

25 NOV 2016

Dan Tate

fyi-request-4773-2385cc7a@requests.fyi.org.nz

Dear Mr Tate

Official Information Act request

Thank you for your email of 17 October 2016 requesting, under the Official Information Act 1982 (OIA), information on Disputes Tribunal (Tribunal) cases related to wheel clamping where Super City Towing Limited was a respondent. I note your email of 17 November 2016 in which you asked that 'Supercity Towing', 'Supercity Towing Management' and 'Super City Towing Management' be included in the data for Super City Towing Limited. Of these wheel clamping cases, you requested the:

- Number settled prior to the hearing date and resulted in a cancellation of the scheduled hearing or did not proceed due to either party appearing (indicating a prior settlement may have occurred);
- Number that proceeded to a hearing date and for which Super City Towing Limited chose not to attend;
- Number awarded in favour of the applicant; and
- Number awarded in favour of Super City Towing Limited.

The Disputes Tribunals Act 1988 sets out that all proceedings before the Tribunal are held in private. This extends to the publication of decisions and the Ministry of Justice does not publicly release the names of parties to a Tribunal case. Your request for this information is therefore refused under section 18(g)(i) of the OIA on the grounds that this information is not held by the Ministry and there are no grounds for believing it is held by another department, Ministry of the Crown, organisation or local authority.

You may be interested to know that selected decisions of interest are available and provide some guidance on the types of disputes the Tribunal may consider. Currently, there are two decisions of interest related to wheel clamping. These can be found on the Ministry of Justice website at http://www.disputestribunal.govt.nz/disputes-decision-finder/?Filter_Jurisdiction=26&Keywords=clamping. It is important to note that decisions should only be viewed in the context of that particular case and that they are not precedent setting. No party should rely on them as a template for future disputes.

I apologise for not responding to your request by 15 November 2016, as required under the OIA. The recent earthquake in Kaikoura led to the closure of the Ministry's head office in Wellington for a week and some ongoing disruptions to our normal services.

If you are not satisfied with my response to your request you have the right to make a complaint to the Ombudsman under section 28(3) of the OIA. The Ombudsman may be contacted by writing to the Office of the Ombudsman at PO Box 10152, Wellington 6143, by phone on 0800 802 602 or by email to info@ombudsman.parliament.nz.

Yours sincerely



Jacquelyn Shannon

Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 59470