

12 March 2019

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Land Transport (Wheel Clamping) Amendment Bill

Purpose

1. We have considered whether the Land Transport (Wheel Clamping) Amendment Bill ('the Bill') is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. We have not yet received a final version of the Bill. This advice has been prepared in relation to the latest version of the Bill (PCO21151/7.0). We will provide you with further advice if the final version includes amendments that affect the conclusions in this advice.
3. The purpose of the Bill is to regulate the maximum fee charged by an operator to apply an immobilising device (i.e. a wheel clamp) to a vehicle parked on private property. The Bill makes it an infringement offence for an operator to:
 - a. charge more than the maximum fee; or
 - b. to fail to remove or arrange for the removal of the wheel clamp as soon as is reasonably practicable after the fee is paid, or at the direction of the person in charge of the motor vehicle (if there is no fee).
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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