

By email

24 October 2019

File Ref: OIAP-7-13077

Tony Randle

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Dear Mr Randle

Request for information OIA 2019-325

I refer to your email dated 26 September 2019 which was received by Greater Wellington Regional Council's (GWRC) on 26 September 2019. You have requested the following information:

"The GWRC response of 18 September 2019 to a request for PTOM cost information (<https://fyi.org.nz/request/9099-request-for-bus-and-rail-fare-revenue#incoming-40016>) states the following:

"Following your complaint about our decision on your request for official information (2018-341) the Ombudsman advised that if GWRC can resolve the complaint with you, there would be no need for an investigation.

Following consultation with operators of bus and rail services GWRC has decided to release under the Local Government Official Information and Meetings Act 1987 the monthly payments made to the operators under the Public Transport Operating Model (PTOM) contracts. This information is contained in Attachment 1- PTOM units contract payments."

The PT cost information that the GWRC previously redacted but has now agreed to provide was also withheld in four previous information requests:

a) 2018-19 Annual Plan Transport Rate calculations

Request for information 2018-096 (File Ref: OIAP-7-5876)

<https://fyi.org.nz/request/7104-request-for-the-detailed-transport-rate-calculations-outlined-in-the-gwrc-2018-19-annual-plan#incoming-26104>

b) 2018-19 Fare Review and Farebox Recovery Ratios

Request for information OIA 2017-014 – follow up

<https://fyi.org.nz/request/8011-request-for-revenue-and-expenditure-information-used-in-calculating-the-2018-farebox-recovery-ratio-in-the-2018-fare-review#incoming-26340>

c) 2019-20 Annual Plan Transport Rate calculations



Request for information OIA 2019-026 (File Ref: OIA 2019-026)

<https://fyi.org.nz/request/7104-request-for-the-detailed-transport-rate-calculations-outlined-in-the-gwrc-2018-19-annual-plan#incoming-34301>

d) 2019-20 Fare Review and Farebox Recovery Ratios

Request for information OIA 2019-073 (File Ref: OIAP-7-10243)

<https://fyi.org.nz/request/9727-second-request-for-fare-review-information-under-the-2019-20-annual-plan#incoming-33280>

Given the decision by the GWRC that PT cost information will no longer be held, I request that the previously requested information be provided but including the previously redacted information.

1) Can the GWRC please provide the 2018-19 Annual Plan Transport Rate calculations previously requested under "Request for information 2018-096" (File Ref: OIAP-7-5876) but including the previously redacted information ?

(<https://fyi.org.nz/request/7104-request-for-the-detailed-transport-rate-calculations-outlined-in-the-gwrc-2018-19-annual-plan#incoming-26104>)

2) Can the GWRC please provide the 2018-19 Fare Review and Farebox Recovery previously requested under "Request for information OIA 2017-014 – follow up" but including the previously redacted information ?

(<https://fyi.org.nz/request/8011-request-for-revenue-and-expenditure-information-used-in-calculating-the-2018-farebox-recovery-ratio-in-the-2018-fare-review#incoming-26340>)

3) Can the GWRC please provide the 2019-20 Annual Plan Transport Rate calculations previously requested under "Request for information OIA 2019-026" (File Ref: OIA 2019-026) but including the previously redacted information ?

(<https://fyi.org.nz/request/7104-request-for-the-detailed-transport-rate-calculations-outlined-in-the-gwrc-2018-19-annual-plan#incoming-34301>)

4) Can the GWRC please provide the 2019-20 Fare Review and Farebox Recovery Ratios previously requested under "Request for information OIA 2019-073" (File Ref: OIAP-7-10243) but including the previously redacted information ?

(<https://fyi.org.nz/request/9727-second-request-for-fare-review-information-under-the-2019-20-annual-plan#incoming-33280>)

As before I would prefer the requested information to be provided in its complete and original electronic format. I would also prefer the requested information to be provided via the FYI web site."

GWRC's response follows:

The information we provided to you on 18 September 2019 in relation to the Ombudsman investigation of your complaint on our earlier response to your request OIA 2018-341 was the monthly payments made to the operators of rail and bus units under the current contracts.

The information that was released to you did not contain any granular cost breakdown; it provided an aggregate value of total monthly payments to the operators of each rail and bus unit under the current PTOM contracts.

The responses provided by GWRC to the information you have previously requested (through OIA 2018-096, OIA 2018-014 (and the follow up OIA 2018-100), OIA 2019-026 and OIA 2019-073) did not include actual and projected breakdowns of annual payments to the operators of bus, rail and ferry services under PTOM. This information was withheld from you in accordance with the Local Government Official Information and Meetings Act 1987 (the Act).

We do not consider that the breakdown of the information requested by you should now be provided as a result of us providing you with total monthly payments.

Releasing this level of detail of the payments to operators would expose some financial information – including the actual or projected payments under the performance regime in relation to deductions or incentives – that are likely to adversely affect commercial position of the operators in the market and GWRC’s ability to negotiate future contracts.

The more detailed information you have requested has therefore been withheld in accordance with sections 7(2)(i), 7(2)(ii) and 7(2)(h) of the Act on the grounds that releasing the itemised breakdown of operator payments would be likely to unduly undermine GWRC’s ability to carry out negotiations without prejudice or disadvantage, and would be likely unreasonably to prejudice commercial position of the operators who are the subject of the requested information.

We have considered whether the public interest in the requested information outweighs GWRC’s need to withhold certain aspects of the requested information. As a result, we do not consider that the public interest outweighs GWRC’s reason for withholding parts of the document under the grounds identified above.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Act.

Yours sincerely



Greg Pollock
General Manager, Public Transport