

6 August 2018

Tony Randle  
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REF: OIA-3992

Dear Tony

### Request made under the Official Information Act 1982

Thank you for your email of 11 July 2018 requesting the following information under the Official Information Act 1982 (the Act):

*I am interested in the Public Transport Operating Model rules related to the requirements for councils:*

- A) to calculate and publish Commerciality ratios for PTOM units & modes and*
- B) to consider Exempt public transport services under PTOM as public transport services.*

*I understand that the NZTA procurement Manual*

*([https://scanmail.trustwave.com/?c=2838&d=2OzF2x2HVp5e\\_C9eEnC3j--bHwUsv0HGI42UwFB7Tg&u=https%3a%2f%2fwww%2enzta%2egovt%2enz%2fassets%2fresources%2fprocurement-manual%2fdocs%2fprocurement-manual-amendment-4%2epdf](https://scanmail.trustwave.com/?c=2838&d=2OzF2x2HVp5e_C9eEnC3j--bHwUsv0HGI42UwFB7Tg&u=https%3a%2f%2fwww%2enzta%2egovt%2enz%2fassets%2fresources%2fprocurement-manual%2fdocs%2fprocurement-manual-amendment-4%2epdf)) Section 10.6 states:*

*"Publication of public transport commerciality ratios*

*1. An approved organisation that procures public transport units must publish annually the regional commerciality ratio and a league table for each public transport mode (bus, rail, ferry, other) using the commerciality ratios of all public transport units within the region (see appendix H Calculating public transport commerciality ratios for the commerciality ratio formula)."*

*I further understand that the methodology for the Commerciality Ratio calculation must be undertaken as specified in "Appendix H Calculating public transport commerciality ratios"*

*([https://scanmail.trustwave.com/?c=2838&d=2OzF2x2HVp5e\\_C9eEnC3j--bHwUsv0HGI9vDI1EpTQ&u=https%3a%2f%2fwww%2enzta%2egovt%2enz%2fresources%2fprocurement-manual%2fappendix-h-calculating%2f](https://scanmail.trustwave.com/?c=2838&d=2OzF2x2HVp5e_C9eEnC3j--bHwUsv0HGI9vDI1EpTQ&u=https%3a%2f%2fwww%2enzta%2egovt%2enz%2fresources%2fprocurement-manual%2fappendix-h-calculating%2f)) which further states:*

*"Approved organisations providing public transport services must calculate a commerciality ratio for:*

- the region as a whole, and*
- each unit of public transport services identified in the RPTP and separated by mode."*

*A1) Can I have a copy of the advice provided to the Auckland Transport that outlines the NZTA requirement to calculate and publish the regional commerciality ratios for bus, rail and ferry modes as well as the commerciality ratios individual PTOM units on an annual basis ?*

*A2) Can I have a copy of the advice provided to the Greater Wellington Regional Council that outlines the NZTA requirement to calculate and publish the commerciality ratio for bus, rail and*

*ferry services as well as individual PTOM units on an annual basis ?*

*A3) Can I have a copy of any and all Commercial Ratios received from Auckland Transport that shows the annual regional Commerciality Ratios for bus, rail and/or ferry modes ?*

*A4) Can I have a copy of any and all Commercial Ratios received from Greater Wellington Regional Council that shows the annual regional Commerciality Ratios for bus, rail and/or ferry modes ?*

*A5) Can I have a copy of any and all Commercial Ratios received from Auckland Transport that shows the annual Commerciality Ratios for individual PTOM units (including the estimated future Commerciality Ratios for units if provided to the NZTA) ?*

*A6) Can I have a copy of any and all Commercial Ratios received from Greater Wellington Regional Council that shows the annual Commerciality Ratios for individual PTOM units (including the estimated future Commerciality Ratios for units if provided to the NZTA) ?*

*I am also interested in the public transport services that are designated as Exempt Services under PTOM.*

*B1) Can I have a copy of the policy that specifies that public transport services designated as PTOM Exempt Services are eligible for Supergold Card PT Subsidies ?*

*B2) Can I have a copy of the policy that specifies that public transport services designated as PTOM Exempt services are to be included or excluded as "Commercial Services" under the NZTA Farebox Recovery Policy ?*

*If this information is held in electronic form then I would prefer it was provided in its complete and original electronic format.*

#### Queries A1) and A2)

Requirements in the NZ Transport Agency Procurement Manual which relate to the publishing and calculation of commerciality ratios for public transport services within regions were advised to all public transport authorities in New Zealand, including Auckland Transport (AT) and Greater Wellington Regional Council (GWRC), via the release of the NZ Transport Agency General Circular 13/08 *Public Transport Operating Model – Amendments to the Transport Agency's Procurement Manual*. The General Circular can be found at the following link:

<https://nzta.govt.nz/assets/resources/general-circulars/docs/13-08.pdf>

Due to the information you requested being available publicly I am refusing your request under section 18(d) of the Act because the information requested is publicly available.

#### Queries A3) to A6)

The NZ Transport Agency has not received, or requested, commerciality ratios for the AT and GWRC public transport networks. This is mainly because AT and GWRC are still in the process of rolling out new networks and units. Given the major changes introduced to their respective public transport networks, a year of operation is required to establish a base level of fare revenue for each unit, to enable the calculation of commerciality ratios. In the meantime the Transport Agency is continuing to monitor organisations' farebox recovery ratios, which are similar to commerciality ratios in that the formulas for calculating each are similar.

The Transport Agency does regular audits of organisations that receive funding from the National Land Transport Fund. It is through this process that the Transport Agency ensures that organisations are fulfilling their funding obligations, including publishing commerciality ratios at the appropriate time.

In compiling all of the information required in order to respond to your request, it became apparent after the 10 working day window for request transfers had closed that the Transport Agency does not hold the information you have requested in queries A3 and A5. Accordingly, we are transferring queries A3 and A5 to Auckland Transport under section 14 of the Official Information Act 1982.

I apologise for the delay in transferring your request. We are transferring the parts of your request to Auckland Transport as they are most likely to hold this information to enable your request to be responded to in full. The alternative response available to us was to refuse them under section 18(e) as we do not hold the information requested.

You will, therefore, receive further correspondence on these parts of your request from Auckland Transport. The time limit for their response to you will be 20 working days from when they receive the transfer.

With regards to queries A4 and A6, the Greater Wellington regional Council has informed us that they have previously responded to you regarding commerciality ratios. Given that the Transport Agency does not hold this information, I am refusing these two queries under section 18(e) of the Act as the information requested does not exist.

#### Query B1)

The Cabinet paper (SuperGold Card Transport Scheme – Sustainable Bulk Funding) that sets out the policy for the treatment of exempt services can be accessed on the Ministry of Transport's website at the following link: [www.transport.govt.nz/assets/Uploads/Our-Work/Documents/SGC-Cabinet-Paper.pdf](http://www.transport.govt.nz/assets/Uploads/Our-Work/Documents/SGC-Cabinet-Paper.pdf).

As the information you requested is available online, I am refusing your request under section 18(d) of the Act because the information requested is publicly available.

#### Query B2)

*Can I have a copy of the policy that specifies that public transport services designated as PTOM Exempt services are to be included or excluded as "Commercial Services" under the NZTA Farebox Recovery Policy?*

The NZ Transport Agency Farebox Recovery Policy does not specify or designate which exempt services are to be included or excluded as 'commercial services'. That said, farebox data continues to be collected for Auckland exempt ferry services, which represent the majority of ferry services in Auckland and which were previously reported on as commercial services prior to the introduction of the Public Transport Operating Model (PTOM). With the implementation of PTOM pre-existing commercial services, not designated as exempt services, came under contract to a regional council within the re-designed contract units. Being included in a contracted unit means that their farebox data will be collected and reported as part of the unit data.

I am refusing your request under section 18(e) of the Act, as the information you have requested does not exist.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse or transfer parts of this request. The contact details for the Ombudsman can be located at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

If you would like to discuss this reply with the NZ Transport Agency, please contact Ian Stuart (Principal Advisor), by email to [ian.stuart@nzta.govt.nz](mailto:ian.stuart@nzta.govt.nz) or by phone on 04 890 4747.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'B Tebbs', with a stylized flourish at the end.

**Barbara Tebbs**  
Senior Manager, Regulatory & Transport Policy