

25 November 2019

Emma Hatton
Reporter
Radio New Zealand Limited
Emma.Hatton@rnz.co.nz

REF: OIA-6026

Dear Emma

Request made under the Official Information Act 1982

Thank you for your email of 30 October 2019 requesting the following information under the Official Information Act 1982 (the Act):

- Was Higgins Wellington undertaking any work for NZTA, including any NZTA partner projects, during the time period covered in the audit.*
- Was Higgins Ltd undertaking any work for NZTA, including any NZTA partner projects, during the time period covered in the audit.*
- What projects has Higgins Wellington been contracted to do for NZTA in the past 5 years.*
- How many projects is Higgins Limited company (as a whole) doing for NZTA currently, and what are the names of these projects.*

- What is NZTA's policy on investigating transport companies that it uses as a contractor.*
- Is NZTA confident that the conflict of interest was managed when it was investigating Higgins Wellington. If so, how was this managed?*

Second query.

- Please provide the number of audits NZTA has done under s198 of the Land Transport Act in the last 5 years. Please provide the name of the company/person being investigated (where possible), the reason for the audit – i.e. routine, integrity line and the outcome of the investigation – NOI, no action etc.*

Please find your questions followed by responses below.

Was Higgins Wellington undertaking any work for NZTA, including any NZTA partner projects, during the time period covered in the audit.

Was Higgins Ltd undertaking any work for NZTA, including any NZTA partner projects, during the time period covered in the audit.

What projects has Higgins Wellington been contracted to do for NZTA in the past 5 years.

How many projects is Higgins Limited company (as a whole) doing for NZTA currently, and what are the names of these projects.

Regarding the first 4 questions of your request, we have interpreted this to be for Higgins Concrete Limited as referred to in OIA-5546. The Transport Agency has not engaged Higgins Concrete directly during the ongoing audit or during the preceding 5 years.

Higgins Group Holdings Limited, which is ultimately owned by Fletcher Building Limited, does work with the Transport Agency directly and holds Network Outcomes Contracts for a number of regions. It is important to note that Higgins Group Holdings Limited is not connected to Higgins Concrete Limited having been purchased by Fletcher Building limited in 2016.

What is NZTA's policy on investigating transport companies that it uses as a contractor.

The Transport Agency has no specific policy for dealing with operators under contract to the Transport Agency. All transport services operators are treated the same and whether they are contracted to the Transport Agency is not factored in to decision making in any way. The only specific difference for operators contracted by the Transport Agency is that the business unit involved in the contracting is advised of compliance issues and expected to address these with the contractor. Regulatory action continues as per any operator in the transport system.

Is NZTA confident that the conflict of interest was managed when it was investigating Higgins Wellington. If so, how was this managed?

Any potential conflict of interest is managed through the separation of regulatory decision making from non-regulatory parts of the Transport Agency via delegation of decision-making powers, robust decision-making processes and forums and criteria to guide decisions that do not include any consideration of impact on other Transport Agency business.

Please provide the number of audits NZTA has done under s198 of the Land Transport Act in the last 5 years. Please provide the name of the company/person being investigated (where possible), the reason for the audit – i.e. routine, integrity line and the outcome of the investigation – NOI, no action etc.

To provide context to this response, your request covers an extremely large volume of information, which would require substantial research and collation in order to provide a response. The Transport Agency has approximately 198,000 Transport Service Licences (TSL's), which may also include inactive TSL's.

Using this information, further investigation would be required to determine which TSL has been active within the last 5 years, in which each TSL would need to be manually checked for a letter which cites section 198 of the Land Transport Management Act 2003.

In the consideration of attempting to refine the scope of your request or applying a charge would allow us to respond to you, it is my view that neither of these options would be a satisfactory remedy to fulfil your request. Attempting to refine your request to a smaller scope or timeframe would not sufficiently reduce the amount of research and collation required. A charge would also not reduce the significant impact that compiling this information would have on the functions of the Transport Agency.

For this reason, I am refusing your request under section 18(f) of the Act, as the information cannot be made available without substantial research and collation.

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

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

Yours sincerely



Brett Aldridge
Senior Manager Safer Commercial Transport