

27 January 2020

Chris Clarke
fyi-request-11927-cf8b330d@requests.fyi.org.nz

REF: OIA-6250

Dear Chris

Request made under the Official Information Act 1982

Thank you for your email of 20 December 2019 requesting the following information under the Official Information Act 1982 (the Act):

How long each of those people found to have been responsible for a serious traffic accident have been legally driving in New Zealand - for the last 10 years (nationalities and time spent driving in New Zealand).

Clarification of your request was sought on 21 January 2020 and you replied

Thanks for the reply. If I am reading it correctly, then basically the information I am asking for is precisely the information that's not collected or recorded.

This being the case, it's a dead end. Obviously you can't provide information you have not collected.

I do have a related inquiry - to wit, why are the relevant details of non-resident drivers found liable for serious/fatal accidents not collected? This information is surely material to every aspect of the resulting investigations and possibly litigation - as well as having clear relevance to the cause, and possible options to reduce future reoccurrences.

Given the relevance, to hear this information is not recorded is to my mind indefensible. So - how come? Clearly there must be a reason - or the government is failing in its duty to provide natural justice, by enabling liable persons to avoid the consequences of their actions

I am refusing your first request above, under section 18(g)(i) of the Act in that the information requested is not held by the Transport Agency and I have no grounds for believing that information is held by another organisation.

Waka Kotahi, the NZ Transport Agency maintains the Crash Analysis System (CAS) which is updated once a Traffic Crash Report (TCR) is received from the NZ Police sometime after the crash based on their examination of the crash. Traffic crash reports record the country of issue of the licence held by the driver but does not record driver nationality or length of time in New Zealand.

New Zealand law allows all overseas drivers who hold a valid and current overseas driver licence to drive in New Zealand for 12 months from the date of their last arrival (<https://www.nzta.govt.nz/driver-licences/new-residents-and-visitors/driving-on-nz-roads/>). New Zealand has signed and ratified the 1949 United Nations Convention on Road Traffic (the Convention). This international treaty

establishes standard traffic rules among the contracting parties. The Convention covers a range of road safety matters, not just driver licences. New Zealand is only obliged under the Convention to extend recognition to driver licences from contracting parties. The government of the day decided to extend that recognition to all driver licences, regardless of country of origin. This is consistent with overseas practice in many countries that are party to the Convention, including Australia, the United Kingdom, and France.

The Transport Agency does not hold records of the total number of non-resident drivers (residents, students, workers or visitors) who enter New Zealand and drive on an overseas-issued licence each year. There is therefore no population base to compare crash rates of overseas drivers against, so we cannot make valid statistical conclusions about their crash rates compared to that of New Zealand drivers.

Information collected for subsequent litigation after a crash and/or provided in any legal proceedings is not recorded in CAS as this system only contains information reported to the Transport Agency by Police in the Traffic Crash Reports.

With regard to information relating to the cause of the crash please find attached a list of factors that can be recorded as having influenced a crash. There is one factor for 'Overseas drivers fails to adapt to NZ road conditions' however the cause of a crash cannot necessarily be attributed to any one factor and most crashes have multiple factors recorded as having influenced them.

The Transport Agency is working hard to reduce crashes on our roads, including those involving drivers from overseas. A range of organisations including central and local government, the tourism and rental vehicle sectors, and others, are working on the Visiting Drivers Project to ensure all visitors have a safe and enjoyable holiday. To date the project has delivered initiatives focused on road safety at each stage of a visitor's holiday – planning, booking, in-flight, arriving in New Zealand, and when actually on our roads. For more information about the Visiting Drivers Project please refer to: www.saferjourneys.govt.nz/visitingdriversproject.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse 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 the Transport Agency, please contact Kerry Greig, Manager Data Services, at Kerry.Greig@nzta.govt.nz.

Yours sincerely



Galina Mitchelhill
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