life situations and ability to pay are not clear-cut. There is no direct link between punishment and changed behaviour, because (as described in Section 2.2) people break driving-related laws for many reasons – including unintentionally and unknowingly. Even when people do make a conscious decision to speed, for example, their life situation and propensity to take risks are influenced by factors outside of their control, sometimes stemming from childhood disadvantage or deprivation.

Despite these complexities, most interviewees agree that having fines and penalties is appropriate. They also agreed that road trauma is a serious problem in Aotearoa New Zealand, and lack of equity is not a reason to ignore the potential for improvement in road safety through changes to fines and penalties structures.

All interviewees were told that the project includes fines and penalties related to speeding, driving under the influence of drugs and/or alcohol, distractions such as mobile phones, and incorrect use of restraints. Of those, equity of fines and penalties related to mobile phones and restraints were mentioned by the fewest interviewees, despite specific questions if they had not mentioned them elsewhere in the interview. Interviewees said either that they were not sure what could be done about mobile phone use and restraints, or that they did not come across those issues enough in their work to have a strong opinion one way or the other.

5 Conclusions and recommendations

This research sought to explore equity in road safety fines and penalties, and to recommend actions to improve equity alongside a potential review of fines and penalties. Insights from the review of literature and interviews combine to provide answers to the problems listed at the beginning of this report. Overall, the evidence shows a complex and nuanced problem.

5.1 Research questions and summary of findings

- 1. What is the problem?** *What are the equity concerns with any changes to road safety fines and penalties? Who could be impacted? In what way? What are the equity concerns if there are no changes to road safety fines and penalties?*

The main problem highlighted by this research is that road safety fines and penalties are inherently inequitable. People with the least ability to pay or to absorb a penalty suffer the most. Further, people with the most social deprivation or disadvantage are more likely to break laws in the first place, often through reasons outside of their realistic control. Therefore, there is concern that changes to fines and penalties will exacerbate inequity by applying even more burden to those least able to cope with it.

However, the situation is not as straightforward as lower-income people suffering increased hardship with a commensurate increase in fines or penalties. Many low-income people do not pay fines in the first place, because they cannot afford it. There are wide-ranging impacts from non-payment, sometimes resulting in the worst possible outcomes such as driving an unsafe vehicle in an unsafe way and causing or receiving an injury on the road or ending up incarcerated.

Other low-income people do pay the fines, but at great cost to them and to their family's wellbeing. The impact of increased fines for these people could therefore add even greater stress and hardship. With increasing pressures on many people in modern society, there is a risk that increases to fines and penalties could result in more people suffering because the proportion of those unable to pay is arguably increasing.

Conversely, there is some evidence that punishment for infringement or offence works as a deterrent to offending. For some people, a fine or penalty such as an alcohol interlock, community service or a loss of driver licence can trigger a shift in their motivation to get help and get better.

Alongside complexities defining the problem of equity of road safety fines and penalties is the inherent inequity of road safety *outcomes*. The most deprived people are also those most over-represented in road trauma. There is clear recognition from stakeholders in road safety and in communities that efforts to reduce road trauma should improve.

- 2. What does good look like in addressing the problem?** *What is the ideal outcome from an equity perspective for the fines and penalties review? How would we know equity outcomes have been adequately addressed?*

The ideal outcome from an equity perspective in addressing road safety fines and penalties is that they are considered as part and parcel of an inequitable society, rather than being an isolated component of the transport system. That means that any restructuring of the fines and penalties takes a truly system-wide

approach, involving (for example) co-design with mana whenua and the social service sector to provide flexible, community-centric supports and initiatives alongside fines and penalties. Nobody in the academic literature or in the road safety stakeholder community suggests that fines and penalties should not exist. Rather, they all agree that for those at most disadvantage – including many mana whenua and many on low incomes – the reasons they cannot pay fines, or cope when they lose their licence are related to much deeper problems and challenges in their lives, often traceable back through generations.

Mana Whenua experience of fines and penalties is clearly inequitable. It would be in alignment with Te Tiriti that Māori consultants are hired to help research and shape any policy changes that will go ahead, and that Māori voice is strong in any and all changes to road safety policy more broadly.

We will know when equity outcomes are addressed in two main ways. First, there will be no inequity of road trauma outcome with respect to social deprivation, or between mana whenua and other Aotearoa New Zealanders.

Second, we will know when equity of road safety fines and penalties exists when interviews with social service and mana whenua stakeholders cannot highlight any challenges *unique* to those who are already most marginalised. That is, if we ask about road safety fines and penalties, we may not get any response from the social sector because it is simply not an issue. Or they may say that the supports people have to address both the causes of infringement, and the ability to respond to a fine, penalty or some other alternative, are working well in their communities.

Both of these outcomes represent huge shifts in outcome compared to the status quo. Clearly this is a huge challenge for the transport sector and all of its road safety and community partners. It extends also beyond transport and community to the legal and social service sectors, and to governance within mana whenua. However, the potential rewards are great, so it is also worthy of continued efforts to improve both our understanding of equity in road safety, and to improve our efforts to create more equitable transport system.

3. What are potential solutions to the problem? What do other jurisdictions do to address these issues? How applicable are these solutions to the NZ context? How effective are they in addressing equity issues in NZ?

There are direct and indirect ways to improve equity of road safety fines and penalties. Several of those were suggested by findings from the literature review, but the detail and outcomes of implementing them overseas was a gap in literature. Consequently, in section 5.2 below we outline a series of recommendations for consideration, these are divided into solutions directly or indirectly related to road safety fines and penalties,

4. What are the benefits and risks to these solutions in the NZ context? What the strengths and weaknesses of the potential solutions to our context? How could they be adapted to work for NZ?

One of the main challenges implementing equity solutions is that it is inherently difficult to define and measure 'equity' in a system where relative disadvantage is complex. The literature did not include any clear ways to measure equity of fines and penalties before or after interventions were made in overseas case studies, so there is a risk that the recommendations – which were largely drawn from subjective experiences of stakeholders – will be difficult to prove beneficial.

However, the main strength of the solutions is their grounding in community, particularly those that involve engaging with mana whenua and community support agencies such as budgeting advisors. If we trust those stakeholders to be able to report on inequity of the current fines and penalties structure, we can also trust

their feedback through system changes to give us confidence in the effectiveness of any interventions. If interventions are not improving equity from the perspective of those at the coalface of community and individual hardship, their voice can inform continuous improvement by trying again with different options.

Ultimately the benefit to be gained from efforts to improve equity of road safety fines and penalties will be in reduced road trauma, and improved equity of road safety outcomes. Being increasingly explicit about known inequities, and working to remove them, is challenging because it brings to the forefront issues of material hardship that are not always obvious to road safety professionals. However the challenges facing transport decision-making in coming years can only be addressed if they are faced with honesty and courage.

5.2 Recommendations

5.2.1 Solutions directly related to road safety fines and penalties:

- Provide a fines structure that is more closely related to people's ability to pay: instigate a fines structure that is linked either to personal income bands, or to a proxy measure of income such as holding a Community Services Card. Such systems appear effective in some overseas countries, although as the outcomes in terms of equity are not reported, it is unclear how well they improve equity of fines and penalties beyond inherently presenting as a fairer way to fine people.
- Provide flexible fines payment plans by default and strengthen social sector support for people who accrue fines and penalties: For people least able to pay, fines payment plans can help trigger a fresh approach to their budgeting. Therefore, it is important that alongside payment plan options, people are connected to community support services such as budgeting advisors. With appropriate support, people can approach a fine or penalty in the context of their income, their spending, and other factors that affect their ability to pay and to live their life.
- Increase access to legal aid and community law services and alcohol interlocks: There is a clear inequity in people's access to a limited driving licence when they are suspended or disqualified. Providing for legal aid to cover applications for a limited licence, including covering court administration costs, would directly address this inequity. The same problem exists for access to alcohol interlocks, which are prohibitively expensive for many people. Subsidising their purchase and connecting people who qualify for subsidies with budgeting support, would reduce the inequity.
- Increase automated enforcement where possible, to remove potential enforcement bias: Evidence from overseas and from Aotearoa New Zealand has repeatedly shown that in a general sense, communities with higher social deprivation are more likely to receive fines and penalties than people from less-deprived areas, for a variety of complex reasons. One way to improve equity of fines and penalties, particularly in the case of speed cameras (whether or not demerit points are assigned to them) is to automate enforcement. It is a straightforward exercise to knowingly and explicitly operate speed cameras evenly across all communities, and to publish their locations and timeframes. In this way, attaching demerit points to speed camera offences is arguably more equitable than having them issued by mobile police officers in patrol cars, whose motivation for which street to target may be more subjective, and less public, than an assignment of cameras based on a map. That is not to say that there should be *no* mobile road safety enforcement, rather that speed cameras as a specific example are operated as much in wealthier communities as in poorer ones.
- Provide flexible, community-centric alternatives to fines and demerit points: In communities where police, mana whenua, community services and the judicial system work together, successful programs can be created where people work in the community instead of receiving a fine or penalty. For the best road safety outcomes, the community response would include broader education about the

reasons for road rules, and people who break the law would be part of programmes that improve their understanding of road trauma, its impact on real people in their own community, and how to avoid it.

5.2.2 Solutions indirectly related to road safety fines and penalties

- Improve education and awareness throughout communities of the reasons for road safety rules, fines and penalties: engage with mana whenua and local communities to increase the profile of road safety so that the consequences of risky behaviour are more apparent. While road safety education at a national and regional level has made great gains in recent years, there is further opportunity to embed road safety programmes at a local level, responding more directly to the most pressing local issues and opportunities.
- Target road safety enforcement to risk: improving enforcement of safe driving behaviour in places with identified crash problems, and communicating that approach effectively, is likely to improve both compliance, and road safety sector credibility. There is widespread perception that enforcement is not targeted to risk, so further education around the differences between collective and personal risk, for example, and linking those risk profiles to enforcement activities would help to improve driver behaviour.
- Strengthen public and community transport in small towns, urban fringes and rural areas: for many people, losing a licence is akin to losing access to living a good life, or even surviving within the law. Many people, particularly those on low incomes and in remote or rural areas, cannot meet their everyday needs for employment, study, food, and supporting their families without a licence and a car. In urban areas, strengthened public transport that is reliable and frequent even to urban fringes would give people more choices. In more sparsely populated areas, volunteer-based community transport services meet people's need for affordable transport. Government support for these schemes can support safe driving habits in the first place, and meet people's need for transport if they cannot afford a car or cannot access one because they lose their licence.

5.3 Specific changes to fines and penalties

Two specific changes to the fines and penalties regime are proposed: increasing the minimum fine from \$30 to \$100 and attaching driver licence demerit points to speed camera fines. This research did not find any specific reason to make, or not make those specific changes. Rather, it arrived at conclusions about how the current and future fines and penalties structure can be more explicit about equity, and how inequities might be reduced.

The following conclusions are drawn about the proposed changes.

- 1. A minimum \$100 fine** for a road safety infringement (an increase from the current minimum of \$30)

It was clear from literature and interviews that equity of road safety fines is not a simple case of lower-income people suffering more hardship from fines than higher-income people. The situation is far more complex than that. Those on high incomes are less likely to incur fines in the first place, because of their more privileged lives meaning they are less likely to experience social problems that correlate with engaging in risk-taking behaviour. They also have a broader range of transport choices and suffer less hardship if they do incur a fine.

Conversely, higher fines do not simply mean that lower-income people will pay more. Some people end up paying off road safety fines at a rate of \$10 or \$15 per week because their fine has been escalated to the courts. It is likely that for these people, fine increases will have no material effect. However, for some people the difference between a \$30 fine and a \$100 is significant. There is no doubt that the increase in minimum fine may cause hardship for some people. However, it may also have the desired effect of promoting more awareness of road safety rules. If people know that they cannot afford a fine, some will adjust their behaviour to reduce their risk.

Therefore, this research found no clear reason *not* to advocate for an increase in the minimum road safety fine. There are solutions that can be applied to mitigate equity concerns, which are discussed further below.

2. **Driver licence demerit points** to be attached to fixed speed camera fines (and potentially, any fines related to infringements detected by cameras)

Equity of demerit points is a more complex issue than for fines. Demerit points only have a tangible effect on a driver when their licence is suspended or revoked. At that time, issues of equity arise due primarily to inequitable access to limited licences. There are ways to improve the equity of this situation, as discussed in section 5.2.2. Speed cameras are automatic and do not have any inherent bias once they are positioned. Therefore, this research found no clear reason *not* to advocate for driver licence demerit points to be attached to any fines related to infringements detected by cameras.

5.4 Next steps

It is recommended that Auckland Transport consider ways to promote equity in road safety fines and penalties by adopting this report's recommendations. Further exploration of equity in road safety more broadly, including clearer ways to articulate it within and beyond the road safety professional community, would also be worthwhile.

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Appendix A Transport fines and penalties

Table 3 Transport fines and penalties (Community Law, 2022; Waka Kotahi NZ Transport Agency, 2022a)

Type of infringement	Specifics	Infringement fee/court fine	Demerit points
Driving without a current or valid license	First time offence	\$400.00	
	Mutliple offences	\$1,000.00	
Other license related offences	Drives motor vehicle contrary to the GDLS conditions of his or her driver licence (excluding the requirement to display L plates)		35
	Failure to display L plate as required		25
	Drives a motor vehicle contrary to the non-GDLS conditions of his or her driver licence		25
	Drives in breach of conditions applying to stage 2 of accelerated licensing process		35
	Drives in breach of conditions applying to stage 3 of accelerated licensing process		35
Driving while disqualified	First or second conviction	\$4,500.00	
	Third or further conviction	\$6,000	
Vehicle related	Driving or using a vehicle on road without an up-to-date registration	\$200.00	20
	Driving or using a vehicle on road without an up-to-date warrant of fitness	\$200.00	15
	Operating motor vehicle on road without plates affixed		20
	Using trade plate when not eligible		20
	Operating motor vehicle displaying plates or licence not authorised for that motor vehicle		25
	Operating motor vehicle displaying object or design likely to be mistaken for plates or licence authorised for that motor vehicle		25

Type of infringement	Specifics	Infringement fee/court fine	Demerit points
	Operating motor vehicle with plates or licence that is wholly or partially obscured or not easily distinguishable		25
	Operating motor vehicle with temporary exemption granted under regulation 20 of the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011		20
	Failure to operate a motor vehicle with an exhaust system that complies with relevant noise output standards		25
	Operate vehicle that creates excessive noise		25
	Create excessive noise within or on vehicle		25
Non-compliance related offences	Failure to stop on request of an enforcement officer, or on being followed by motor vehicle displaying flashing blue, or blue and red, lights or sounding a siren.		35
	Failure to remain stopped for an enforcement officer		35
	Driving or attempting to drive when forbidden by an enforcement officer		35
	Failure or refusal to accompany an enforcement officer when so required		50
	Person fails to produce zero alcohol licence		25
	Holder of an interlock licence or zero alcohol licence contravenes specified breath or blood alcohol level		50
Pedestrian crossing and pedestrian zone related offences	Driver fails to give way at pedestrian crossing		35
	Driver enters pedestrian crossing when passage blocked		35
	Driver of vehicle fails to give way to pedestrian on shared zone		35

Type of infringement	Specifics	Infringement fee/court fine	Demerit points
	Fail to comply with school patrol sign		20
	Passing at school crossing point or pedestrian crossing		20
Rail related offences	Driver fails to give way to rail vehicle approaching level crossing		20
	Drive etc, cycle, vehicle, or animal across level crossing when risk of collision with rail vehicle		20
	Fail to comply with stop sign at level crossing		20
	Fail to remain stationary at stop sign until level crossing clear		20
	Driver enters controlled area of level crossing when red signal displayed		20
	Driver enters controlled area of level crossing when barrier arm lowered		20
Road rules related offences	Fail to drive as near as practicable to the left of the roadway		20
	Fail to allow impeded traffic to pass		20
	Unsafe passing		35
	Impeding vehicle when passing		35
	Passing to right of no-passing line		35
	Drive in emergency stopping lane		10
	Fail to comply with handheld stop sign		20
	Driver fails to give way at stop sign		20
	Driver fails to stop at stop sign		20
	Driver fails to give way at give-way sign		20
	Driver fails to give way at give-way sign controlling a one-way section of road		25
	Driver of vehicle changing lanes or turning fails to give way to vehicle not changing lanes or turning		20

Type of infringement	Specifics	Infringement fee/court fine	Demerit points
	Driver of right-turning vehicle fails to give way to an approaching left-turning vehicle		20
	Driver at intersection fails to give way to vehicle approaching from right		20
	Driver on terminating road approaching or crossing a T intersection fails to give way		20
	Driver fails to give way to road user on footpath when entering/exiting driveway		20
	Driver fails to give way to a vehicle on roadway when exiting driveway		20
	Driver entering roundabout fails to give way		20
	Drive too close to vehicle in front		20
	Exceed speed for stopping distance		20
	Exceed speed for stopping distance on road not marked in lanes		20
	Driver permits riding dangerously		20
	Careless or inconsiderate use of motor vehicle		35

Appendix B Interview participant information sheet

Equity in road safety fines and penalties: Interview Participant Information Sheet

About the project

Thank you for your interest in our project, Equity in road safety fines and penalties.

The purpose of this project is to explore evidence and perspectives on equity in road safety fines and penalties

The findings from this research will be used to inform advocacy for changes to road safety fines and penalties, including making the pros and cons of fines and penalties, and who they impact, clearer to policy-makers.

What we are asking participants to do

We are recruiting people in the community including those working in social services, academics and those in the judicial system to hear their perspectives on equity of road safety fines and penalties.

If you volunteer to be interviewed, an MRCagney staff member will phone you at an agreed time. The interview will likely take up to half an hour to complete. Your participation is voluntary and you can withdraw at any time.

Your participation is confidential. You will not be identified in any of our reporting. After the interview we will share with you the way that we will describe you in our report, for example "Budget advisor" or "Law academic". You will be invited to receive a plain English summary of our research findings if you would like to.

Who you can contact if you have questions

If you have any questions about this project, please contact the research lead, Bridget Doran bdoran@mrcagney.com This research is funded by Auckland Transport.

This research approach has been reviewed by MRCagney's Research Ethics committee.