

OC210499

2 August 2021

Cameron Leakey

fyi-request-15773-c17a6b1a@requests.fyi.org.nz

Dear Cameron Leakey

I refer to your request dated 15 June 2021, pursuant to the Official Information Act 1982 (the Act), seeking: *“any information regarding the decision to document a person’s sex on infringement notices? Specifically when this decision was made and the rationale for it?”*

To provide context to the information released, the decision to include a person's sex on a infringement notice under land transport legislation was made in 2011 as a consequence of the Courts and Criminal Matters Bill (the Bill); an omnibus Bill facilitated by the Ministry of Justice. The Bill was designed to improve the collection and enforcement of monetary penalties and included an amendment to the Summary Proceedings Act 1957 (the Act). This amendment inserted a new set of provisions (Sections 92A to 92I), which enable credit-reporting agencies to make fines status queries and set out a definition of “identifying particulars” that includes “sex” (Section 92A). The Act requires that a fine status query “set out the identifying particulars of the query subject” (92D(c)). This means that when a credit reporter makes a fine status query about an individual, the enforcement entity needs to have collected this identifying information on the infringement notice at the time of the offence – to refer to in the process of a credit check and to provide greater certainty that the correct person has been identified as owing the infringement fee.

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

| | Date | Document | Description of information withheld |
|---|---------------|--|---|
| 1 | 15 April 2011 | Email from D Parsons (NZ Police) to C Roblett (Ministry of Transport), Subject: <i>RE: Amendments to land transport regulations</i> | Some information withheld under Section 9(2)(a) and if out of scope of the request. |
| 2 | 19 April 2011 | Email from C Roblett to D Parsons, Subject: <i>RE: Amendments to land transport regulations</i> | Some information withheld under Sections 9(2)(a) and 9(2)(h), and if out of scope of the request. |
| 3 | 19 April 2011 | Email from A Holmes (Ministry of Justice) to D Parsons and C Roblett, Subject: <i>RE: Fw: Amendments to land transport regulations</i> | Some information withheld under Section 9(2)(a). |

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|----|-------------|---|---|
| 4 | 7 June 2011 | Email from C Roblett to Department of the Prime Minister and Cabinet, Minister of Transport's Office, Treasury, Ministry of Justice, Subject: <i>Amendment to land transport regulations</i> | Some information withheld under Section 9(2)(a) and if out of scope of the request. |
| 5 | 9 June 2011 | Report " <i>Land Transport (Offences and Penalties) Amendment Regulations 2011 and Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011</i> " to Hon Steven Joyce (then Minister of Transport) | Some information withheld under Section 9(2)(a) and if out of scope of the request. |
| 7 | 9 June 2011 | Accompanying Speaking Notes for LEG meeting on 23 June 2011 " <i>Land Transport (Offences and Penalties) Amendment Regulations 2011 and Land Transport (Infringement and Reminder Notices) Amendment Regulations 2011</i> " | Some information withheld if out of scope of the request. |
| 8 | 2 May 2012 | Briefing " <i>Land Transport (Infringement and Reminder Notices) Amendment Regulations 2012 – Consent to Consult Non-Government Agencies</i> " to Hon Simon Bridges (then Associate Minister of Transport) | Some information withheld under Section 9(2)(a). |
| 9 | 29 May 2012 | Briefing " <i>Land Transport (Infringement and Reminder Notices) Regulations 2012 and Land Transport Amendment Act 2011 Commencement Order 2012</i> " to Hon Simon Bridges (then Associate Minister of Transport) | Some information withheld under Section 9(2)(a). |
| 11 | 29 May 2012 | Accompanying Talking Points for Cabinet Business Committee meeting " <i>Land Transport (Infringement and Reminder Notices) Regulations 2012 Land Transport Amendment Act 2011 Commencement Order 2012</i> " | No information withheld. |

There are two additional documents related to your request that are still being consulted on that have not been released. We will update you as soon as possible on the outcome of this consultation, and if appropriate will release the information to you.

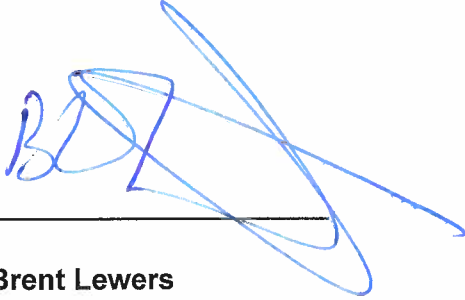
Certain information is being withheld in reliance on Section 9(2)(a) which relates to the privacy of natural persons, as well as on Section 9(2)(h) which relates to the maintenance of legal professional privilege. Other sections have been redacted as they are outside the scope of your request.

Regarding the information that has been withheld under Section 9 of the Act, I am of the opinion that there are no countervailing considerations that make it desirable, in the public interest, to make the information available.

You have the right under section 28(3) of the Official Information Act to make a complaint about the withholding of information to the Ombudsman, who can be contacted at info@ombudsman.parliament.nz.

The Ministry publishes our Official Information Act responses and the information contained in our reply to you will be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Yours sincerely



Brent Lewers
Regulatory Policy
Ministry of Transport – Te Manatū Waka

