

24 April 2020

Phil Pennington
Senior Reporter
Radio New Zealand
Phil.Pennington@rnz.co.nz

REF: OIA-6444

Dear Phil

Request made under the Official Information Act 1982

Thank you for your email of 21 February 2020 requesting the following information under the Official Information Act 1982 (the Act):

Did NZTA consider issues infringement notices or laying charges in this case? Or regards the non-payment of RUC? If not why not? OIA- Pls release any internal communications related to any discussion about this

In its balancing these things, as Rule states, what input did TA decision makers seek from regulatory staff who have dealt with SLL on the ground in order to ascertain its attitude to compliance, given what TA considers is a long history of flouting safety and levying rules? OIA- Pls release the substantive exchanges re the matter in green b/w these regulatory staff and the decisoinmakers re SLL TSL, which best demonstrate how this matter was weighed

On 19 March 2020, Waka Kotahi NZ Transport Agency extended the 20 working days available to respond to your request, as allowed for under section 15A of the Act, and responded to a related part of your request.

Waka Kotahi's response to each part of your request is set out below.

Issuing of infringement notices

Infringement offence fines for work time and logbook offences are relatively low and are often unlikely to result in a significant change in behaviour. Where Waka Kotahi has taken the more serious step of seeking to revoke a company's Transport Service Licence (TSL) it would be unlikely to also issue infringement notices.

The primary outcome for the actions taken against Stan Semenoff Logging Limited (SSL Limited) was to ensure public safety. Waka Kotahi is satisfied that the implementation of electronic logbooks across all Semenoff Group vehicles will help to alleviate any concerns surrounding non-compliance and the associated safety risks.

Waka Kotahi also has the ability to issue penalties for the failure to pay a Road User Charges (RUC) assessment. Penalties for RUC assessments are incurred automatically if payment is not received by the due date.

A search of Waka Kotahi records has found no documents falling within scope of your request, I am therefore declining this part of your request under section 18(e) of the Act as the document requested does not exist or, despite reasonable efforts to locate it, cannot be found.

Compliance history

Information sourced from ground-level regulatory staff who had previously dealt with SSL Limited played a key role in Waka Kotahi's decision making. Despite this, a search of Waka Kotahi records did not find direct correspondence between those staff members and decision makers. I am therefore declining this part of your request under section 18(e) of the Act as the document requested does not exist or, despite reasonable efforts to locate it, cannot be found.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse this 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 Waka Kotahi, please contact Andrew Knackstedt, Senior Manager, Media, by email to Andrew.Knackstedt@nzta.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Brett Aldridge', is positioned above the printed name.

Brett Aldridge

Senior Manager, Safer Commercial Transport