

8 December 2022

Darryl Howse  
fyi-request-20960-ed229c9a@requests.fyi.org.nz

REF: OIA-11316

Dear Darryl

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

Thank you for your email of 27 October 2022 requesting the following information under the Official Information Act 1982 (the Act):

- 1. A list of all legal tests that any complaint is referenced against for consideration. This information can be sent as a summary in PDF format as long as it has full references to what legal tests are considered.*
- 2. A full copy of NZTA guidelines considered in any personalised plate complaint as referenced above. This information can be sent in full, in PDF format as long as it is complete.*

I have set out my response to each part of your request below.

***1. A list of all legal tests that any complaint is referenced against for consideration. This information can be sent as a summary in PDF format as long as it has full references to what legal tests are considered.***

Waka Kotahi NZ Transport Agency has the authority to order the surrender of personalised plates provided the requirements specified under section 265(1)(b) of the Land Transport Act 1998 are met. This is what we refer to as the 'legal test'.

Section 265(1)(b) provides that the Registrar of motor vehicles (Waka Kotahi) may order the surrender of personalised plates if the Registrar has:

- 1) Received a complaint about the plates; and
- 2) Considers they are likely to cause offence or confusion.

You can view this legislation online at:

[www.legislation.govt.nz/act/public/1998/0110/latest/DLM3701906.html](http://www.legislation.govt.nz/act/public/1998/0110/latest/DLM3701906.html)

**2. A full copy of NZTA guidelines considered in any personalised plate complaint as referenced above. This information can be sent in full, in PDF format as long as it is complete.**

In accordance with this part of your request, please find enclosed a copy of the internal guidance Waka Kotahi uses to assist it with interpreting/applying the test referred to in the first part of your request.

Certain information within the enclosed guidance material has been withheld under section 9(2)(a) of the Act to protect the privacy of natural persons.

Information has also been withheld under section 9(2)(g)(i) of the Act. This section allows for the withholding of information where it is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by employees in the course of their duty.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold this information. The contact details for the Ombudsman can be located at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

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.

Further, as noted in our acknowledgement email of 27 October 2022, the information requested contains names of Waka Kotahi staff. As we have not received a response as to whether the inclusion of names is required, we have deemed these to be out of scope of your request.

If you would like to discuss this reply with Waka Kotahi, please contact Ministerial Services by email at [official.correspondence@nzta.govt.nz](mailto:official.correspondence@nzta.govt.nz).

Yours sincerely



**Sue Hardiman**  
Senior Manager Vehicle and Driver Licensing