|  |
| --- |
| New Zealand Post accepts recommendation to undertake gate delivery on steep rural street |
|  |
| Legislation Ombudsmen Act 1975 Agency New Zealand Post Ombudsman Sir John RobertsonCase number(s) W28974Date 1997 |

*New Zealand Post refused to do a gate delivery in rural area because of the state of the road—Ombudsman considered NZP’s reasons and sought advice from Transit New Zealand about the state of the road—report showed it was not as steep as others in the area where deliveries were made—complaint upheld that the refusal to deliver to the gate was unreasonable and discriminatory between residents in different areas—NZP accepted finding and delivery to the gate was commenced*

Following an increase in Post Office box fees, the complainant, who lived in a rural township, asked New Zealand Post to deliver his mail to his home. New Zealand Post declined to do so on the grounds that the road to his house was too steep and the surface unacceptably hazardous. The complainant maintained that the state of the road was comparable with that of other roads in the vicinity where a gate delivery service was provided by New Zealand Post.

In its report on the complaint, New Zealand Post advised that it would not consider providing a gate delivery service until the road was upgraded. The Company reiterated its view that the road surface and steep gradient created a potentially hazardous situation for the person delivering the mail. It noted that other residents in the street had erected their letter boxes at the bottom of the rise and that if the complainant did likewise, his mail would be delivered to that point.

This suggestion was put to the complainant, but he continued to believe he was entitled to a gate delivery service. In support of his view he noted that the person delivering the mail was happy to provide a gate delivery service; the local community newspaper was delivered to the gate without problem; and other comparable roads in the area had a gate delivery service.

Transit New Zealand was consulted about the state of the road. On the basis of the available information, it was considered that the refusal of New Zealand Post to provide a gate delivery service was unreasonable. In response to this view, the Company, while acknowledging that the state of other streets in the area also created hazards for staff delivering mail by bicycle, maintained its view that the condition of the complainant’s street was such that it created an unacceptable safety risk for its delivery staff.

Faced with these conflicting views, a report was sought from the local council’s engineering and works manager. The report confirmed that the street was steep, but not as steep as others in the area. The surface condition was described as being one of the best of the metalled streets in the area. Furthermore, it was noted that safety for cyclists had not been an issue, indeed, most cyclists would have to dismount and walk, not only in this street but in all the other steep streets.

While acknowledging New Zealand Post’s concerns for staff safety and its reluctance to compound an already unsatisfactory situation, the view was formed that the refusal to provide a gate delivery service in this case was unreasonable and discriminatory as between residents in different locations where the street conditions were the same or worse. It was recommended that the gate delivery service be provided to the complainant and to the other residents in the street. New Zealand Post accepted the recommendation.

*This case note is published under the authority of the* [*Ombudsmen Rules 1989*](http://legislation.govt.nz/regulation/public/1989/0064/latest/DLM129834.html?src=qs)*. It sets out an Ombudsman’s view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.*