

5 November, 2021

B Fairburn

fyi-request-16929-a950b910@requests.fyi.org.nz

Dear B Fairburn,

Official Information Act Request

I refer to your request made under the Official Information Act 1982 (OIA) dated 29 September, 2021 to Te Pūkenga on parking enforcement, which subsequently was partially transferred to Waikato Institute of Technology Limited (Wintec) on 12 October, 2021 in accordance with section 14(b)(ii) of the Act.

Your request

Wintec's response to the relevant questions below are listed under each question from your original request to Te Pūkenga.

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

Wintec's parking enforcement contractor is not a signatory to the Code.

2. Which subsidiaries of Te Pūkenga have contracts with [LPR Enforcement Services Ltd]?

Wintec 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?

Yes, Wintec complies with the minimum standard as defined in the MBIE code.

4. Have subsidiaries of Te Pūkenga in fact been "Misrepresenting Authority" as explained by MBIE in [section 5.6] of the Code?

No.

5. 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?

No.

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”?

No.

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.

This question is not applicable to Wintec.

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”?

Wintec does not have a contract with 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)?

Wintec does not have a contract with 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?

Wintec does not have a contract with LPR Enforcement Services Ltd.

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

Wintec’s policy for such a contract requires at three tenderers.

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?

Being a signatory of the MBIE Code of Conduct was not a qualifying criteria in Wintec's instance, however the contract was awarded on the basis that it is aligned with the Code's requirements.

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

Wintec does not have a contract with LPR Enforcement Services Ltd.

14. 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.

Wintec does not have a contract with LPR Enforcement Services Ltd.

If you require further information or clarification on this information, please don't hesitate to contact me.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Erin Andersen
Director – Communications
Wintec