

Section 9(2)(a)

Personal - Confidential

**APPLICATION FOR A DRIVING INSTRUCTOR ENDORSEMENT
'WARNING NOTICE'**

YOU ARE ADVISED that, pursuant to the powers delegated to me by the New Zealand Transport Agency, I, s9(2)(a), Senior Adjudicator, of the NZ Transport Agency advise you it is my intention to **grant your application** for a Driving Instructor endorsement on a 'without prejudice basis'.

Clause 70(2)(d) of the Land Transport (Driver Licensing) Rule 1999 requires that the New Zealand Transport Agency must be satisfied that you are a fit and proper person to be the holder of a Driving Instructor endorsement. The criteria for a *fit and proper* person are contained in clause 35 of the Rule and section 30C, Land Transport Act 1998.

Section 9(2)(a)

I am prepared to grant your application on the basis that should you incur *any* further convictions/infringements and/or come to the attention of the Agency in the future, this may result in a fresh fit and proper person assessment at which time the decision maker will be entitled to take the entire history into account, to include the matters already known and considered as part of this application.

This 'warning notice' is not a driver licence nor is it a valid I endorsement and you cannot operate as a driving instructor until you are in possession of a current licence with an I endorsement thereon, or your existing Driving Instructor endorsement is still current.

Dated at Christchurch this 29th day of September 2017.

s9(2)(a)

Senior Adjudicator

To : Section 9(2)(a)
From : NZ Transport Agency
Date : 21 August 2018
Subject : Letter - Notification of Determination

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Dear **Section**

NOTICE OF DETERMINATION - Section

As part of our current Vehicle endorsement process, you have been assessed as a fit and proper person.

This means you can now:

- Complete the appropriate Vehicle course certificate.

When you have successfully completed the test and course, please notify us or present your certificate to a driver licensing agent. Once you have done this we can finalise your endorsement application.

You will then be sent a new Photo Driver Licence showing your endorsement and an Identity Card (if appropriate).

If you do not complete the above requirements by **21 November 2018**, this Notice will expire and my Determination will no longer be considered valid. Your application may be cancelled.

If you are unable to complete the test and/or the course before the expiry date but wish to continue with your endorsement application, please contact us on 0800 822 422.

Yours sincerely

Jeanette Iwikau

Senior Customer Access Representative

Licensing Assessments Team

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

17 September 2016

Section 9(2)(a)

Dear Section 9(2)(a)

You have been assessed as a fit and proper person to obtain a Driving Instructor endorsement to your driver's licence number Section 9(2)()

This means you can now:

- Complete the appropriate I course certificate.

It is **very important** that you notify us on 0800 822 422 and advise us that you have completed the appropriate I course certificate. We will then be able to progress your application.

A new Photo Driver Licence showing your endorsement and an Identity Card (if appropriate) will then be sent to you.

Should you fail to complete the above requirements before the expiry date specified below, this Notice will lapse and my Determination will no longer be considered valid.

If however you are not able to complete the course before the expiry date but wish to continue with your endorsement application then please contact the NZ Transport Agency.

If you have taken no action by the 16 November 2016, your application will be cancelled and a refund will be arranged.

Yours sincerely

s9(2)(a)

Rachel Sio
Senior Customer Access Representative
Commercial Licensing Team

Section 9(2)(a)

Personal - Confidential

APPLICATION FOR A PASSENGER ENDORSEMENT AND A DRIVING INSTRUCTOR ENDORSEMENT
NOTICE OF FINAL DECISION

YOU ARE ADVISED that, pursuant to the powers delegated to me by the New Zealand Transport Agency, and after duly giving you notice of my proposal to do so, I, s9(2)(a), Commercial Licensing Manager, HEREBY DECLINE your application for a Passenger endorsement and a Driving Instructor endorsement to be added to your driver licence (Section 9(2)(a)) UPON THE GROUNDS that I am not satisfied you are a *fit and proper person* to hold such an endorsement.

You were invited to make submissions in relation to the matters I have taken into account and I have received no submissions from you or your personal representative.

The grounds for my decision remain the same as those outlined in the notice of proposal dated the 16th November 2010.

THIS DECISION TAKES EFFECT IMMEDIATELY

RIGHT OF APPEAL

Pursuant to section 106 of the Land Transport Act 1998 ('the Act') you have a right of appeal against my decision to a District Court. The procedures for such an appeal are contained within section 111 of the Act.

Dated at Christchurch this 16th day of December 2010.

s9(2)(a)

Commercial Licensing Manager

Section 9(2)(a)

Confidential

**APPLICATION FOR A PASSENGER ENDORSEMENT AND A DRIVING INSTRUCTOR ENDORSEMENT
NOTICE OF PROPOSAL TO DECLINE**

Clauses 27(f) & (g), 23(f) & (g) and 35(1) of the Land Transport (Driver Licensing) Rule 1999

YOU ARE ADVISED that, pursuant to the powers delegated to me in an instrument of delegation from the New Zealand Transport Agency, and to the abovementioned legislative provisions, I, s9(2)(a), Commercial Licensing Manager, PROPOSE TO DECLINE your application for the issue of a Passenger endorsement and a Driving Instructor endorsement to your driver licence Section 9(2)(a).

UPON THE GROUNDS that I am not satisfied that you are a *fit and proper person* to be the holder of such an endorsement BY REASON OF THE FOLLOWING FACTS:

1. You have convictions on the traffic register as outlined on the attached schedule marked 'A'
2. Section 9(2)(a)
3. You have convictions on the police register as outlined on the attached schedule marked 'B'. (Note some of these also appear on the traffic register).
4. Section 9(2)(a)
5. When completing your application for a Passenger and a Driving Instructor endorsement you were asked a question 'have you ever been convicted of any criminal offence either in New Zealand or overseas?'.
In response you ticked the box 'no'.
6. This is a false statement and constitutes an offence pursuant to sections 14 and 44 of the Land Transport Act 1998 punishable upon conviction by a fine not exceeding \$10,000.
- 7.

YOU ARE FURTHER ADVISED THAT, you have the opportunity to make submissions to me regarding this proposal. If you wish to do so, you should advise me fully *in writing* of all matters which you wish to be considered by me with regard to this proposal. Any such submissions should be received by me no later than 10.00am on the 16th December 2010.

Finally, should I decline your application then you have the right of appeal to a District Court pursuant to section 106 of the Land Transport Act 1998. The procedures to be followed in such an appeal are to be found in section 111 of the Act.

Dated at Christchurch this 16th day of November 2010.

s9(2)(a)

Commercial Licensing Manager

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

3 August 2016

Section 9(2)(a)

Dear Section 9(2)(a)

DRIVING INSTRUCTOR ENDORSEMENT FIT AND PROPER CHECK
DRIVER LICENCE NUMBER Section 9(2)(a)

The holder of a Driving Instructor endorsement is subject to a regular vetting check as part of this process. These checks provide information on criminal and/or traffic offending.

The result of your vetting check indicates that you have a number of historic traffic offences. Having regard to road safety for yourself and all other road users, these offences are of concern to the Agency.

After careful consideration, I have decided to take no further action at this stage and your application has been **granted**.

However, this letter must be regarded as a **warning** that should further offending come to our attention, then your entire criminal and/or traffic offence histories will be taken into account to determine whether or not you satisfy the *fit and proper person* criteria. If we are not satisfied that you meet the criteria at that time, *further action may be taken*.

Yours sincerely

s9(2)(a)

Rachael Macey
Senior Customer Access Representative
Commercial Licensing Team

Section 9(2)(a)

Personal - Confidential

**APPLICATION FOR A DRIVING INSTRUCTOR ENDORSEMENT
'WARNING NOTICE'**

YOU ARE ADVISED that, pursuant to the powers delegated to me by the New Zealand Transport Agency, I, s9(2)(a) Adjudicator, of the NZ Transport Agency advise you it is my intention to **grant your application** for a Driving Instructor endorsement on a **'without prejudice basis'**.

Clause 70(2)(d) of the Land Transport (Driver Licensing) Rule 1999 requires that the New Zealand Transport Agency must be satisfied that you are a fit and proper person to be the holder of a Driving Instructor endorsement. The criteria for a *fit and proper* person are contained in clause 35 of the Rule and section 30C, Land Transport Act 1998.

At a meeting with you and Section 9(2)(a) on 29 November 2017 you tabled documentation in support of your claim of having turned your life around. Those documents together with the most recent Police vetting and Traffic Offence history (records a three year reform period) does go a long way to demonstrating this assertion.

I am prepared to grant your application on the basis that should you incur *any* further convictions/infringements and/or come to the attention of the Agency in the future, this may result in a fresh fit and proper person assessment at which time the decision maker will be entitled to take the entire history into account, to include the matters already known and considered as part of this application.

This 'warning notice' is not a driver licence nor is it a valid I endorsement and you cannot operate as a driving instructor until you are in possession of a current licence with an I endorsement thereon, or your existing Driving Instructor endorsement is still current.

Dated at Hamilton this 3rd day of December 2017.

s9(2)(a)

Adjudicator

Ref: Section 9(2)
(a)

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



Copy of Letter / Notice Posted

30 / 4 / 2018

By

[Handwritten signature]

Level 1 BNZ Centre
120 Hereford Street
Christchurch 8011
PO Box 1479
Christchurch 8140
New Zealand
T 64 3 964 2800
F 64 3 353 9499
www.nzta.govt.nz

Section 9(2)(a)



Personal - Confidential

APPLICATION FOR A DRIVING INSTRUCTOR ENDORSEMENT
NOTICE OF FINAL DECISION

YOU ARE ADVISED that, pursuant to the powers delegated to me by the New Zealand Transport Agency, and after duly giving you notice of my proposal to do so, I, s9(2)(a) Acting Adjudicator, HEREBY DECLINE your application for a Driving Instructor endorsement to be added to your driver licence Section 9(2) UPON THE GROUNDS that I am not satisfied you are a fit and proper person to hold such an endorsement.

You were invited to make submissions in relation to the matters I have taken into account and I have received no submissions from you or your personal representative.

The grounds for my decision remain the same as those outlined in the notice of proposal dated 26th March 2018.

THIS DECISION TAKES EFFECT IMMEDIATELY.

RIGHT OF APPEAL

Pursuant to section 106 of the Land Transport Act 1998 ('the Act') you have a right of appeal against my decision to a District Court. The procedures for such an appeal are contained within section 111 of the Act and in the District Court Rules 2014.

Dated at Christchurch this 30th day of April 2018.

s9(2)(a)



Acting Adjudicator

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Section 9(2)(a)

Personal - Confidential

**APPLICATION FOR A DRIVING INSTRUCTOR ENDORSEMENT
NOTICE OF PROPOSAL TO DECLINE**

Clauses 23(f) & (g) and 35(1) of the Land Transport (Driver Licensing) Rule 1999

YOU ARE ADVISED that, pursuant to the powers delegated to me in an Instrument of delegation from the New Zealand Transport Agency, and to the abovementioned legislative provisions, I, **s9(2)(a)** Acting Adjudicator, **PROPOSE TO DECLINE** your application for the issue of a Driving Instructor endorsement to your driver licence **Section 9(2)(a)**

UPON THE GROUNDS that I am not satisfied you are a *fit and proper person* to be the holder of such an endorsement **BY REASON OF THE FOLLOWING FACTS:**

1. You have 27 offences on the traffic register as outlined on the attached schedule marked 'A'.
2. You have convictions on the police register as outlined on the attached schedule marked 'B'.
3. **Section 9(2)(a)**
4. You have offences on the Justice Department register as outlined on the attached schedule marked 'D'.
5. Taken together your criminal and traffic offending demonstrates behaviour that is not consistent with you being a fit and proper person to provide driving instruction.
6. Accordingly I do not believe it is in the public interest to grant your application for a Driving Instructor endorsement.

YOU ARE FURTHER ADVISED THAT, you have the opportunity to make submissions to me regarding this proposal. If you wish to do so, you should advise me fully *in writing* of all matters which you wish to be considered by me with regard to this proposal. Any such submissions should be received by me no later than **10.00am on 25th April 2018**.

Submissions can be mailed to the address at the top of page one of this letter or sent to the email address adjudicators@nzta.govt.nz.

Finally, should I decline your application then you have the right of appeal to a District Court pursuant to section 106 of the Land Transport Act 1998. The procedures to be followed in such an appeal are to be found in section 111 of the Act and in the District Court Rules 2014.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Dated at Christchurch this 26th day of March 2018.

s9(2)(a)

A large black rectangular redaction box covers the signature area of the document.

Acting Adjudicator

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Section 9(2)(a)

Personal - Confidential

APPLICATION FOR A DRIVING INSTRUCTOR ENDORSEMENT
'WARNING NOTICE'

YOU ARE ADVISED that after carefully considering the submissions made to me in relation to your application for a Driving Instructor Endorsement to be added to your driver licence, Section 9(2)(a), Acting Adjudicator, of the NZ Transport Agency (the Agency) have decided:

1. To withdraw my decision dated 30th April 2018 declining your application for a Driving Instructor Endorsement; and
2. To grant your application for a Driving Instructor Endorsement with a warning, on a 'without prejudice basis'.

Clause 31(g) of the Land Transport (Driver Licensing) Rule 1999 requires that the Agency must be satisfied that you are a fit and proper person to be the holder of a Driving Instructor Endorsement.

The criteria for a *fit and proper* person are contained in clause 35 of the Rule and section 30C, Land Transport Act 1998.

My reason for granting your application with a WARNING is that I have concerns about your criminal and traffic offending histories, which together demonstrate behaviour that is not consistent with you being a fit and proper person to be granted the privilege of holding a Driving Instructor Endorsement.

Consequently, my decision to withdraw my initial decision and grant your application was very finely balanced indeed, and I make it clear that had I not been persuaded by both the apparent success to date of your Section 9(2)(a) and the positive societal benefits that have derived from that success; and by the many supportive representations/submissions made on your behalf, I would not have changed my initial decision to decline your application.

Therefore, while I am prepared to grant your application I do so on the basis of **WARNING** you that if you reoffend again, particularly in-so-far as traffic offending is concerned, or if you come to the Agency's attention in *any* other adverse manner in the future this is likely to result in the Agency conducting a fresh fit and proper person review of you, at which time the decision maker will be entitled to take your entire history into account, to include the matters already known and considered by me as part of this review.

This 'warning notice' is not a driver licence nor is it a valid Driving Instructor Endorsement and you cannot operate as a driving instructor until you are in possession of a current licence with a Driving Instructor Endorsement thereon.

Dated at Christchurch this 17th day of May 2018.

s9(2)(a)

Acting Adjudicator

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