

17 October 2019

Anthony Jordan

fyi-request-11227-1a7a525e@requests.fyi.org.nz

REF: OIA-5792

Dear Anthony

Request made under the Official Information Act 1982

Thank you for your email of 15 September 2019 requesting the following information under the Official Information Act 1982 (the Act):

- 1. What liability does NZTA and/or does its respective contractors have, to New Zealand motorists, where Rims/Tyres/Wheel Assemblies are damaged or require repair (asphalt only)*
- 2. Please provide cost for each year, since 2010, where Financial Liability has been covered by NZTA*
- 3. What systems do NZTA use to ensure the best possible integrity is maintained on New Zealand carriageways (asphalt only).*

Your questions are addressed under the headings below:

What liability does NZTA and/or does its respective contractors have, to New Zealand motorists, where Rims/Tyres/Wheel Assemblies are damaged or require repair (asphalt only).

This question seeks advice on the NZ Transport Agency's liability for damage that occurs to vehicles using the state highway network. The Transport Agency is unable to give legal advice to the public and, accordingly, the information you have requested has been withheld under section 9(2)(h) of the Act in order to maintain legal professional privilege. 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.

As a general principle, however, the Transport Agency does not act as an insurer to the public in relation to its use of the state highway network, irrespective of the road surface (for example, whether it is constructed using asphalt or chip seal).

Please provide cost for each year, since 2010, where Financial Liability has been covered by NZTA.

Any such payments made by the Transport Agency are made from within individual project budgets. Accordingly, and because of the number of projects managed by the Transport Agency since 2010 and the difficulty of extracting the information requested, this part of your request has been refused under section 18(f) of the Act because the information cannot be made available without substantial collation or research.

What systems do NZTA use to ensure the best possible integrity is maintained on New Zealand carriageways (asphalt only).

The Transport Agency employs integrity protection systems within its State Highway Network Outcomes Contracts and Auckland Motorway Maintenance Contract (the Contracts). The Contracts are not specific to asphalt surfaces and apply to all types of road surface.

The Contracts provide for the regular inspection of the state highway network and, in the event a defect in a road surface is identified, Transport Agency contractors are obliged to undertake repair work within an agreed timeframe.

Under section 28 of the Act you have the right to ask the Ombudsman to undertake an investigation and review of this decision. You can contact the Office of the Ombudsman by telephone on 0800 802 602 or through its website at www.ombudsman.parliament.nz.

If you would like to discuss this reply with the NZ Transport Agency, please contact Jacqui Hori-Hoult, Manager, System Management Northland, by email to jacqui.hori-hoult@nzta.govt.nz or by phone on 09 430 7422.

Yours sincerely



Wayne Oldfield
Senior Manager – System Management