

# Submission to Transport and Industrial Relations Select Committee

In the matter of the Land Transport (Vehicle User Safety) Amendment Bill

Auckland Council, May 2017



**Auckland Council**

Te Kaunihera o Tāmaki Makaurau



## Mihimihi

<p>Ka mihi ake ai ki ngā maunga here kōrero, ki ngā pari whakarongo tai, ki ngā awa tuku kiri o ōna manawhenua, ōna mana ā-iwi taketake mai, tauiwi atu.</p> <p>Tāmaki – makau a te rau, murau a te tini, wenerau a te mano.</p> <p>Kāhore tō rite i te ao.</p>	<p>I greet the mountains, repository of all that has been said of this place,</p> <p>there I greet the cliffs that have heard the ebb and flow of the tides of time,</p> <p>and the rivers that cleansed the forebears of all who came those born of this land</p> <p>and the newcomers among us all.</p> <p>Auckland – beloved of hundreds, famed among the multitude, envy of thousands.</p> <p>You are unique in the world.</p>
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**Ko te tāpaetanga o te Kaunihera o Tamaki Makaurau**

**Auckland Council Submission**

**16 May 2017**

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**Title: Auckland Council Submission on the Land Transport (Vehicle User Safety) Amendment Bill**

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Submission to the Transport and Industrial Relations Committee

**1 Introduction**

- 1.1 This submission is from Auckland Council (“the council”), Private Bag 92300, Auckland 1142.
- 1.2 The submission represents the views of the council (resolution TBA).
- 1.3 The council wishes to appear before the Transport and Industrial Relations Committee.
- 1.4 Auckland Transport reserve the right to make an independent submission on the bill.

**2 Executive Summary**

- 2.1 The council supports the Land Transport (Vehicle User Safety) Amendment Bill (“the bill”) because:
  - the safety and protection of Auckland road users is at the forefront of the bill
  - the washing of vehicles on roads (“vehicle washing”) is a concern to the Auckland public
  - prosecution is expensive for council and is not always the most appropriate solution
  - the bill aligns with council bylaw controls, focusing on the prohibition of behaviour that is unsafe or causes a nuisance.
- 2.2 The submission also recommends non-regulatory measures be taken. Council supports social initiatives to reduce participation in vehicle washing.

**3 Vehicle washing is a concern in Auckland**

- 3.1 In 2016, the council received 314 vehicle washing complaints. Complaints were most prevalent in the Albert-Eden, Māngere-Ōtāhuhu, Manurewa, Maungakiekie-Tāmaki, Ōtara-Papatoetoe, Puketāpapa, Papakura and Waitematā local board areas (refer Attachment A and B). Anecdotally, compliance officers see a high number of youth participants in vehicle washing.
- 3.2 Council has prosecuted 61 people under its Public Safety and Nuisance Bylaw 2013. A further 170 prosecutions are underway. Prosecution is time consuming and expensive for council, costing up to \$5,000 for a \$200 fine.

3.3 Despite council's prosecution attempts, the number of complaints has only slightly decreased (refer Attachment C).

3.4 More serious incidents associated with the vehicle washing in Auckland include:

- May 2016, 17 year old attacked driver with cleaning brush<sup>1</sup>
- July 2016, 13, 14 and 16 year olds arrested for robbery<sup>2</sup>
- April 2017, person beats brain-injured man with copper pipe<sup>3</sup>.

#### **4 Council supports the bill's purpose and highlights the importance of complimentary non-regulatory initiatives (clause 3)**

4.1 The council supports the nation-wide approach of protecting road user safety by prohibiting vehicle washing that results in behaviour that is unsafe or causes a nuisance.

4.2 Council recognises wider social issues of employment, protection and crime prevention associated with vehicle washing. Council supports ongoing government funding for social initiatives and place-based regeneration programmes such as *The Southern Initiative* and *The Māori and Pasifika Trades Training Initiative*.

#### **5 Council supports the bill regulating vehicle washing behaviour that is unsafe, intimidating or causes a nuisance or obstruction (clauses 4 and 5)**

5.1 The bill uses similar wording to the council's Public Safety and Nuisance Bylaw. The wording ensures the safety of all road users by regulating certain behaviour that is unsafe, intimidating or causes a nuisance or obstruction.

5.2 Public perception of car window washing varies. The bill has the right balance and aligns with the council bylaw which seeks to regulate certain vehicle washing behaviour.

#### **6 Council notes the difficulty of prosecuting "nuisance" (clauses 4 and 5)**

6.1 In the council's experience, prosecuting people for causing a nuisance while washing vehicles is difficult as complainants are unsure what constitutes a "nuisance". Instead, all 61 of the successful prosecutions to date have been brought under the safety limb of the council bylaw based on police witness evidence.

#### **7 Council supports the proposed penalty regime (clause 6)**

7.1 The council supports equipping police with infringement fines as a tool to discourage certain vehicle washing behaviour. This is a more immediate and effective solution, than council prosecution.

7.2 In conclusion, the council's position supports infringement fines as the most effective means of regulating vehicle washing behaviour, and police are best placed to enforce the bill.

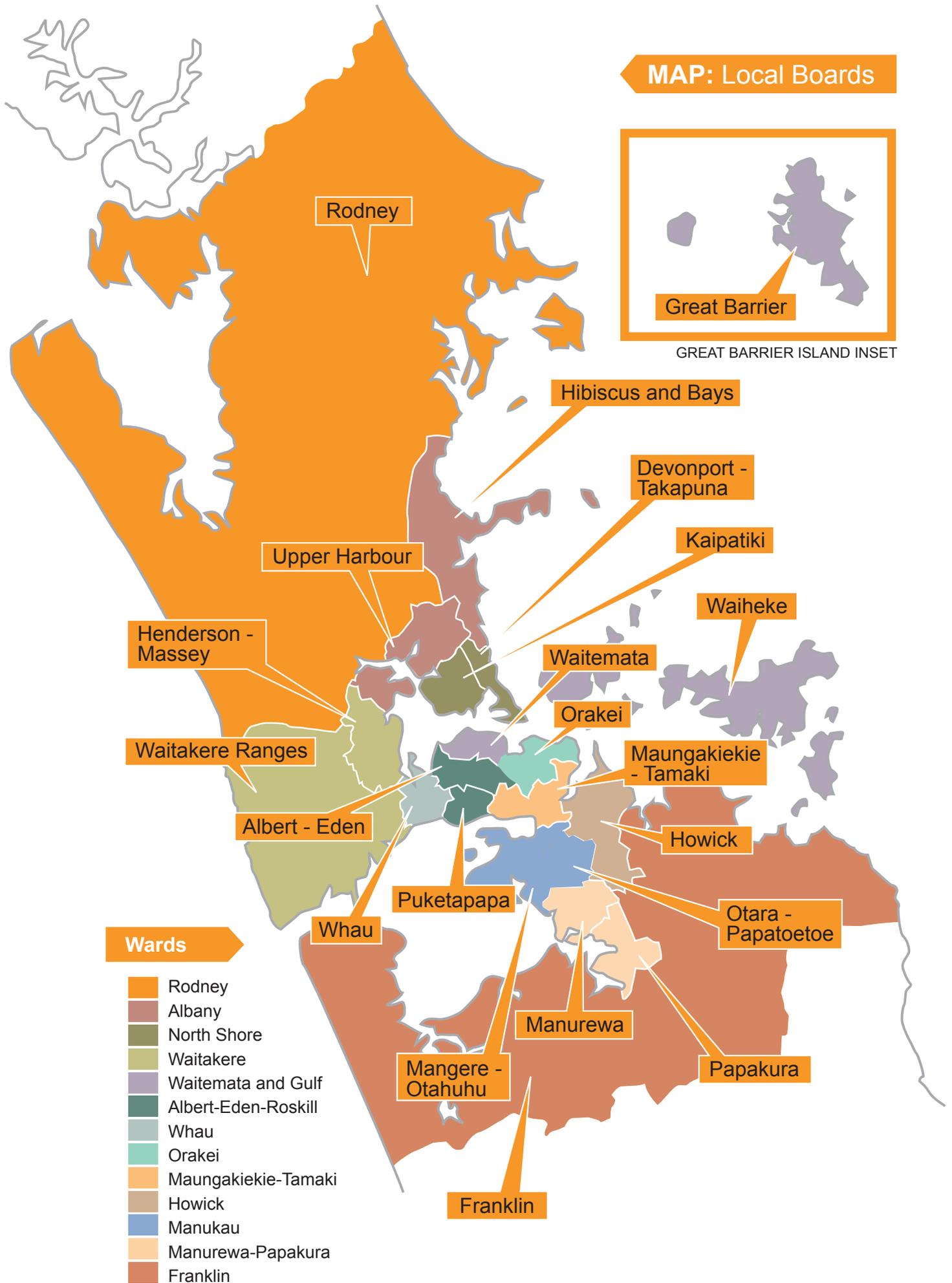
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<sup>1</sup> New Zealand Herald. (6 May 2016). Police warn motorists after window washer attacks driver with brush. Retrieved from [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11634233](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11634233)

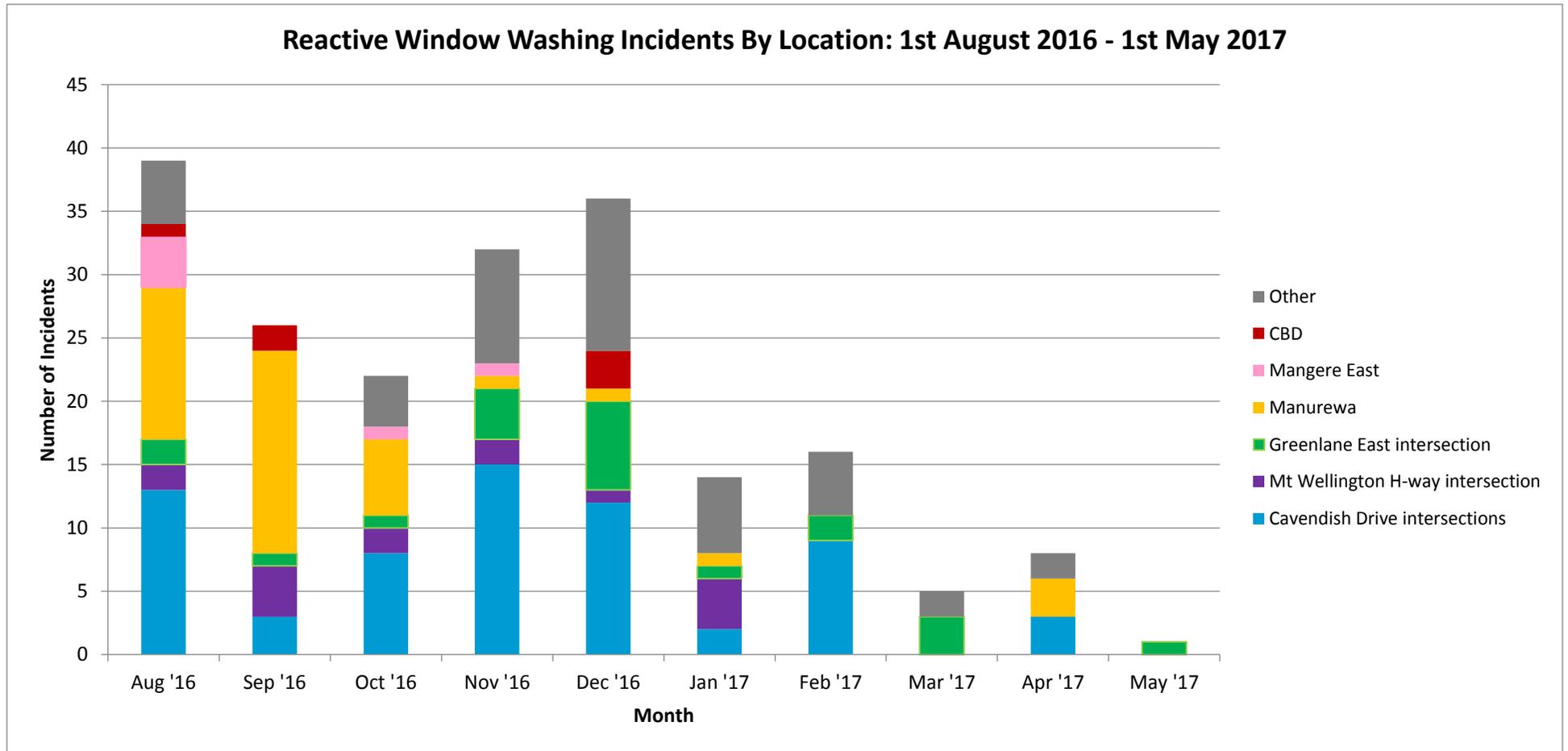
<sup>2</sup> New Zealand Herald. (6 July 2016) Window washers arrested over robberies. Retrieved from [http://m.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11669148](http://m.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11669148)

<sup>3</sup> Fairfax New Zealand Limited. (28 April 2017). Window washers beat brain-injured man with copper pipe. Retrieved from <http://www.stuff.co.nz/national/crime/92007636/window-washers-attack-man-with-copper-pipe-after-snatching-sunglasses-in-auckland>

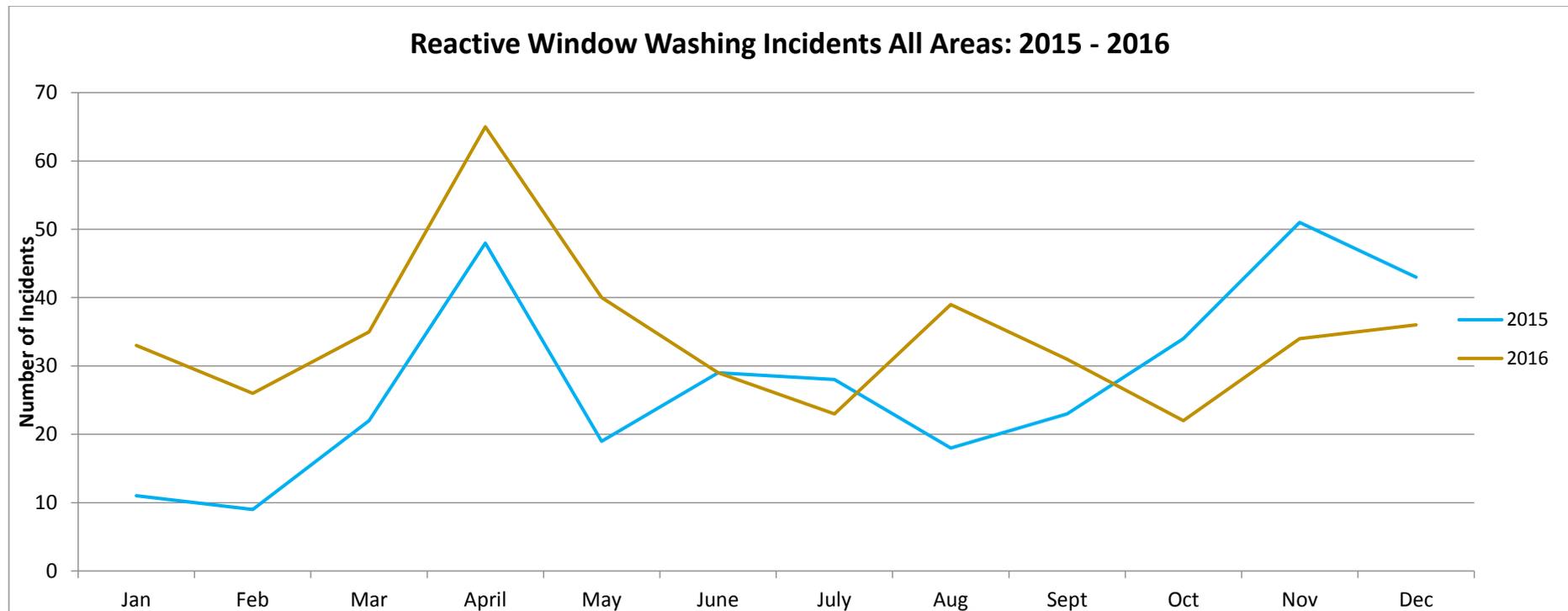
Attachment A



**Attachment B**



## Attachment C



Note: this graph shows the number of complaints received to council and is not a record of the actual number of incidents.