

COMPLAINT NUMBER	17/451
APPEAL NUMBER	18/001
APPLICANT	A. Smith, Living Streets Aotearoa
ADVERTISER	NZ Police
ADVERTISEMENT	Digital Marketing, Television
DATE	12 January 2018
OUTCOME	Declined

SUMMARY

The Chair of Complaints Board ruled on 18 December 2017 the complaint made by A. Smith about the NZ Police website had no grounds to proceed.

The Complainant appealed the Ruling. This appeal application was considered by the Chairperson of the Appeal Board. She noted the Applicant's concern the ruling was incorrect.

The Chairperson agreed with the Ruling and said the fleeting scene vehicles stationary over a footpath did not reach the threshold to encourage a disregard for safety.

The Chairperson noted the concerns of the Complainant, however, disagreement with a decision was not a ground on which an appeal could be accepted and as there were no grounds on which the appeal could proceed, the application was declined.

Please note this headnote does not form part of the Decision.

CHAIRPERSON'S RULING

The Chairperson viewed the application for appeal. She noted that there were five grounds upon which an appeal was able to proceed. These were listed at Clause 6(c) of the Second Schedule of the Advertising Standards Complaints Board Complaints Procedures and were as follows:

- (i) The proper procedures have not been followed.
- (ii) There is new evidence of sufficient substance to affect the decision.
- (iii) Evidence provided to the Complaints Board has been misinterpreted to the extent that it has affected the decision.
- (iv) The decision is against the weight of evidence.
- (v) It is in the interests of natural justice that the matter be reheard.

The Chairperson agreed with the Ruling from the Chair of the Complaints Board and considered while the Applicant disagreed with it, this is not a ground for appeal.

The Chairperson noted the Complainant's view a footpath "is a continuous lane within the road space and driveways exit across the footpath" and therefore the Chair's Ruling the car was parked in a driveway, not on a footpath was incorrect. The Chairperson noted the Complainant's concern was that vehicles parked over the footpath "force people walking or in wheelchairs out into the traffic lanes."

The Chairperson reviewed the scenes subject to complaint. She noted one of them showed a delivery van, with the door open, clearly in the process of collecting or delivering something on an otherwise quiet street and the other in a busier street with a person in the driver's seat clearly waiting to exit a driveway while a pedestrian is shown to walk in front of the vehicle.

The Chairperson agreed with the Chair's determination that the scenes were brief and in the context of the advertisement in its entirety, were a hyperbolic portrayal of the situations Police may encounter. In her view, the advertisement encouraged people to join the Police and was unlikely to encourage a disregard for safety.

The Chairperson ruled there were no grounds on which the appeal could proceed and the application was declined.

Chairperson's Ruling: Appeal application **Declined**

DESCRIPTION OF ADVERTISEMENT

The New Zealand Police "Do you care enough to be a cop?" recruitment television advertisement showed Police Officers running through various situations, including a SWAT team situation, helping an elderly man cross a road and one Officer running into the open door of a van parked in a driveway and another sliding over the bonnet of a car. The advertisement said "we want New Zealand to be the safest country in the world but we can't do it without your help."

APPEAL APPLICATION FROM COMPLAINANT A. SMITH

We would like of appeal the decision of Complaint number 17/451.

The Chairs comment "The Chair noted one scene showed a car in a driveway, not parked on the footpath." is wrong. A footpath is a continuous lane within the road space. Driveways exit across the footpath and does not change its designation of a footpath. This is one of the urban myths that we have been campaigning about for 10 years and vehicles parked in this manner force people walking or in wheelchairs out into the traffic lanes.

Sincerely, A. Smith

2004/427 Land Transport (Road User) Rule 2004 cl 4.4 Giving way when entering or exiting driveway

A driver entering or exiting a driveway must give way to a road user on a footpath.

6.14 Parking on footpaths or cycle paths

1. (1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a footpath or on a cycle path.

About Living Streets

Living Streets Aotearoa is New Zealand's national walking and pedestrian organisation, providing a positive voice for people on foot and working to promote walking-friendly planning and development around the country. Our vision is "More people choosing to walk more often and enjoying public places".

The objectives of Living Streets Aotearoa are:

- to promote walking as a healthy, environmentally-friendly and universal means of transport and recreation
- to promote the social and economic benefits of pedestrian-friendly communities
- to work for improved access and conditions for walkers, pedestrians and runners including walking surfaces, traffic flows, speed and safety
- to advocate for greater representation of pedestrian concerns in national, regional and urban land use and transport planning.

SUMMARY OF CHAIR'S RULING

The Chair noted the Complainant's concerns the advertisement showed cars parked on a footpath on two occasions which was in breach of Land Transport Rules.

The Chair acknowledged that, while not ideal, the scenes were a fleeting part of the overall advertisement. The Chair noted one scene showed a car in a driveway, not parked on the footpath. The other was parked in a shopping area. The Chair took into account the advertisement had an overall lighthearted tone and the actions of the Officers in rolling over the bonnet of the car were hyperbolic in nature.

The Chair's view was that the advertisement was not promoting parking on the footpath as an appropriate behaviour and it was unlikely to encourage a disregard for safety. The Chair said the advertisement did not reach the threshold to breach the Code of Ethics.