

By email

8 May 2019

File Ref: OIAP-7-10780

Jack Cowie

[@xxxx](#)

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Dear Mr Cowie

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I refer to your request for information dated 28 March 2019, which was received by Greater Wellington Regional Council (GWRC) on 28 March 2019. You have requested the following information:

“According to journalist Dave Armstrong and Member of Parliament Chris Bishop, the GWRC are not stating the size of fines for NZ Bus for contract breaches. Citations for context:

<https://twitter.com/malosilima/status/1111039477604974592>

<https://twitter.com/cjsbishop/status/1111047720087633921>

I would like to know if this is correct, and if it is, I would like to request the reasoning behind this matter being commercially sensitive.

If it is not correct, I would like to know the total magnitude of fines that have been applied to NZ Bus.”

GWRC’s response follows:

GWRC has withheld the monetary value of the Performance Deductions applied to NZ Bus in relation to performance against the reliability key performance indicator (KPI) and the punctuality KPI.

In making this decision GWRC considered that it is necessary to withhold this information as making it available would be likely to unreasonably prejudice the commercial position of NZ Bus and that withholding the monetary value of the Performance Deductions is necessary to enable GWRC to conduct commercial negotiations without prejudice or disadvantage.

The relevant sections of the Local Government Official Information and Meetings Act 1987 (the Act) applicable in this case are 7(2)(b)(ii) and 7(2)(i).



In GWRC's opinion the release of the NZ Bus Performance Deductions could unreasonably:

1. Prejudice the commercial position of bus operators in relation to one another;
2. Prejudice the commercial position of NZ Bus in particular, given that NZ Bus is in the process of being sold;
3. Prejudice the commercial position of NZ Bus in relation to any current or future tenders;
4. Prejudice the negotiating position of GWRC in relation to the future procurement of bus contracts; and
5. Prejudice or disadvantage GWRC's ability to conduct negotiations with NZ Bus and other bus operators linked to contract variations.

GWRC is currently working co-operatively with NZ Bus and other bus operators to improve performance on the network. GWRC considers that releasing information about the monetary value of Performance Deductions at this time may be to the detriment of the co-operative and constructive relationship that is required between GWRC and the operators to lift performance of the network.

As part of the decision making process not to release the monetary value of the Performance Deductions applied to NZ Bus, GWRC has carefully considered whether the public interest in the requested information outweighs GWRC's reasons for withholding the information. At this time (and for the reasons stated) GWRC does not consider that the public interest outweighs GWRC's reasons for withholding this information.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Act.

Yours sincerely



Greg Pollock
General Manager, Public Transport