

21 December 2018

Lisa Owen
Checkpoint
Radio New Zealand
lisa.owen@rnz.co.nz

REF: OIA-4442 / 4446

Dear Lisa

Request made under the Official Information Act 1982

Thank you for your emails of 26 and 27 November 2018 requesting the following information under the Official Information Act 1982 (the Act):

What legal advice has NZTA had on its liability in this case and other related cases that are currently under review.

Can you please provide more details of the 150 "files" that have been identified as a priority.

How many other garages have been identified as having WOF or similar issue - please provide details.

How many garages or similar have had their licence to issue WOFs revoked or are in the process of having them revoked? If you don't have a complete list we are happy to work with a preliminary list of garages with the understanding there may yet be others added to this.

Is the inspector who appear to have given DDS a clean bill of health in an assessment mid last year still employed by NZTA and conducting inspections, has any disciplinary action been taken against him?

Can you please explain DDS's assessment in Mid 2017 in the context of the NZTA's statements that there have been serious compliance issues since 2011.

Please provide details of the 15 visits that NZTA apparently made to DDS - including the actions taken and purposes of these visits and who made them.

On 27 November 2018 you emailed Andrew Knackstedt with three further questions which you asked be treated as a request under the Act. They are:

Westland Mechanical has NZTA certification dated February 2017 . Are there compliance issue with this garage pre-dating that certification?

On average how often are WOF issuers audited. What is the longest time between audits and what region is this in.

Please also provide details of the number of warnings issued to Westland mechanical and also the details of those warnings including but not limited to details of any work allegedly carried out on vehicles that was not done. Please also provide any details of any independent/anonymous complaints made to the NZTA about this garage.

I will respond to each of your questions in turn.

What legal advice has NZTA had on its liability in this case and other related cases that are currently under review.

The advice that the NZ Transport Agency has received on its liability is legally privileged and will not be able to be released without prejudicing any future position that the Transport Agency may take on this and other matters. I am therefore refusing your request under section 9(2)(h) of the Act.

Can you please provide more details of the 150 "files" that have been identified as a priority.

The 150 files were identified at those having the highest priority for review. The review of those files is substantially complete. More information was released here: <https://nzta.govt.nz/media-releases/meredith-connell-completes-review-of-most-urgent-nzta-files>.

How many other garages have been identified as having WOF or similar issue – please provide details.

As this work is still in progress we are unable to provide a response to this question. I am refusing this request under section 6(c) of the Act, to protect the detection and investigation of offences, and the right to a fair hearing. The details of formal compliance actions undertaken by the Transport Agency are provided here: <https://nzta.govt.nz/vehicles/regulatory-compliance-review/regulatory-compliance-review-actions-taken>.

How many garages or similar have had their licence to issue WOFs revoked or are in the process of having them revoked? If you don't have a complete list we are happy to work with a preliminary list of garages with the understanding there may yet be others added to this.

The details of formal compliance actions undertaken to date by the Transport Agency are provided here: <https://nzta.govt.nz/vehicles/regulatory-compliance-review/regulatory-compliance-review-actions-taken>.

Is the inspector who appear to have given DDS a clean bill of health in an assessment mid last year still employed by NZTA and conducting inspections, has any disciplinary action been taken against him?

I am refusing this request under section 9(2)(a) of the Act, in order to protect the privacy of natural persons. The Transport Agency does comment on the employment status of, or matters relating to, its staff.

Can you please explain DDS's assessment in Mid 2017 in the context of the NZTA's statements that there have been serious compliance issues since 2011.

Please provide details of the 15 visits that NZTA apparently made to DDS – including the actions taken and purposes of these visits and who made them.

Westland Mechanical has NZTA certification dated February 2017. Are there compliance issue with this garage pre-dating that certification?

On average how often are WOF issuers audited. What is the longest time between audits and what region is this in.

Please also provide details of the number of warnings issued to Westland mechanical and also the details of those warnings including but not limited to details of any work allegedly carried out on vehicles that was not done. Please also provide any details of any independent/anonymous complaints made to the NZTA about this garage.

As the work relating to the above matters is still in progress, we are unable to provide a response to these questions. I am refusing these requests under section 6(c) of the Act, to protect the detection and investigation of offences, and the right to a fair hearing.

With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse parts of your request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

Please note that we will also be publishing the response to this request on our website: www.nzta.govt.nz/about-us/news-and-media/official-information-act/official-informationact-oi-responses.

If you would like to discuss this reply with the Transport Agency, please contact Andy Knackstedt, Senior Manager – Media, by email to andrew.knackstedt@nzta.govt.nz or by phone on 04 894 6285.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'G' followed by a series of loops and a long horizontal stroke.

Giles Southwell
Regulatory Non-Compliance Programme Lead

