

28 August 2023



REF: OIA-13096

Dear 

**Request made under the Official Information Act 1982**

Thank you for your email of 12 July 2023 requesting the following information under the Official Information Act 1982 (the Act):

*[...] I wish to seek any communications that NZTA has had with KiwiRail regarding the two instances of SPAD Category A events taking place between Hamilton and Auckland, following the first instance on 17 June 2023.*

*Please ensure that the prohibition notice provided to KiwiRail in July is included.*

*Further to this, I also wish to request any briefing/s provided to the Minister of Transport or the Minister of State Owned Enterprises regarding these two instances of SPAD Category A events taking place between Hamilton and Auckland.*

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

- 1. I wish to seek any communications that NZTA has had with KiwiRail regarding the two instances of SPAD Category A events taking place between Hamilton and Auckland, following the first instance on 17 June 2023. Please ensure that the prohibition notice provided to KiwiRail in July is included.**

The following document falls within the scope of this part of your request and is enclosed:

- Attachment for OIA-13096.

Certain information has been withheld under section 9(2)(a) of the Act. This section allows for the withholding of information to protect the privacy of natural persons.

We are also withholding all of the emails that fall within the scope of this part of your request which relate to the investigation being undertaken by Waka Kotahi NZ Transport Agency into these events as the rail regulator. This information is being withheld under section 6(c) of the Act, which states that a

good reason for withholding official information exists if the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

**2. Further to this, I also wish to request any briefing/s provided to the Minister of Transport or the Minister of State Owned Enterprises regarding these two instances of SPAD Category A events taking place between Hamilton and Auckland.**

No briefings were provided to Ministers as this was an operational matter for Waka Kotahi as the rail safety regulator. Therefore, I am refusing this part of your request under section 18(e) of the Act, as the document alleged to contain the information requested does not exist.

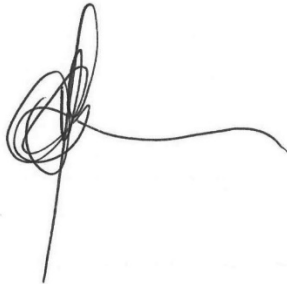
With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

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](http://www.ombudsman.parliament.nz).

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

If you would like to discuss this reply with Waka Kotahi, please contact the Ministerial Services team, by email to [official.correspondence@nzta.govt.nz](mailto:official.correspondence@nzta.govt.nz).

Yours sincerely

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

**Gini Welch**  
National Manager Rail Safety Regulation