

**AA Submission: Review of the Transport Act 1962
(13 Jul 2007)**

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Dear Oliver

MoT Review of the Transport Act 1962

Introduction

The New Zealand Automobile Association (NZAA) thanks the MoT for the opportunity to provide comment on the review of the Transport Act 1962 as it relates to Local Authority Enforcement Activity.

As an organisation with a membership exceeding 1.2 million vehicle owners and drivers in New Zealand, close attention is given to any proposals that affect motorists. As you can appreciate, the review is mostly targeted at local authorities, although the NZAA does have opinions on aspects of the current Act and any possible changes, and our comments on these have been provided below.

The NZAA is very interested in the feedback you will receive from local authorities, including any proposals they put forward for additional enforcement activity they would like to take on. We look forward to further consultation on the issues once their feedback has been collated.

Question A5: Are there any additional traffic offences which local authorities should be able to enforce?

The NZAA is supportive of the introduction of red light cameras, and would welcome their wider application. Such offences could just as easily be enforced by local authorities as by the police.

The NZAA supports a number of policy initiatives that are being developed by various ministries to reduce vehicle emissions. While we cautiously support policies to upgrade the existing fleet, we also believe more could be done to target "gross emitters" within the existing fleet. This could be by programmes such as enforcing the "10-second rule" currently enforced by police. We consider this offence could also be enforced by local authorities (although we recognise it may not be classed as a stationary offence, even though in some cases the vehicle may be temporarily stationary in order to determine if it is emitting continuous smoke for 10 seconds).

Question A9: Do you have any other comments or suggestions you wish to make about the enforcement of special vehicle lanes?

While we recognise special vehicle lanes must be enforced, we agree that the power of local authorities to issue infringements should be issued by the Police commissioner under warrant as currently required. We would not like to see such powers widely extended to all local authorities, but rather overseen by the police as is presently the case. However we accept the process for issuing warrants could be streamlined and sped up.

Question B1: Are the infringement fees for parking offences adequate to deter road users from committing offences and for encouraging compliance with traffic and road space management?

Infringement fees should act as a deterrent and should be relative to the cost of parking, that is if the infringement is lower than the cost of parking legally then it will not act as a disincentive. That said, there is an onus on local authorities to ensure there is an adequate level of parking to cater for demand. In metropolitan areas in particular, there has been a move to reduce the supply of parking relative to the population (growth) and this will only lead to more illegal parking.

The NZAA accepts that parking fines need to be set at reasonable levels to cover local authorities' enforcement costs – and to encourage legitimate parking. Noting that fines have not risen since 1999, if the current fees (including towage and storage) are uneconomic (we do not expect this is the case) then we accept they should be reviewed (initially in line with movements in the CPI during the intervening period). Likewise the 50:50 revenue sharing arrangement between local and central government, if local authorities' share is insufficient (this should be reviewed before raising fines). However, it may be necessary to introduce differential rates for metropolitan cities versus provincial towns. We would not want a maximum fee set to reflect inner-city parking prices and enforcement costs, and these fees then being adopted by smaller towns with much lower costs. Such towns should not have the ability to set unrealistically high fees, and perhaps the setting of all fees should be open to local public consultation. The maxima and minima fees should be set in legislation rather than allowing local authorities to set their own fees, as this could lead to a bewildering array of fees from city to city and town to town, confusing travelling motorists.

The NZAA has concerns regarding the almost extortionist charges from private parking towage firms.

C5: Would it be preferable to rationalise and consolidate these powers into a single piece of legislation?

We are inclined to the view that it would be appropriate to have bylaws on the use of roads consolidated under one piece of legislation, but we have no opinion on whether this should be under transport or local government legislation.

Yours sincerely

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New Zealand Automobile Association