

Template for issuing a formal warning to a commercial driver/operator for minor offending (not an F&P review).
Make appropriate modifications/selections according to the circumstances.

Copy and paste into regional letterhead template or print onto regional letterhead paper.

DD/MM/YYYY

Name
Address
Address
CITY POSTCODE

Dear [name]

FORMAL WARNING

Pursuant to the below mentioned legislative provisions, and acting under the authority delegated to me by the Director of Land Transport (herein referred to as Waka Kotahi), I, [Decision Maker], [Position], have recently concluded an investigation into [state what the investigation was about e.g Transport Service Licence (TSL) XXXX]

Why am I being warned?

The investigation revealed the following offences/non-compliance [add details]

The penalty for these offences [this offence] is [penalty] however a decision has been made on this occasion to issue you with a warning.

What happens now?

This is an official warning.

Any future offending [and/or add any other factors that led to the warning], especially offending which presents a road safety risk, may result in further action being taken. This may include prosecution and an assessment to decide if you are a fit and proper person to operate a transport service.

This warning will be recorded and may be referred to again in the future if you come to our attention again.

What is a 'fit and proper' person assessment?

As a TSL holder you must meet certain standards of behaviour to ensure public safety, this is called being a **fit and proper** person. When determining if you are a fit and proper person, Waka Kotahi will conduct an assessment which considers matters such as traffic offending, criminal offending, outstanding fines, behavioural concerns, and complaints.

If you are not a fit and proper person, your commercial licence can be suspended or revoked, and you can be disqualified from driving in a transport service for up to 10 years.

Where can I find more information?

The law on being a fit and proper person can be found in sections 30C to 30F of the Land Transport Act 1998. The power to revoke your licence and disqualify you for up to 10 years can be found in sections 87A and 87G of the Land Transport Act 1998. This information is available to read online.

There is a range of information on compliance and safety for commercial operators and drivers available on the Waka Kotahi website at www.nzta.govt.nz (start by selecting the *commercial driving* option on the main page).

If you are unsure about anything in this letter, please contact me.

Name

Position

Office/contact details