

30 March 2021

Nick Coyle  
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REF: OIA-7769

Dear Nick

### **Request made under the Official Information Act 1982**

Thank you for your email of 2 March 2021 requesting the following information under the Official Information Act 1982 (the Act):

*My questions refer to holders of vehicle recovery service licenses issued under the Land Transport Rule: Operator Licensing 2017. I would like information for the previous 7 years in respect of the below questions if possible.*

*How frequently have enforcement officers audited registers of tow authorities maintained by licensees?*

*How many vehicles have licensees towed from private property?*

*How many instances of vehicles being towed without the licensees having completed tow authorities have been identified by enforcement officers?*

*How many complaints have been recorded against licensees in the past 7 years?*

*What is the name of the licensee who has received the most complaints against him/her/it in the last 7 years?*

*How many complaints have NZTA investigated further in the last 7 years?*

*What is the name of the licensee who has had the most amount of complaints against him/her/it investigated further by NZTA in the past 7 years?*

*What sorts of enforcement action (such as penalties) have been issued by enforcement agents against licensees in respect of breaches of the rules?*

*What is the highest fee charged by a licensee to release a vehicle back to its owner known to NZTA?*

I understand that you agreed to narrow your request on 13 March 2021 to two years of information after it was explained that earlier information was not kept in a centralised database. I will set out each of your questions and my responses below.

*How frequently have enforcement officers audited registers of tow authorities maintained by licensees?*

*How many vehicles have licensees towed from private property?*

*How many instances of vehicles being towed without the licensees having completed tow authorities have been identified by enforcement officers?*

*What is the highest fee charged by a licensee to release a vehicle back to its owner known to NZTA?*

As Waka Kotahi NZ Transport Agency does not record this information, these questions are being refused under section 18(e) of the Act. This section allows for refusal when the information does not exist.

*How many complaints have been recorded against licensees in the past [2] years?  
How many complaints have NZTA investigated further in the last [2] years?*

13 complaints against Vehicle Recovery Licence holders have been received since 1 March 2019 and investigated further. Investigation has concluded on 10 of these, and the remaining three investigations are still open.

*What is the name of the licensee who has received the most complaints against him/her/it in the last [2] years?  
What is the name of the licensee who has had the most amount of complaints against him/her/it investigated further by NZTA in the past [2] years?*

Three complaints were received for Southern Districts Towing Limited. No enforcement action was required for two of these, and investigation is yet to be completed on the third.

*What sorts of enforcement action (such as penalties) have been issued by enforcement agents against licensees in respect of breaches of the rules?*

Notices of Improvement have been issued and 3-month Certificate of Fitness periods on vehicles have been required. A Notice of Improvement can be issued when a decision not to revoke a Transport Service Licence is made and requires specific areas of non-compliance to be remedied in order for this decision to be maintained.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse some of the questions in your 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 Waka Kotahi, please contact David Pearks, Programme Manager, by email to [David.Pearks@nzta.govt.nz](mailto:David.Pearks@nzta.govt.nz).

Yours sincerely



**Ben Gamboni**  
Acting Senior Manager, Safer Commercial Transport