

9 April 2013

Rosie Manins
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Otago Daily Times
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Dear Rosie

Request made under the Official Information Act 1982

Thank you for your email of 22 February 2013 requesting, under the Official Information Act 1982, information held by the NZ Transport Agency (NZTA) on the recovery of costs relating to vehicle accidents.

I have responded to each of your questions in turn below. Please note that the NZTA's financial system does not allocate a separate code for invoices relating to the recovery of costs from accidents. To answer your questions about the figures for the Otago region, and the nationwide figures, we have asked our regional offices to manually collate this information. As a result, the information provided to you may not be complete.

1. What authority does the NZTA have to recover the road-related costs of crashes?

Liability to pay compensation can arise in two ways: first, in criminal law, when an offence has been proven in a prosecution; and second, in negligence, which is part of the civil law of torts.

The NZTA's State Highway Control Manual directs the NZTA's regional offices to recover costs. In line with the two types of relevant law, there are two situations when the NZTA may seek to recover the road-related costs of crashes.

The first is when a driver is prosecuted and ordered to pay reparation by the courts. The second is when the NZTA is satisfied that the loss was caused by negligent driving.

The law of negligence has well-established principles that drivers owe a duty of care to other road users and property owners to not cause any foreseeable loss. The duty is to drive with the care and skill of a reasonable and prudent driver. This type of legal obligation (and corresponding rights) does not come from a specific statute.

The amount sought may include the costs of repairing or replacing damaged property. In some cases it may also include other foreseeable costs such as the costs of traffic management following an accident.

2. What is the process the NZTA undertakes in the recovery of road-related costs of crashes?

The NZTA has given the New Zealand Police an undertaking to provide any reasonable resources to support the Police at a crash site. The Police call on the NZTA to do so in most cases and this generally takes the form of traffic management at the scene and making the road safe for traffic after the crash.

The NZTA will carry out temporary repairs and then full replacement of broken or destroyed road furniture after the crash has been cleared.

The Police provide the NZTA with the driver details where these are known. Each regional office decides when it is appropriate to seek to recover road-related costs of crashes. (Road-related costs include damage to property and traffic management costs). One factor influencing their decisions is the extent of the damage to property (and the associated costs of repair or replacement).

The NZTA sends the person responsible a letter of explanation and an invoice detailing costs. The letter recommends, that if the person has insurance, that they liaise with the NZTA through their insurance company.

The NZTA will contact the person responsible if they have not responded within a reasonable timeframe. In the past, the NZTA has pursued some cases through the small claims tribunal and taken legal proceedings to recover significant costs. It is not common practice to use debt collection agencies to recover costs but this has occurred when the person responsible does not respond to any contact from the NZTA.

3. Overall what percentage of crashes does the NZTA recover costs from?

The NZTA does not hold this information. This is because most crashes are minor and it is often not possible to trace the drivers involved.

I am therefore declining this part of your request under section 18(e) of the Official Information Act 1982. This allows part of a request to be declined if the information requested does not exist.

4. In Otago in 2012, how many crashes prompted the NZTA to recover costs from those responsible?

The NZTA's Otago/Southland regional office issued nine invoices in 2012.

5. What was the corresponding figure for Otago in 2011?

The NZTA's Otago/Southland regional office issued three invoices in 2011.

6. What was the number of crashes (as above) in New Zealand in 2012? And in 2011?

In total, the NZTA's regional offices issued 176 invoices in 2012 and 141 in 2011.

7. In Otago in 2012, how much money in total did the NZTA seek to recover from people involved in crashes?

The NZTA's Otago/Southland regional office sought to recover \$77,240 in 2012.

8. What was the corresponding figure for Otago in 2011?

The NZTA's Otago/Southland regional office sought to recover \$17,582 in 2011.

9. What was the corresponding national figure in 2012? And in 2011?

In total, the NZTA's regional offices sought to recover \$1,143,948 in 2012 and \$1,301,045 in 2011.

10. In Otago in 2012, how much money did the NZTA actually recover from people involved in crashes?

Although we hold information on the number and value of invoices issued by each regional office, any recovered money is put into a general maintenance account and is not identified by region.

I am therefore declining this part of your request under section 18(e) of the Official Information Act 1982.

11. What was the corresponding figure for Otago in 2011?

Please refer to my response to Question 10.

12. What was the corresponding national figure in 2012? And in 2011?

Please refer to my response to Question 10.

13. What does the NZTA do with the money it recovers from those involved in crashes?

Any money recovered is used to offset the costs incurred by the NZTA of a crash.

14. Does it get spent on anything in particular? Is it handled separately or does it just go back into the general coffers?

Please refer to my response to Question 13.

Under section 28(3) of the Official Information Act 1982, you have the right to apply to an Ombudsman for an investigation and review of the decision to decline parts of your request. The address is:


Office of the Ombudsmen

PO Box 10152

Wellington

If you would like to discuss this reply with the NZTA, please contact Andy Knackstedt by email to andrew.knackstedt@nzta.govt.nz or by phone on (04) 894 6285.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'KR', with a stylized, cursive script.

Kevin Reid
National Manager Professional Services
For Chief Executive