

To: Justice Select Committee (ju@parliament.govt.nz)
Cc: Transport and Infrastructure Select Committee (ti@parliament.govt.nz)

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Antisocial Road Use Legislation Amendment Bill

1. About Civil Contractors New Zealand

Civil Contractors New Zealand (CCNZ) is the industry association for horizontal construction in New Zealand. We represent more than 800 member businesses and organisations involved in horizontal infrastructure construction, including more than 550 large, medium-sized, and small businesses in civil engineering, construction, and general contracting. Our 300 associate members provide valuable products, support, and services to contractor members. We live and work in all communities across New Zealand.

Our members play a vital role in the development of our country, our economy, and our way of life. They are responsible for the physical construction and maintenance of NZ's transport networks, water networks that bring fresh water to houses and wastewater to treatment plants, cables that bring the internet to homes and businesses, ports, airports and private developments.

It is the obligation of civil infrastructure companies to keep their workers and road users safe on and around road work sites, but current legislation is not enabling good results.

We believe the Antisocial Road Use Legislation Amendment Bill is a key opportunity to address this significant issue for our society. While antisocial behaviour around road work sites is not currently considered under the legislation, we call on Government to recognise the scale of the challenge the industry faces, and respond accordingly by considering antisocial behaviour around road work sites under this legislative reform.

Thank you for the opportunity to submit on the draft Antisocial Road Use Legislation Amendment Bill.

Our feedback on the Bill is provided under key headings below.

2. Executive Summary

CCNZ calls for the Antisocial Road Use Legislation Amendment Bill to be amended to specifically include antisocial behaviour around road work sites.

Abuse of Road Construction Workers—A Critical Issue

Our industry faces one of the most significant health and safety risks on the transport network: the abuse, aggression, and antisocial behaviour targeted at road construction workers.

This can include:

- Verbal threats
- Physical intimidation and threats with firearms
- Violent assault
- Dangerous driving and disregard for temporary traffic management controls

Such behaviours not only put the lives of workers at risk but also undermine the safe and effective delivery of road construction and maintenance across the country.

As reported in mainstream media, [one in four road workers is verbally abused by motorists on a daily basis](#), and one in three says it is taking a toll on their mental health, a recent survey by NZTA Waka Kotahi has found

The survey also found one in five was thinking about looking for another job because of the ongoing abuse – a poor outcome at a time when road construction and maintenance workers are badly needed.

3. Recommendations

- **Explicitly include antisocial behaviour directed at or impacting road construction and maintenance workers as an offence under the Bill.**
- **Increase penalties for abusive or dangerous behaviour in or around temporary road work zones.**
- **Support public awareness and education campaigns highlighting the importance of safe conduct near road work sites.**

4. Current legislation is insufficient

The Bill addresses aspects of antisocial road use behaviour such as illegal street racing, burnout events and dangerous driving.

However, it does not currently provide clear protection for road workers or adequate deterrents for those committing antisocial acts in and around road work sites such as threats, assaults and other unsafe behaviour that puts road workers and other road users at risk. The exclusion of these behaviours fails to recognise that abuse towards workers is an urgent and persistent risk throughout New Zealand's roading network.

Unfortunately, current legislation and enforcement around these issues is just not working. Because of this, we request the following additions to the Antisocial Road Use Legislation Amendment Bill.

4.1. Explicit inclusion of road work sites as priority safety areas

- **Rationale:** The Bill's current focus is broad—targeting antisocial behaviour like illegal street racing, dirt bike events, and convoy intimidation. But, despite evidence that antisocial behaviour towards road worker is on the rise, it does not specifically recognise road work sites. These are areas where temporary traffic management is used to keep workers and road users safe. They should be treated as priority areas needing additional protection or stricter penalties due to the increasing instances of threats, violence and intimidation.
- **Recommendation:** Amend the Bill to explicitly list offences committed in or near active road work zones as aggravating factors, triggering higher penalties (similar to provisions for school zones or emergency vehicle incidents). This raises deterrence for dangerous behaviours (speeding, stunting, aggressive driving) around work zones and recognises the increased risk to workers and the public.

4.1.1 Draft clauses for potential inclusion

CCNZ has drafted clauses that may support better enforcement and protection of road workers and road users on and around road work sites.

Clause: Offences relating to temporary traffic management

(1) A person commits an offence if they tamper with, remove, bypass, or otherwise interfere with any temporary traffic management device (including but not limited to signs, cones, temporary signals, or barriers) installed lawfully at or near a road work site.

(2) A person commits an offence if they, whilst operating a vehicle or being present at a road work site, intentionally or recklessly disregard, bypass, or fail to comply with lawful instructions given by authorised site personnel in relation to traffic management or safety at the site.

(3) The offence under subsection (1) or (2) is:

(a) a minor breach if the conduct does not create any actual or likely risk of injury to any person, and involves tampering with a single device or minor non-compliance; or

(b) a serious breach if the conduct creates, or is reasonably likely to create, a risk of injury to site workers, contractors, or the public, involves multiple devices, or is part of repeated behaviour.

Clause: Penalties for breach of temporary traffic management

(1) The maximum penalty for a minor breach is an infringement fee of [\$750] or a court-imposed fine not exceeding [\$2,500].

(2) The maximum penalty for a serious breach is a court-imposed fine not exceeding [\$10,000], and may include immediate removal from the road work site or disqualification from driving for up to [12] months.

(3) Where an aggravated offence occurs—that is, if the breach is intentional and results in actual harm or repeated endangerment—additional penalties may apply, including but not limited to:

(a) Immediate impoundment of the vehicle for a period of not less than 28 days;

(b) Court-ordered forfeiture of the vehicle in accordance with existing powers under s.129 of the Land Transport Act 1998;

(c) A mandatory disqualification from driving for up to [2] years for repeat or egregious offenders.

(d) Where damage to critical infrastructure or disruption to essential works results, the court may order further reparations.

Clause: Exemptions for civil contractors and emergency workers

(1) No person is liable under the above provisions if, at the time of the conduct in question, they were:

- (a) Acting as an authorised employee, agent or contractor carrying out lawful duties related to the maintenance, repair, or construction of the road or road infrastructure;
- (b) Acting under lawful instructions for the purpose of safeguarding life, health, or property during emergency, urgent or approved works.

(2) For the purpose of this section, “emergency works” shall have the meaning ascribed under s.330(1AA) of the Resource Management Act 1991 and any consequential amendments, and includes activities necessary to prevent or reduce loss of life, injury, or serious damage to property.

(3) This clause recognises and affirms the pivotal role of civil contractors in maintaining and upgrading vital public infrastructure and ensures no prosecution shall lie in relation to actions taken in good faith within the scope of their approved duties or emergency response

Clause: Enforcement and evidentiary powers

(1) Police are empowered, where reasonable cause exists to believe a breach of these provisions poses or has posed a significant risk, to:

- (a) Require immediate cessation of the offending conduct;
- (b) Impound or remove vehicles implicated in the breach under the same terms as other vehicle-based antisocial offences;
- (c) Require drivers or persons involved to provide identification.

(2) In any enforcement proceeding, evidence may be adduced by way of:

- (a) CCTV, body camera, or official site video footage;
- (b) Written or oral statements from authorised site personnel or site managers with direct knowledge of the incident.

(3) All penalties and enforcement actions taken under this section must be reported annually to the Minister of Transport and reviewed after 12 months for proportionality, effectiveness, and any unintended barriers to the safe and efficient operation of civil works.

4.2. Broader and faster road closure and access powers for police and road authorities

- The Bill provides police with powers to temporarily close roads or public spaces in response to antisocial gatherings, with penalties for failing to comply.

However, the process for/coordination of temporary or urgent closures at work sites (e.g., for worker safety) is not articulated and often requires cumbersome multi-agency action.

- **Recommendation:** Amendments should enable road controllers and police to close or restrict access immediately to work zones under clear safety risk, with streamlined delegation, and ensure penalties apply to non-compliance by all road users—not just event participants. This draws on modern emergency and safety management changes under the Regulatory Systems (Transport) Amendment Bill.

4.3. Penalties and forfeiture for antisocial behaviour at road work sites

- **Rationale:** The Bill introduces presumptive vehicle forfeiture or destruction for some antisocial offences. Extending these stronger consequences for breaches occurring in work zones would further deter high-risk acts that threaten worker safety.
- **Recommendation:** Add a clause that where antisocial road use (e.g., burnouts, street racing, fleeing, intimidation) occurs within a defined distance of an active road work site, forfeiture powers and escalated penalties are automatically considered unless

exceptional circumstances exist.

4.4. Clarify multi-agency responsibility and data collection on incidents in work zones

- **Rationale:** The Bill and Hansard highlight a gap: there is little specific data on frequency or impact of antisocial behaviour near work sites, and varying agency roles can cause slow or inconsistent enforcement.
- **Recommendation:** Amend the Bill to require regular reporting and joint analysis by Police, Waka Kotahi/NZTA, and WorkSafe on antisocial incidents affecting road work sites. This would enable targeted interventions, better resource deployment, and future policy refinement.

4.5. Integrate with Health and Safety at Work Legislation

- **Rationale:** Feedback points to regulatory overlap and confusion between transport, health and safety, and policing rules, especially for temporary traffic management at road works.
- **Recommendation:** Amend to require sentencing or prosecution for antisocial acts near work sites explicitly considers worker/end-user health and safety duties under the Health and Safety at Work Act 2015. Add a cross-reference so breaches at work sites may also be considered “reckless endangerment” of workers.

5. Impact on Industry and Public Safety

The construction and maintenance of transport networks is essential for public safety, economic growth, and resilience.

Antisocial behaviour towards workers:

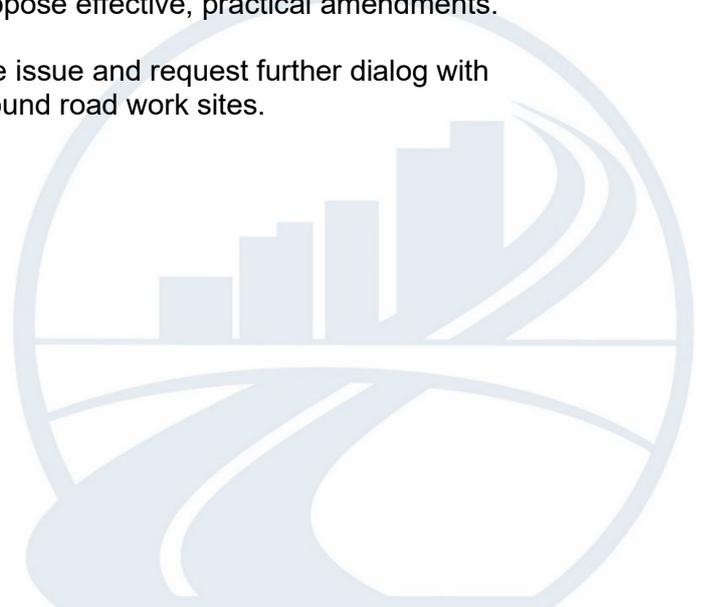
- Causes injury or psychological harm
- Disrupts project delivery and increases costs
- Discourages skilled workers from remaining in their important roles and threatens workforce retention

This is evidenced by direct feedback from our member businesses, who cite regular incidents where staff are subjected to abuse, intimidation, and illegal road use in active work zones.

5. Sector Support and Willingness to Engage

CCNZ can bring forward members to provide first-hand accounts of the dangerous situations faced due to antisocial road use around work sites. We wish to be heard by the Committee to discuss these issues in more detail and propose effective, practical amendments.

We believe this is an ideal time to address the issue and request further dialog with Government to improve behaviour on and around road work sites.



Conclusion

Protecting road construction workers from antisocial behaviour is fundamental to safety, workforce well-being, and the efficient delivery of vital infrastructure. Failure to address this gap in the legislation will continue to endanger workers and delay progress on the nation's transport projects.

CCNZ looks forward to engaging further with the Select Committee and welcomes any opportunity to provide deeper insight and direct industry feedback.

Yours sincerely,



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