

3 April 2023



REF: OIA-11944

Dear 

Request made under the Official Information Act 1982

Thank you for your email of 30 January 2023 requesting the following information under the Official Information Act 1982 (the Act):

1. *Under the Official Information Act I request a copy of any NZTA Board Papers regarding the implementation of the Safety Camera System.*
2. *Please also provide a copy of any business cases regarding the Safety Camera System that NZTA has prepared or has had prepared by external parties.*

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

1. Under the Official Information Act I request a copy of any NZTA Board Papers regarding the implementation of the Safety Camera System.

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

- Attachment 1: *Safety Camera System Detailed Business Case Board paper Dec 2022*
- Attachment 2: *Safety Cameras Deep Dive - Regulatory Committee paper Dec 2022*

Certain information within these documents has been withheld under section the following sections of the Act:

- 9(2)(ba)(i) – to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.
- 9(2)(b)(ii) – to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
- 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

- 9(2)(g)(i) – to maintain the effective conduct of public affairs through 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 department or organisation in the course of their duty.
- 9(2)(g)(ii) – to maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment.
- 9(2)(i) – to enable a Minister of the Crown or any department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities.
- 9(2)(j) - enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Please note, the following Board papers also fall within the scope of this part of your request but are already publicly available:

- *Safety Camera System Indicative Business Case – Board paper* – this can be accessed at: www.nzta.govt.nz/assets/About-us/docs/oia-2022/oia-10452-attachment-3.pdf
- *Tolling Back Office Systems Replacement - Investment & Delivery Committee paper* – this can be accessed at: www.nzta.govt.nz/assets/About-us/docs/oia-2022/oia-10452-attachment-1.pdf.

I am therefore partially refusing your request for Board papers regarding the implementation of the Safety Camera System under section 18(d) of the Act as some are already publicly available.

2. Please also provide a copy of any business cases regarding the Safety Camera System that NZTA has prepared or has had prepared by external parties.

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

- Attachment 3: *Safety Cameras System Detailed Business Case (DBC)*
- Attachment 4: *Safety Camera System Detailed Business Case Appendices*

Certain information within these documents has been withheld under section the following sections of the Act:

- 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons.
- 9(2)(ba)(i) – to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.
- 9(2)(b)(ii) – to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
- 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.
- 9(2)(g)(i) – to maintain the effective conduct of public affairs through 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 department or organisation in the course of their duty.

- 9(2)(g)(ii) – to maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment.
- 9(2)(i) – to enable a Minister of the Crown or any department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities.

Please note, *table 56* in attachment 3 (page 123) suggests that there will be 13 Auckland Transport local road safety spot cameras installed, whereas one of the key messages on page 141 states that 10 cameras will be installed. Since the DBC was compiled, it has been decided that only 9 cameras will be installed in the first tranche of Auckland safety cameras.

The following business cases also fall within the scope of this part of your request but are already publicly available:

- *Tackling Unsafe Speeds Programme Business Case* – this can be accessed at: www.nzta.govt.nz/safety/partners/speed-and-infrastructure/safety-cameras/relevant-documents/tackling-unsafe-speeds-programme-business-case/.
- *Safety Camera System Indicative Business Case* – this can be accessed at: www.nzta.govt.nz/assets/About-us/docs/oia-2022/oia-10452-attachment-4.pdf.

I am therefore partially refusing your request for business cases regarding the implementation of the Safety Camera System under section 18(d) of the Act as some are already publicly available.

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 some information and refuse parts of this request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

If you would like to discuss this reply with Waka Kotahi, please contact Ministerial Services by email to official.correspondence@nzta.govt.nz.

Yours sincerely



Fabian Marsh
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