

24 July 2019

Michael Morrah
michaelmorrah@mediaworks.co.nz

REF: OIA-5207

Dear Michael

Request made under the Official Information Act 1982

Thank you for your email of 28 May 2019 requesting the following information under the Official Information Act 1982 (the Act):

- 1. Of the 13 individuals granted "I endorsements" with previous criminal convictions, please provide a breakdown to show the corresponding number, date and type of conviction(s) associated with each applicant. (There were more than 160 convictions shared between the 13 applicants).*
- 2. Please provide a list of the organisations where the 13 applicants with previous conviction(s) were employed.*
- 3. I request copies of any decision letters issued by adjudicators in relation to the 13 applicants referred to above. This should include but not be limited to warning letters issued by adjudicators.*
- 4. I request any reports, reviews or documents held by NZTA which relate to the granting of Driving Instructor Licences to individuals with previous criminal convictions. This should include but not be limited to any reports which relate to complaints about the processes involved in this issue, or the way in which assessors use their discretion when making decisions. The period I am requesting this information is from January 1 2018 until today's date.*

In response to parts 1 and 2 of your request, it is not possible to provide the information requested without the possibility of disclosing the identity of the 'I' endorsement holders. I am therefore withholding these parts of your request under section 9(2)(a) the Act in order to protect the privacy of natural persons.

In response to part 3 of your request, there are five kinds of decisions letters which the Transport Agency could issue to 'I' endorsement applicants. These can be issued by either an Adjudicator, a member of the Licensing Assessments team or the Manager of the Licensing Assessments team. The decision letters are:

1. Notice of Proposal to Decline – This is sent when we have concerns over an applicant's fitness and propriety. The applicant is advised of our proposal to decline their application and is invited to provide further information to address these concerns.
2. Notice of Decline – This is the Transport Agency's formal decline of an I endorsement which is sent in situations where the applicant has been unable to address the concerns outlined in the Notice of Proposal.
3. Notice of Determination – This is sent to applicants to advise they have been determined as 'Fit & Proper' but there are further application requirements to complete, for example a course certificate.
4. Warning Letter - This is sent to applicants when they have been determined as 'Fit & Proper' but there are concerns about previous offending.
5. A combination of the Notice of Determination and Warning Letter.

Copies of the decision letters sent to the 13 applicants referred to in your request are attached to this response as **Attachment 1**. Copies of the relevant Warning Notices issued by members of the Licensing Assessments team are also included in the attachment. Certain information has been withheld from these documents under section 9(2)(a) of the Act in order to protect the privacy of natural persons.

The Driver Licence Register (DLR) also shows there were two Notices of Proposal to Decline sent on 3 September 2013 and 10 December 2013, and a Notice of Decline sent on 17 October 2013. Despite our efforts, those documents cannot be found. I am therefore refusing this part of your request under Section 18(e) of the Act.

In relation to part 4 of your request, which seeks copies of reports, reviews or documents which relate to the granting of driving instructor endorsements to individuals with previous criminal convictions, a search of Transport Agency records has not found any reports or reviews falling within the scope of your request. This part of your request has therefore been refused under Section 18(e) of the Act as the document alleged to contain the information requested does not exist.

The Transport Agency does hold documents relating to the decision to grant an 'I' endorsement to an individual with previous criminal convictions. The following summary of that file is provided in accordance with section 16(1)(f) of the Act.

The file contains the applicant's police vetting results, traffic office history and documents received by the Transport Agency in response to the Notice of Proposal to Decline. Based on the submissions received, the adjudicator decided to grant the 'I' endorsement with a warning.

A search of the Transport Agency's internal call recording system (HEAT) has found an email regarding fitness and propriety for 'I' endorsement holders. A copy of that email is attached to this response as **Attachment 2**.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold this information. You can contact the Office of the Ombudsman by phone on 0800 802 602 or through its website at www.ombudsman.parliament.nz.

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



Michelle Charlton
Senior Manager Customer Services