

24 February 2015

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Dear Nick

**Request made under the Official Information Act 1982**

Thank you for your email of 23 January 2015 to Andy Knackstedt requesting the following information under the Official Information Act 1982 ('OIA'):

1. "Operator Rating System ratings for transport companies in South Canterbury i.e the name of each company and their rating."
2. "Why a company could have their rating lowered"
3. "How the ratings affect companies"

I understand that Andrew Knackstedt contacted you to clarify your request. It was agreed that you wanted the name and rating of transport companies in the whole South Island, excluding Blenheim and Nelson.

Your first request is declined under 9(2)(b)(ii) of the OIA. I consider that it is necessary to withhold the operator safety ratings (ORS) of companies at this time in order to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the person who is the subject of the information.

The Land Transport Rule: Operator Safety Ratings 2008 allows for the publication of ORS and for operators to seek a review of the rating applied to them if they think it is based on erroneous or incomplete data. This rule has not yet been brought into effect.

The Transport Agency is currently using a system to rate operators, but aspects of this system are still being tested. Ratings are currently provided to the relevant operators only, and discussions are occurring with the operators and industry representatives on some aspects of the ratings. The purpose of these discussions is to ensure the robustness of the rating system.

We consider that releasing the information prior to completing this process and bringing the rule into effect would prejudice the relevant operators. Any prejudice occurring as a result of releasing the ratings would be unreasonable as the system is still being tested and the ratings may not provide an accurate assessment for operators.

In terms of other considerations in the public interest which render it desirable to make the information available, I consider that, due to the matters previously mentioned, the public interest in making the information available does not outweigh the likely unreasonable prejudice.

In response to your second and third requests, an operator's rating may fluctuate for a number of reasons. Operator safety ratings apply to goods service licence holders with a vehicle over 6000 kg, vehicle recovery service operators and to passenger service licence holders with a motor vehicle with more than 12 seating positions, or a heavy motor vehicle with more than nine seating positions. If a transport service licence is held by the owner-driver and/or company and is linked to a heavy vehicle, it will receive a rating. A heavy vehicle linked to a Transport Service Licence could have had a failed Certificate of Fitness, a fault may have been found during a roadside inspection or the driver may have had an offence or infringement.

The aim of issuing operator safety ratings is to improve the safety of heavy vehicles on our roads, making journeys safer for all through improving operator's regulatory compliance and safety record. The ratings increase awareness of safety related issues, encourage poor operators to lift their performance, and provide better operators the opportunity to market their good business practices and safety record. Ratings also enable the Transport Agency and NZ Police to better target their compliance and enforcement activities.

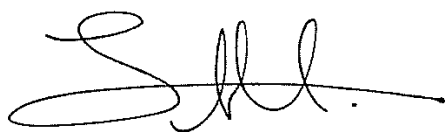
Further information about ORS can be found at: [www.nzta.govt.nz/commercial/assistance/ors/](http://www.nzta.govt.nz/commercial/assistance/ors/).

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 part of your request. The address is:

Office of the Ombudsmen  
PO Box 10152  
**Wellington 6160**

Please note that this response will be published on the Transport Agency web within 48 hours of you receiving it. If this conflicts with a dead line and/or if you would like to discuss this reply with the Transport Agency please contact Andrew Knackstedt, National Media Manager, by email to [Andrew.Knackstedt@nzta.govt.nz](mailto:Andrew.Knackstedt@nzta.govt.nz) or by phone on (04) 894 6285.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Leigh Mitchell', with a long horizontal stroke extending to the right.

**Leigh Mitchell**  
National Manager Direction  
For Chief Executive