

From: Grace Ockwell
To: [REDACTED]
Cc: [Kristy Rusher](#)
Subject: RE: Request for information - Parking related
Date: Friday, 20 November 2015 03:02:07 p.m.
Attachments: [Shaw, Chris LGOIMA Parking Warden Warrant.pdf](#)
[Staff note Parking Infringement 14 September 2015 P9725296.pdf](#)
[image001.png](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Dear Chris,

Thank you for your email of 20 October 2015 requesting information relating to a parking infringement notice issued to you on 14 September 2015.

Your request has been considered under the provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA) and the following response is provided.

In your email you stated

"I am particularly interested in DCCs response to my enquiry relating the use of roads by traffic officers in relation to Section 6.11 of the Land Transport (Road User) Rule 2004. I have spoken to Dunedin police in relation to this rule and they agree that your wardens are creating a hazard when stopping their motor bikes in the highway to mark vehicles. Do you have exemption from this rule? If so I would like to see it and under whose authority. Please provide this information in writing pursuant to LGOIMA "

We advise that Dunedin City Council (DCC) parking wardens have the following General exception (listed in Clause 1.8 Land Transport (Road User) Rule 2004) to Section 6.11 of the Land Transport (Road User) Rule 2004:

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

...

(b) 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.

You also requested a copy of the traffic officer's statement and a copy of the traffic officer's warrant on 14 September 2015.

I am attaching a copy of the record made by the Parking Warden in relation to the incident. I am also attaching a copy of the warrant of the Parking Warden who issued the parking infringement notice. I have redacted identifying information in the warrant pursuant to section 7(2)(a) of LGOIMAS in order to protect the staff member's privacy.

As we have withheld some information, you have the right under section 27 of LGOIMA to have this decision reviewed by the Office of the Ombudsman who may be contacted at:

The Ombudsman
Office of the Ombudsman
PO Box 10 152
WELLINGTON 6143

Ph 0800 802 602
www.ombudsman.parliament.nz

info@ombudsman.parliament.nz

Yours sincerely,

Grace Ockwell

Governance Support Officer

Civic and Legal

Dunedin City Council

50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand

Telephone: 03 477 4000

Email: grace.ockwell@dcc.govt.nz Please consider the environment before printing this e-mail

From: Chris Shaw [REDACTED]
Sent: Tuesday, 20 October 2015 4:13 p.m.
To: Grace Ockwell
Subject: RE: Request for information - Parking related

Hi Grace

Thanks for your response. I am also seeking information in relation to two other matters of which DCC customer services has been advised.

Regards

Chris Shaw

From: Grace Ockwell [<mailto:Grace.Ockwell@dcc.govt.nz>]
Sent: Tuesday, 20 October 2015 4:09 p.m.
To: Chris Shaw
Cc: Kristy Rusher
Subject: Request for information - Parking related

Good afternoon Mr Shaw,

Just to confirm that Customer Services at the DCC have forwarded to me your email request for

"a copy of the traffic officers statement and a copy of the traffic officers warrant on 14 September 2015".

Your request will be processed under the provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA) and a response provided as soon as reasonably practicable, in any event within 20 working days.

Kind regards,

Grace Ockwell

Governance Support Officer

Civic and Legal

Dunedin City Council

50 The Octagon, Dunedin; P O Box 5045, Moray Place, Dunedin 9058, New Zealand

Telephone: 03 477 4000

Email: grace.ockwell@dcc.govt.nz



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DUNEDIN CITY Warrant of Appointment

Whakataunga o te Kaitiaki



(#04)
Parking Officer

Mayor

Manager Governance



By Resolution
13/02/2014


Parking Officer continued:

Has the authority to exercise powers under the following:

Local Government Act 2002 (Including Local Government Act 1974 provisions still in force)

S356 and S356A - Right to remove abandoned vehicles from roads

Transport (Vehicle and Driver Registration and Licensing) Act 1986

Part 1 S5 - Operating a motor vehicle that does not have current registration plate/s or licence affixed and displayed in the prescribed manner

S17 - Used a motor vehicle with unauthorised, deceptive or obscured registration plates or an unauthorised licence

Parking Officer

Has the authority to exercise powers under the following:

Land Transport Act 1998

S34 (1)(b) - Operating a motor vehicle on a road without displaying current evidence of vehicle inspection

S128E Powers of Parking Wardens

S139 Issue of Infringement Notice

S40 - Contravention of Ordinary Rules

S41 - Contravention of Emergency Rules

S133A - Owner Liability for Stationary Vehicles

Land Transport (Offences and Penalties) Regulations 1999

Schedule 1B Part 1 - Offences Parking Wardens may enforce

Parking Officer continued:

Has the authority to exercise powers under the following:

Land Transport (Road User) Rule 2004

Part 6 - Offences related to Parking and Stopping

Rule 8.7.2 - Use of vehicle lights on parked vehicles

DCC Consolidated Bylaw 1991

Part 11 - Roadway

Permit a specified thing to occupy a place on a road and impose conditions

Require the removal of things left on a road

Part 13 - Traffic and Parking

Stopping, standing and parking of vehicles on any road or land owned by Council

Dunedin - Parking P9725296 14/09/2015

Printed 20/10/2015 4:10 p.m.

*** Note added 14/09/2015 at 16:31:00 by regarding Parking P9725296 14/09/2015: ***



*** Note added 14/09/2015 at 16:32:00 by regarding Parking P9725296 14/09/2015: ***

MALE DRIVER STOPPED ON BYL* STARTED LOOKING FOR SOMEONE IT APPEARED. I STOPPED BEHIND HIM. I WENT TO PASSENGER SIDE AND TOLD HIM TO KEEP MOVING. HE STRTED PUSHING THE AUTO T-BAR GEARS FORWARD AND WOULDNT MOVE. HE LOOKED LIKE HE WAS PRENDING TO NOT BEABLE TO GET CAR INTO GEAR. I WENT TO TAKE PHOTO AND SAID IF YOURE WAITING TO PICK UP SOMEONE I WILL SEND THE TICKET. SURE ENOUGH JUST AS I WAS SAYING THAT A WOMAN CAME OUT OF HOSPITAL AND GOT IN VEHICLE AS I TOOK PIC. DROVE OFF. HE HAD PASSED A VACAN

*** Note added 14/09/2015 at 16:39:00 by regarding Parking P9725296 14/09/2015: ***

VACANT PARK ABOUT 4 SPACES BEHIND