

25 May 2020

Gerard Byrne
fyi-request-12663-9cf4fd43@requests.fyi.org.nz
fyi-request-12664-f4ac7d3f@requests.fyi.org.nz

REF: OIA-6612

Dear Gerard

Request made under the Official Information Act 1982

Thank you for your two emails received on 21 April 2020 requesting information under the Official Information Act 1982 (the Act). Your requests and our responses are outlined below.

Email 1:

can you please supply a copy of all receipts from Kensington swan and any other association, agency, business or person related to and involved in all Byrne Vs NZTA hearings.

Waka Kotahi NZ Transport Agency has not received individual receipts from Kensington Swan (Dentons), for the November 2019 Bryne vs NZTA hearing. However, the summarised total cost of legal fees relating to this matter is \$77,971.

All other costs from associations, agencies, businesses, or persons related to both the November 2019 hearing and the original hearing have already been provided to you in your previous OIA requests.

Email 2:

can you please provide a copy of the peoples group representative's qualifications who was a witness in the Byrne Vs NZTA EMPC 104/2019 hearing,

https://scanmail.trustwave.com/?c=2838&d=4_Wd3v7seXSH2NPDilOs_WtJgeNi723O55aZ0Ldg6Q&u=https%3a%2f%2fwww%2eemploymentcourt%2egovt%2enz%2fassets%2fDocuments%2fDecisions%2f2019-NZEmpC-187-Byrne-v-NZ-Transport-Agency-jud-131219%2epdf

which allow him to make medical diagnosis.

can you also please provide all NZTA documents that lawfully allow him to do this.

you may redact his name although it is readily publicly available.

I withhold the information regarding the qualifications of Waka Kotahi's representative under section 9(2)(a) of the Act to protect the privacy of natural persons. 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.

There was no medical diagnosis made by a representative of Waka Kotahi, as part of the Bryne vs NZTA hearing, and there is no document that exists allowing a representative of Waka Kotahi to do so. 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 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 withhold some information and refuse a part your request. You can find the contact details for the Ombudsman at www.ombudsman.parliament.nz.

If you would like to discuss this reply with Waka Kotahi, please contact Katrina Leather, Manager Employment Relations, by email to katrina.leather@nzta.govt.nz or by phone on 04 894 5400.

Yours sincerely

A handwritten signature in black ink that reads "Richard May". The signature is written in a cursive, slightly slanted style.

Richard May
Deputy General Manager Engagement & Partnerships