

OC240996

28 August 2024

New Zealand Council for Civil Liberties
fyi-request-28155-eba516a0@requests.fyi.org.nz

Tēnā koe,

I refer to your email sent on 23 August 2024, requesting the following under the Official Information Act 1982 (the Act):

“...Under section 12(3) of the Official Information Act (the OIA) we request that you treat this request as urgent. Our reasons for seeking an urgent response are that we need the requested information in order to participate in the scrutiny of the Land Transport (Drug Driving) Amendment Bill.

... The Ministry has published a redacted version of its Regulatory Impact Statement (RIS) on the legislation.... However, it has redacted portions of the RIS on pages 3, 5, 16, 19, 20, 21, and 23. We request an unredacted copy of the RIS.

... Under section 16 of the Official Information Act, our preferences are (a) to receive a copy of the whole of the document (b) that the information is disclosed in a text searchable format, either Word or PDF, (c) that it does not have a watermark of ‘Released under the Official Information Act’ or similar across the text and (d) that it is sent to the email address from which the Ministry received this request.

...If the Ministry decides that there is ‘good reason’ under the OIA to withhold any of the information we are requesting, then under section 19(a)(ii) of the OIA, we further request that the Ministry provide us with the grounds in support of each withholding reason cited for refusal and the public interest factors favouring disclosure that the Ministry considered.”

I have reviewed the redactions on the Regulatory Impact Statement titled Legislative Amendments to Enable Roadside Oral Fluid Testing. While some of the redacted information is being released in the attached document, I have decided to continue to withhold some information under the following sections of the Act:

- 9(2)(b)(ii) to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. This information relates to the estimated cost of tests that will be procured under the legislation. The public release of this information would likely prejudice the procurement process.
- 9(2)(h) to maintain legal professional privilege

9(2)(i) to enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities

With regard to the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

In response to your observation about the Bill's consistency with the New Zealand Bill of Rights Act 1990 (BORA), the Attorney-General's report on this matter is publicly available. The redacted information does not add anything further, in terms of BORA issues, to those raised in that report.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website www.ombudsman.parliament.nz

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

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'J Heard', written in a cursive style.

Joanna Heard
Manager, Safety