

25 March 2024

Reporter
Radio NZ

REF: OIA-14676

Dear [REDACTED]

Request made under the Official Information Act 1982

Thank you for your email of 13 February 2024 requesting the following information under the Official Information Act 1982 (the Act):

RNZ requests release in full of the following related to this in the BIM "The scale of change and investment in the rail space has considerably increased the risk profile of rail with more risk of interface issues on the rail networks and competing demands between freight and passenger rail service"

- *Any and all briefings and advisories and memos and reports of any kind to any Minister in the govt voted in in Oct 2023*
- *The most substantive internal guiding document of any type that exists that details the risks noted above*
 - *Ditto re current state of the rail space (may be same doc as above)*
 - *Ditto, for the options of what to do about that*
- *Details of any and all current recommendations that are 'live'/being considered for changes re rail space risks*
- *Any and all correspondence and comms including electronic and whatsapp between the 2 or 3 members of the NZTA exec most involved in this space, since Oct 1 2023, about the state of things/changes needed*

I have numbered each part of your request for convenience and will answer each in turn.

In terms of background, please note the report on KiwiRail's handling of recent disruptions to passenger services, which has been published by Te Manatū Waka Ministry of Transport at the link below, in particular, section 2 starting on page 14: www.transport.govt.nz/assets/Uploads/Report-into-Rapid-Review-of-KiwiRail-Passenger-Services.pdf.

1. Any and all briefings and advisories and memos and reports of any kind to any Minister in the govt voted in in Oct 2023

I am refusing this part of your request under section 18(e) of the Act because the documents alleged to contain the information requested do not exist.

2. The most substantive internal guiding document of any type that exists that details the risks noted above

Ditto re current state of the rail space (may be same doc as above)

Ditto, for the options of what to do about that

The following documents fall within the scope of your request and are enclosed:

- Attachment 1 - *Proactive briefing - Rail Funding*
- Attachment 2 - *Rail Regulation – February 2024*
- Attachment 3 - *01. Rail regulation workshop pre-reading December 2023*
- Attachment 4 - *01.1 Attachment 1 - Rail Regulation at a glance – pre-reading pack December 2023 (excerpt)*

Please note that there is no definitive 'guiding document' that the NZ Transport Agency Waka Kotahi (NZTA) holds regarding rail risks. Please also note that Attachment 1 is a draft of a briefing that was never finalised due to its timing in relation to the General Election, some of the information was instead incorporated into the Briefing to IM to the Minister of Transport and may be used to inform future work.

Regarding Attachment 1, certain information is being withheld under section 9(2)(a) of the Act. This section allows for the withholding of information to protect the privacy of natural persons. Certain information in this document has also been under section 9(2)(g)(i). This section allows for the withholding of information to protect the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

3. Details of any and all current recommendations that are 'live'/being considered for changes re rail space risks

The Regulatory Systems (Transport) Amendment 2 consultation run by the Ministry of Transport in 2022 contains two recommendations for change in relation to rail space risks:

- Reactive investigation powers under the Railways Act 2005
- Removing time constraints in rail safety case application process.

The consultation document is publicly available and can be found at:

https://consult.transport.govt.nz/policy/te-whakahounga-o-te-pire-tiaki-ture-t-nuku-land/supporting_documents/MOT%204238%20RSTA%20Land%20Proposal_p8_v1.pdf.

4. Any and all correspondence and comms including electronic and whatsapp between the 2 or 3 members of the NZTA exec most involved in this space, since Oct 1 2023, about the state of things/changes needed

I am refusing this part of your request under section 18(e) of the Act because the documents alleged to contain this information request do not exist.

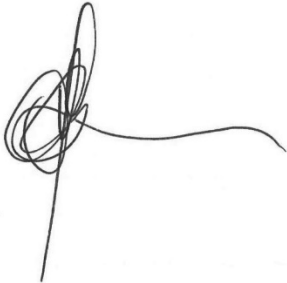
With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold this information and refuse part of this request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

In line with NZTA policy, this response will soon be published on our website, with personal information removed.

If you would like to discuss this reply with NZTA, please contact the Andy Knackstedt, Senior Manager, Media, by email to andrew.knackstedt@nzta.govt.nz or by phone on (04) 894 6285.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Gini Welch
National Manager Rail Safety Regulation