

## Laura Bowman

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**From:** official information  
**Sent:** Friday, 18 February 2022 4:32 pm  
**To:** [REDACTED]  
**Cc:** official information  
**Subject:** Final Response: LGOIMA 22023 - [REDACTED] - Parking evidence requirement queries.

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following response.

### Your request:

Would you please tell me what parts of which laws/regulations/rules and/or policies require warranted enforcement officers of the Council to attend, in person, reported instances of illegal parking to be able to issue infringement notices (fines) for such parking?

### Our Response:

- 1) Hamilton City Council appoints enforcement officers under the [Local Government Act 2002 \(LGA\) section 177](#) to manage compliance to legislation and bylaws.
- 2) As per S 177(2)(b) of the above, an appointed officer has the power to enforce infringement offences provided for by regulations made under [Section 259 of the LGA](#), including prescribing breaches of bylaws that are infringement offences under this Act.
- 3) The [Land Transport Act 1998 S22AB](#) allows for Road Controlling Authorities (RCA), to make certain bylaws – including those relating to Parking. For local roads, the local council is the RCA. Here you can view the [Hamilton City Council Traffic Bylaw](#).
- 4) [S 128\(D\) of the Land Transport Act](#) allows for local authorities to appoint Parking Wardens. Parking wardens are confined to infringement notices related to stationary vehicles only. See S 128(E) for an in depth list of [Powers of Parking Wardens](#).
- 5) There is no specific requirement under the laws, regulations, rules and policies mentioned above that require warranted enforcement officers of the Council to attend reported instances of illegal parking in person or to use evidence obtained from a third party. However, under Section 139 Land Transport Act 1998 – Issue of infringement notice - wardens are required to prove the offence before any infringement notice is issued. To enable this, wardens attend and document facts to ensure that claims and reports made meet the threshold (or requirements) of the aforementioned bylaws and laws.

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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Kind Regards,

### Official Information Team

Legal Services & Risk | People and Organisational Performance

Email: [officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)



**From:** official information <officialinformation@hcc.govt.nz>  
**Sent:** Tuesday, 1 February 2022 2:45 pm  
**To:** [REDACTED]  
**Cc:** official information <officialinformation@hcc.govt.nz>  
**Subject:** LGOIMA 22023 - [REDACTED] - Parking evidence requirement queries.

Kia Ora,

I write to acknowledge your information request of Wednesday 26 January 2022 as below.

Please be advised that your request has been passed on to the relevant team within Council and you will be informed of the outcome.

The Local Government Official Information and Meetings Act 1987 requires that we advise you of our decision on whether the Council will provide the requested information as soon as reasonably practicable, and no later than 20 working days after the day we received your request. We will respond to you no later than Thursday 24 February 2022.

In light of the current COVID-19 environment we now work and live in, the safety of our employees is paramount. We've made necessary changes to our working environment and operations that may result in limited availability of some of our staff members. We appreciate your patience during this time. Please allow some extra time for a response to your request as we are all doing our best to accommodate the new circumstances.

Kind Regards,

**Tatiana** | Official Information & Legal Support Advisor  
Legal Services & Risk | People and Organisational Performance  
Email: [officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)



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-----Original Message-----

**From:** [REDACTED]  
**Sent:** Wednesday, 26 January 2022 10:03:00 am  
**To:** [info@hcc.govt.nz](mailto:info@hcc.govt.nz)  
**Subject:** parking evidence requirements  
Hello

Would you please tell me what parts of which laws/regulations/rules and/or policies require warranted enforcement officers of the Council to attend, in person, reported instances of illegal

parking to be able to issue infringement notices (fines) for such parking?

If necessary, please treat this as a request under the LGOIMA.

Thank you.

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Regards [REDACTED]