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31 July 2012

Wayne Hastie
General Manager Public Transport
Greater Wellington Regional Council
PO Box 11646
WELLINGTON

Dear Wayne

Exemption under section 15 (3) of the Railways Act 2005

Thank you for your letter, dated 31 January 2012, addressed to John Freeman seeking an exemption for Greater Wellington Regional Council (GWRC) and Greater Wellington Rail Limited (GWRL) from holding a licence under the Railways Act 2005 (the Act) in respect of the Tranz Metro passenger operation carried out by KiwiRail. Your letter sets out very clearly the background of the relationships with KiwiRail, and the grounds on which GWRC and GWRL should be exempted from holding a rail operator licence.

I am responding to you in my capacity as Acting Manager Rail Systems at the NZ Transport Agency (NZTA).

Your reference to a letter, dated 24 July 2008, from Land Transport NZ is also noted. The decisions contained in this letter replace any information contained in that letter as the relevant position of the NZTA as the regulatory authority under the Railways Act 2005.

The NZTA hereby continues to grant an exemption under section 15(3) of the Act with respect to GWRC and GWRL from holding a licence, or from the requirement of having an approved safety case covering the Wellington metro rail operations. This exemption is granted on the understanding that you have an agreement with KiwiRail that all safety related activities for the Wellington metro rail operations are covered by the licenses and approved safety cases of that organisation. This means that GWRC and GWRL should play no part, in a safety management sense, in the activities associated with the provision of Wellington metro rail services unless all of those activities are carried out fully in compliance with the approved safety cases (and underlying safety systems) of KiwiRail and with its agreement.

This exemption is granted until such time as the NZTA believes the situation with respect to Wellington metro rail operations changes to an extent that this exemption is no longer valid or your own review indicates a changed state.

The NZTA notes that GWRC already holds, and will continue to hold, a rail licence with approved safety case for the operation of the Orongorongo railway, and that this is separate to your request relating to Tranz Metro passenger services.

The NZTA makes one final comment in respect of GWRC/GWRL status under the Act – reference p. 3 of your letter. As a rail participant the maintenance provider function as defined in the Act falls under the

coverage of KiwiRail's licences for infrastructure and rolling stock maintenance. However we do note that you retain the maintenance responsibility for such things as the depot buildings for example.

Yours sincerely

A handwritten signature in blue ink that reads "R. Gould." The signature is written in a cursive style.

Rob Gould
Acting Manager Rail Systems
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