

OC220640

28 July 2022

Joseph

fyi-request-19782-6a8080a4@requests.fyi.org.nz

Tēnā koe Joseph

I refer to your email dated 29 June 2022, requesting the following under the Official Information Act 1982 (the Act):

“In section 1.8 of the Road User Rule, parking wardens are allowed to breach the road user rule if necessary in the execution of their duties?”

Is there any information or further clarification of why parking wardens were included in this rule?”

Section 1.8(3)(b) of the Land Transport (Road User) Rule 2004 (the Rule) states:

(3) A person is not in breach of this rule if that person proves that the act or omission complained of—

(a) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person’s duty.

In executing their enforcement duties, parking wardens or enforcement officers (for example, a Police constable) might need to park their vehicle close to an offending parked vehicle in order to be able to administer a parking ticket (infringement fee) or arrange for towage. For example, if a vehicle is parked illegally in a clearway, a parking warden using a vehicle for their enforcement duties might need to park nearby in the clearway to arrange for the vehicle to be towed. Without section 1.8(3)(b), this kind of enforcement behaviour by a parking warden would be illegal.

The ability of parking wardens or enforcement officers to enforce offences in this way is particularly important when an illegally parked vehicle is risking the safety of other transport users or the integrity of the transport system. For example, if the vehicle is blocking a motorway or level crossing.

I note that you have made several requests for information related to parking legislation and enforcement in the last year. If you have any further questions related to parking or our ongoing review of parking offences and penalties, we encourage you to direct your emails to parkingreview@transport.govt.nz where a member of the team can respond to you directly.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website www.ombudsman.parliament.nz

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'M. Moffet', written in a cursive style.

Megan Moffet
Manager, Regulatory Policy