



Interim report of the Petitions Committee

Petition of Claire Dale: Make mobility parking enforceable on all public-use property and increase fines

November 2022

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Hon Jacqui Dean
Chairperson

Interim report on the petition of Claire Dale

Recommendation

The Petitions Committee has considered the petition of Claire Dale—Make mobility parking enforceable on all public-use property and increase fines—and recommends that the House take note of its interim report.

Request regarding mobility parking

The petition was presented to the House on 28 February 2022. It requests:

That the House of Representatives change the law to substantially increase fines nationally for misusing any mobility parking spaces, including on privately owned land that is used publicly; and urge the Government to run an education campaign to desist able-bodied people from misusing mobility parking spaces for public use.

Comments from the petitioner

The petitioner, Claire Dale, is concerned about people parking in mobility parking spaces when they should not. Ms Dale explained how frustrating this can be for the people who the spaces are intended for. Before even finding a car park, people with a mobility impairment have to exert a lot of time and energy to leave the house. No one who qualifies for a mobility parking permit finds it quick or easy to move about. Mobility parks are crucial to allowing these people to go about their everyday lives.

Ms Dale has heard that some people have missed medical appointments because they cannot find an accessible car park. She said people should not dismiss this issue because they are not directly affected. She noted that, as people age, many more become disabled. She said that 1 million New Zealanders have a mobility impairment. She wants the Government to undertake an education campaign about the importance of access to mobility parking and how people are affected by misuse of car parks.

Ms Dale said it is common for people who improperly use mobility parks to be rude when confronted. Threats of physical violence are not unusual, she said. She wants the Government to increase the fine for improperly using a mobility parking space in order to deter non-compliance. She thinks the current fine of \$150 is insufficient.

Ms Dale said that enforcement needs to improve on privately owned property that has a public use (such as car parks at supermarkets, shopping malls, hospitals, or airports). According to research conducted by CCS Disability Action, 70 percent of offending occurs on this type of property. Ms Dale said enforcement is currently inconsistent, varying from council to council and location to location. She wants laws and regulations about parking to be equally applied on private land.

Ms Dale said that, in the United Kingdom, supermarkets and shopping centres have to uphold the Equalities Act 2010. The Act requires reasonable adjustments, such as access to mobility parking, to be made for disabled people. Ms Dale said that Australia, the United

States, and Canada also have national laws that cover privately owned property that has a public use. She wants New Zealand to adopt a single, nationally consistent system for enforcing penalties for misusing a mobility park. Ms Dale noted that enforcement of mobility parking rules varies across the country. She pointed out an app developed by CCS Disability Action, called Access Aware. People can use Access Aware to report people misusing mobility parks directly to the relevant local authority to get a quick response. However, Access Aware is only available in some cities in New Zealand.

Comments from Te Manatū Waka—Ministry of Transport

We received written and oral evidence from Te Manatū Waka—Ministry of Transport.

Current legislative and regulatory framework

Central government sets the legislative framework that governs how parking regulations should function. This includes setting infringement fees and maximum fines for offences.

Section 6.4(1A) of the Land Transport (Road User) Rule 2004 sets out the offence for misusing a mobility park. Under this section, it is an offence to stop, stand, or park a vehicle in any parking area reserved for disabled people, unless the driver or a passenger is disabled and displays a disabled parking permit.

The corresponding penalties for this offence are set out in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999. The infringement fee is currently \$150. The maximum penalty on conviction is \$1,000.

Local government road controlling authorities are responsible for most on-street parking enforcement. Their decisions, as with all enforcement, are discretionary and subject to resourcing and other priorities. They are not currently responsible for parking enforcement on privately owned land. Parking enforcement on private property (including supermarkets, blocks of flats, schools, and shopping malls) is the responsibility of the owner or leaseholder of the property.

The ministry acknowledges that misuse of mobility parking is a problem

The ministry said that the misuse of mobility parking is a problem for many mobility parking permit holders. It restricts access to employment, and to social, economic, and community activities. In a recent survey, a lack of access to suitable car parks was the most cited reason respondents gave for not being able to make a journey.

The ministry said that access to transport is a human rights issue. New Zealand has ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Article 9 of the Convention is about accessibility:

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation ... and to other facilities and services[.]

The ministry noted that disabled people in New Zealand are 3.5 times more likely to live in a household with no access to a private vehicle than non-disabled people (12.8 percent versus 3.6 percent).

The ministry said that, for disabled people, there is likely little distinction between privately and publicly owned land. The ministry said there could be opportunities for the Government to work with the private sector to address the misuse of mobility parks on privately owned land. It is aware that some private car park owners are unaware of their enforcement capabilities. For example, mobility park permit holders have described being told by staff that they have no jurisdiction over the car park when this is untrue.

The ministry said that improved access to mobility parking spaces could be achieved through more education for the general public and private owners of car parks. It said that examining how to make enforcement more effective could also be involved.

The ministry is reviewing parking offences and penalties

The ministry said it is working to make transport more accessible for all New Zealanders. It is currently reviewing regulations related to parking offences and penalties, including the infringement fee for improperly parking in a mobility park. The ministry said it will continue to consult disabled people and their perspectives will inform the review. In particular, the ministry said it wants to better understand the effect the offence has on the safety of people who rely on mobility parking spaces. The review will consider whether the current penalty levels:

- respond to the offence's severity
- act as a deterrent
- are proportionate to penalty levels for comparable offences
- consider the responsibilities and financial capacity of the individual or entity.

The ministry said that enforcing the proper use of mobility parking spaces is complicated. Responsibility for enforcement sits with a number of actors. It said that effective policy solutions will need to target everyone involved, including private car park owners, local government road controlling authorities, and the general public.

Comments from the Office for Disability Issues

We received written and oral evidence from the Office for Disability Issues (which is now located within the recently established Whaikaha—Ministry of Disabled People). The Office for Disability Issues said that the availability and use of mobility parks is vital to the independence and wellbeing of disabled people. Mobility parks enable disabled people to have unencumbered and dignified access to everyday facilities and services.

The office said that 24 percent of New Zealanders identify as disabled, according to the 2013 Disability Survey.¹ Of that cohort, 64 percent have a physical impairment, making it the

¹ The 2013 Disability Survey is accessible on [Statistics New Zealand's website](#).

most common type of disability. The office also said that roughly 165,000 people are users of the mobility parking permit scheme.²

The office said that the petitioner's requests, if progressed, would accord with the United Nations Convention on the Rights of Persons with Disabilities and the New Zealand Disability Strategy. The aim of the New Zealand Disability Strategy is that "New Zealand is a non-disabling society—a place where disabled people have an equal opportunity to achieve their goals and aspirations, and all of New Zealand works together to make this happen".

The office said it is aware of a number of instances where mobility parking spaces have been misused and regulations were not enforced. Surveys undertaken by CCS Disability Action indicate that, although there has been a decrease in the number of vehicles parking in mobility parks without displaying a permit, few illegally parked cars are ticketed. Enforcement is particularly low for mobility parks located on privately owned but publicly used spaces, such as supermarket and shopping mall car parks. The office suggested that reasons for this could include:

- a lack of mobility parks, or ineffective monitoring of them
- mobility parks not being clearly marked, or a lack of instructions about the need to display a mobility parking permit
- a lack of knowledge of the law or how disabled people are affected by the misuse of mobility parks.

The office said stricter enforcement measures and an education campaign, as suggested by the petitioner, could go some way to decreasing the misuse of mobility parks and improving accessibility for disabled people.

Comments from the New Zealand Police

We received written and oral evidence from the New Zealand Police.

The Police said that, while they have an important role in enforcing who can legally use mobility parks, responsibility for this issue is shared with a number of public and private entities. These entities include the Ministry of Transport and local government road controlling authorities. The Police said they broadly agree with the submissions made by the Office for Disability Issues and the ministry.

The Police acknowledged Ms Dale's concerns and said that they try to educate and penalise people who improperly park in mobility parking spaces. In the past five years, police officers have issued 277 infringement notices for parking in an area reserved for disabled people.

The Police noted that the public can report instances of people improperly using mobility parking spaces to the non-emergency phone number 105. However, the Police prioritise attending events where people's lives or safety are in danger. Policing requires arranging resources to respond to emergency demand. A particular focus for the Police is preventing and penalising activities that cause the most harm: driving while impaired, speeding, driving while distracted, and not wearing a seatbelt.

² According to [CCS Disability Action's mobility parking brochure](#).

The Police have 1,070 staff that specifically focus on policing roads.

Comments from Local Government New Zealand

We received written evidence from Local Government New Zealand (LGNZ).

LGNZ said it “strongly supports” increasing fines for people who park illegally in mobility parking spaces so that the fines act as an effective deterrent. It noted that the current fine of \$150 was set in 2008 and has not been increased since. It said that the legislative and regulatory framework should be changed so that fines are inflation-adjusted.

LGNZ said that councils have not formally considered extending their powers in order to issue infringement fines for mobility parks on private property (such as supermarket car parks). If it becomes an option, LGNZ said it would be happy to raise this with its members. LGNZ said it is aware that many councils feel strongly about this issue, and are sympathetic to the petitioner’s objectives.

Our interim response to the petition

We thank Ms Dale for raising this issue, and appreciate her advocacy on behalf of all users of mobility parking spaces. We thank her for travelling to Wellington to make her oral presentation in person, and thank all other submitters involved. We recognise the importance of accessible parking to the everyday lives of people with mobility issues.

We welcome the Ministry of Transport’s review of parking offences and penalties, and its intention to involve disabled people in this review. We hope that this review will result in increased infringement fees for improper use of mobility parking spaces, in line with the petitioner’s request. We agree that the current \$150 infringement fee is too low.

We also support the petitioner’s call for an education campaign. This should be targeted at members of the general public, so that they understand the importance of mobility parks for disabled people. It should also target people with car parks on private land, especially supermarket and shopping mall landowners, so that they understand their enforcement capabilities and responsibilities.

From our hearing on 10 November 2022, we understand that the Police, the Ministry of Transport, and the Office for Disability Issues have met to discuss the petitioner’s concerns. These entities want to work with the petitioner to develop possible solutions to this problem. We endorse this collaboration and commend the proactive offer from government agencies to work with Ms Dale. We would like to encourage the agencies to include key private stakeholders such as supermarkets in their collaboration.

We will seek an update on this petition in six months’ time and produce a final report.

Appendix

Committee procedure

The petition was referred to us on 28 February 2022. We met between 5 May and 24 November 2022 to consider it. We received written and oral submissions from the petitioner, the New Zealand Police, the Office for Disability Issues, and Te Manatū Waka—Ministry of Transport. We received a written submission from Local Government New Zealand.

Committee members

Hon Jacqui Dean (Chairperson)
Rachel Boyack
Steph Lewis
Nicole McKee
Sarah Pallett
Teanau Tuiono

Ricardo Menéndez March participated in our hearings.

Evidence received

The documents we received as evidence in relation to this petition are available on the Parliament website.

A recording of our hearing can be accessed here:

- Hearing of evidence with the petitioner, the New Zealand Police, the Office for Disability Issues, and Te Manatū Waka—Ministry of Transport, 10 November 2022.