

20 October 2021

B Fairburn

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Tēnā koe B Fairburn

**Request under the Official Information Act 1982 re Parking Enforcement Contracts**

We refer to your request dated 29 September 2021 to Te Pūkenga, and the partial transfer to the Universal College of Learning dated 12 October 2021.

The information you have requested under the Official Information Act 1982 follows below.

1. MBIE publish a Code of Conduct for Parking Enforcement on Private Land (the Code). Are Te Pūkenga, any of its subsidiaries or their parking enforcement contractors signatories to the Code?

*Response: Neither UCOL nor its parking enforcement contractor are signatories to the Code.*

2. Subsidiaries of Te Pūkenga have contracted out parking enforcement of Staff and Student car parking areas on campus to a privately owned company called LPR Enforcement Services Ltd (LPR) who are not signatory to the Code. Which subsidiaries of Te Pūkenga have contracts with LPR?

*Response: UCOL does not have a contract with LPR Enforcement Services Ltd.*

3. If Te Pūkenga, its subsidiaries, or LPR are not signatories to the Code; would meeting the standards of conduct as defined by the Code and as administered by MBIE, clearly define a fair and reasonable absolute minimum standard of conduct for parking enforcement by a New Zealand Tertiary Education Institute?

*Response: UCOL considers the principles of the Code as good practice, and its parking enforcement contractor incorporates those principles in the application of its activities.*

4. Section 5.6 of the Code clearly defines and provides examples of misconduct "Misrepresentation of Authority" as a breach of the code. Have subsidiaries of Te Pūkenga in fact been "Misrepresenting Authority" as explained by MBIE in the Code?

*Response: UCOL has not misrepresented authority in regards to parking enforcement. Parking terms and conditions are clearly displayed in the relevant parking areas.*

5. Subsidiaries of Te Pūkenga, and LPR liberally use the word "fine" on signs placed in parking areas, on parking enforcement breach notices, websites, and LPR's self-named web "fine payment" portal. Have Te Pūkenga or any of its subsidiaries or agents been granted special authority to issue "fines" or demand payment of punitive fees to Staff or Students for this or any other reason?

*Response: Under the Education and Training Act 2020 (S284), an institution has the authority to make statutes which allow for the "imposition" of penalties upon staff or students of the institution (S284(1)(b)).*

6. Have Te Pūkenga or any of its subsidiaries directly or through their agent LPR, taken punitive action of any nature against any staff or student for non-payment of "fines"?

*Response: UCOL does not directly take action against staff and students for non-payment of car parking fines.*

7. Ara Institute of Canterbury Ltd issue a “fine” (as defined by them) of \$65 for a breach of carpark terms and conditions where the full daily parking fee is \$5. Is \$65 a fair and reasonable estimate of any tangible loss to Ara due to non-payment of one \$5 daily parking fee? Please provide full details of how this sum was calculated.

*Response: Not applicable.*

8. Are there penalty clauses in any of the contracts Te Pūkenga or any of its subsidiaries have with LPR, to compensate LPR, if for any reason LPR were no longer able to demand payments for “breaches of terms and conditions of car parking”?

*Response: UCOL does not engage the services of LPR Enforcement Services Ltd.*

9. Please provide details of any revenue sharing arrangements set out in contracts between LPR and Te Pūkenga and its subsidiaries. How is the share of revenue received from parking fees and fines divided between the parties to the contract(s)?

*Response: UCOL does not engage the services of LPR Enforcement Services Ltd.*

10. When contracts were negotiated and subsequently awarded for supply of “parking enforcement” services by Te Pūkenga or its subsidiaries to LPR, were these contracts awarded by an open or invited tender process?

*Response: UCOL does not engage the services of LPR Enforcement Services Ltd.*

11. How many parking enforcement companies were invited to submit proposals or tenders to provide those services?

*Response: Not applicable – refer to response in (10).*

12. Was compliance with, or being a signatory to the MBIE Code of Conduct a qualifying criteria in selection of candidates for provision of parking enforcement services?

*Response: Not applicable – refer to response in (10).*

13. Were contracts awarded to LPR after negotiation with LPR, but without receiving or considering written proposals or submissions from other candidates?

*Response: UCOL does not engage the services of LPR Enforcement Services Ltd.*

14. The contractor LPR use license plate recognition technology (LPR) to automatically record vehicle access to staff and student car parking areas on campus. Please provide all documents related to how privacy of information collected about staff and student movements held by LPR is guaranteed by Te Pūkenga or its subsidiaries in order to comply with the Privacy Act 2020.

*Response: UCOL does not engage the services of LPR Enforcement Services Ltd.*

We trust this fulfils your request.

Yours sincerely

*Carol Christison*

**Carol Christison**  
**Director Corporate Assurance & Risk | UCOL Privacy Officer**