

14 December 2018

Jo Lines-Mackenzie
Reporter
Jo.Lines-MacKenzie@stuff.co.nz

REF: OIA-4409

Dear Jo

Request made under the Official Information Act 1982

Thank you for your email of 16 November 2018 requesting the following information under the Official Information Act 1982 (the Act):

Could I please get the number of exemptions granted in New Zealand for the wearing of bicycle helmets, motorcycle helmets, and the use of safety belts and child restraints.

*Could I please get the reason for the exemption is?
And could the information could be sorted by region?*

Could I please get the figures broken down into years 1998 until 2018?

In accordance with your request, please find attached a document titled 'Attachment 1' detailing the number and reason for exemptions granted by the NZ Transport Agency since 1998 in relation to the wearing of bicycle helmets, motorcycle helmet and safety belts.

You have requested the information to be sorted by region. Unfortunately, the Transport Agency does not report on exemption applications by region and therefore the information is not readily retrievable. I understand Andrew Knackstedt, Senior Manager Media, contacted you on 7 December 2018 regarding this portion of your request and you were satisfied with this information being excluded.

The Transport Agency has not granted any formal exemptions in respect of the use of child restraints, motorcycle helmets and seatbelts on 'religious' or 'other reasonable' grounds.

The data supplied in 'Attachment 1' is reflective of exemption applications received and considered by the Transport Agency on their own merits. Please note there are some provisions specified within legislation that do not require a formal exemption application to be considered. For example, the following sections of legislation specify such exceptions:

- Section 7.11 of the Land Transport (Road User) Rule 2004 (the Rule), specifies the instances where a driver and/or passenger may automatically be excused from the requirement to utilise a child restraint and seatbelt.
- Clauses 7.12(8) and (9) of the Rule allows for an adherent of the Sikh religion to be excused from wearing a motorcycle helmet, providing they will not be travelling at a speed exceeding 50kmph.

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Charlton', with a horizontal line extending from the end of the signature.

Michelle Charlton

Senior Manager Customer Service Centre