



Final report of the Petitions Committee

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

August 2023

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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 to the Government that it:

1. significantly increase, and index to inflation, the fine for illegal parking in mobility parking spaces
2. review current mobility parking requirements and research future needs with the aim of ensuring that appropriate numbers of mobility parks are available
3. consider support for road controlling authorities to develop technology for enforcing mobility parking
4. work with private sector carpark operators to develop a code of practice for enforcing mobility parking
5. consider whether technology that is being developed for enforcing mobility parking in public parks could also be used by owners of private carparks
6. undertake a public education campaign to improve public understanding of mobility parking and to encourage drivers to obey the rules about mobility parks.

We also recommend that a special debate be held in the 54th Parliament on the issues raised in this petition.

Request about 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.

Claire Dale is concerned about able-bodied people parking in mobility parking spaces. It is illegal and makes things difficult for people with mobility impairments who need a park. Ms Dale thinks the \$150 fine for illegally using a mobility parking space is too low.

The enforcement of mobility parking violations varies between locations. Ms Dale wants New Zealand to adopt one nationally consistent system for enforcing penalties. She is concerned about a lack of enforcement by private owners of carparks such as those at supermarkets, shopping malls, blocks of flats, schools, hospitals, and airports. She wants the same level of enforcement on privately and publicly owned property.

Interim response to the petition

We had a very constructive meeting in November 2022 with Ms Dale, the New Zealand Police—Ngā Pirihimana o Aotearoa, the Ministry of Transport—Te Manatū Waka, and Whaikaha—the Ministry of Disabled People. After the meeting, we produced an interim report encouraging the parties to work together to develop possible solutions to this problem, and to include key private stakeholders—such as supermarkets—in their collaboration.¹ We said we would seek an update on progress after six months.

The interim report also recorded our view that the current \$150 infringement fee is too low. We welcomed the Ministry of Transport's planned review of parking offences and penalties and its intention to involve disabled people in the review.

We supported the petitioner's call for an education campaign about the importance of mobility parks for disabled people. We noted that education should be targeted at the public, as well as private providers of car parking, especially supermarket and shopping mall owners, to help them understand their enforcement capabilities and responsibilities.

Initial information from government agencies

We summarise below the submissions we received in mid-2022 from the Police, the Ministry of Transport (the ministry), and Whaikaha.

Extent of the problem

According to the 2013 Disability Survey, 24 percent of New Zealanders identify as disabled, and 64 percent of disabled adults have a physical impairment.² Whaikaha said that the availability and use of mobility parks enables disabled people to have unencumbered, dignified access to everyday facilities and services.

The ministry said that the misuse of mobility parking is a problem for holders of mobility parking permits. In a recent survey, lack of access to suitable car parks was the most common reason respondents gave for not being able to make a journey.

Whaikaha is aware of instances where mobility parking spaces have been misused but the rules 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. The enforcement rate is particularly low for mobility parks located on private property. Whaikaha suggested that reasons 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.

¹ Our interim report is available on the [Parliament website](#).

² 2013 Disability Survey, available on [Statistics New Zealand's website](#).

Whaikaha supported the petitioner's suggestion that stricter enforcement measures and an education campaign could help to reduce the misuse of mobility parks.

Legal framework

We are aware that the Building Act 2004 does not require a specific proportion of carpark to be set aside as mobility parks. However, section 119 of the Act provides that the New Zealand Standard *NZS 4121:2001 Design for access and mobility: Buildings and associated facilities* is an acceptable solution for the requirements of persons with disabilities. The standard requires at least one mobility park for 1 to 20 parks, two mobility parks for 21 to 50 parks, and one additional mobility park for each additional 50 parks.³

Under clause 6.4(1A) of the Land Transport (Road User) Rule 2004, 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. Penalties are set out in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999. The infringement fee is \$150. The maximum penalty on conviction is \$1,000.

Local governments (through their road controlling authorities) are responsible for most on-street parking enforcement. As with all enforcement, their decisions are discretionary and subject to resourcing and other priorities. Parking enforcement on private property is the responsibility of the owner or leaseholder of the property.

Human rights issue

The petitioner's requests align with two important documents. One is the United Nations Convention on the Rights of Persons with Disabilities. New Zealand ratified the convention in 2008. Article 9 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...⁴

The petition also aligns with the New Zealand Disability Strategy. The vision of the strategy is:

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.⁵

Privately owned parking spaces

The ministry is aware that some private carpark owners are unaware of their enforcement capabilities. For example, mobility parking permit holders have described being told incorrectly by staff that they have no jurisdiction over a carpark. The ministry said there could

³ Chapter 5.4, *NZS 4121:2001 Design for access and mobility: Buildings and associated facilities*.

⁴ United Nations Convention on the Rights of Persons with Disabilities, [Article 9](#).

⁵ The New Zealand Disability Strategy is available [online](#).

be opportunities for the Government to work with the private sector to address the misuse of mobility parks on privately owned land. The ministry said that access to mobility parking could be improved through educating both the general public and private carpark owners.

Ministry of Transport review of parking offences and penalties

In 2022, the ministry told us it was reviewing regulations related to parking offences and penalties, including the infringement fee for improperly parking in a mobility park. Through consultation, the review was to be informed by perspectives of disabled people. In particular, the ministry wanted to better understand the effect the offence has on the safety of people who rely on mobility parking spaces. The review would ask whether the penalty corresponds to the offence's severity, acts as a deterrent, is proportionate to the penalties for comparable offences, and considers the responsibilities and financial capacity of the offender.

However, we learnt in July 2023 that the ministry has paused the parking offences review. As discussed below, the ministry said that other work had taken priority.⁶

Enforcement

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

The New Zealand Police try to educate and penalise people who improperly park in mobility parking spaces. In the past five years, the Police 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 carparks to the non-emergency phone number 105. However, the Police prioritise attending events where people's lives or safety are in danger.

Further submissions sought

We also received submissions from CCS Disability Action, Age Concern New Zealand, Local Government New Zealand, Waka Kotahi—the New Zealand Transport Agency, Retail NZ, Foodstuffs (NZ) Limited, and Countdown (Woolworths). They are summarised below.

CCS Disability Action

We received written and oral submissions from CCS Disability Action, which fully supports the petition. CCS Disability Action runs New Zealand's Mobility Parking Scheme, which has 160,000 permit holders. It also developed an app (called Access Aware) that allowed the quick reporting of mobility parking misuse.⁷

We heard that inaccessibility can isolate people from their communities. It can prevent them from living independently and participating fully in all aspects of life. CCS Disability Action noted that the Convention on the Rights of People with Disabilities guarantees accessibility

⁶ The [July 2023 update](#) from the three agencies is summarised later in this report.

⁷ Since our meeting with CCS Disability Action, we have learnt that the app is no longer available. The [CCS Disability Action website](#) states that the cost of further development work that it needed was prohibitive.

for persons with disabilities. It said that protecting mobility parking for disabled people to use is vital for meeting New Zealand's obligations under the convention. It submitted that the lack of mobility parking enforcement in privately owned parking areas is a violation of convention rights.

CCS Disability Action supported Ms Dale's comment that enforcement in publicly owned parks can be limited, for example, to business hours. However, people with disabilities also need parking when they go out in evenings and weekends.

We also heard about problems with enforcement on private property. CCS Disability Action told us that 60 percent of mobility parking violations occur in privately owned carparks. The problem is that enforcement is at the property owner's discretion. This is in contrast to publicly owned parks, where a disabled driver can call the local council and have the offending car ticketed or towed away.

CCS Disability Action would like to see public education about mobility parks. It suggested a campaign similar to the current advertising campaign that discourages people from speeding.

We were told about illegal parkers who are rude, abusive, or threatening when asked to move away from a disabled park. From data collected over six years, we learnt that 68 percent of such behaviour happens in privately owned carparks. CCS Disability Action also told us about the attitude that it is fine to park in a disability space when you are "just nipping in for a second". We heard that any education campaign should specifically discourage this attitude.

We heard about jurisdictions that have higher penalties for illegal parking in a mobility space. For example, the minimum fine in Texas, USA is \$500; in California, the penalty is similar. In New South Wales, Australia the fine is \$581 plus a demerit point.

Age Concern New Zealand

Age Concern New Zealand gave us a written submission supporting the petition. It said that older people are significantly represented in those who use mobility parks. Misuse can affect their ability to access services.

Local Government New Zealand

In a written submission, Local Government New Zealand (LGNZ) strongly supported higher fines for people who park illegally in mobility parking spaces. It noted that the current fine of \$150 was set in 2008 and was not indexed to inflation. LGNZ said fines that are too low do not discourage the illegal behaviour.

We learnt that Auckland Transport issues about 200 tickets a month for illegal parking in mobility parks.⁸

We learnt that local councils have not considered the possibility of having their powers extended to allow them to issue infringement notices for the misuse of mobility parks on private property. If needed, LGNZ said it would be happy to raise this with its members.

⁸ Stuff, "[Mobility car park users are being abused by those without a permit](#)", 5 July 2018.

LGNZ said it is aware that many councils feel strongly about mobility parking and are sympathetic to the petitioner's objectives.

Waka Kotahi

Waka Kotahi's written submission said that its education campaigns are funded by the National Land Transport Fund (NLTF). NLTF spending must align with priorities set by the Government Policy Statement (GPS) on land transport.⁹

Waka Kotahi said that its public education campaigns are currently aligned to the road-safety strategy *Road to Zero*, which supports the "Safety" strategic priority of the GPS. It said that mobility parking compliance is not part of the *Road to Zero*. Waka Kotahi is not planning any public education campaigns to do with mobility parking.

Retail NZ

Retail NZ represents views and interests of New Zealand's retail sector. It said its members account for 70 percent of domestic retail turnover.

Retail NZ is aware of anecdotal reports of mobility parking spaces being misused. It thinks the issue can be satisfactorily resolved under the current system. It does not support the proposal to require national enforcement of parking restrictions. It submitted that private property rights mean that enforcement of parking rules should be the sole responsibility of the landowner, not the local council.

We were told about a risk of increased abuse towards retail workers and security people working in privately owned carparks.

Retail NZ said that more mobility parks are needed. It told us about increased pressure on mobility parking as a result of the "considerable efforts" by some local authorities to remove public parking spaces on streets. For example, Retail NZ said it objected to a reduction in mobility parking in the first draft of Wellington's Golden Mile revitalisation project. Retail NZ said that a minimum number of mobility parks must be kept on public streets.

Retail NZ proposed the following:

- Local authorities should not remove mobility spaces when removing on-street parking.
- Legislation should be passed to ensure that appropriate numbers of public mobility parks remain available.
- Governments should ensure adequate spaces by reviewing and researching the estimated number of mobility parks that will be needed in future.
- A national education campaign should be run to improve public knowledge of mobility parking rules.

Foodstuffs

Foodstuffs supermarkets include PAK'nSAVE and New World. Foodstuffs said that individual supermarkets manage the enforcement of their own mobility parking. Typically, trolley-

⁹ The GPS on land transport has four strategic priorities: Safety, Better Travel Options, Climate Change, and Improving Freight Connections.

wranglers keep an eye out for wrongly parked cars. They report issues as needed. We were told that staff safety is a top priority; staff call the police if violence is threatened.

Foodstuffs was not aware of any particular compliance or enforcement issues at its supermarkets. Over a period of four years, the Foodstuffs North Island customer service line dealt with 12 complaints about mobility parking.

Foodstuffs does not consider that local authorities should enforce mobility parking in its supermarkets.

Foodstuffs supports a national education campaign about mobility parking. It thinks this would increase public understanding of the rules and might lead to greater compliance. It suggested that an education campaign should be the first step before any further regulation of mobility parking is considered. The corporate social responsibility team in Foodstuffs assesses options such as education campaigns to determine the areas that would be the most effective.

It noted that one option to address the issues in the petition could be via a code of practice at the private parking industry level.

We asked how Foodstuffs determines how many mobility parks to provide in its carparks. It told us that it generally relies on alignment with New Zealand Standard *NZS 4121* (mentioned above). Many of its larger stores also set aside carparks for customers shopping with young children. Foodstuffs noted that the standard was published in 2001 and population demographics have changed since then. It suggested that we consider recommending that the standard be updated “to better reflect current demographics and need”.

Woolworths

Woolworths New Zealand owns Countdown and Woolworths supermarkets. It was not aware of any ongoing issues about mobility parking. It receives very few complaints and does not believe the problem to be widespread.

Cars improperly parked in mobility parking spaces can be discovered by staff, disabled drivers, or other members of the public. Woolworths said that its typical response when an unauthorised car is found in a mobility park is for staff to make an announcement over the store’s PA system, asking the driver to remove the car. Further intervention is “carefully considered in the context of the potential reaction of the owner of the vehicle”.

Woolworths is aware of intervention resulting in aggression by the car owner. It has seen an increase in aggressive behaviour since the COVID-19 pandemic began. Woolworths noted its increasing concerns about aggression and assault on retail premises and said it takes its obligations to protect staff very seriously.

We learnt that a private company monitors 29 Woolworths carparks, issuing breach notices to owners or drivers of unauthorised vehicles.¹⁰ In a recent 12-month period, 9,919 breach notices were issued, 234 (2.4 percent) for the misuse of a mobility park. Woolworths’ parking

¹⁰ Woolworths carparks are monitored by [Parking Enforcement Services](#), a division of Wilson Parking New Zealand Limited. It is a member of the [New Zealand Parking Association](#) and the [Parking Action Group](#).

enforcement company is a signatory to the voluntary *Code of Practice for Parking Enforcement on Private Land*.¹¹ Although clamping and towing are options, the code discourages them in favour of issuing breach notices.

Woolworths said it would be happy to meet with anyone who wants to talk about the enforcement of mobility parking.

Follow-up submission from government agencies

In July 2023, we received a follow-up written submission from the Ministry of Transport, Whaikaha, and the Police jointly. We were pleased to learn that officials from the three agencies held several meetings with the petitioner and CCS Disability Action to discuss mobility parking. The New Zealand Parking Association and Taituarā—Local Government Professionals Aotearoa were also involved.

The follow-up submission provided more information on the differences between public and private car parks, particularly around enforcement. The agencies identified technology as a potential solution for the misuse of mobility parks, noting, however, that funding could be a barrier:

This technology ranges from CCTV cameras to more sophisticated camera technology that detects number plates and mobility permits. Funding remains a barrier to its more widespread use, and we note that its use in privately-owned parking is a decision for the owner.

Publicly owned parking areas

Parking on public land is managed by district and city councils (road controlling authorities). Councils apply the legislation that provides parking requirements, offences, and penalties. We learnt the following information about public parking:

- Parking tends to be more proactively managed in town centres than in suburbs. Suburban enforcement tends to occur in response to a call from a member of the public.
- Mobility parking is an “area of focus” for councils. They receive complaints about it, including about council-owned venues such as swimming pools and public libraries. Sometimes bylaws are amended to specify particular parking requirements and to allow councils to enforce them at those venues.
- Councils are concerned about staff welfare and say that abuse and aggression against enforcement staff are common. The problem is lessened by having wardens work in pairs and curtailing enforcement hours. Technology is also improving staff safety (as well as consistency of enforcement). Some councils are already using technology and others are learning from the experience of other councils and exploring the use themselves.

¹¹ The *Code of Practice for Parking Enforcement on Private Land*, dated December 2015, was developed by the Parking Action Group.

Parking at hospitals is the responsibility of Te Whatu Ora. We were pleased to learn that the agencies suggested that Te Whatu Ora engage with CCS Disability Action when it looks at guidance on parking enforcement.

Privately owned parking areas

Privately provided parking is governed by the law of contract. Correct parking is enforced through breach notices. The size of the fine can vary, depending on the enforcement agency. Supermarkets and malls have told the three agencies about a lack of enforcement, caused by:

- concern for staff welfare in relation to drivers getting aggressive when asked to move their car out of a mobility park
- businesses wanting to create a positive shopping experience for customers
- concern that they might be the only venue taking a strict approach to parking enforcement
- concern about liability if customers respond with claims of damage to their vehicle when a breach notice is issued
- the costs of enforcement.

Use of technology

Technology can remove the need for a warden to witness the offence in person and in real time. Examples of technology to improve disabled parking include fixed cameras, camera cars (that drive around capturing parking transgressions), licence plate recognition, sensors, and radio-frequency identification (RFID) tags.

The agencies noted that privacy issues may arise about the storage of information such as licence plates.

Private sector pilot

We were interested to learn that the New Zealand Parking Association, together with a transport consultancy company, is developing a pilot that uses technology to enforce mobility parking. The work is still in the initial stages.

Camera footage success in Queenstown

We learnt that Queenstown Lakes District Council uses cameras to monitor mobility parks, bus stops, and taxi stands. The cameras are on at all times. Wardens review the footage and issue tickets as needed. The system started as a trial and is self-funded. Costs include installing and using cameras and linking them to council systems.

The council has found that compliance is better in areas that use cameras.

Whaikaha submission on RFID

In a separate follow-up submission, Whaikaha suggested that RFID technology could be used to develop unique identification markers for mobility parking permits. It said this could allow parks to be monitored through remote scanning and cameras.

Whaikaha proposed that the RFID approach be piloted in one or two locations.

Funding

The agencies' joint submission discussed funding for councils' use of technology to enforce mobility parking. The agencies explained that local government transport priorities are influenced by the GPS, which is prepared by the ministry and issued by the Minister of Transport. Local authorities' Regional Land Transport Plans must be consistent with the GPS and include activities for which a region seeks Crown funding contributions. The agencies said:

There may be a case for central government to support local government with co-funding for activities that improve the compliance of mobility parking, such as technology solutions.

They commented that funding could be through the NLTF or direct Crown funding.

Waka Kotahi, they said, is responsible for prioritising the NLTF across a range of competing priorities, informed by the proposals it receives from local government. In doing so, it must give effect to the GPS. The agencies noted that the GPS priority "Better Travel Options" seeks to improve access to social and economic opportunities. They said that this priority extends to improving access for disabled people, and it could include mobility parking compliance (or other activities).

The agencies submitted that many councils have been self-funding trials such as the one in Queenstown. In its separate submission, Whaikaha suggested that the RFID solution discussed above could be self-funded by councils.

Enforcement on public and private land

Legislation does not require specific enforcement of mobility parking. For example, landowners do not have to issue an infringement notice every time a mobility park is misused. The agencies explained that one reason is cost of the staff and technology that would be needed. Another is that it could impinge on a council's ability to use discretion and look at all the circumstances of the offending when deciding what to do.

Regarding private landowners, the ministry considers that government intervention in private contractual affairs would set a "significant precedent". The ministry also suggested it might be difficult to set parameters on the intervention. For example, requiring intervention only for parking issues might have "significant equity implications".

National parking enforcement agency

The ministry commented on the idea of a national parking enforcement agency. It considers that changing the entity responsible for enforcement would not address the key enforcement limitation, which is funding for additional staff and technology. The ministry said compliance would be improved with "more frequent and consistent enforcement of mobility parking provisions across public and private parking". This could be achieved by investing more money in technology and staff rather than establishing a new entity.

Penalties for misusing disabled parks

The ministry paused its work reviewing parking “in light of the Government’s refocused priorities to concentrate on the cost of living and recovery from severe weather events earlier this year”.

Although the work is on hold, we were told that it will include public consultation to understand the effects of higher fines and fees on parts of the population. We note that some jurisdictions, such as Switzerland and Finland, charge fees and fines based on the income of the offender. However, the agencies said that fines are based on vehicle ownership, and New Zealand does not have the capability to link a person’s earning information to vehicle ownership.

The agencies also consider that including demerit points in the penalty might be unfair because misuse of a mobility parking space is an offence by a vehicle owner. Demerit points are used for offences by drivers, not vehicle owners. The agencies said demerit points might unfairly penalise car owners for an offence if they did not commit it. Another issue is that demerit points are issued by enforcement officers, not parking wardens.¹²

Education campaign

The agencies noted Waka Kotahi’s submission regarding an education campaign. They said Waka Kotahi is the appropriate agency for progressing education campaigns related to road transport. They said:

In addition to the “Better Travel Options” priority, the GPS also expects that travel demand management activities that influence travel behaviour, such as educational programmes, are prioritised ahead of more expensive investments, where appropriate.

The agencies added that other initiatives funded by the NLTF also support access for disabled people. For example, the Total Mobility scheme subsidises taxis for people who cannot use conventional public transport.¹³

Availability of on-street parking

The agencies commented on the suggestion that pressure on parking has increased as a result of councils removing on-street parking spaces.

They noted that the National Policy Statement on Urban Development 2020 removed minimum on-site parking requirements for developments.¹⁴ An effect of this is greater demand for on-street parking. However, they said, councils can set minimum on-site parking requirements for mobility parking spaces through their district plans. Councils also set parking strategies and management plans, with guidance from Waka Kotahi, which include the provision of on-street parking spaces.

¹² “Enforcement officer” is defined in [clause 1.6 of the Land Transport \(Road User\) Rule 2004](#) and includes police officers.

¹³ More information about the Total Mobility scheme is available on the [Waka Kotahi website](#).

¹⁴ The National Policy Statement on Urban Development is available on the [Ministry for the Environment website](#).

Final comments from the petitioner

We had a second hearing with the petitioner in August 2023. The petitioner was disappointed at the final written submission from the Ministry of Transport, Whaikaha, and the Police. Ms Dale described the comments from the agencies as “excuses”, saying she felt that they wanted an excuse not to make legislation. Ms Dale firmly believes that legislation is needed.

Ms Dale said she found the comments difficult to read. She interpreted them as saying that mobility parking should not be enforced for reasons including “not wanting to ruin the shopping experience”, “too expensive”, “no-one wants to be the first”, and “too dangerous”. Ms Dale said that lack of access to mobility parks means shopping is already difficult and dangerous for mobility-impaired people. She believes the agencies’ response demonstrates that mobility-impaired people are treated as less important than able-bodied people.

Ms Dale said it is in the nature of private parking owners to comply only with minimum required standards. For this reason, she said, legislation is particularly needed for private parking. Ms Dale recommended that private carpark owners be required to enforce mobility parking at the same fee as the fine on roads. She understands this is done in the United Kingdom.

She pointed us to the United Nations booklet *The Corporate Responsibility to Respect Human Rights*.¹⁵ Ms Dale said that New Zealand’s standards fall far behind those set out in the booklet.

Ms Dale strongly urged us to recommend increasing the fine and requiring it to be enforced in private as well as public carparks.

Our response to the petition

First, we thank the petitioner and all the submitters for their efforts to improve the lives of disabled parkers. Many New Zealanders have disabilities that make it hard to get around, and some 160,000 of them hold a mobility parking scheme permit.

We have considered the issues raised and we make several recommendations to the Government regarding mobility parking. We urge it to consider the matters raised and act quickly on them.

Increase the fine

We agree with submitters that it is time to increase the penalty for parking illegally in mobility parking spaces. The fine of \$150 should be increased and indexed to inflation so that it does not drop behind again. We note that the fines in some American states are about \$500, and that New South Wales has a similar fine plus a demerit point. We note the agencies’ comment that demerit points are usually reserved for drivers rather than vehicle owners.

¹⁵ [Available online](#) on the website of the UN Office of the High Commissioner for Human Rights.

We note that the ministry's work to review the penalty for illegal parking in disabled parks has been paused in favour of work to support other priorities. We urge the ministry to continue working on this issue as soon as possible.

Recommendation

1. We recommend that the Government significantly increase, and index to inflation, the fine for illegal parking in mobility parking spaces.
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Lack of parking

We note Retail NZ's submission that local authorities' removal of street parking has increased pressure on mobility parking. We acknowledge that reducing the number of private vehicles will help reduce greenhouse gas emissions and traffic congestion in large cities. Local councils and central government encourage people to leave cars at home and instead use public transport or active transport (such as walking or cycling) to get into town. However, not everybody can find alternatives to driving. For example, some footpaths and public transport cannot take wheelchairs.

The National Policy Statement on Urban Development required local authorities to remove any requirements in their district plans for minimum numbers of carparks in developments. Mobility parks were the exception.

We agree with Retail NZ that the reduction in street parking has the effect of increasing the misuse of disabled parks elsewhere. We support Retail NZ's suggestions that the Government review and research the future need for mobility parking and that appropriate numbers of public mobility parks be required to remain available. We urge the Government to maintain an appropriate number of public mobility parks. This may mean increasing the proportion of general parks that are required to be set aside for disabled people.

We note that the standard *NZS 4121* recommends an acceptable proportion of mobility parks that developers should put aside. Compliance with the standard is deemed to be an acceptable solution to fulfil the parking needs of disabled people. Foodstuffs commented that the standard may be out of date and need updating.

Recommendation

2. We recommend that the Government review current mobility parking requirements and research future needs with the aim of ensuring that appropriate numbers of mobility parks are available.
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We also have a suggestion for supermarkets that have parking set aside for shoppers with babies and toddlers. If parent-and-baby carparks are a suitable width, they could potentially be shared with disabled shoppers. We encourage supermarkets to consider marking these parks so that they could be used by disabled shoppers as well as by people with babies and toddlers. This would be in addition to the dedicated mobility parks.

Enforcement of penalties

Use of technology to enforce mobility parking

Bearing in mind the issues we heard about the safety of parking attendants when illegally parked drivers get aggressive, we asked ourselves whose role mobility parking enforcement should be and how it should be approached. We agree with submitters that one way to improve enforcement could be through the use of technology.

We were heartened to hear about the possibilities that technology has to offer to ensure that mobility parks are available to those who really need them. We were pleased to learn about the successful trial of mobility parking enforcement in Queenstown. We fully support the extension of successful pilots to other locations so that enforcement can be improved in more places.

Recommendation

3. We recommend that the Government consider support for road controlling authorities to develop technology for enforcing mobility parking.
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Enforcement on private property

Retail NZ and supermarkets did not wholeheartedly support the idea of increasing enforcement in privately owned car parks. The supermarkets said that they only receive a small number of complaints. However, it was acknowledged that a lack of complaints is no reflection that all is well. Supermarket staff, members of the public, and disabled drivers will not approach an offender or make a complaint if they do not feel safe to do so. The petitioner and her supporters say there is a problem, and we are taking this petition seriously.

We are pleased to note that the New Zealand Parking Association is developing a pilot programme that would use technology to enforce mobility parking on privately owned land. We encourage the Transport and Infrastructure Committee to ask the New Zealand Parking Association for an update on progress.

We were not convinced by the argument that retailers cannot enforce mobility parking because it may risk creating a negative shopping experience for able-bodied customers. Being unable to access mobility parks is a negative shopping experience for disabled customers. In addition, they lose access to services such as shopping and healthcare. We think technology could help retailers enforce mobility parking without risking the safety of their staff. We urge retailers and other private owners of car parks to explore the use of technology to enforce mobility parking.

We note the ministry's opinion that government intervention in private contractual affairs—between a private car park owner and a driver—would set a “significant precedent”. However, the petitioner was concerned that much of the offending is on private land. We think enforcement on private land should be better. Foodstuffs mentioned the option to address the issues in the petition via a code of practice at the private parking industry level. We support this idea. We urge all providers of parking on private property to consider developing better mobility parking enforcement into a code, possibly including it in the *Code of Practice for Parking Enforcement on Private Land*.

We would be interested to hear the views of local councils on the possibility of having their powers extended to allow them to issue infringement notices for mobility parking violations on private property. LGNZ said that many councils feel strongly about mobility parking and are sympathetic to the petitioner's objectives. We would be interested to hear their thoughts. LGNZ said it would be happy to raise this with its members (which are local councils).

We would also like to encourage people who experience difficulties using mobility parks to complain to the relevant landowners. The supermarket chains said they received few complaints about access to mobility parking. They expressed their eagerness to hear from people who have difficulties. We urge people to take up this offer so that private companies operating parking have a sense of the scope of the problem.

We think it appropriate for the Government to undertake an education campaign directed at private companies that operate car parks. The Government could support private car parks' progress on the use of technology and the development of a code of practice for enforcement. We also hope that any technology developed to enforce mobility parking in public car parks could be useful for operators of private car parks.

Recommendations

4. We recommend that the Government work with private sector car park operators to develop a code of practice for enforcing mobility parking.
 5. We recommend that the Government consider whether technology that is being developed for enforcing mobility parking in public parks could also be used by owners of private car parks.
-

Public education

All submitters agreed on the value of a campaign to improve public awareness of mobility parking rules. One of the supermarket chains (Foodstuffs) added that its corporate social responsibility team might consider options for raising awareness of mobility parking. We encourage Foodstuffs to pursue this idea.

Although Waka Kotahi has no plans for a publicity campaign, we note that such a campaign would align with the "Better Travel Options" priority in the GPS.

Recommendation

6. We recommend that the Government undertake a public education campaign to improve public understanding of mobility parking and to encourage drivers to obey the rules about mobility parks.
-

Special debate

We intend to write to the Business Committee under Standing Order 378(1)(e) to suggest that the House hold a special debate about this petition. The debate could be held in the 54th Parliament.

Appendix

Committee procedure

The petition was referred to us on 28 February 2022. We met between 5 May 2022 and 24 August 2023 to consider it. We published an interim report on 28 November 2022 after receiving written and oral submissions from the petitioner, the New Zealand Police, the Office for Disability Issues, and the Ministry of Transport, and a written submission from Local Government New Zealand.

We received written and oral submissions from eight submitters:

- the petitioner
- CCS Disability Action
- Ngā Pirihimana o Aotearoa—the New Zealand Police
- the Office for Disability Issues and Whaikaha—the Ministry of Disabled People¹⁶
- Te Manatū Waka—the Ministry of Transport
- Retail NZ
- Countdown (Woolworths New Zealand)
- Foodstuffs (NZ) Limited.

We received written submissions from:

- Waka Kotahi—the New Zealand Transport Agency
- Local Government New Zealand
- Age Concern.

We were disappointed that Waka Kotahi did not take up our invitation to make an oral submission. We also invited, but did not receive, a submission from the Health and Disability Commissioner.

We received advice from the Parliamentary Library and the Office of the Clerk.

Committee members

Hon Jacqui Dean (Chairperson)
 Rachel Boyack (to 8 February 2023)
 Dr Liz Craig (8 February 2023 to 3 May 2023)
 Shanan Halbert (to 23 August 2022)
 Steph Lewis (23 August 2022 to 8 February 2023)
 Nicole McKee
 Todd Muller (to 19 October 2022)
 Sarah Pallett
 Jamie Strange (from 8 February 2023)
 Teanau Tuiono
 Hon Poto Williams (from 3 May 2023)

¹⁶ On 1 July 2022, the Office for Disability Issues was integrated into Whaikaha.

Ricardo Menéndez March and Todd Muller participated in some of our consideration of this item of business.

Evidence received

The written submissions we received in relation to this petition are available on the Parliament website.

Recordings of our hearings can be accessed here:

- Hearing of evidence with the petitioner, the New Zealand Police, the Office for Disability Issues, and the Ministry of Transport, 10 November 2022.
- Hearing of evidence with CSS Disability Action and Foodstuffs (NZ) Ltd, 6 April 2023.
- Hearing of evidence with Countdown (Woolworths New Zealand), 1 June 2023.
- Hearing of evidence with Retail NZ, 8 June 2023.
- Second hearing of evidence with the petitioner, 3 August 2023.