

28 February 2019

Michael Morrah  
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OIA-4468

Dear Michael

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

Further to our response dated 30 January 2019 to your request for information related to criminal convictions of driving instructor (I) endorsement holders, answers to questions 1 and 2 can be found below. Specifically, your original request consisted of the following:

- 1. How many current driver trainers or instructors for any class or driver endorsement at any NZTA-approved training or education outlet have criminal convictions?*
- 2. In each of those cases, what are each of the criminal convictions that NZTA was aware of? (For example, assault, drink driving etc). Please provide a breakdown of the offences.*

You later refined these questions on 11 January 2019 to cover:

*I endorsement (Instructor endorsement) holders, who have had their endorsement issued within the past two years (since 11 January 2017).*

Between 11 January 2017 and 11 January 2019 the Transport Agency assessed 783 applications for I endorsements, including renewals of existing endorsement holders. Of these 783 applications, 13 were granted to applicants who have one or more criminal convictions. The I endorsements held by these 13 individuals have been granted over a period of more than 20 years. The earliest was granted prior to 1999 when driver licensing records were computerised, the most recent was granted last year. Please refer to Table 1 below for a summary for each of the applicants, and Table 2 for a list of the associated convictions.

*Fit and proper person test*

One of the requirements for obtaining or holding an I endorsement is that the person must be and remain fit and proper. All applicants for I endorsements are subject to 'fit and proper person' assessments, and a person's criminal history forms part of that assessment. The other fitness and propriety factors are set out in sections 30C and 30D of the Land Transport Act 1998. For details see: <https://www.nzta.govt.nz/driver-licences/getting-an-endorsement/getting-an-endorsement-pvio/fit-and-proper-person-check-vio-endorsements/>

I endorsement holders have the option to apply for a one year or five year endorsement. For a one year endorsement a new police vetting is requested each time the applicant applies. Holders of a five year endorsement are subject to a monitoring process with the New Zealand Police, where Police notify the Transport Agency as soon as a person in the monitoring system has been charged with or convicted of any new criminal offence – in other words we are continually monitoring all endorsement holders for criminal offending. None of these 13 individuals have re-offended since obtaining I endorsements.

Importantly, the fitness and propriety assessment requires consideration of applications on a case-by-case basis and, unlike the situation for P (passenger) endorsements, for I endorsements there is no list of convictions that automatically prevents a person from obtaining the endorsement.

When assessing an application for an I endorsement, decision-makers are guided by:

- the statutory criteria for fitness and propriety (sections 30C and 30D of the Land Transport Act)
- the principles of the Criminal Records (Clean Slate) Act 2004
- precedents and principles from relevant Court decisions
- the type of convictions in the context of the type of endorsement (relevance of convictions)
- the seriousness and/or persistence of offending
- evidence of reform from past behaviour (eg. older convictions followed by a period of no offending).

The result is that in a small number of cases applicants have been found to be 'fit and proper' at the time of assessment even though they have a criminal offence history.

It should also be noted that the standards required for all licence endorsement holders is under close review as part of the NZ Transport Agency's broader work to significantly strengthen our approach to regulatory compliance.

If you would like to discuss this reply with the NZ Transport Agency, please contact Andy Knackstedt, Senior Manager Media, 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 'Michelle Charlton', with a long horizontal stroke extending to the right.

**Michelle Charlton**  
Senior Manager Customer Service

**Table 1:**

<b>Applicant</b>	<b>Date of last conviction</b>	<b>Year last vetting occurred</b>	<b>Notes</b>
1	2012	2018	Period of reform
2	2013	2018	Application declined in 2014. Reapplied in 2017 with period of reform
3	2014	2018	Application referred to an Adjudicator, granted with warning letter
4	2013	2017	Application referred to an Adjudicator, granted with warning letter
5	2013	2017	Period of reform
6	2013	2018	Period of reform
7	2015	2018	Application referred to an Adjudicator, granted with warning letter
8	2002	2018	Period of reform
9	2003	2017	Period of reform
10	2001	2018	Period of reform
11	1998	2018	Period of reform
12	1989	2017	Period of reform
13	1991	2018	Period of reform

**Table 2:**

<b>Offence</b>	<b># of Events</b>
Aggravated Robbery (Other Weapon)	1
Assault Child (Manually)	1
Assault Police (Manual)	1
Attempted Burglary	1
Breach Conditions of Community Detention	10
Breach of Community Work	2
Breach Probation	2
Breach Soc Sec Act By Fraud	1
Breath Alcohol Level Over 400 Mcgs/Litre Of Breath Blood/Breath	1
Burgles (Oth Prop) (\$100-\$1000) By Ngt	4
Burgles (Oth Prop) (\$100) By Ngt	1
Burgles (Oth Prop) (\$500-\$5000) By Ngt	1
Burgles (Oth Prop) (Over \$1000) By Ngt	2
Burgles (Oth Prop) (Under \$100) By Ngt	1

Careless Or Inconsiderate Driving Causing Death Or Injury (On A Road)	1
Careless Use/Driving	2
Common Assault	2
Consume/Smoke/Use Cannabis Plant	1
Cultivate Cannabis	3
Deal Cannabis Oil	1
Disorderly Behaviour S4 S/Offences Act	2
Disorderly Behaviour-Likely Cause Viol	2
Driving With Excess Blood Alcohol Level	1
Drove A Motor Vehicle In A Dangerous Manner	1
Drove While Disqualified	4
Drove With Excess Blood Alcohol Content Blood/Breath	2
Enters With Intent	1
Failed To Give Name And Address On Demand	1
Failed To Stop When Followed By Red/Blue Flashing Lights	1
Failure To Answer Bail Summ Proc 57 S 54	1
False Pretence	3
Forges Cheque (Under \$100)	2
Gave False Details As To Own Identity	2
Intentional Damage (No Interest)	1
Male Assaults Female (Manually)	1
Minor Found In Bar	1
No Driver Licence	1
Obstruct/Hinder Police	1
Obtain By Cheque (Over \$100) By F Pret	1
Obtain By Cheque (Under \$100) By F Pret	1
Offensive Behaviour S4 S/Offences Act	1
Operated A Motor Vehicle Recklessly	1
Operated A Vehicle Carelessly	5
Other Burglary (Other Property)	1
Other Common Assault (Crimes Act)	1
Peeping and Peering	3
Possess Class (B) Controlled Drug	1
Possess For Supply Cannabis Plant	1
Possess Offensive Weapon (Other)	2
Possession Of Cannabis	1
Possession Of Cannabis Oil	3
Possession Of Cannabis Plant	3
Possession Of Instructions For Drugs	1
Possession Pipe Under Mod Act	1
Procure/Possess Cannabis Seed	1
Resist Police	2
Sell Cannabis Plant	1
Shoplifts (Under \$500)	1

Take/Obtain/Use Doc For Pecuniary Adv	40
Theft As Servant	3
Theft By Failing To Account	4
Theft Ex Car (Over \$100)	1
Theft Ex Car (Under \$500)	2
Theft Ex Dwelling (Under \$500)	1
Theft Ex Person (Over \$100)	1
Theft Property (Under \$100)	5
Threatens To Kill/Do GBH (Verbally)	1
Unlaw Carry Imitation Firearm	1
Unlawful Take Motor Vehicle Etc	3
Unlawfully In Building	1
Unlicensed Person Driving Excess Blood Alc Blood/Breath	2
Use Document	1
Wilful Damage	4