

[REDACTED]

Kia ora [REDACTED]

Local Government Official Information and Meetings Act (LGOIMA)

I refer to your email dated 25 May 2024 in which you asked various questions.

Your request has been considered under the Local Government Official Information and Meetings Act and I provide the following response. Please note the response is under each of your questions for ease.

1. Is the Dunedin City Council parent entity and subsidiaries subject to New Zealand legislation?
Is the parent entity trading inside New Zealand?

The Dunedin City Council is subject to New Zealand Legislation.

The Dunedin City Council is not a trading entity, it is a local authority.

2. Can the Dunedin City Council provide information that supports the councils decision to refer unpaid infringement notices to Baycorp?

This was an operational decision made by staff and not the Council.

3. Please provide the minutes of the council meeting related to the decision to send unpaid infringement notices to Baycorp. In this request for minutes, please be clear about the dates, votes Etc.

There are no minutes from Council meetings relating to the decision to send unpaid infringement notices to Baycorp. This was an operational decision. Therefore your request is declined under Section 17(e) of LGOIMA – that the document alleged to contain the information requested does not exist.

4. Did this decision align with public Law related to council decisions?

Not applicable.

5. When this decision was made, can you share the public notice advising the public that the infringement notices, if remained unpaid, would be sent to Baycorp.

There is no public notice advising that the infringement notices, if remained unpaid, would be sent to Baycorp and there is no legal requirement to give public notice of this. Therefore your request is declined under Section 17(e) of LGOIMA – that the document alleged to contain the information requested does not exist.

6. How many infringement notices this year have been sent to Baycorp?

From 1 July 2023 to 17 June 2024, 3,220 infringement notices have been sent to Baycorp.

7. What percentage of infringement notices remain unpaid per month? Can you supply Information over the last two year's of issued infringement notices and the percentage of unpaid infringement notices?

We are unable to easily provide this information because the timing of the payments received do not necessarily match the month that a notice is issued. For example, some revenue may come in for an infringement notice that had been issued 6, 12 or more months earlier. We would need to review all infringement notices issued and the date of their payment to work out the percentage of unpaid infringements per month.

Therefore this request is declined under Section 17(f) of LGOIMA – that the information requested cannot be made available without substantial collation or research.

8. Has the profit from parking facilities increased since installing the non coin system?

The License Plate Recognition software was only installed in April/May 2024 therefore we are unable to provide an answer to this question.

9. Is it lawful to limit cash for parking, given cash is legal tender?

It is accepted law that DCC can determine what kind of tender it requires.

10. If the decision to send unpaid infringement notices to a third party, Baycorp, wasn't for all unpaid infringement notices, then what criteria was specifically identified when an unpaid infringement would be useful to be sent to Baycorp.

All unpaid infringement notices are sent to Baycorp.

11. Since there's two categories for infringement notices, one being retail and the other is connected to the roads and the Ministry of Transport- are the retail infringement notices the only infringement notices sent to a third party collection agency, namely Baycorp.

We are unclear as to what you are asking with respect to retail and connected to the roads and the Ministry of Transport, however all unpaid infringement notices owed to DCC as the enforcement agency are sent to Baycorp.

12. Is Baycorp a New Zealand company subject to New Zealand legislation?

This is not a Dunedin City Council LGOIMA question.

13. Is Baycorp subject to the relevant legislation for Debt collection?

This is not a Dunedin City Council LGOIMA question.

14. Are there specific laws in New Zealand for Debt collection?

This is not a Dunedin City Council LGOIMA question.

15. Are infringement notices lawful under the Imperial Laws Act and the 1688 bill of rights?

We do not accept that these laws apply to the issue of infringements under Land Transport legislation. The DCC is lawfully allowed to issue infringement notices under the Land Transport legislation.

16. Is the Entity trading as the Dunedin City Council subject to the public vote or is the entity subject to shareholders and therefore profits?

The Dunedin City Council is a local authority. The Mayor and Councillors are elected members, elected under the New Zealand Local Body Elections held every three years.

17. Did you (the entity trading as Dunedin City Council) give terms and conditions for parking in public notice that specifically stated collection, costs and identified third party collectors should there be default?

The information is provided on the parking reminder notice.

Information relating to unpaid fines can also be found on the following links on the Dunedin City Council website:

[Pay your parking tickets online - Dunedin City Council](#)

The information is under the Infringement process section.

18. Can you specifically explain the legal reasoning that shifts the collection from the Ministry of Justice, which has been the case for years and years

Any infringements that remain uncollected by Baycorp are returned to the DCC and the infringement is filed with the Ministry of Justice who would attend to the collection of the fee as a fine.

19. The Ministry of Justice can simply, under legislation, access the people's bank account for recovery, under Court order.

This is not a Dunedin City Council LGOIMA question.

20. Please explain what the advantages are for the council to go to a third party for collection, when the access to the people's Bank accounts would be the superior approach for recovery?

Baycorp will not access bank accounts but will return the infringement to the DCC. It will then be filed with the Ministry of Justice who would collect the fee as a fine.

21. Can you give information that specifically allows a government department to give personal Information about local people to an independent company and potential listing on a credit agency. (An un-contracted third party- privity of contract).

The DCC has entered into a contract of service with Baycorp which requires that company to comply with all New Zealand legislation including the Privacy Act.

22. Does the legal entity trading as the Dunedin City Council purchase the personal names addresses and number plates from the Ministry of Transport?

The Dunedin City Council does not purchase personal names, addresses and number plates from the Ministry of Transport.

23. The unpaid registration infringement notices collected as the agent for the Ministry of Transport, are these also sent to Baycorp?

The Dunedin City Council is not an agent for the Ministry of Transport. Where the DCC infringement notice is issued in respect of unpaid registration, the fee is kept by the DCC. However, the owner is still required to obtain a registration from the Ministry of Transport and pay any registration fees.

24. What percentage of infringement notices collected on behalf of the Ministry of Transport are paid per year to the Ministry of Transport.

None.

25. Given the harm debt collection has on vulnerable people, surely this action is a gross negligence under fiduciary duties. A harm against the people?

The Dunedin City Council is required to carry out functions and duties of enforcement under S128E of the Land Transport Act 1998.

26. Has there been decisions made for aggressive recovery of unpaid infringement notices and other recovery actions for other income for the council entities, like say rates. Can the topic of general recovery be shared. Please provide minutes, plans etc that targets and expected recovery targets.

There are no minutes or plans for aggressive recovery of unpaid infringement notices and other recovery actions therefore your request is denied under Section 17(e) of LGOIMA as the information does not exist.

27. Can you specifically state where any additional charges are legislated or advised and can be transferred to the 'offender/driver' in a recovery situation?

All infringement fees are set by Parliament and are set out at Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku, nā

A handwritten signature in black ink, appearing to read 'Lynne Adamson', with a stylized, cursive script.

Lynne Adamson
Governance Support Officer