


OC230165

20 April 2023



Tēnā koe 

I refer to your email dated 1 March 2023 requesting the following under the Official Information Act 1982 (the Act):

“a copy of all reports, briefings and advice that the Ministry provided to the Minister of Transport in February 2023, excluding Weekly Reports.”

On 28 March 2023 we advised you of an extension to the time period for responding to your request. The extension was due to consultations necessary to make a decision on your request being such that a proper response could not reasonably be made within the original time limit. We have now completed the necessary consultations.

There were 40 documents in scope of your request:

- 18 are released with some information withheld or refused
- 20 are withheld (14 of which also have their titles withheld)
- two are refused.

As noted above, I am withholding the titles of 14 documents. Both the titles and the contents of these documents remain under active consideration, therefore no further detail about these papers has been provided to you in this response.

Certain information is withheld under the following sections of the Act:

- | | |
|-------------|---|
| 6(a) | as release would be likely to prejudice the security or defence of New Zealand or the international relations of the New Zealand Government |
| 9(2)(a) | to protect the privacy of natural persons |
| 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 |
| 9(2)(f)(iv) | to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials |
| 9(2)(g)(i) | to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty |
| 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 |

- | | |
|---------|--|
| 9(2)(j) | to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) |
| 18(d) | the information requested is or will soon be publicly available |

The document schedule at Annex 1 summarises the above information.

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.

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



Hilary Penman
Manager, Ministerial Services

Annex 1 - Document Schedule

Doc #	Reference	Document	Decision on release
1	OC230018 / T2023-58 / HUD2023-001578	Auckland Light Rail Limited Board- Information to Finalise One Member's Appointment	Released with some information withheld under Sections 9(2)(a), 9(2)(g)(i), 9(2)(h) and 9(2)(i).
2	OC230019	OIA Briefing: Copy of the Final Advice About the Northern Pathway Reallocation of Funds	Released with some information withheld under Sections 9(2)(a) and 9(2)(f)(iv).
3	OC230000	Quarterly Report on Implementation Progress of the Emissions Reduction Plan Transport Chapter Actions	Released with some information withheld under Sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i).
4	OC230030	Proactive Release of Cabinet Material on the Decarbonising Transport Action Plan	Released with some information withheld under Section 9(2)(a). The attachments are refused under Section 18(d) as they are available online at this link: https://www.transport.govt.nz/area-of-interest/environment-and-climate-change/climate-change/
5	OC230031	Proactive Release of Information on the Decarbonising Transport Action Plan	Refused under Section 18(d). When published, this briefing will be available at this link: https://www.transport.govt.nz/area-of-interest/environment-and-climate-change/climate-change/
6	OC230044	Quarter 2 Output Plan Report	Released with some information withheld under Section 9(2)(a).
7	OC230077	Taking Action on Fuel Prices - Papers for Bill and Secondary Legislation	Refused under Section 18(d). When published, this briefing will be available at this link: https://www.transport.govt.nz/area-of-interest/revenue/rates-of-petrol-excise-duty-and-road-user-charges/
8	OC230085	Meeting with Disabled Persons Assembly NZ on Transport Issues	Released with some information withheld under Sections 9(2)(a), 9(2)(f)(iv).
9	OC230088 2223-2556	Meeting with Danusia Wypych, Damon Birchfield, Present and Former CEOs of ChargeNet, on EV Charging Infrastructure	Released with some information withheld under Sections 9(2)(a) and 9(2)(f)(iv).
10	OC230021	Declaration of a Major Maritime Event - SailGP	Released with some information withheld under Section 9(2)(a).
11	OC230048	OIA Briefing: Information Relating to Salvage Tug	Released with some information withheld under Sections 9(2)(a) and 9(2)(b)(ii). One of the annexes is refused under Section 18(d). When published, this annex will be available at this link: https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm

Doc #	Reference	Document	Decision on release
12	OC230036	Official Information Act Request from [withheld] regarding CRL Cost Estimates and Sponsor's Assurance Quarterly Report	Released with some information withheld under Section 9(2)(a).
13	OC221027 BR/23/14	Advice on Next Steps Following Police Procurement Process for Oral Fluid Testing Devices	Withheld in full under Section 9(2)(f)(iv).
14	OC230049	2023 March Baseline Update for Vote Transport	Released with some information withheld under Section 9(2)(a).
15	OC230050	Vote Transport Contingent Assets and Liabilities Sign Off as at 31 December 2022	Released with some information withheld under Section 9(2)(a).
16	OC230057	Proactive Release of Cabinet Material on the Draft Long Term Electric Vehicle (EV) Charging Strategy	Released with some information withheld under Sections 9(2)(a) and 9(2)(f)(iv). The annexes are refused under Section 18(d) and when published, will be available at this link: https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm
17	OC230111	Visit to Wellington Airport	Released with some information withheld under Sections 6(a), 9(2)(a), and 9(2)(f)(iv).
18	OC230091	Budget 2023 Bilateral Meeting Advice	Withheld in full under Section 9(2)(f)(iv).
19	OC230102	Sustainable Biofuels Obligation - Impact of Decision to Discontinue	Released with some information withheld under Sections 9(2)(a), 9(2)(f)(iv), 9(2)(g)(i) and 9(2)(h).
20	OC230067	Auckland Light Rail Limited – Approval to Enter into Project Alliance Agreement	Withheld in full under Section 9(2)(j).
21	OC230108	New Zealand Freight and Supply Chain Strategy Draft	Withheld in full under Section 9(2)(f)(iv).
22	OC230114 / BRI-2705	National VKT Reduction Plan and Urban Programmes - Outline and Update	Released with some information withheld under Sections 9(2)(a) and 9(2)(f)(iv).
23	OC230122	Proactive Release of Cabinet Paper Initiatives for Inclusion in the Civil Aviation Authority 2022/23 Expenditure Budget	Withheld in full under Section 9(2)(f)(iv).
24	OC230062	Official Information Act Request from [withheld] for Attachments to a Police Briefing IPR/22/80CH, Road to Zero Ministerial Oversight Group Meeting 19 October 2022 - Talking Points	Released with some information withheld under Sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i).
25	OC230058	Crown Entity Draft Letters of Expectations for 2023/24	Released with some information withheld under Sections 9(2)(a) and 9(2)(f)(iv).

Doc #	Reference	Document	Decision on release
26	OC230060	Crown Entity Draft Letters of Expectations for 2023/24	Withheld in full under Section 9(2)(f)(iv).



Document 1

2 February 2023

OC230018 / T2023-58 / HUD2023-001578

Hon Grant Robertson
Minister of Finance

Action required by:
Monday, 13 February 2023

Hon Dr Megan Woods
Minister of Housing

Hon Michael Wood
Minister of Transport

AUCKLAND LIGHT RAIL LIMITED BOARD - INFORMATION TO FINALISE ONE MEMBER'S APPOINTMENT

Purpose

Enables consideration of Auckland Light Rail (ALR) Limited's proposed mitigation strategy for Chris Aiken, who is currently a director of Kiwi Property Limited (Kiwi Property), as part of the process for determining whether he should be appointed to the ALR Limited Board.

Background

- 1 On 19 December 2022, Cabinet confirmed the decision to appoint Chris Aiken to the ALR Limited Board subject to ALR Shareholding Ministers agreeing to a conflict of interest management plan [APH-22-MIN-0304 refers].
- 2 A conflict of interest management plan is necessary because Mr Aiken's role with Kiwi Property presents potential 'direct or indirect financial conflicts', as well as a 'conflict of role' with his possible appointment to the ALR Limited Board. Perceptions of a conflict of interest exist should Kiwi Property become involved with the ALR project in the future, or subsequently decide to invest along the proposed route.
- 3 Officials understand that Ministers are interested in the management plan being finalised as soon as practicable in 2023.

Actions taken to identify options for managing Mr Aiken's conflict of interest

- 4 As part of the appointments process, the Ministry of Transport sought advice from Minter Ellison Rudd Watts – who provides additional counsel to the Ministry for the ALR Project. s 9(2)(h)

s 9(2)(h) [REDACTED]

5 s 9(2)(h) [REDACTED]

6 s 9(2)(h) [REDACTED]

7 s 9(2)(h) [REDACTED]

7.1 s 9(2)(h) [REDACTED]

7.2 s 9(2)(h) [REDACTED]

7.3 s 9(2)(h) [REDACTED]

7.4 s 9(2)(h) [REDACTED]

7.5 s 9(2)(h) [REDACTED]

7.6 s 9(2)(h) [REDACTED]

8 The Ministry forwarded this advice under common interest privilege to the ALR Limited Chair and ALR Limited, who have been engaging with Mr Aiken as part of this process.

¹ s 9(2)(h) [REDACTED]

Actions undertaken between Kiwi Property and ALR Limited

- 9 Kiwi Property's legal counsel provided the below statement on behalf of Mr Aiken. This statement was forwarded to the Minister of Transport's office on 22 December 2022:

9.1 *At the date of this e-mail [21 December 2022], Kiwi Property has no interests in (or potential interest in) properties in the "ALR corridor" – identified as the area carved out from Auckland Council's plan change 78 and that Kiwi Property's current strategy does not include the acquisition of an interest in properties in the ALR corridor. Kiwi Property's strategy is subject to change from time to time. Kiwi Property excludes and disclaims any liability which may arise from this e-mail or the information contained in it.*

In the event that a conflict of interest were to arise between Chris Aiken, in his capacity as a Kiwi Property director, and Auckland Light Rail Limited (e.g. a potential investment by Kiwi Property in the ALR corridor) then in accordance with Kiwi Property's Conflict of Interest Policy, the management of that conflict would involve Mr Aiken (i) not receiving any information, (ii) not being involved in any discussion or decision, and (iii) being removed from any other related or associated dealings, in each case relating to the conflict item.

- 10 ALR Limited have noted that, in addition, they will ensure that Mr Aiken is excluded from any discussion about Kiwi Property and that he will not receive any papers about Kiwi Property. They do not expect such discussions to occur at this stage of the project. A probity plan will be prepared, and ALR Limited will also require Mr Aiken to sign a confidentiality declaration in which Mr Aiken undertakes to not disclose or provide access to confidential information relating to the ALR Project. Mr Aiken will also be required to disclose to the ALR Board all transactions or proposed transactions with ALR Limited in which he is interested, as required by section 140 of the Companies Act.
- 11 ALR Limited have advised that they are comfortable that these arrangements will effectively address any conflicts of interest arising for this phase of the ALR project. As the project unfolds, they will continue to revise the arrangements to ensure they are fit for purpose.
- 12 ALR Limited also proposed engaging a probity auditor to conduct enquiries into the affairs of Kiwi Property to verify that Kiwi Property's conflict of interest policy was being adhered to. Mr Aiken advised that he was not comfortable for this to happen because, as a publicly listed entity, Kiwi Property are already subject to independent audits. ALR Limited have accepted this rationale.
- 13 As an NZX Listed Company, Kiwi Property directors are also required to adhere to the NZX Listing Rules² and NZX Participant Guidance Note for Conflicts of Interest.³ Rule 2.10.1 of the NZX Listing Rules requires that, in most instances, interested directors must not vote on board resolutions or be counted in a quorum for consideration of that resolution. Section 7.5 of the NZX Participant Guidance Note for Conflicts of Interest notes that NZX expects its participants to appropriately monitor adherence to

² <https://www.nzx.com/regulation/nzx-rules-guidance/nzx-listing-rules>

³ https://s3-ap-southeast-2.amazonaws.com/nzx-prod-c84t3un4/comfy/cms/files/files/000/003/161/original/Conflict_Management_%28January_2018%29.pdf

its conflict management policy and other procedures, and includes examples for how this can be achieved.

Officials' view

- 14 Officials have previously noted the risks surrounding Mr Aiken's appointment, particularly with regards to perceived and possible actual conflicts arising as the project unfolds, and the challenges with effectively managing such a conflict (OC220905 refers). Those concerns are as follows:
- 14.1 Kiwi Property are a major property developer in New Zealand, whose assets are predominantly Auckland based. While they do not currently have commercial interests along the proposed ALR Corridor (including both Sandringham and Dominion Road alternatives), their current and planned future developments are of a nature that is envisaged through ALR. As such, there is a possibility that there would likely be commercial interest from Kiwi Property to invest along the route in the future.
- 14.2 Discussions to date indicate that firms such as Kiwi Property could have a key role to play in delivering the urban development outcomes across the project. There may be opportunities for Kiwi Property to be involved in developments along the route, including in partnership with the delivery entity. Should this be the case, and the process is subject to a competitive tender, there is a risk that other competitors may perceive that that Kiwi Property has advantage because of Mr Aiken's dual directorships.
- 14.3 The written statements provided by Kiwi Property to date do not provide a sufficient level of assurance that there will not be future interest in Kiwi Property investing in the ALR Corridor. It is unlikely that such a statement would be provided given that the Kiwi Property Board is required to act in the best interests of the company. If Kiwi Property shareholders request that Kiwi Property invests along the ALR route, the Board will be obligated to consider such a direction.
- 14.4 Should Mr Aiken be appointed to the ALR Board, perceptions of a conflict of interest cannot be fully eradicated without Mr Aiken resigning from his role at Kiwi Property. These risks will remain throughout and following his appointment given the number of decisions that need to be made through the project's lifecycle.
- 15 These concerns remain and need to be considered in the context of your decision on whether or not you consider that the management strategy proposed is appropriate.
- 16 s 9(2)(h) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] however, the Kiwi Property conflict management process described in paragraph 9, combined with ALR Limited's conflict management processes and the ALR Limited confidentiality undertaking that Mr Aiken will be expected to adhere to as described in paragraph 10, will largely mitigate the need for this requirement.

- 17 s 9(2)(h) [REDACTED]
- 18 The Crown Entity system relies on Ministers, entities and monitoring departments working well together, and with an awareness that all parties are held to account for decisions made even if a decision is largely made by one party. Without a probity auditor in place, both you and the Ministry of Transport (as monitoring agency) are replying primarily on the word of both the Chair and ALR Limited that the actions taken by them are effectively managing any perceived or actual conflicts of interest. Similarly, ALR Limited is reliant on the word of Kiwi Property that they will adhere to their policies and procedures for managing conflicts of interest. s 9(2)(g)(i) [REDACTED]
- 19 The onus will be on all parties involved to act in good faith and in compliance with their agreements and obligations. Prompt and proactive declaration of interests, with quick and appropriate follow-up actions, are necessary to manage perceived, potential or actual conflict issues that may arise as the project unfolds. If Kiwi Property's acquisition strategy changes to encompass the ALR corridor, it may be necessary for Mr Aiken's directorship of ALR Limited to be reconsidered as a matter of urgency.
- 20 ALR Limited have agreed to include a copy of its conflicts of interest register within its regular reporting to shareholding agencies. Given that a range of conflicts will exist throughout the project's lifecycle, we consider that this will be a necessary area to monitor as a matter of course.
- 21 Should concerns become too great for you, section 7.2 of the ALR Limited Constitution also states that shareholders may at any time (or times by written notice) remove any Director from office. If such a course of action had to be considered, the Ministry recommends you seek officials' advice as removal of a director can have reputational consequences for the affected individual. This measure is generally only recommended as a last resort.

Auckland's Central Business District has been excluded from Kiwi Property's declaration

- 22 Officials are comfortable with the use of Auckland Council's Plan Change 78 (as notified) to define the ALR corridor outside of the Auckland Central Business District. The areas defined in Plan Change 78 excludes the Centre City, but ALR is less likely to result in significant change to the level of intensification and development opportunities compared to other parts of the route, as the existing planning provisions already enables a high level of development. Zoning changes, however, may not be the only method where benefits can arise.
- 23 Kiwi Property's 2022 Property Compendium indicates that they manage two office developments in the Auckland Central Business District: the Vero Centre at 48 Shortland Street, and the ASB North Wharf on 12 Jellicoe Street. s 9(2)(i) [REDACTED]
- 24 For board deliberations on matters within the Auckland CBD, ALR Limited have advised that they will ensure that members' interests are disclosed in advance of

discussions and appropriate mitigation strategies are applied. This includes the
recusal strategies noted above for Mr Aiken.

Next steps

- 25 Should you be comfortable with the proposed conflict of interest management plan, a shareholder resolution and letter appointing Mr Aiken to the ALR Limited Board is attached at **Appendix One** and **Appendix Two**. A physical copy of the resolution needs to be provided to Auckland Light Rail Limited per the Company's constitution.
- 26 Officials will be available to discuss this matter further if required.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Recommendations

We recommend you:

	Minister of Transport	Minister of Finance	Minister of Housing
1 confirm whether you are comfortable with finalising the appointment of Chris Aiken to the Auckland Light Rail Limited Board based on the assurances provided by Mr Aiken and Auckland Light Rail Limited	Yes / No	Yes / No	Yes / No
2 note that officials' concerns about appointing Mr Aiken remain			
3 note that ALR Limited will provide copies of their conflicts of interest register through regular reporting			
<i>If Shareholding Ministers are comfortable with finalising the appointment</i>			
4 sign the attached Shareholders Resolution at Appendix One to appoint Mr Aiken to the Auckland Light Rail Limited Board	Signed / Not Signed	Signed / Not Signed	Signed / Not Signed
<i>Minister of Transport action if Shareholding Ministers are comfortable with finalising appointment</i>			
5 sign and send the attached letter at Appendix Two to Mr Aiken, appointing him to the Auckland Light Rail Limited Board			
6 provide a physical copy of the signed resolution and appointment letter to the address for service, listed at the bottom of the appointment letter.			



Gareth Fairweather
Director, Auckland Light Rail, Ministry of Transport

2 February 2023



Natasha Tod
Partnership Director, Ministry of Housing and Urban Development

02 / 02 / 2023



David Taylor
Manager, National Infrastructure Unit, the Treasury

02 / 02 / 2023

Hon Michael Wood
Minister of Transport

..... / /

Hon Grant Robertson
Minister of Finance

..... / /

Hon Dr Megan Woods
Minister of Housing

..... / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Gareth Fairweather, Director, Auckland Light Rail, Ministry of Transport	s 9(2)(a)	
Ben Wells, Principal Adviser, the Treasury		
Natasha Tod, Partnership Director, Ministry of Housing and Urban Development		
Jono Reid, Principal Adviser, Governance, Ministry of Transport		✓

AUCKLAND LIGHT RAIL LIMITED

WRITTEN RESOLUTION OF THE SHAREHOLDERS OF THE COMPANY

Date:

RESOLUTION

The shareholders resolve to appoint Christopher Gerard Aiken as a director of the Company, effective from

- the date specified in the appointment letter; or
- the date the Company receives the appointee's consent and certificate as to eligibility

whichever is the later.

Signed by all of the shareholders:

Minister of Finance

Minister of Housing

Minister of Transport

Hon Michael Wood

MP for Mt Roskill

Minister of Immigration

Minister of Transport

Minister for Workplace Relations and Safety



Chris Aiken

s 9(2)(a)

Dear Chris

On behalf of shareholders for Auckland Light Rail (ALR) Limited, I am pleased to advise that you have been appointed as a member of the ALR Limited Board. This appointment is for a term commencing on the date of this letter and ending on 30 June 2024.

Please confirm your acceptance of this appointment by replying to the email accompanying this letter as soon as possible.

Contact

ALR Limited will provide secretariat support to you as part of this role. Your contact at the Ministry of Transport for matters relating to the ALR Project is Gareth Fairweather, Director Auckland Light Rail. His phone number is s 9(2)(a) and his email is g.fairweather@transport.govt.nz.

Responsibilities and Conflicts of Interest

I encourage you to familiarise yourself with the legal rights and obligations of a Board Director as outlined in the Companies Act 1993, Crown Entities Act 2004 and the ALR Limited Constitution. A key element of your obligations is the need to maintain confidentiality with regard to the Board, and Board committee, discussions, and decisions.

Your appointment is made on the basis that you have certified that you are not disqualified from being appointed and that you do not have any unmanageable conflicts of interest. I note that the following disclosures have been made in respect of your appointment:

- You disclosed your role on Kāinga Ora's Construction Programme Advisory Panel.
- You disclosed that you have close working relationships with many of the ALR Stakeholders; and
- Your role on the Board of Kiwi Property Limited (Kiwi Property) has been noted as a perceived or potential conflict of interest. Kiwi Property have confirmed that, as at 21 December 2022, it has no interests in (or potential interest in) properties in the "ALR corridor" – identified as the area carved out from Auckland Council's plan change 78, and that Kiwi Property's current strategy does not include the acquisition of an interest in properties in the ALR corridor. However, Kiwi Property's strategy is subject to change from time to time.

In respect of your respective roles at Kiwi Property and ALR Limited, I understand that you acknowledge and agree that:

- if a perceived, potential or actual conflict of interest were to arise between yourself, in your capacity as a Kiwi Property director, and ALR Limited, then in accordance with Kiwi Property's Conflict of Interest Policy, the management of that conflict would involve you (i) not receiving any information, (ii) not being involved in any discussion or decision, and (iii) being removed from any other related or associated dealings, in each case relating to the conflict item.
- ALR Limited will ensure that you are excluded from any discussions about Kiwi Property and that you will not receive any papers about Kiwi Property. They will also prepare a probity management plan for you.

Giving effect to this arrangement will require all parties to act in good faith and in compliance with their agreements and obligations. This includes ensuring there are appropriate internal assurance mechanisms.

Directors are required by law not to place themselves in a position of a conflict of interest other than to the extent allowed under the Companies Act 1993, the Crown Entities Act 2004 and the company's constitution. I expect you to follow the ALR Limited Board's standard processes of declaring and managing any conflicts of interest that may arise during your tenure and advising the Chair of ALR Limited in the first instance.

I also expect that should you become a disqualified director at any time after your appointment, you advise the ALR Limited Shareholders (the Ministers of Finance and Transport, and Minister of Housing), the Chair of ALR Limited and the Ministry of Transport immediately.

I expect that in taking up this appointment you will also ensure that you are appropriately insured against professional negligence in your capacity as a director.

The Government expects a no surprises approach is taken. Should you find yourself in a position where you have, or are likely to be subject to, negative media scrutiny, legal proceedings or any other event that may reflect negatively on yourself, ALR Limited or ALR Shareholders, I expect you to inform Shareholders, the Chair of ALR Limited and the Ministry of Transport immediately.

Remuneration

ALR Limited is subject to the Treasury's Crown Company Methodology, where the Board determines the allocation of fees following agreement to the total pool by Shareholding Ministers. Under this methodology, we have agreed a total pool of ordinary fees, which are based on a unit rate for directors of \$41,220 per annum. In addition, the pool approved includes an additional 50 percent loading in special fees until 30 June 2024 to recognise the additional work required for company establishment and project planning. This results in a total unit rate of \$61,830 per annum per director.

You are also entitled to be reimbursed for any actual and reasonable expenses incurred attending meetings or undertaking any other agreed work. ALR Limited will be able to assist you with claims and any taxation matters.

Resignation

Should you wish to resign from your role prior to your end of term, you are required to provide written notice to the address for service of ALR Limited, with a copy to myself, the Minister

of Finance and the Minister of Housing, and the ALR Limited Board Chair. The resignation would be effective from when it is received at that address or at a later time specified in the notice. ALR Limited is expected to give written notice of this resignation to the Shareholders.

ALR represents an opportunity to transform Auckland and lay the foundations for a modern rapid transit network serving the city as a whole. Light rail will shape Auckland's growth and enable more Aucklanders to move around the city using fast, frequent and high-capacity services. The role of the ALR Board will be critical in shaping the project through detailed planning and into delivery.

The skills and experience you bring are a considerable asset. We look forward to working with you.

Yours sincerely

Hon Michael Wood
Minister of Transport

Copy to: Hon Grant Robertson, Minister of Finance
Hon Dr Megan Woods, Minister of Housing
Wayne Brown, Mayor of Auckland
Audrey Sonerson, Chief Executive, Ministry of Transport
Hon Dame Fran Wilde, Chair, Auckland Light Rail Limited Board
Tommy Parker, Chief Executive, Auckland Light Rail Limited

Auckland Light Rail Limited
Level 3, CPO Building
12 Queen Street, Auckland CBD,
AUCKLAND 1010



OIA BRIEFING

7 February 2023

OC230019

Hon Michael Wood
Minister of Transport

Action required by:
Tuesday, 14 February 2023

COPY OF THE FINAL ADVICE ABOUT THE NORTHERN PATHWAY REALLOCATION OF FUNDS

Purpose

Seek your agreement to the proposed response to an Official Information Act 1982 request.

Name of Requester	s 9(2)(a)
Request	<p><i>"Under the Official Information Act 1982, I request a copy of the final advice about the Northern Pathway reallocation of funds, as referenced in written question 44290 (2022).</i></p> <p><i>Reply 44290 (2022) has been answered</i> <i>Portfolio: Transport (Hon Michael Wood)</i></p> <p><i>Question: Has Cabinet made a decision yet on how the funds for the Northern Pathway will be reallocated since the cycle bridge was canceled on 2 October 2021, and if so, on what date was this decided and what is the name of the relevant Cabinet paper?</i></p> <p><i>Reply: Ministers have received final advice about the Northern Pathway reallocation and will confirm the agreed approach soon. 44290 (2022)."</i></p>
Date of request	Monday, 16 January 2023
Statutory deadline	Tuesday, 14 February 2023
Risks	Risks and mitigations are outlined in the table attached.

Recommendations

We recommend you:

- 1 **consider** the proposed response to the request under the Official Information Act 1982
- 2 **sign** the attached letter to s 9(2)(a) Yes / No

James O'Donnell

James O'Donnell
**Acting Manager, Programme
Assurance and Commercial**

.07 / .02 / 2023

Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
James O'Donnell, Acting Manager, Programme Assurance and Commercial	s 9(2)(a)	✓
Lakeshia Livapulu, Graduate Adviser, Programme Assurance and Commercial		

COPY OF THE FINAL ADVICE ABOUT THE NORTHERN PATHWAY REALLOCATION OF FUNDS

Determination of the document within scope

1 The response to the WPQ that this OIA request refers to was written by your office. As a result, your office was consulted on what document was within the scope of this request.

2 s 9(2)(f)(iv)



Consultation with Treasury

3 Upon consultation with the Treasury, it was determined that the title and content of the Cabinet paper in scope should be withheld in full due to reasons set out in **Table 1** below.

One document falls within the scope of the request

4 **Table 1** below sets out the document that falls in scope of this request and our proposed response.

5 Most of the information in the paper is not in scope of the request. The information that is in scope of the request will be withheld under section 9(2)(f)(iv) of the Official Information Act (the Act):

- Section 9(2)(f)(iv), maintaining the constitutional convention for the time being which protects the confidentiality of advice tendered by Ministers of the Crown and officials.

6 With regard to the information withheld under section 9 of the Act, we consider the reasons for withholding that information at this time are not outweighed by any public interest considerations that would make it desirable to make the information available.

7 A letter to the requester is attached for your signature.

Table 1

Document Schedule

	Document	Description of information withheld	Previously released?
	<p>s 9(2)(f)(iv)</p> <p>[Redacted]</p>	<p>The title and the content of the Cabinet paper is withheld in full. Some information is out of scope. The remainder of the information is withheld under section 9(2)(f)(iv) of the Act.</p> <p><u>Consultation</u></p> <p>Treasury</p> <p><u>Risks and mitigations</u></p> <p>Releasing the in-scope content relating to the Northern Pathway statements will reveal:</p> <ul style="list-style-type: none"> • s 9(2)(f)(iv) [Redacted] • s 9(2)(f)(iv) [Redacted] <p>Some Northern Pathway funding has also been reallocated towards Greater Christchurch Public Transport Futures Bus Improvements and Ngauranga to Petone Shared Pathway projects [DEV-22-MIN-0297]. However, public announcements relating to the funding reallocation towards these projects have not yet been made.</p> <p>The above risks have been mitigated by withholding the title and content of the Cabinet paper in full.</p>	<p>No – this approach is consistent with how we have treated similar information under the Act.</p>

Hon Michael Wood

MP for Mt Roskill

Minister of Immigration

Minister of Transport

Minister for Workplace Relations and Safety



s 9(2)(a)

Dear s 9(2)(a)

I refer to your email dated 16 January 2023, requesting the following under the Official Information Act 1982 (the Act):

"Under the Official Information Act 1982, I request a copy of the final advice about the Northern Pathway reallocation of funds, as referenced in written question 44290 (2022)."

Reply 44290 (2022) has been answered

Portfolio: Transport (Hon Michael Wood)

Question: Has Cabinet made a decision yet on how the funds for the Northern Pathway will be reallocated since the cycle bridge was canceled on 2 October 2021, and if so, on what date was this decided and what is the name of the relevant Cabinet paper?

Reply: Ministers have received final advice about the Northern Pathway reallocation and will confirm the agreed approach soon. 44290 (2022)."

One document falls within scope of your request however the entire document including the title will be withheld in full.

There are two reasons why I am not releasing the document under your request. Most of the information within the document is out of scope of your request. The information within scope of your request, is treated under the following section of the Act:

9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials

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.

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

Yours sincerely

Hon Michael Wood
Minister of Transport

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

8 February 2023

OC230000

Hon Michael Wood
Minister of Transport**Action required by:**
Tuesday, 21 February 2023

QUARTERLY REPORT ON IMPLEMENTATION PROGRESS OF THE EMISSIONS REDUCTION PLAN TRANSPORT CHAPTER ACTIONS

Purpose

This briefing updates you on implementation progress and risks related to the transport chapter commitments of the Emissions Reduction Plan for the period June – December 2022 and signals the priorities for the next quarter. Going forward we will provide this report to you on a quarterly basis.

Key points

- The first Emissions Reduction Plan (ERP) includes an integrated package of approximately 80 transport initiatives, most of which have been assigned to either Te Manatū Waka or Waka Kotahi. A significant amount of planning and organisational changes have taken place to set us ourselves up to deliver the transport initiatives and to put us on a pathway for achieving emissions reduction targets.
- Work is well underway to deliver most of the significant initiatives set out in the plan, and we are ahead of where we expected to be with the electrification of the light vehicle fleet. While we have some major challenges ahead of us, the transport system has made good progress overall in a difficult operating environment. Te Manatū Waka and Waka Kotahi have both stood up new programmes, engaged with partners, and established internal governance arrangements to ensure the effective delivery of ERP initiatives and appropriate management of risks.
- The key risk to implementation and meeting the ERP timeframes continues to be resourcing. The ERP requires Te Manatū Waka to manage an increasing number of in-flight initiatives, many of which will be resource intensive. Without additional resource there is a risk that Te Manatū Waka will not be able to deliver against what is outlined in the ERP. In response to resourcing pressures, we are assessing initiatives to determine if sequencing can be adjusted so that resource can be targeted towards the most significant initiatives and competition for the same staff can be minimised.
- We are operating in a tight labour market and facing difficulties to recruit and retain the right skillsets to progress the transport chapter initiatives. There are also significant constraints in the wider supply chain including in the construction and public transport sector which is impacting both the ability to deliver and the effectiveness of initiatives.

- We are continuing to report to you monthly on your priority initiatives. During the next quarter we will be seeking decisions from you on many of these to avoid delays caused by the pre-election period. This includes decisions on s 9(2)(f)(iv), the Clean Vehicle Programme, an amendment Bill to give effect to the Sustainable Public Transport Framework and publishing the National VKT Reduction Plan as well as sub-national VKT reduction targets for Tier 1 and 2 urban areas.

Recommendations

We recommend you:

- 1 **note** that good progress has been on the implementation of the ERP transport chapter initiatives during the period, and several significant initiatives are progressing as planned and, in some cases, ahead of schedule
- 2 **note** that the detailed delivery information in this report has been based on the first Chief Executive Board six-monthly report and for the next quarter, we plan to include reporting on performance progress against the focus area targets and abatement
- 3 **note** that across the programme there are consistent challenges in relation to funding, resourcing and engagement
- 4 **note** that there are a number of key decisions that we will be seeking from you before the pre-election period in relation to your priority initiatives
- 5 **agree** to the minor amendments made to the priority initiatives list which is subject to monthly reporting Yes / No
- 6 **provide** feedback on the content of this report, including the proposed scope of the next quarterly briefing.



Genevieve Woodall
**Manager, Emissions Programme
Office, Ministry of Transport**

..... / /

Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:☐ Approved ☐ Declined☐ Seen by Minister☐ Not seen by Minister☐ Overtaken by events**Comments****Contacts**

Name	Telephone	First contact
Genevieve Woodall, Manager, Emissions Programme Office	s 9(2)(a)	✓
Ella Sparrow, Senior Adviser, Emissions Programme Office	s 9(2)(a)	

QUARTERLY REPORT ON IMPLEMENTATION PROGRESS OF THE EMISSIONS REDUCTION PLAN TRANSPORT CHAPTER ACTIONS

Background

- 1 In May 2022 the Government published the first three emissions budgets and released its first Emissions Reduction Plan (the ERP). The ERP is an ambitious programme of work, comprising more than 300 initiatives across different sectors.
- 2 The transport chapter of the ERP contains around 80 initiatives, most of which have been assigned to either Te Manatū Waka or Waka Kotahi. All these initiatives will need to be delivered between now and 2025. While significant work has already taken place to get initiatives underway, there will be an ongoing process of reprioritising and seeking additional resource to ensure it is feasible to deliver the transport initiatives in the ERP in the first emissions budget period.
- 3 Transport is responsible for around 80 sector-specific initiatives of the approximately 300 actions committed in the first ERP. Analysis from the Climate Change Commission estimates that transport greenhouse gas (GHG) emissions could be reduced by 34.2Mt CO₂-e over the first three emissions budget periods, which equates to around 35 percent of the total gross reduction required.
- 4 While meeting the first emissions budget for transport relies on only a few key initiatives to be delivered, much of the work that will be progressed in the first emissions budget period will be essential to ensure transport is on track to meet the significant reductions in emissions required in emissions budgets two and three.

Te Manatū Waka and Waka Kotahi are organised to deliver the transport chapter of the ERP

The Decarbonising Transport Action Plan gives us a strong foundation to build on

- 5 Mahere Hohenga kia Whakakorea te Waro ā-Kawenga Decarbonising Transport Action Plan 2022–25 (the Action Plan) was published in December 2022. This maps how we will deliver on the transport chapter commitments over the next four years.
- 6 The Action Plan sets out how government agencies will partner with Māori, local government, businesses, and communities to embed a long-term strategic approach to reducing emissions across the transport system and to implement the actions required from the transport sector.
- 7 Te Manatū Waka was the first department to develop a sector specific implementation plan for the ERP. The Action Plan, and the work done through its development to clarify roles and responsibilities, gives us a strong foundation to build on going forward.

Governance arrangements have been established to ensure the effective implementation of the first ERP

- 8 In our last update to you (OC220805 refers) we confirmed the establishment of the Emissions Reduction Governance Group (ERG) to ensure that risks are being

actively managed across the portfolio. The Emissions Programme Office (EPO) continues to lead the monitoring and reporting against the ERP and provide you with regular reporting on key initiatives, including monthly reporting on ten priority actions and this quarterly report on progress across the portfolio.

- 9 Waka Kotahi has established governance arrangements, with a focus on implementation of the Climate Emergency Response Fund (CERF) initiatives and provides you monthly updates on the, including key risks to delivery. Waka Kotahi has an Executive Sub-committee for Climate Change and Sustainability that provides general oversight of ERP implementation. A CERF Programme Management Office has been established to support implementation of nine CERF initiatives funded in Budget 2022. A CERF Steering Group has been established to provide strategic direction for the Waka Kotahi CERF programme.

We are making good progress across the programme

- 10 The draft six monthly report of the Climate Chief Executives Board (IEB) (provided to Ministers in February 2023) indicates that we are broadly on track across the delivery of the programme. Most of the transport initiatives are classed as green status and on track, 21 are amber and 14 are red status. Four initiatives have already been completed, 63 are active, and 22 are inactive¹².



- 11 Most of the initiatives with a red status are unfunded, or progress has been delayed due to resourcing issues.
- 12 The next sections outline in turn highlights and risks across the four focus areas over the period.
- 13 This initial quarterly report focusses on delivery progress against the milestones and timeframes published in the Action Plan. While this is a good indicator of performance, we are aware that you are seeking further information about the performance of the transport sector initiatives in terms of impact on the focus areas targets and the overall abatement targets. We are refining the information that we can provide to you to meaningfully track performance and intend to include this in the next quarterly report.

¹ Initiatives are 'inactive' if work has not commenced. Many of the inactive initiatives are due to sequencing and prioritising of lower priority initiatives to later in the budget period.

² At the time of writing this briefing, the first six monthly report of the IEB was still being produced. This will be finalised in February 2023, and these figures are therefore subject to change and minor change are possible.

Focus area 1: Reduce reliance on cars and support people to walk, cycle and use public transport



- 14 A notable highlight under focus area 1 was securing \$350 million for the Transport Choices package through the CERF. This funding will allow for some public transport improvements and the delivery of strategic cycling and micro mobility networks. Waka Kotahi has an indicative list of projects for funding across 46 councils. The Transport Choices programme will continue to be a priority as Waka Kotahi works with local government to scope project proposals, with construction scheduled to begin on some projects by June 2023.
- 15 The Government has also confirmed investment in the next phases of Auckland's Eastern Busway and forward work programmes for crucial futureproofing projects such as City Rail Link, Auckland Light Rail and the alternative Waitemata Harbour crossing.
- 16 Budget 22 allocated \$61 million to support the public transport sector to standardise minimum base wage rates and improve the conditions of bus drivers to make it easier to recruit and retain the workforce. Improvements to bus driver terms and conditions will be supported by the Sustainable Public Transport Framework, which Cabinet has agreed to establish to improve the planning, procurement and delivery of public transport services. This will prioritise the fair and equitable treatment of employees, mode-shift and improved environmental and health outcomes.
- 17 s 9(2)(g)(i) Restrictions outside of the ERP, particularly bus driver shortages and infrastructure issues (notably major works on the Auckland rail network impacting metro rail services), are limiting increases in public transport patronage. We expect the sector agreement for bus drivers with a time limited, two-year residence pathway, and upcoming improvements to bus driver wages and conditions, will help relieve the driver shortage over the coming months. We will continue to monitor this and report back to you.
- 18 Six initiatives that have a 'red' status sit under focus area 1.
- 18.1 Two of these relate to making school travel greener and healthier and are red because the parts of this work led by the Ministry of Education have been paused. We are considering the impact of this delay and whether this can be mitigated in the future or through other initiatives.
- 18.2 Two initiatives under the action to integrate land use planning, urban development and transport planning are also classified as red due to resourcing issues. These initiatives have been delayed due to staff turnover, however the

responsible team are setting up an interagency working group to kick start work in early 2023.

- 18.3 An initiative under *Action 10.1.5: Embed nature-based solutions as part of our response to reducing transport emissions and improving climate adaptation and biodiversity outcomes*; and *Initiative 1.2C.5 Provide support for local government to develop network plans for walking and cycling* are also red as they are inactive. At this stage, these initiatives have not been a priority and work to progress these is scheduled for later in the emission budget period.

Focus area 2: Rapidly adopt low-emissions vehicles



- 19 In recent months we have seen strong growth in electric vehicle (EV) sales, with 5,928 light EVs registered in quarter 2 and 8,824 in quarter 3 of 2022³. This is up from 1,827 and 4,867 light EVs registered in quarters 2 and 3 of 2021. The Clean Vehicle Programme is well underway, with the Clean Vehicle Discount scheme likely contributing to a tripling in EV sales since mid-2021.
- 20 We are exceeding initial targets; however, we are aware that sales are likely to be influenced by a number of factors including the increasing number of models available to consumers. It will be important to ensure we continue momentum, as the ERP requires significant ongoing growth in EV sales through until 2035.
- 21 The draft EV Charging Strategy received considerable feedback from Ministers and departments and has been redrafted for a wider audience. This delayed publishing the strategy for consultation by approximately one month. Cabinet has now considered the updated public consultation version of the Strategy and we expect consultation to begin imminently.
- 22 As you are aware, we experienced difficulties implementing the Clean Car Standard. We worked closely with Waka Kotahi to overcome roadblocks and passed an amendment Bill under urgency in December 2022. Delivering on the implementation of the Clean Car Standard is on track.
- Note that since this briefing was written, the programmes detailed under #23 and #24 have been stopped.
- 23 Waka Kotahi continues to work towards beginning a trial that can be expanded nationally in future of the Social Leasing Scheme in at least one location from April 2023. This timeframe will be challenging because of the time it is taking to develop a financially viable and legal operating model, as well as engagement with potential partners in trial locations taking longer than anticipated.
- 24 Similarly, work to progress the Clean Car Upgrade is currently on track, however delays with engagement and the time requirements for procurement are putting pressure on the timeframes for delivering the scheme.

³ [Te Manatū Waka Quarterly fleet statistics July to September 2022.](#)

- 25 Two initiatives that have a red status sit under focus area 2: *Initiative 2.1.7, Determine whether legislative barriers preventing the use of some types of light low-emissions vehicles can be reduced without unduly compromising safety objectives*; and *2.2.3, Investigate whether further targeted support is required to make low-emissions vehicles more accessible and affordable for other disadvantaged groups and communities*. Both initiatives are red because they are inactive, and work to progress these has not commenced while other high priority actions to accelerate the uptake of low-emission vehicles has been prioritised.

Focus area 3: Begin work now to decarbonise heavy transport and freight



- 26 A Freight Decarbonisation Unit has been established within Te Manatū Waka to set the groundwork for a Clean Truck Discount, a future zero emission heavy vehicle mandate and important changes needed for the transport regulatory system. The Unit will play an important role in supporting work on the Freight and Supply Chain Strategy and the EV Charging Strategy to ensure heavy vehicle decarbonisation is given adequate focus.
- 27 Te Manatū Waka has successfully established Sustainable Aviation Aotearoa, which held its first meeting in November 2022. This public-private leadership body will focus on decarbonising aviation, including operational efficiencies, infrastructure improvements, and frameworks to encourage research, development, and innovation in sustainable aviation. Te Manatū Waka are now considering the challenge of how to resource this and provide ongoing support for Sustainable Aviation Aotearoa.

§ 9(2)(f)(iv)

- 30 Four initiatives that have a red status sit under focus area 3. All but one of these sits under the actions to decarbonise aviation and maritime. § 9(2)(f)(iv)

s 9(2)(f)(iv)

Focus area 4: Support cross-cutting and enabling measures that contribute to the delivery of a low-emissions transport system

- 31 Although there is no sub target for this focus area, it contains five initiatives that contribute to the successful delivery of initiatives across the transport chapter. Over the period, the Decarbonising Transport Research Strategy was advanced to ensure a strong evidence base to inform transport decarbonisation for the current and future emissions budgets periods.
- 32 One initiative, to *provide people and businesses with information and education to support behaviour change as we transition to a low-carbon economy*, has a red RAG-rating as it is currently unfunded. Te Manatū Waka and Waka Kotahi will look for opportunities to integrate this alongside other programmes.

Consistent challenges are being faced across the four focus areas

Funding

- 33 Funding uncertainty is a risk across all focus areas and the funding required for the scale of the transport transformation is significant. Approximately 40 transport initiatives are unfunded, or only partially funded.
- 34 Parallel to this, spending to date on CERF funded initiatives has been slower than originally forecast. A variance in CERF spend reflects the fact that spend to date has been dependent on obtaining additional Ministerial policy decisions, post the Budget 2022 announcement, to confirm the delivery aspects of a number of CERF initiatives. In addition, it has taken some time to draft and agree the various CERF funding agreements (between Te Manatū Waka and Waka Kotahi) as these have needed to take into account the additional Ministerial policy decisions.
- 35 Spending has also been constrained as delivery requires new programmes of work to be established involving significant time and effort to secure suitable people resources as well as putting into place appropriate management systems and processes. Spending is now starting to ramp-up with the rate of expenditure expected to increase considerably in the coming months. We will continue to provide you an update on spending as part of our monthly dashboard.

Resourcing and the impact of delaying initiatives

- 36 A key challenge in the short term is resourcing. Key Ministry personnel are spread thinly and have limited capacity to pick up new initiatives without slowing down other priorities. s 9(2)(g)(i)
- 37 These resourcing challenges are indicative of broader issues with turnover and difficulties attracting skilled staff across the economy. The tight labour market is

creating challenges across the transport sector, including in local government, the construction sector and the public transport sector, which limits our ability to implement an increasing number of new programmes. We are working to ensure that we have the resources we need to deliver the ERP, which started with the establishment of an Emissions Programme Office to oversee and coordinate the delivery of the programme.

- 38 The cumulative impact of initiatives not progressing as intended in the current emissions budget period, such as changes to school travel and the Sustainable Biofuels Obligation could put the overall chapter at risk of not delivering. Although delays may not have material implications on achieving the targets under the first emissions budget, this will have a greater impact on our ability to meet the second emissions budget when larger reductions need to be recognised.
- 39 Te Manatū Waka is considering if there are any initiatives that can be dialled up, however resource constraints will challenge our ability to respond. We are seeking guidance from the Ministry for the Environment on how best to address this risk which several agencies delivering ERP actions may also be facing.
- 40 The Government's portfolio of ERP actions needs to collectively keep New Zealand on track to meet the current and future emissions budget allowances. It is therefore essential that the cumulative impact of deferring initiatives is understood and advice on how choices may impact the performance of the portfolio as a whole and options for mitigating this is provided.

Engagement

- 41 Several ERP initiatives, particularly those related to pricing and reallocating street space to support walking and cycling, are dependant on local government and public support. A key risk to local government support is engagement and the messaging and communication of VKT reduction. There is a risk that insufficient engagement on the VKT National Plan will reduce willingness of Tier 1 and 2 Councils to engage in place-based programmes.
- 42 Further work needs to be done to communicate that VKT reduction is about more than a decrease in emissions, and the co-benefits associated with a shift to a more sustainable transport system cannot be achieved solely by low emissions vehicles. During upcoming engagement, there is an opportunity to emphasise the co-benefits around health, well functioning neighbourhoods, equity, and safety.

There are a number of key deliverables for your priority initiatives ahead of the pre-election period

- 43 In September 2022, we confirmed with you a list of ten initiatives for monthly reporting which are either critical from an emissions reduction perspective, or present significant delivery risks (OC220805 refers).
- 44 Across your priority initiatives, there are a number of key decisions that we will be seeking from you before the pre-election period to avoid delays further down the track. These include:

s 9(2)(f)(iv)

- 44.2 Progressing priorities across the Clean Vehicle Programme, including monitoring the implementation of the Clean Car Standard, advancing a review of the Clean Vehicle Discount, progressing any associated policy decisions to balance subsidies and fees over the next few months, and starting the Clean Car Upgrade and Social Leasing trials in April 2023.
- 44.3 Introducing the Bill to amend the Land Transport Management Act 2003 to give effect to the Sustainable Public Transport Framework.
- 44.4 Engagement with Councils, Māori and other key partners stakeholders on the National VKT reduction plan, to be published in June 2023 as well as sub-national VKT reduction targets for Tier 1 and 2 urban areas.
- 45 The key milestones we are working towards for the next six months for your priorities are outlined below.

Milestones	Timeframe
Clean Vehicle Discount review and subsequent policy decisions	February 2023
Introduction of the Bill to incorporate the Sustainable Public Transport Framework into the LTMA	March 2023
Consultation on GPS 2024	April 2023
s 9(2)(f)(iv)	April 2023
Clean Car Upgrade and Social Leasing Trials commence	April 2023
s 9(2)(f)(iv)	April 2023
Sub-national VKT reduction targets for Tier 1 and 2 urban areas to be set	June 2023
National VKT Plan approved by the Waka Kotahi Board	June 2023
Final EV Charging Strategy published	June 2023
GPS 2024 published	July 2023

- 46 We recommend making minor changes to the priority list to ensure that high priority initiatives get the appropriate focus and attention. The proposed amendments are included in the table below.
- 47 Given the level of dependence on CERF funding, you may also need to consider the reprioritisation of some actions post Budget 2023 decisions.

Priority area	Proposed change
Clean Car Standard	We recommend including the Clean Car Discount as part of this priority area, given the urgent need to review the financial sustainability of the scheme.

Note that since this briefing was written, the Sustainable Biofuels Obligation has been discontinued.

Sustainable Biofuels Obligation	We recommend removing this from the list as transport currently has limited control over the passage of the Bill. Transport Officials will continue to monitor and support MBIE, but we no longer see this as a top priority from a governance perspective.
s 9(2)(f)(iv)	s 9(2)(f)(iv)
Public transport work programme (includes bus driver terms and conditions, sustainable public transport framework, decarbonise the bus fleet, and public transport fares)	We recommend refocussing this to remove the reference to bus driver terms and conditions given that it has entered the operational phase.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982



BRIEFING

8 February 2023

OC230030

Hon Michael Wood
Minister of Transport

Action required by:
15 February 2023

PROACTIVE RELEASE OF CABINET MATERIAL ON THE DECARBONISING TRANSPORT ACTION PLAN

Purpose

Seek your approval to proactively publish the Cabinet Paper and Minute on the Decarbonising Transport Action Plan on the Ministry of Transport's website. This also includes the final version of the Action Plan that was approved by Cabinet to be published prior to the professional design.

Number of papers	Four
Deadline	Friday 17 February 2023
Risks	No risks have been identified with releasing this Cabinet material

Recommendations

We recommend you:

- 1 **approve** the Ministry to publish three documents with redactions as marked on the Ministry's website Yes / No
- 2 **note** that in order to meet the timeliness required by Cabinet Office circular 18(4), the documents must be published by 17 February 2023

Holly Walker
Manager, Environment and Emissions
Strategy

08 / 02 / 2023

Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:

☐ Approved☐ Declined☐ Seen by Minister☐ Not seen by Minister☐ Overtaken by events**Comments****Contacts**

Name	Telephone	First contact
Holly Walker, Manager, Environment and Emissions Strategy	s 9(2)(a)	✓
Ella Sparrow, Senior Adviser, Emissions Programme Office	s 9(2)(a)	

PROACTIVE RELEASE OF CABINET MATERIAL ON THE DECARBONISING TRANSPORT ACTION PLAN

Background

- 1 On 28 November 2022 Cabinet made a decision on the paper titled Decarbonising Transport Action Plan.
- 2 Cabinet Office circular CO 18(4) states that all Cabinet and Cabinet Committee papers and minutes be proactively released and published online within 30 business days of final decisions being taken by Cabinet. This is the case “unless there is good reason not to publish”.
- 3 As per Cabinet Office circular CO (18) a business day is any day of the week other than a day in the period commencing 25 December in any year and ending 20 January in the following year¹
- 4 Additionally, given your final standard weekend bag for 2022 was the week ending Friday 9 December and the threshold for inclusion in the summer bag was more urgent matters, it is reasonable that these documents have not be published within 30 business days of final decisions being taken by Cabinet.
- 5 We propose to publish the following documents on the Ministry’s website on 17 February 2023:
 - Decarbonising Transport Action Plan 2022-25 [draft]
 - Decarbonising Transport Action Plan [Cabinet Paper]
 - Cabinet Environment, Energy and Climate Committee: Minute of Decision – Decarbonising Transport Action Plan (ENV-22-MIN-0049)
 - Cabinet Environment, Energy and Climate Committee: Summary – Decarbonising Transport Action Plan (ENV-22-SUB-0049)
- 6 This proactive release is supported by a separate proactive release of information on the Action Plan (OC230031 refers) that will be published on the Ministry’s website at the same time:

Review

- 7 The Ministry has reviewed these documents and has determined that they be released in full. All information is either already publicly available or otherwise is not sensitive in nature.

¹ [CO \(18\) 4: Proactive Release of Cabinet Material: Updated Requirements, Paragraph 16.2](#)

Notification

- 8 Waka Kotahi was consulted on the release of these documents.
- 9 The following agencies were notified on the release of these documents in line with Cabinet Office circular CO (18) 4: Proactive Release of Cabinet Material:
- 9.1 Ministry for the Environment; Treasury; Ministry of Business, Innovation and Employment; Energy, Efficiency and Conservation Authority; Ministry of Social Development; Te Tūāpapa Kura Kainga - Ministry of Housing and Urban Development; Department of the Prime Minister and Cabinet; Te Puni Kōkiri; Te Waihanga, Kāinga Ora, Department of Internal Affairs, Ministry for Primary Industries, Department of Conservation, Ministry for Pacific Peoples, and Te Arawhiti.

Risks and mitigations

- 10 We do not foresee any risks with the release of this Cabinet Material.

Next steps

- 11 Once you have approved the release of the documents, we will publish them on the Ministry's website.

Annexes

The following documents are attached to this briefing:

- Annex 1 Decarbonising Transport Action Plan 2022-25 [draft]
- Annex 2 Decarbonising Transport Action Plan [Cabinet Paper]
- Annex 3 Cabinet Environment, Energy and Climate Committee: Minute of Decision – Decarbonising Transport Action Plan (ENV-22-MIN-0049)
- Annex 4 Cabinet Environment, Energy and Climate Committee: Summary – Decarbonising Transport Action Plan (ENV-22-SUB-0049)

Annex 1 Document schedule

Doc #	Document title	Details
1	Decarbonising Transport Action Plan 2022-25 [draft]	<p>This document is released in full.</p> <p><u>Consultation</u> Waka Kotahi was consulted on the release of this information. Other agencies (listed in paragraph 9) have been notified of the release of this information</p> <p><u>Risks</u> None</p>
2	Decarbonising Transport Action Plan [Cabinet Paper]	<p>This document is released in full.</p> <p><u>Consultation</u> Waka Kotahi was consulted on the release of this information. Other agencies (listed in paragraph 9) have been notified of the release of this information</p> <p><u>Risks</u> None</p>
3	Cabinet Environment, Energy and Climate Committee: Minute of Decision – Decarbonising Transport Action Plan (ENV-22-MIN-0049)	<p>This document is released in full.</p> <p><u>Consultation</u> Waka Kotahi was consulted on the release of this information. Other agencies (listed in paragraph 9) have been notified of the release of this information</p> <p><u>Risks</u> None</p>
4	Cabinet Environment, Energy and Climate Committee: Summary – Decarbonising Transport Action Plan (ENV-22-SUB-0049)	<p>This document is released in full.</p> <p><u>Consultation</u> Waka Kotahi was consulted on the release of this information. Other agencies (listed in paragraph 9) have been notified of the release of this information</p> <p><u>Risks</u> None</p>

8 February 2023

OC230044

Hon Michael Wood**Action required by:****Minister of Transport**

Tuesday, 21 February 2023

QUARTER 2 OUTPUT PLAN REPORT

Purpose

Provides an update on agreed projects from the Output Plan.

Key points

- The Ministry previously agreed to provide you with quarterly updates against identified initiatives from the Output Plan. The Quarter 2 (Q2) Output Plan Report is attached (Appendix A refers).
- The Ministry has also, today, provided you with a briefing on the 'Quarterly report on implementation progress of the ERP Transport actions' (OC230000 refers). These briefings, together, constitute the Ministry's Q2 reporting to you.
- Three projects are assessed as being 'amber', meaning there is some risk to the Ministry achieving the forecasted September 2023 position. Resourcing and the availability of subject matter expertise are key issues for these initiatives. The initiatives are:
 - Rapid Rail Hamilton to Auckland Corridor
 - Transit Framework
 - Inter-Regional Passenger Rail Select Committee Inquiry.
- The other five initiatives are assessed as being 'green', meaning the Ministry expects to achieve the forecasted September 2023 position.
- The Ministry has recently commenced discussions with you to confirm your key priorities to June 2023. This will enable the Ministry to ensure that resources are focused on those priorities. We will recommend amendments to the Output Plan in response to your priorities to June 2023.

Recommendations

We recommend you:

- 1 **Review** the attached Quarter 2 Output Plan Report and discuss any issues that you may have on progress-to-date for individual initiatives with officials.

Yes / No

Robyn Smith
Deputy Chief Executive, Corporate Services
 8 February 2023

Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Robyn Smith	s 9(2)(a)	✓
Hilary Penman, Manager Ministerial Services		
Robert McShane, Principal Adviser, Ministerial Services		

Appendix A

Reports Against Agreed Output Plan Projects

Project











- Project 2B: Rapid Rail Hamilton to Auckland Corridor
- Project 2C: Transit Framework
- Project 2E: Inter-Regional Passenger Rail Select Committee Inquiry
- Project 3A: GPS 2024
- Project 3B: Budget 2023
- Project 3C: Future of the Revenue System
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Project 2B: Rapid Rail Hamilton to Auckland Corridor Quarter 2 2022/23

Key Contacts:	Director: Siobhan Routledge, s 9(2)(a) Manager: Jessica Ranger	Overall Status RAG:												
Project Purpose:	This project involves investigating the potential for faster rail between Hamilton and Auckland to support regional and national economic growth and productivity, as well as a more efficient urban form and reduced congestion and emissions from transport in the corridor.													
Forecasted Sep 2023 Status:	Dependant on your decision on how to progress with the project. Options could include progressing to a detailed business case, continuing to investigate options for the Hamilton-Auckland corridor, or ceasing the project.													
<div> <div> Progress against last quarter report <ul style="list-style-type: none"> We completed one of the two deliverables due this quarter. We provided advice to you on options for progressing this project now the Indicative Business Case (IBC). The other deliverable – the opportunity for you to present the IBC to the Future Proof Implementation Committee – has been postponed until March 2023. The December 2022 meeting was cancelled. </div> <div> Key focus for next quarter <ul style="list-style-type: none"> We have advised you further analysis is needed before proceeding to a Detailed Business Case. s 9(2)(f)(iv) Ensuring you have the information you need to decide the future of this project is critical to success next quarter. Resourcing remains a risk, particularly due to the limited time to develop the advice and the loss of a key member of the project team. We have reprioritised resource to ensure this work can continue. </div> </div> <div> Progress against current & future deliverables/milestones <table> <tr> <th>Due date/Timeframe</th><th>Deliverables/milestones</th><th>Status (RAG)</th></tr> <tr> <td>Nov 22</td><td>Advice to you on how to progress the project</td><td></td></tr> <tr> <td>Mar 23</td><td>Presenting the IBC findings to the Future Proof Committee</td><td></td></tr> <tr> <td>s 9(2)(f)(iv)</td><td></td><td></td></tr> </table> </div>			Due date/Timeframe	Deliverables/milestones	Status (RAG)	Nov 22	Advice to you on how to progress the project		Mar 23	Presenting the IBC findings to the Future Proof Committee		s 9(2)(f)(iv)		
Due date/Timeframe	Deliverables/milestones	Status (RAG)												
Nov 22	Advice to you on how to progress the project													
Mar 23	Presenting the IBC findings to the Future Proof Committee													
s 9(2)(f)(iv)														

Project 2C: Transit Framework Quarter 2 2022/23

Key Contacts:	Director: Siobhan Routledge, s 9(2)(a) Manager: Jessica Ranger	Overall Status RAG: 
Project Purpose:	Planning for mass rapid transit projects in Auckland, Wellington, and Christchurch is underway, but each has bespoke arrangements and lacks consistent central government guidance on key issues. We are designing a framework for decision-makers that will reduce friction in the system and support more clarity and consistency in decision-making when progressing mass rapid transit.	
Forecasted Sep 2023 Status:	A framework will be in place to guide decision-makers in Auckland, Wellington, and Christchurch as they plan and deliver their mass transit projects.	

Progress against last quarter report





- We completed all the deliverables due this quarter. s 9(2)(f)(iv)

Key focus for next quarter

















s 9(2)(f)(iv)

- Resourcing is a key risk, and we are reprioritising resource to ensure this project can proceed at pace.

Progress against current & future deliverables/milestones

Due date/Timeframe	Deliverables/milestones	Status (RAG)
Dec 22	Provide draft framework to Minister for feedback	
Mar 23	Cabinet consideration of draft framework	
Mar 23	Public engagement on the draft framework	
July 23	Implementation of framework underway	

Project 2E: Inter-Regional Passenger Rail Select Committee Inquiry Quarter 2 2022/23



Key Contacts:	Director: Siobhan Routledge, s 9(2)(a) Manager: Jessica Ranger	Overall Status RAG:																		
Project Purpose:	The Transport and Infrastructure Committee (the Committee) is holding an inquiry into the future of inter-regional passenger rail in New Zealand. It seeks to gain insights into the viability of passenger rail and investigating potential rail expansions and investments in specific areas. The inquiry will also look at the climate and emissions reduction possibilities of passenger rail.																			
Forecasted Sep 2023 Status:	The Inquiry should be completed by September 2023. Any recommendations resulting from the inquiry are not yet known and will be dependent on the Transport and Infrastructure Committee's approach to the inquiry and findings.																			
<div> <div> Progress against last quarter report <ul style="list-style-type: none"> We completed all the deliverables due this quarter. The public submissions process and oral hearings have finished. s 9(2)(f)(iv) </div> <div> Key focus for next quarter s 9(2)(f)(iv) </div> <div> <ul style="list-style-type: none"> Ensuring sufficient resourcing will be critical to success next quarter. There are some constraints, particularly around our rail expertise. </div> </div> <div> Progress against current & future deliverables/milestones <table> <tr> <th>Due date/Timeframe</th><th>Deliverables/milestones</th><th>Status (RAG)</th></tr> <tr> <td>Oct 22</td><td>Initial briefing to the Committee</td><td></td></tr> <tr> <td>Oct 22</td><td>Public submissions process undertaken</td><td></td></tr> <tr> <td>Oct 22</td><td>Oral hearings begin</td><td></td></tr> <tr> <td>Dec 22</td><td>Oral hearings finish</td><td></td></tr> <tr> <td>s 9(2)(f)(iv)</td><td></td><td></td></tr> </table> </div>			Due date/Timeframe	Deliverables/milestones	Status (RAG)	Oct 22	Initial briefing to the Committee		Oct 22	Public submissions process undertaken		Oct 22	Oral hearings begin		Dec 22	Oral hearings finish		s 9(2)(f)(iv)		
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Oct 22	Oral hearings begin																			
Dec 22	Oral hearings finish																			
s 9(2)(f)(iv)																				

Project 3A: GPS 2024 Quarter 2 2022/23

Key Contacts:	DCE: Bryn Gandy, s 9(2)(a) Manager: Tim Herbert	Overall Status RAG: <div></div>															
Project Purpose:	To develop the Government Policy Statement 2024 on Land Transport. The GPS 2024 will reflect the latest Government priorities for transport. It will ensure available funding from both the National Land Transport Fund and Crown sources are used efficiently and effectively to meet these priorities.																
Forecasted Sep 2023 Status:	The GPS 2024 project will be completed with expected publication of the final draft by mid-2024.																
<div><div>Progress against last quarter report<ul style="list-style-type: none">We completed all of the deliverables that were due this quarter.We provided the Minister with a range of possible options around establishing activity class funding levels and his preferred option has been included in the draft GPS.The strategic priorities document and associated cabinet paper were provided (and subsequently approved for release). Key stakeholders have now been provided with the document and a more general release will occur in the early New Year.The Minister has now been provided with a draft GPS, for his comment/direction in the early New Year.Key focus for next quarter<ul style="list-style-type: none">Key deliverables will be incorporating the Minister's feedback and further developing content for the consultation draft in March 2023.Alongside the release of the consultation draft, planning has also begun for the roadshow and wider engagement process with the sector as part of the release.</div><div>Progress against current & future deliverables/milestones<table><tr><th>Due date/Timeframe</th><th>Deliverables/milestones</th><th>Status (RAG)</th></tr><tr><td>Dec 2022</td><td>Draft GPS submitted to the Minister for consideration</td><td></td></tr><tr><td>Mar 2023</td><td>Provide Cabinet paper seeking release of draft GPS for consultation</td><td></td></tr><tr><td>Mar 2023</td><td>Draft GPS published and engagement roadshows</td><td></td></tr><tr><td>Jun 2023</td><td>Final GPS and Cabinet paper provided for consideration</td><td></td></tr></table></div></div>			Due date/Timeframe	Deliverables/milestones	Status (RAG)	Dec 2022	Draft GPS submitted to the Minister for consideration		Mar 2023	Provide Cabinet paper seeking release of draft GPS for consultation		Mar 2023	Draft GPS published and engagement roadshows		Jun 2023	Final GPS and Cabinet paper provided for consideration	
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Project 3B: Budget 2023 Quarter 2 2022/23																					
Key Contacts:	DCE: Bryn Gandy, s 9(2)(a) Manager: Tim Herbert		Overall Status RAG: <div></div>																		
Project Purpose:	Support the Minister of Transport to develop the Budget 2023 Vote Transport package (including the Climate Emergency Response Fund), for the Minister of Finance and Treasury's consideration.																				
Forecasted Sep 2023 Status:	Vote Transport Budget 2023 initiatives agreed by Cabinet (in April 2023) will have begun implementation, and strategic planning for Budget 2024 will have commenced.																				
Progress against last quarter report <ul style="list-style-type: none">We completed all of the deliverables that were due this quarter.The Vote Transport 2023 package was provided to the Minister in early December and with his approval submitted to Treasury on 16 December. Key focus for next quarter <ul style="list-style-type: none">Providing any additional and/or supporting material as requested by Treasury in relation to any of the specific bids or packages.Preparing material and/or briefing material to support the Minister in budget bi-laterals, meetings etc.Continuing work on any budget initiatives as needed (i.e., CERF, Rail and Resilience).		Progress against current & future deliverables/milestones <table><tr><th>Due date/ Timeframe</th><th>Deliverables/milestones</th><th>Status (RAG)</th></tr><tr><td>s 9(2)(f)(iv)</td><td></td><td></td></tr><tr><td>Oct 22</td><td>Receive Minister's feedback and permission to progress</td><td></td></tr><tr><td>Nov 22</td><td>Minister receives advice on the cost pressures envelope for Vote Transport and the initiatives that will be included</td><td></td></tr><tr><td>Dec 22</td><td>Minister receives advice on full Vote Transport Budget 2023 package (including new spending, CERF, and cost pressure initiatives)</td><td></td></tr><tr><td>Feb-Mar 23</td><td>Budget bilateral</td><td></td></tr></table>		Due date/ Timeframe	Deliverables/milestones	Status (RAG)	s 9(2)(f)(iv)			Oct 22	Receive Minister's feedback and permission to progress		Nov 22	Minister receives advice on the cost pressures envelope for Vote Transport and the initiatives that will be included		Dec 22	Minister receives advice on full Vote Transport Budget 2023 package (including new spending, CERF, and cost pressure initiatives)		Feb-Mar 23	Budget bilateral	
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Project 3C: Future of the Revenue System Quarter 2 2022/23

Key Contacts:	DCE: Bryn Gandy s 9(2)(a)  Manager: Marian Willberg	Overall Status RAG:
Project Purpose:	To develop and implement a new, or renewed, transport revenue system by 2030 that will be fit for purpose for the next 30 to 50 years. This project is both in response to and in support of the Emissions Reduction Plan to ensure that we can pay for the land transport system we need in the future.	
Forecasted Sep 2023 Status:	By September 2023 we will have provided advice to the Minister on options to consider for the future revenue system. We will be in the process of planning the next phase of the project - preparing to test and consult on options from early 2024 in wider public engagement.	

Progress against last quarter report

- We completed 2 of 2 deliverables that were due this quarter.
- The *Polis* digital conversation about ‘who should pay for what’, was completed and has provided information to feed into the next phase of the Koi Tū work.
- The Minister has been provided with summer reading on project progress and some initial thinking on principles and purposes.

Key focus for next quarter

- We are resetting the next phase to be best placed to engage with key stakeholders to meet quarter 4 deliverables. A key focus for the next two quarters is the refinement of problem definition and development of options.
- Communication will be critical for this next stage of work. Being secure and consistent in our messaging, with a clear narrative will be important, as well as aligning with other Ministry work. A strategic engagement plan is currently being prepared.

Progress against current & future deliverables/milestones

Due date/ Timeframe	Deliverables/milestones	Status (RAG)
Nov 2022	Run <i>Polis</i> deliberative conversation – contract with Koi Tū	
Dec 2022- Feb 2023	Engage with stakeholders on problem definition	
Q1 2022	Update to Minister on stakeholder engagement on issues and challenges	
Dec 2022	Briefing to Minister on potential Purposes and Principles of future System	
Mar 2023	Run <i>mini-public</i> deliberative workshops – contract with Koi Tū	
Mar- Apr	Engage with stakeholders to help identify potential options	
Jun 2023	Advice to Minister on future options	

Project 4E: Northland Dry Dock Quarter 2 2022/23

Key Contacts:	DCE: Brent Johnston, s 9(2)(a) [REDACTED] <i>Manager:</i> Dan Jenkins	Overall Status RAG:															
Project Purpose:	To undertake a business case examining the feasibility of a Northland Dry Dock (one large enough to cater for our increasingly growing and large fleet, e.g., KiwiRail ferries, Navy vessels, other commercial coastal ships etc).	<div style="border: 1px solid black; width: 100px; height: 50px; background-color: #008000;"></div>															
Forecasted Sep 2023 Status:	Delivery of the completed business case and policy advice to the Minister with a set of recommendations for next steps.																
<div> <div> Progress against last quarter report <ul style="list-style-type: none"> We have selected a preferred supplier from the six bids received and are working through the contract award process with PwC. We expect the contract to be signed in the near future. Key focus for next quarter <ul style="list-style-type: none"> Establishing the project advisory group with relevant government agencies in the new year. We will establish monthly meetings that will feed into the business case development process. This is an approximately 21-week business case process, so need to ensure the PwC team can hit the ground running in January. May require Ministry visits to Northland to meet with key stakeholders. </div> <div> Progress against current & future deliverables/milestones <table border="1"> <thead> <tr> <th>Due date/ Timeframe</th><th>Deliverables/milestones</th><th>Status (RAG)</th></tr> </thead> <tbody> <tr> <td>Dec 2022</td><td>Consultants procured and work commenced.</td><td></td></tr> <tr> <td>Jan 2023</td><td>Regular project advisory meetings with government agencies. We may invite commercial interests to these meetings if required (e.g., Bluebridge, and the NZ Shipping Federation).</td><td></td></tr> <tr> <td>Mar/Apr 2023</td><td>Formal status update to Minister Wood, potentially with any early findings, if possible</td><td></td></tr> <tr> <td>June 2023</td><td>Delivery of business case and policy advice to Ministers, recommending next steps. Could also include a presentation from the consultants if requested.</td><td></td></tr> </tbody> </table> </div> </div>			Due date/ Timeframe	Deliverables/milestones	Status (RAG)	Dec 2022	Consultants procured and work commenced.		Jan 2023	Regular project advisory meetings with government agencies. We may invite commercial interests to these meetings if required (e.g., Bluebridge, and the NZ Shipping Federation).		Mar/Apr 2023	Formal status update to Minister Wood, potentially with any early findings, if possible		June 2023	Delivery of business case and policy advice to Ministers, recommending next steps. Could also include a presentation from the consultants if requested.	
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Project 4J: Manukau Harbour Feasibility Study Quarter 2 2022/23

Key Contacts:	DCE: Brent Johnston, s 9(2)(a) <i>Manager:</i> Dan Jenkins	Overall Status RAG:															
Project Purpose:	To undertake a technical feasibility study exploring whether the Manukau Harbour could serve as a location for a future large-scale port. This is a technical exercise which will lead to a recommendation on whether a large-scale port is technically feasible in the Manukau Harbour.	<div style="border: 1px solid black; width: 100px; height: 50px; background-color: #008000;"></div>															
Forecasted Sep 2023 Status:	Work by September 2023 will be on-going. The market has so far indicated that work of this nature would take 12 months to complete, as the field studies require data from all seasons to be accurate. We will receive an interim report by the consultants in mid-2023, which we will provide to the Minister.																
<div> <div> Progress against last quarter report <p>We have selected a preferred supplier from the three bids received and are working through the contract award process with Tokin and Taylor. We expect the contract to be signed in the near future.</p> <p>Key focus for next quarter</p> <ul style="list-style-type: none"> Project advisory group with relevant agencies formed in the new year. We expect Auckland Council to form part of the group given their involvement in the 2015 Port Future Study and ownership of Ports of Auckland. This is particularly important with the appointment of Mayor Wayne Brown who has a particular interest in the future of Ports of Auckland. Stakeholder engagement is critical. We intend to engage with several agencies and mana whenua. We will have the consultants develop an engagement strategy. </div> <div> Progress against current & future deliverables/milestones <table> <tr> <th>Due date/ Timeframe</th><th>Deliverables/milestones</th><th>Status (RAG)</th></tr> <tr> <td>Dec 2022</td><td>Contract in place</td><td><div style="width: 100%; background-color: #008000;"></div></td></tr> <tr> <td>Jan 2023</td><td>Regular project advisory meetings with agencies. A key stakeholder we want to include is Auckland Council.</td><td><div style="width: 100%; background-color: #008000;"></div></td></tr> <tr> <td>Jun 2023</td><td>Delivery of interim report to Minister</td><td><div style="width: 100%; background-color: #008000;"></div></td></tr> <tr> <td>Late 2023 / early 2024</td><td>Completion of work and delivery of final work to incumbent Government with policy advice</td><td><div style="width: 100%; background-color: #FFA500;"></div></td></tr> </table> </div> </div>			Due date/ Timeframe	Deliverables/milestones	Status (RAG)	Dec 2022	Contract in place	<div style="width: 100%; background-color: #008000;"></div>	Jan 2023	Regular project advisory meetings with agencies. A key stakeholder we want to include is Auckland Council.	<div style="width: 100%; background-color: #008000;"></div>	Jun 2023	Delivery of interim report to Minister	<div style="width: 100%; background-color: #008000;"></div>	Late 2023 / early 2024	Completion of work and delivery of final work to incumbent Government with policy advice	<div style="width: 100%; background-color: #FFA500;"></div>
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10 February 2023

OC230085

Hon Michael Wood
Minister of Transport

MEETING WITH DISABLED PERSONS ASSEMBLY NZ ON TRANSPORT ISSUES

Snapshot

The Chief Executive of Disabled Persons Assembly New Zealand (DPA), Prudence Walker, has requested this meeting to discuss transport issues. You last met with the DPA in August 2022 to discuss the Total Mobility scheme with a particular focus on issues with availability of taxis and funding for adapting vehicles to be wheelchair accessible.

Time and date	12.00-12.30 pm, 15 February 2023
Venue	Zoom
Attendees	Prudence Walker, Chief Executive, DPA
Officials attending	Anjela Frost, Senior Adviser Mobility and Safety
Talking points	Talking points are attached at Annex One

Contacts

Name	Telephone	First contact
Anjela Frost, Senior Adviser Mobility and Safety	s 9(2)(a)	✓
Jacob McElwee, Acting Manager Mobility and Safety	s 9(2)(a)	

Meeting with Disabled Persons Assembly NZ on transport issues

Background information

- 1 The DPA is a disabled persons' organisation that advocates for "an equitable society, where all disabled people are able to direct their own lives". The DPA works to improve social indicators for disabled people and advocates for the New Zealand disability community at a local and national level.
- 2 You received a letter from the DPA on 6 July 2022, highlighting the mobility taxi service shortage and requesting a meeting with you. The letter indicated that people were experiencing a shortage of mobility taxi services and difficulties in getting services at short notice or times people wanted.
- 3 You then met with the DPA on 30 August 2022 where you discussed some of the issues with Total Mobility and funding to adapt vehicles to be wheelchair accessible. The key issue discussed was the unavailability of Total Mobility services. There are currently long wait times and people have difficulty accessing the service at short notice, leading to disabled people being unable to fully participate in society.

The Total Mobility review is now resourced and being progressed

- 4 The Total Mobility scheme provides subsidised transport options to ensure people with disabilities can travel in a safe and dignified manner. The scheme is administered by public transport authorities (PTAs) and is co-funded by PTAs and Waka Kotahi through the National Land Transport Fund. Eligible users of the scheme are provided a 50 percent discount on the fares for taxi/mobility van services. The fare discount is capped at an amount that varies across regions. Total Mobility services are included in the half price fares initiative, which provides a further 50 percent discount to users.
- 5 We have recommenced the review of Total Mobility following successful recruitment. Officials are continuing to engage with stakeholders on the draft Terms of Reference, including re-engaging with the Disabled People's Organisations (DPO) coalition, local councils and the Office for Disability Issues.
- 6 Following engagement, we will share with you a finalised version of the Terms of Reference for your agreement. We expect the review to be completed in the second quarter of 2024.

Cabinet has agreed to a permanent extension of half price fares for Total Mobility

- 7 On 5 December 2022, the Cabinet Economic Development Committee agreed that half price fares for Total Mobility are to be extended indefinitely [CAB-22-MIN-0554 refers]. This decision has been announced to the public.
- 8 The decision to extend half price fares for Total Mobility indefinitely will help to make the scheme more affordable, and put money back in the pockets of users. This is particularly important during the current cost of living crisis.
- 9 Although the permanency of half price fares assists with affordability for users, there are also some possible negative impacts of this Cabinet decision. For example:

- This may exacerbate some of the issues with availability of Total Mobility services. Recently, the trips taken by Total Mobility users have been increasing in distance, which is likely impacted by the reduced fares. Longer trips are preferred by operators as they are more economical and provide more immediate revenue as reimbursement of fares from public funds takes time. This means that although those who can afford longer trips will likely have increased availability, there is the potential that this will make taxis less reliable for those seeking to undertake shorter trips.
- This may contribute to increasing costs for PTAs. We understand Total Mobility usage has increased following the half price fares initiative, which means PTAs will need to pay more to cover their share of the increased fares. There will also be an initial increase in implementation costs for PTAs if they are to advertise the permanent fare reduction.

- 10 The Ministry will be providing you with further advice on these policy and funding impacts of permanent half price fares for Total Mobility in the next fortnight.

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Biographies



Prudence Walker, Chief Executive, DPA

Prudence Walker is the Chief Executive of the DPA and has been with the DPA since July 2019. Prior to her appointment with DPA, she spent 11 years working for CCS Disability Action in a variety of roles including service provision, disability awareness education, training, and disability leadership. Prudence has experience as a facilitator and an advocate, working particularly with young and disabled people, as well as people who are migrants.

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Annex 1: Talking Points

MEETING WITH DISABLED PERSONS ASSEMBLY NZ ON TRANSPORT ISSUES

The Disabled Persons Assembly NZ (DPA) may wish to discuss the Cabinet decision that half price fares for Total Mobility be made permanent

- I understand that continuing half price fares for Total Mobility will help to make the scheme more affordable for users.
- I appreciate that continuing half price fares for Total Mobility will not solve all current issues with the scheme. This shorter-term initiative aims to put money back in the pockets of Total Mobility users during this cost of living crisis.
- Officials are currently working on a review of the Total Mobility scheme that will assess current issues with the scheme and recommend longer-term improvements.

The DPA may wish to discuss progress with the Total Mobility review, and how Te Manatū Waka will be working with the disability community throughout the review process

- Officials have informed me that Te Manatū Waka has recently secured resource to progress the Total Mobility review.
- I appreciate that the review is a longer-term piece of work that will take time to address the immediate issues with the scheme.
- Officials are currently engaging with stakeholders on a draft Terms of Reference for the review, including the Disabled People's Organisations (DPO) coalition, local councils, the Office for Disability Issues (ODI) and Total Mobility service providers.
- The draft scope of the review has been informed by research commissioned by Waka Kotahi that was published in August 2022 '[Transport experiences of disabled people in Aotearoa New Zealand](#)'. This research included surveys and workshops with disabled people that resulted in over 15,000 responses. I understand the DPA were involved in this research.
- I have asked officials to ensure they work closely with Disabled Person's Organisations and the wider disability community throughout the review.
- In your view, what changes to the Total Mobility scheme would make the greatest difference to the effectiveness of the scheme?

The DPA may wish to discuss concerns about service availability and the supply of wheelchair accessible vehicles, which they have raised with you previously

Availability of taxis

- In our last meeting, we discussed the current shortage of mobility taxi van providers and services, difficulty getting services at short notice and long wait times. I understand that little has changed to improve these issues since our last meeting.

- Officials advise me that mobility van/taxi providers have been going out of business because the services have not been financially viable. The COVID-19 pandemic has made the environment for these operators more difficult, as fewer disabled people have been using these services.
- I appreciate that disabled people currently face transport disadvantage and any reduction in mobility taxi services will likely increase this disadvantage. Access to mobility taxi services is crucial for disabled peoples' participation in all areas of society including work, leisure, shopping, medical appointments, and involvement in our communities.
- As a shorter-term measure, the introduction of permanent half price fares for Total Mobility will help to increase usage of Total Mobility services, which will in turn support providers.
- Te Manatū Waka has secured resource to progress the review of Total Mobility, and the scope of this review is currently being finalised. This review will focus on longer-term changes to the scheme, including the issues with availability.

Funding for adapting vehicles

- I understand the Total Mobility funding for adapting vehicles is not currently used to its full capacity in many regions. Councils hold responsibility to prioritise these adaptations, to encourage wheelchair accessible services to operate in their respective regions. Waka Kotahi, via the National Land Transport Fund, funds 50 percent of the costs of these upgrades.
- However, there may be a better way to make this funding available for service providers. Officials are considering this as part of scoping the Total Mobility review.

IN CONFIDENCE



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

10 February 2023

OC230088 / 2223-2556

Hon Michael Wood
Minister of Transport

Hon Dr Megan Woods
Minister of Energy and Resources

MEETING WITH DANUSIA WYPYCH, DAMON BIRCHFIELD, PRESENT AND FORMER CEOS OF CHARGENET, ON EV CHARGING INFRASTRUCTURE

Snapshot

ChargeNet wrote to you both on 11 October 2022, requesting a meeting to discuss three points that it argues are barriers to further electric vehicle (EV) charging infrastructure development: the priorities of investments in the Energy Efficiency and Conservation Authority's (EECA's) Low Emissions Transport Fund, the cost of establishing new connections to the grid, and the costs of electricity.

Time and date	3:30pm – 4:00pm, 16 February 2023
Venue	(EW7.4)
Attendees	Danusia Wypych, Chief Executive ChargeNet Damon Birchfield, Fmr Chief Executive ChargeNet
Officials attending	Holly Walker, Manager Environment and Emissions Strategy (MOT) Justine Cannon, GM Energy Resource Markets (MBIE) Tamara Linnhoff Manager Energy Generation, Infrastructure and Markets Policy (MBIE)
Agenda	N/A
Talking points	Talking points attached in Annex 1

Contacts

Name	Telephone	First contact
Holly Walker, Manager Environment and Emissions Strategy, MOT	s 9(2)(a)	✓
Tamara Linnhoff, Manager Energy Generation, Infrastructure and Markets Policy, MBIE		

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MEETING WITH DANUSIA WYPYCH, DAMON BIRCHFIELD, PRESENT AND FORMER CEOS OF CHARGENET, ON EV CHARGING INFRASTRUCTURE

Key points

- Damon Birchfield, former CEO of ChargeNet wrote to you on 11 October 2022 to request a meeting. He and the new CEO of ChargeNet, Danusia Wypych would like to discuss the challenges that ChargeNet is facing in deploying electric vehicle (EV) charging infrastructure.

ChargeNet has a network of EV Chargers across New Zealand

- ChargeNet has 282 public and private EV Chargers across New Zealand, and includes a range of output capacities. ChargeNet has recently started deploying 300kW “hyper-chargers”.
- ChargeNet has worked closely with the Energy Efficiency and Conservation Authority (EECA) to develop charging stations across the country and has seen significant funding from the Low Emissions Transport Fund (LETF) and the Low Emission Vehicle Contestable Fund (LEVCF) that preceded it. EECA has allocated \$4.77 million in direct funding to ChargeNet for 76 chargers, in addition another \$4.72 million has been allocated via third parties or where ChargeNet was the co-applicant for another 258 chargers. This makes ChargeNet the single largest direct recipient of funding from the LETF/LEVCF since it began in 2017.

ChargeNet wants to continue to expand its charging network...

- ChargeNet outlines that a competitive market for EV Charging is developing, with some new entrants emerging, but the provision of charging services is not always economic. It argues that continued investment in charging infrastructure is critical to ensure the growth in EV demand is met with supporting charging infrastructure.
- ChargeNet supports EECA’s work in co-investment in the public charging network, and supports the continuation of the LETF, but argues for “a long-term and strategic approach”. This speaks to the tension between the private sector’s interest in harnessing maximum demand, thereby focusing on high traffic areas, and the Government’s objectives in building a comprehensive network across New Zealand, including in areas with lower traffic and demand. Government is also keen to see investment ahead of demand to prevent queuing, and to provide a coordination role (through EECA), as well as supporting consistency to customer facing elements across charging providers (including potential for the creation of centralised billing methods).

...but is facing challenges to deploy chargers without public co-investment

- ChargeNet’s letter raises three challenges:

- the cost of establishing new connections to the grid can cost up to two-thirds of the total cost of installing a charger
- those connections to the grid (which are dependent on Electricity Distribution Companies) can take up to a year to be established in some places.
- the cost of electricity accounts for about 80 percent of revenue in some sites.

Comments on the cost and time to connect to the grid

- Te Manatū Waka Ministry of Transport and Ministry of Business, Innovation and Employment (MBIE) have prepared a draft EV Charging Strategy, which is currently scheduled to be released for public comment on 23 February 2023. The draft Strategy has the following relevant actions:
 - Work with lines companies to identify opportunities, mitigate risks, and clarify responsibilities in developing EV charging infrastructure.
 - Ensure the network connection process and pricing for firms wishing to connect public EV chargers to distribution networks is efficient and enabling. Investigate changes to the current system that could reduce 'first mover disadvantage'
 - Use vehicle and electricity supply data to identify and plan for electricity network requirements (i.e. avoid inefficient network upgrades).
 - Work with investors, charge point network operators and providers, and other key parties to support investment in public chargepoints.
- Officials will engage ChargeNet and other industry players to ensure that it has the opportunity to provide comment on the EV Charging Strategy, including the actions.
- Officials have met with firms investing in public charging infrastructure, and with key EDBs, to discuss the costs faced by these investors. Essentially, electricity distribution businesses (EDBs) have argued that they are passing through costs that they face but do not control.
- s 9(2)(f)(iv) [REDACTED]
- [REDACTED]
- The Electricity Authority (EA) is assessing and addressing any significant first mover disadvantage issues facing customers connecting to distribution networks, with a view to removing barriers to new and expanding connections. The EA also recently issued guidance to distributors on how to appropriately pass-through charges under the new transmission pricing methodology, including to new and expanding connections.
- The Commerce Commissions (the Commission) is reviewing the rules and processes that underpin key aspects of price-quality regulation and information disclosure applied to

s 9(2)(f)(iv)

EDBs. The review of price-quality regulation for EDBs will consider any barriers to creating new connections in a timely and cost-effective manner.

- The targeted review of information disclosure could support increased transparency to allow the Commission and stakeholders to assess and monitor the performance of EDBs in providing new connections. s 9(2)(f)(iv)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Comments on the cost of electricity

- Electricity is traded via a wholesale spot market in New Zealand, which reflects the real-time costs of supplying electricity. Wholesale electricity prices rise when demand is higher, like in the evening peaks, or when supply is lower, such as when the hydro lakes are lower.
- Some large electricity users choose to purchase electricity direct from the wholesale spot market and have the option to manage risk of future price volatility in the wholesale spot market through financial hedges.
- The majority of customers choose to purchase their electricity from an electricity retailer, and enter into contracts where the retailer can manage some or all of the price risk on the customers behalf.
- Ensuring the electricity system is ready to meet future needs is a key action under the emissions reduction plan. Work is underway by MBIE to investigate the need for electricity market measures to support the transition to a highly renewable electricity system and investigate options for electricity storage in dry years. This includes considering provision of affordable electricity, as well as secure supply through the transitional phase as larger gas and coal fired thermal plants retire and are replaced by renewables.
- The EA is undertaking a comprehensive review of competition in the wholesale electricity market. The Authority is currently working on the second phase of the review, which is a forward-looking assessment of what changes to market setting maybe be required to promote competition for the longer-term benefit of consumers in the transition towards 100 percent renewable electricity generation.
- The 2019 Electricity Price Review (EPR), undertaken by MBIE, investigated whether the electricity sector is delivering fair and equitable prices to consumers. It also considered whether the electricity market and the regulatory framework will continue to be appropriate in the future, particularly with the emergence of new technologies and our goal of moving to a low-emissions economy. The Government is progressing a number of initiatives in response to the EPR findings on energy hardship and consumer advocacy.

Biographies

Danusia Wypych – Chief Executive Officer, ChargeNet



(Pronounced Dah-nu-sha Vih-pik)

Danusia took up the role of CEO of ChargeNet in November 2022. She has experience across energy and transport sectors in New Zealand, and most recently served as Head of New Ventures and Transformation at Transpower.

Danusia has held roles across the fuels and energy sectors, including at Z Energy, where she was the company's first Sustainability Manager.

Damon Birchfield-West – Director, ChargeNet (and former Chief Executive)



Damon has been a Director with Charge Net since November 2021.

He draws his experience from Local Government at Auckland Council, and its former iterations, where he has had a range of lead roles from Housing Quality Lead, to Grants and Funding.

Damon is also the co-founder and director of Deemon Creative Limited – an eco-tourism firm in Matakana, Auckland.

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ANNEX 1: TALKING POINTS

On the Low Emissions Transport Fund (LETF)

- I recognise the pioneering role of ChargeNet in kicking off New Zealand's public charging network, even at a time when EV's were a rare site on the roads.
- I appreciate your comments about the importance of the government co-funding of charging infrastructure, through the LETF and Low Emission vehicles Contestable Fund that preceded it. I assure you that we intend for the LETF to continue its work.
- You will be aware that in Round 5 of the LETF, EECA is piloting a new approach of co-funding large public EV charging hubs. This seems to be the approach that both EV drivers and charging providers see as a key part of the future public charging network. The successful applicants for round 5 will be announced soon.
- I would welcome your comments regarding the provision of charging infrastructure in areas where customer usage of chargers is low (for example rural areas). I recognise that these locations would be more commercially challenging, but are essential to providing a comprehensive and equitable charging network. This is one of the reasons why Round 4 of the LETF was focussed on filling some of the most challenging remaining gaps in the public charging network, providing an increased government funding contribution to do so.

On the cost of connecting to the electricity grid

- I understand energy regulators across government are considering this issue.
- I understand the Electricity Authority (EA) is considering this issue and how it can use its levers to remove barriers to new connections.
- Electricity distribution businesses are natural monopolies, so are regulated by the Commerce Commission (the Commission) to ensure their revenues and quality of service are reported and to support pricing that drives towards efficient and reliable outcomes.
- The Commission is reviewing the rules and processes that underpin key aspects of information disclosure and price-quality regulation applied to distributors.
- The targeted review of information disclosure could support increased transparency to allow the Commission and stakeholders to assess and monitor the performance of distributors in providing new connections.
- The review of price-quality regulation for distributors will consider any barriers to creating new connections in a timely and cost-effective manner.
- Government will publish a draft EV Charging Strategy shortly. The draft Strategy will seek feedback on actions to support further development of EV charging infrastructure, including the increasing role for commercial players.

- While this work by energy regulatory agencies will take some time, in the meantime, while not ideal, EECA is prepared to continue to include connection costs as part of co-funding a public charger. Importantly however, to receive funding these chargers will need to align with the LETF criteria and the general strategy for journey and destination charging.
- I would recommend that ChargeNet continue to engage with EECA in the first instance. EECA is willing to do what they can within the existing regulatory environment to reduce the pain of connections to the network.

On the cost of electricity

- Providing affordable and secure electricity supply as we transition to a highly renewable electricity system is crucial to support electrification of transport and other parts of our economy and work is underway across government to enable this.
- This Government is working with the electricity sector to enable an orderly reduction in the use of fossil fuels, so that consumers continue to get affordable and reliable electricity supply during the transition to renewable energy.
- The EA is undertaking a comprehensive review of the wholesale electricity market and is currently exploring what changes to market setting may be required to promote competition for the longer-term benefit of consumers in the transition towards 100 percent renewable electricity generation.
- The Government will also investigate the need for electricity market measures to support affordable and reliable electricity supply, while accelerating the transition to a highly renewable electricity system over time.
- Additionally, this Government is investigating ways to solve the dry year issue without the need for fossil fuels through the New Zealand battery project. The New Zealand Battery Project will consider lower wholesale electricity prices as one of the criteria when assessing options to address New Zealand's dry year risk.

13 February 2023

OC230021

Hon Kiritapu Allan**Action required by:****Associate Minister of Transport**

Wednesday, 15 February 2023

DECLARATION OF A MAJOR MARITIME EVENT - SAILGP

Purpose

To sign the attached notice declaring the SailGP in Lyttelton Harbour/Whakaraupō as a major maritime event. We request your signature by 15 February 2023 to allow lead-in time to the event setup commencing on 13 March 2023.

Key points

- The Environment Canterbury Regional Council (**ECan**) has requested that you declare the New Zealand leg of the SailGP in Lyttelton Harbour/Whakaraupō to be a major maritime event. The SailGP is an international sailing competition, with each event made up of multiple races.
- Declaring a major maritime event triggers special enforcement powers under the Maritime Transport Act 1994 (the **Act**), which will allow enforcement officers to properly control and manage the event by maintaining public order within the designated area.
- On Wednesday 7 December 2022, former Associate Minister Hon Kieran McNulty published notice of his intention to declare a major maritime event, as required by the Act.
- Seventeen submissions have been received in response to the notice (**attached** with our responses). Sixteen of these submissions objected to the race being held because it may impact on the breeding season of Hector's dolphins.
- The impact on Hector's dolphins is outside of the scope of what the Act provides for, as it does not relate to public order or the safety of people and vessels. Race organisers have developed a Marine Mammal Management Plan in partnership with representatives from the Department of Conservation (DOC), ECan, the University of Otago, Christchurch City Council, Live Ocean, Lyttelton Port Company and Black Cat Cruises. We consider this is the appropriate way of ensuring the protection of Hector's dolphins.
- We recommend you now make the declaration by signing the attached *New Zealand Gazette* notice (the **Notice**).

- The Notice contains the information required by section 200A(2) of the Act. We believe that you can be satisfied as to the matters set out in section 200A(3) of the Act, which are prerequisites to you giving notice.

Recommendations

We recommend you:

- | | | |
|---|---|----------|
| 1 | sign the attached notice declaring the New Zealand leg of the SailGP in Lyttelton Harbour/Whakaraupō to be a major maritime event | Yes / No |
| 2 | note that, if you agree to recommendation 1, we will arrange publication of the notice in the <i>New Zealand Gazette</i> | Yes/No |
| 3 | note that the Ministry of Transport will provide responses to the submissions that have been received on the proposed declaration. | Yes/No |



Brendan Booth
Chief Legal Adviser
 13 / 02 / 23

Hon Kiritapu Allan
Associate Minister of Transport
 / /

Minister's office to complete:

- | | |
|--|---|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Seen by Minister | <input type="checkbox"/> Not seen by Minister |
| <input type="checkbox"/> Overtaken by events | |

Comments

Contacts

Name	Telephone	First contact
Phoebe Moir, Legal Adviser	s 9(2)(a)	✓
Roger Brown, Special Adviser – Regulatory Policy		
Brendan Booth, Chief Legal Adviser		

DECLARATION OF A MAJOR MARITIME EVENT - SAILGP

The SailGP

Event information

- 1 The SailGP is an international sailing competition, with each event made up of multiple races.
- 2 The SailGP (the **Event**) will be held on Lyttelton Harbour in waters adjacent to Lyttelton Port's Cashin Quay and cruise ship berth – with practice and racing from Monday 13 March 2023 to Sunday 19 March 2023, comprising:
 - 2.1 **Set up and informal practice days:** Monday 13 March through to Wednesday 15 March 2023;
 - 2.2 **Practice days on the official racecourse:** Thursday 16 March and Friday 17 March 2023; and
 - 2.3 **Race days:** Saturday 18 March and Sunday 19 March 2023.
- 3 Race activity on the harbour will generally be active from 1000 to 2100 hours (subject to changes determined on a daily basis by the Harbourmaster's Office). The specific hours of operation will be announced daily by public broadcasting, on the event website and by marine communication channels.
- 4 The catamarans will also be on the water in the harbour during the week leading up to the Event. However, they will be spread out over the whole harbour with no dedicated racecourse set up – normal maritime rules and bylaw regulations will apply during this time and no special maritime powers are required.
- 5 The operating company for the Event is F50 League NZ Ltd, a company incorporated in New Zealand.

Environment Canterbury has requested you declare a major maritime event

- 6 The Environment Canterbury Regional Council Regional Harbourmaster (the **Harbourmaster**) has requested a declaration that the event is a major maritime event under section 200A of the Maritime Transport Act 1994 (the **Act**).
- 7 On 18 November 2022, former Associate Minister Hon Kieran McAnulty agreed to publish notice of intention to declare the event as a major maritime event in the *New Zealand Gazette* (the *Gazette*; OC221011 refers). The publication of the notice of intention is a requirement under section 200A of the Act.
- 8 Subsequently, a notice of the intention was published in the *Gazette* on Wednesday 7 December 2022. A copy of the notice was also published in the local Christchurch newspaper *The Press*.

Submissions on notice of intention to declare a major maritime event

- 9 Following publication of the former Associate Minister's intention to declare a major maritime event, there was a 16-day period for public consultation, which ended at 5pm on 23 December 2022. Seventeen submissions were received (**attached**). A summary of the submissions is provided below for your reference. No submissions received raised concerns about the specific conditions contained in the proposed Notice.

Submission from s 9(2)(a)

- 10 s 9(2)(a) made a submission on behalf of the Resource Management Group Ltd requesting a map of the race. We referred them to the map attached to the Notice.

Submissions regarding Hector's dolphins

- 11 Sixteen submissions were received objecting to the race being held because of its potential impact on Hector's dolphins. These submissions came from s 9(2)(a) on behalf of Project Jonah, s 9(2)(a) on behalf of Māui and Hector's Dolphin Defenders Inc, and s 9(2)(a)
- 12 Twelve of the 16 submissions were very brief, and expressed general concerns about races being held within a Marine Mammal Sanctuary, the timing of the race coinciding with the breeding season and dolphins being vulnerable to boat strike.
- 13 Eleven submissions asked that the race be cancelled or moved to a different time of year or location.
- 14 One submission proposed that changes be made to the conditions of the notice to protect Hector's Dolphins.

Substantive submissions regarding Hector's dolphins

- 15 Four of the 16 submissions explained their concerns more thoroughly, as outlined below.
- 15.1 s 9(2)(a) is a marine ecologist specialising in Hector's dolphins. s 9(2)(a) requested that we:
- reconsider the conditions of the SailGP to provide for the protection of Hector's dolphins;
 - move the race to a date later in the year; and
 - put some of the money gained from the race towards conservation.
- 15.2 s 9(2)(a) is a marine biologist and s 9(2)(a) at the University of Otago. s 9(2)(a) requested that we:
- provide detailed information to the public on the yacht race, with open and transparent public consultation; and

- Conduct public consultation on moving the yacht race to a different time and location.

15.3 s 9(2)(a) made a submission on behalf of Project Jonah, a marine mammal welfare charity. s 9(2)(a) asked us questions about:

- whether organisers of the event have been provided instruction on legislation regarding marine mammals;
- whether a plan has been received from event organisers which ensures that all competitors have read and understood the applicable legislation; and
- whether a Marine Mammal Impact Assessment or similar has been carried out by the event organiser which provides for marine mammal observers and other mitigations.

15.4 s 9(2)(a) made a submission on behalf of Māui and Hector's Dolphin Defenders Inc, an incorporated society. s 9(2)(a) asked that we consider giving additional powers and enforcement responsibility to DOC, the Harbourmaster and others to further protect the dolphins.

Our response to matters raised in the submissions

Moving the date of the race

- 16 We consider that the proposal to move the date of the race is outside the scope of your powers and purpose of the Notice.
- 17 In issuing the Notice, you would be allowing additional navigational powers to be made available for the duration of the race, rather than allowing the race to happen.
- 18 The power to move the race dates is held by ECan and the race organisers. By extension, conducting further consultation about moving the time or location of the race would also be outside your powers.

Reconsidering the conditions of the notice

- 19 We consider that it would not be necessary or appropriate to include conditions for the protection of Hector's dolphins in the Notice.
- 20 The purpose of the Notice is to enhance navigational safety, and as such we consider that the matters raised by submitters are more appropriate to be addressed by DOC as administrators of the Marine Mammals Management Regime.¹
- 21 Race organisers have also developed a Marine Mammal Management Plan in partnership with representatives from DOC, ECan, the University of Otago, Christchurch City Council, Live Ocean, Lyttelton Port Company and Black Cat Cruises. This plan is summarised on their [website](#) and includes mitigations such as on-land surveys, passive and active acoustic monitoring, aerial surveys, marine mammal

¹ This regime includes the [Marine Mammals Protection Act 1978](#) and the [Marine Mammals Protection Regulations 1992](#).

sighting apps, and potentially underwater acoustic deterrent devices. The plan was made available to the public on 22 December 2022.

- 22 DOC considers the plan is robust and has been involved in providing technical and operational advice to the working group which developed the plan since March 2021. DOC acknowledged that all parties involved have worked hard to consider and mitigate the effects on Hector's dolphins and other marine mammals.
- 23 DOC has further advised that under the Marine Mammals Protection Act and Marine Mammals Protection Regulations, it is illegal to harm, harass, injure or kill marine mammals. All vessels involved in the SailGP, including any support boats or spectators, are expected to abide by this legislation. DOC has made it clear to race organisers that DOC's role is to advocate for the protection of marine mammals, and to carry out compliance functions if any incidents involving protected wildlife were to occur.

Reallocating the proceeds of the race

- 24 Similar to the request to move the date of the race, we consider reallocating the proceeds from the race would be outside your powers and purpose of the Notice.
- 25 Having said this, we have been advised that the race has ongoing contributions to conservation, which include raising awareness of Hector's dolphins, training marine mammal observers, developing new technology, and education of the boating public in best practice marine mammal observation and reporting methods.

Releasing further information

- 26 s 9(2)(a) has requested that we provide detailed information to the public regarding the race, including the Marine Mammal Management Plan.
- 27 A redacted Marine Mammal Management Plan has been made available to the public on SailGP's website. Our proposed response letter to the submitter suggests that the request for information be directed to the race organisers, ECan and DOC as authors of this information.

Draft response letters to submitters for consideration

- 28 Based on the above analysis, we do not consider that it is necessary or appropriate to make any changes to the Notice based on the submissions that we have received.
- 29 In conjunction with DOC, we have prepared a stock response letter that outlines the purpose and limitations of a major maritime event declaration under the Act and refers submitters to the obligations that will apply to the SailGP event under the marine mammal protection legislation which DOC administers.
- 30 The Ministry's draft response letters to the submitters are **attached** for your reference.

Declaration of a major maritime event

Statutory requirements

31 You can declare a major maritime event by publishing a notice in the *Gazette*. However, before doing so you have to be satisfied that the requirements under section 200A(3) of the Act have been met. These requirements are that:

31.1 the application is reasonable;

31.2 the harbourmaster has provided any necessary information to:

- describe the event and waters to which the declaration applies;
- specify the period for which the declaration applies;
- set out the requirements for the purposes of navigation safety and to enable the event to be properly managed;
- authorise the Harbourmaster to determine which ships may enter the designated area and to specify conditions for the day-to-day management of the event within the designated area;
- determine whether any other information should be included to explain the effect of the notice;

31.3 the application of section 200B is in the interests of navigation safety or is an appropriate way to manage and control the event (section 200B contains the special enforcement powers that may be used when a major maritime event is declared), and

31.4 the harbourmaster has considered the needs of commercial shipping.

32 Under section 200A(3) you also must be satisfied that a notice of your intention to declare the event as a major maritime event has been published in the *Gazette* and such daily newspapers as you consider appropriate. In addition, you have to allow no less than 10 days for representations and must consider all representations received within those 10 days.

Our advice regarding the statutory requirements

33 We consider that the statutory requirements have been met through the Notice as well as information provided by the Harbourmaster that a notice under section 200A of the Act is in the interests of maritime safety:

33.1 The area covered by the application will be extremely busy during the event and there will be an increased risk of collision amongst both recreational and commercial vessels.

33.2 It is also vital that the racecourse is kept clear of other vessels so as to be able to conduct the racing in a safe and timely manner. The setting out of buoyed transit lanes around the course will allow transiting vehicles to navigate outside the course.

- 33.3 The declaration of a major maritime event would give an increased ability to put in place safety measures such as speed limits or limiting the types of vessels, which may navigate in the designated area. These types of measures will help limit the risks of having so many vessels on the water.
- 34 Section 200A(3)(c) requires you to be satisfied that the applicant has considered the needs of commercial shipping before you make a declaration of a major maritime event.
- 35 The Harbourmaster advises that ECan has considered the needs of commercial shipping:
- 35.1 When the event was initially announced in early 2021, the Harbourmaster established a commercial water users' group which ran for five months until it was announced that the event was postponed in September 2021.
- 35.2 The group met monthly at the Lyttelton Port Company (LPC) building in Lyttelton and was chaired by the Deputy Harbourmaster. The main objective in establishing the group was to make sure the commercial users of the port and harbour were consulted and aware of the event as well as enabling the Deputy Harbourmaster to gather information required for this application that best suited the local water users.
- 35.3 The group is still meeting but has been renamed the 'On Water Operations Committee' and is now organised and chaired by SailGP itself.
- 35.4 The Harbourmaster's Office is in contact with LPC. The Event is a fixed item on the agenda of the regular monthly meeting between LPC Marine operations, Maritime New Zealand (MNZ) and the Harbourmaster's Office.
- 35.5 Early on in the initial organising of the Event, LPC committed to, and remains committed to, stopping marine operations for the duration of the races. This helps considerably with mitigation of navigation safety risks.
- 36 In making this application, the Harbourmaster has also consulted with NZ Police, which is aware of the Event plans, and will maintain liaison with the Harbourmaster prior to commencement of the Event. In addition, the Harbourmaster has gained agreement from the local iwi on the area designated in the application.
- 37 The impact on Hector's dolphins is outside of the scope of what the Act provides for, as it does not relate to public order or the safety of people and vessels. As noted above, we consider that the matters raised by submitters relating to Hector's dolphins are more appropriate to be addressed by DOC as administrators of the Marine Mammals Management Regime.
- 38 Based on the information provided, we consider that the declaration would be reasonable and meets the statutory requirements in section 200A the Act.

Risks and impacts

- 39 The declaration is being made to support the safe conduct of the event and provides for controls of a similar nature to those under previous declarations in New Zealand.
- 40 However, as with every such declaration, there is a risk that people could perceive movement restrictions as heavy-handed or a limitation on people's freedom of movement.

- 41 The submissions we have received further indicate that there is a risk that the public may perceive this declaration as permitting a race which may pose an increased risk to marine wildlife, even though the notice is not permitting the race nor related to the protection of marine wildlife.

Consultation

- 42 We have consulted with MNZ on the Notice attached to this briefing and were advised that it had no issues concerning the application.

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MARITIME TRANSPORT ACT 1994

DECLARATION OF A MAJOR MARITIME EVENT

Pursuant to section 200A(1) of the Maritime Transport Act 1994, and on the application from the Environment Canterbury Regional Council, I declare the Lyttelton SailGP to be an event to which section 200B of the Maritime Transport Act 1994 applies for:

- Monday 13 March 2023 to Sunday 19 March 2023 inclusive

Designated area

General designated area

The area of tidal waters inside a line drawn from the Western end of Magazine Bay to the easternmost point of Ōtamahua / Quail Island; then by a straight line to Pauaohinekotau Head; then by a straight line to the northern headland of Stoddart Point; then by a straight line to the northernmost point of Ripapa Island; then by a straight line to the western headland of Te Pōhue / Camp Bay; then by a straight line to the point on the southern shore of the harbour intersected by longitude 172° 48.0'; then northwards along longitude 172° 48.0' until meeting the northern shore of the harbour in Mechanics Bay; then in a westerly direction around the water's edge, including the Lyttelton Inner Harbour, returning back to the Western end of Magazine Bay.

Conditions and requirements

Within the designated area defined above, the following conditions and requirements apply.

1. The racecourse to be used on any given day will be publicly announced by 1200 hours on the day of the race by public broadcasting, on the event website and by marine communication channels. Buoyed transit lanes, as may be required, will allow transiting vessels to navigate outside the course.
2. On race days, only power-driven vessels may use the transit lanes or restricted areas. No sails may be hoisted while in transit lanes or restricted areas. Vessels must be able to maintain a proper speed of 5 knots during transit and must not stop, turn around or anchor within a transit lane.
3. Charts showing the location of the racecourses and transit lanes will be widely promulgated prior to the event period as part of the event's overall public education programme.
4. Once a racecourse is designated, the perimeter of the course, and designated areas will be conspicuously marked with buoys and stake boats, as appropriate, by the event organiser, F50 League NZ Limited.
5. Once the racecourse is designated and marked, only competing yachts, vessels used by the race committee, umpires, marshals, emergency vessels, Lyttelton Port Company and vessels accredited by the event organiser and Harbourmaster's Office may navigate within the marked perimeter until the Harbourmaster's Office, or delegate, has announced on VHF Ch16 that the day's races have been concluded.

6. The Harbourmaster's Office may vary conditions for the day-to-day management and conduct of activities within the designated areas (as per section 200A(2)(e) of the Maritime Transport Act 1994) as required for the proper management and conduct of vessels and activities within the designated areas or for the purposes of maritime safety. This includes the ability to set speed limits, reduced wake zones and restricted access areas.
7. Except where expressly authorised by the Harbourmaster's Office, all vessels must be navigated in accordance with Maritime Rules Part 22: Collision Prevention.
8. All vessels are to remain in compliance with the Canterbury Regional Council Navigation Safety Bylaw 2016 and Controls as well as Harbourmaster's Directions.
9. No vessel over 40m length overall may navigate within the designated area on race days from one hour before the initial estimated race start time (as estimated at the start of the day by the race officials) to when racing has concluded without prior written approval of the Harbourmaster's Office. The Harbourmaster's Office will closely coordinate commercial shipping movements with Lyttelton Port Company.
10. No vessel over 40m length overall may anchor or hold position within the designated area during the applicable period without prior written approval of the Harbourmaster's Office.
11. The Harbourmaster's Office may introduce restrictions on vessels or classes of vessels including those operating without motorised propulsion during the applicable period. Notification of these restrictions will be promulgated on the day of the race by public broadcasting, on the event website and by marine communication channels.
12. From one hour before the initial estimated race start time (as estimated at the start of the day by the race officials) to when racing has concluded, and if determined by the Harbourmaster, no vessel may enter into or exit from the Inner Harbour without calling Harbour Radio on VHF Ch12 and obtaining their permission to enter into or exit from the Inner Harbour. The Harbourmaster's Office may restrict access to the Inner Harbour area or introduce restrictions on vessels or classes of vessels, including those operating without motorised propulsion, within the area.
13. The Harbourmaster's Office may order the suspension or abandonment of racing operations if, in the opinion of the Harbourmaster's Office or having received advice from Police, adequate levels of public safety cannot be guaranteed or for any other Harbour emergency/situation that may occur. This power will be exercised in consultation between the New Zealand Police, Harbourmaster's Office, the event organiser and Lyttelton Port Company.

Hours of operation

The declaration will apply in all areas from 1000 to 2100 hours (subject to changes determined on a daily basis by the Harbourmaster's Office). The specific hours of operation will be announced by public broadcasting, event website and marine communication channels on a daily basis.

Means of enforcement

Compliance with the above conditions and requirements will be enforced by appointed enforcement officers, as defined in section 200B(6) of the Maritime Transport Act 1994:

1. All constables; and all police employees who are not constables authorised for the purpose by the Commissioner of Police
2. All members of the New Zealand Defence Force authorised for the purpose by the Chief of Defence Force

3. Harbourmasters employed or engaged by any harbour controlling authority
4. Such other persons as may for the time being be authorised for the purpose by the regional council within whose region the event or occasion is being held, including the event marshals, who will be employed or engaged by F50 League NZ Ltd and appointed by Environment Canterbury Regional Council
5. The event organiser is responsible for the management of the race courses and on-water spectator areas. It is also responsible for all movement of team boats, media, spectators and other event related vessels, including to and from the race courses (for competition and training), the on-water media areas and the on-water spectator areas
6. Under section 200B(5) of the Maritime Transport Act 1994, any person in charge of a ship, craft or seaplane who contravenes this notice commits an infringement offence and is liable to the relevant penalty prescribed in the Maritime Transport (Infringement Fees for Offences Relating to Major Maritime Events) Regulations 1999.

Application to enforcement officers

Enforcement officers are exempt from the rules or conditions contained in this notice where necessary to execute their duties, but must at all times navigate in accordance with Maritime Rule Part 22: Collision Prevention.

I make this declaration in accordance with the requirements set out in section 200A(3) of the Maritime Transport Act 1994.

Dated at _____ this _____ day of _____ 2023.

Hon Kiritapu Allan
Associate Minister of Transport

Appendix 1 – Map of designated area



Attachment 1 – Submissions (for reference)

Submission from s 9(2)(a)

8th December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Maritime Event – Lyttleton Harbour – March 2023

Kia ora,

I have received notice Pursuant to section 200A(3)(d) of the Maritime Transport Act 1994, for the application from the Environment Canterbury Regional Council for the Lyttelton SailGP event in March 2023.

Can you please supply a map outlining the area in question.

Regards

s 9(2)(a)

s 9(2)(a)

Resource Management Group Ltd

s 9(2)(a)

W www.rmgroup.co.nz

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

12th December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Hectors,' Dolphin habitat not suitable for a Sail race

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

15th December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

SailGP at Lyttelton Harbour an additional threat to endemic endangered Hector's dolphins

Tēnā koutou,

My name is s 9(2)(a) and I am a marine ecologist with 10+ years of experience working with marine mammals in different parts of the world. I am writing to you with regards to the SailGP race that will take place in Lyttelton Harbour in 2023 and 2025. Even though I am originally from South America (Chile), I feel a strong connection with Horomaka, Banks Peninsula, after spending five years in the area while doing my PhD research on Aotearoa's only endemic dolphin species, the Hector's dolphin (*Cephalorhynchus hectori*). During that time, I was out on a boat conducting standardised surveys as part of one of the world's longest running marine mammal research programmes. More than 30 years of data from this programme (held by the marine mammal research group at the University of Otago) show that Lyttelton Harbour is an important habitat to this species, with consistent dolphin sightings over the years - including mothers and calves. Moreover, this species is known to have a seasonal distribution, with more animals distributed near shore in the warmer months. Summer is also when birthing occurs. Mothers and their calves use the sheltered bays and harbours extensively. If you haven't seen a baby Hector's dolphin picture this: a tiny dolphin roughly the size of a rugby ball. When they are born, their mothers help them surface for air as they are not great swimmers, their fins haven't straightened and haven't gained strength yet. They are very clumsy and slow, and are at high risk of boat strike.

How is it possible that Aotearoa New Zealand, a nation admired by the world due its "greenness" and care for the Taiao, allows an event of the magnitude of SailGP to take place in a Marine Mammal Sanctuary during the dolphin's breeding season? Not only these dolphins are the only endemic dolphins to Aotearoa - as Kiwi as the Kiwi, but they are **endangered** and amongst the rarest marine dolphins in the world (IUCN, 2013). They have low population growth rates (Slooten and Lad, 1991) they are very vulnerable to anthropogenic threats (Dawson, 1990, Slooten and Lad, 1991, Baker et al. 2002, Hamner et al. 2012). Currently these animals face countless cumulative threats to their survival including pollution, bycatch, coastal development, diseases, climate change, vessel traffic, disturbance, noise, changes in their prey availability, aquaculture, among others (DOC, 2020). Furthermore, there are records of mortality due to boat strikes (DOC, 2022). Even though sailboats would not cause disturbance due to noise, their high speed creates a huge risk for boat strike, especially for calves and juveniles. It is very likely that there will be more than three vessels within 300 metres of a dolphin group and that vessels will cut through a group or obstruct the dolphins' movements. It will be a source of stress and very likely cause displacement, therefore adding an additional threat to their already extensive list of cumulative threats previously mentioned.

Marine mammals in Aotearoa are protected through the Marine Mammals Protection Act (1978) and Marine Mammal Protection Regulations (1992), where it is clearly stated that within 300 metres of the dolphin, you must travel no faster than idle or 'no wake' speed (≤ 5

knots), there cannot be more than three vessels within 300 metres of the dolphin (or group of dolphins). Dolphins can only be approached from a direction that is parallel and slightly to the rear. Vessels cannot circle the marine mammals, obstruct their path or cut through any groups and must move slowly away, among other rules. Moreover, rules state "do not disturb, harass or make loud noises near marine mammals" and to "cease contact if marine mammals show signs of being disturbed or alarmed". **As a skipper myself I know for a fact there is no way you can respect those regulations while travelling on a vessel at high speed.** Skippers will be focused on the race and unable to manoeuvre to avoid collisions with wildlife. Even for experienced marine mammal scientists/observers it is hard to spot Hector's dolphins due to their small size and the fact that they don't lift much of their body out of the water when they surface. It is even harder to spot them when there is wind and white caps (which will be the conditions for the sail race). Mitigation plans for SailGP include having marine mammal observers, however, it is not likely that the race will be stopped in time when dolphins are dangerously close to vessels travelling at high speeds.

As a marine ecologist with experience working with Hector's dolphins in Banks Peninsula, I would like you to reconsider the conditions of the SailGP and at least move it to a date later in the year to make sure that fewer dolphins are exposed and that this summer's dolphin calves are older and better and swimming to have a higher survival chance. I am utterly disappointed at the NZ Government, ECan and Transport NZ for allowing an event of this magnitude to take place in a Marine Mammal Sanctuary which is the stronghold in Aotearoa for this endemic endangered species. I really hope there are no dolphin (or other wildlife) mortalities due to the event. I also hope that part of the money that this event will bring to the region gets utilised for the conservation of this taonga species, keystone of marine ecosystems. I don't think anyone in Aotearoa would be happy if there was a Rally through a national park where kiwi birds live. Why is the ocean any different? Why are you risking one of the world's most endangered dolphins for money?

Please take this submission into consideration, and more importantly **please include Professors Liz Slooten and Steve Dawson in the design and implementation of mitigation measures**, as they are the most knowledgeable experts on this species and have been working in Lyttelton Harbour and the rest of Banks Peninsula for nearly 40 years.

Feel free to contact me for further information,

Best regards,

--

s 9(2)(a)

Marine Ecologist

Baker, A. N., Smith, A. N. H. & Pichler, F. B. 2002. Geographical variation in Hector's dolphin: Recognition of a new subspecies of *Cephalorhynchus hectori*. Journal of the Royal Society of New Zealand 32:713–717.

Dawson, S. M. 1990. Polychlorinated dibenzo-p-dioxins and dibenzofurans in New Zealand's Hector's dolphin. Chemosphere, 20: 1035-1042.

Department of Conservation (DOC). 2020. Hector's and Māui Dolphin Threat Management Plan 2020 ISBN 978-1-99-115299-2.

Department of Conservation (DOC). 2022. Hector's and Māui Dolphin Incident Database. Wellington: Department of Conservation.

Hamner, R., Pichler, F., Heimeier, D., Constantine, R. and Scott Baker, C. 2012. Genetic differentiation and limited gene flow among fragmented populations of New Zealand endemic Hector's and Maui's dolphins. Conservation Genetics. 13 (4): 987 - 1002.

Slooten, E. and Lad, F. 1991. Population biology and conservation of Hector's dolphin. Canadian Journal of Zoology. 69: 1701-1707.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

21st December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Dolphins

Hi, please do not subject these amazing mammals to a fast pace boat race in their habitat!! This is their breeding time and there are SO few of them anyway. We need – especially at this time of global warming to put money aside and make a conscious decision to help any cetaceans and not hinder their lives, breeding or natural habitat. When they are gone – what will you tell your grandchildren?? I helped these mammals or I helped killed their population?? Which would they be most proud of you for?? Please think sensibly.

Thank you

s 9(2)(a)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Race in Littleton harbour

To whom it may concern,

I oppose this race and all future races in littleton harbour.

Races must not be held in Hector's dolphin habitat, at all. The proposed date of the race is also during their breeding season which will obviously be extremely disruptive. We must all do our part to protect and save this precious, dwindling species.

Regards

s 9(2)(a)

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OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Major Maritime Event 7th December

Dear Sir,

I have just read about the intention to race yachts through the Lyttleton Inner Harbour and through Hector Dolphin Habitat and worse than that during breeding season. If I have understood these facts correctly then this is beyond selfish and irresponsible. Careless beyond belief really.

I implore you to make the changes necessary to ensure the Hector Dolphins are not disturbed by humans having some fun! Anyone with a conscience would find a way to avoid this scenario!

Kind regards

s 9(2)(a)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

(no subject)

Hello there, I have taken the time to request that we respect the very small number of hector dolphins that exist have space to exist without a race passing them by or running them down. A race in waters where these animals live is a ludicrous idea. Is it the intention of the organisers to net the dolphins or create a safety boundary for them? If not then this race should be cancelled or denied.

Thank you.

I hope Christchurch can show to care more about the dolphins than the mere minutes of pleasure this race brings to the participants.

s 9(2)(a)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Stop the race

Please stop the Grand Prix and save the dolphins!!

s 9(2)(a)

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OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

sailing hector breeding season Lyttelton Harbour

Please do not allow a race to take place during hector dolphin breeding season in their habitat. This causes unnecessary stress to these animals.

Thank you and Merry Christmas,

s 9(2)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

complaint to Lyttelton SailGP

Hi,

I'm just writing to voice my concern over the proposed yacht race starting from Magazine Bay; environmentalists and fans of the native wildlife of New Zealand believe it could be harmful towards the sensitive population of Hector's dolphins and I implore your organization to seek alternative locations away from vulnerable species at a critical point in their breeding season. Increased boat activity at any speed could severely impact their ability to maintain the population.

Hoping in the spirit of the holiday season your organization may reconsider and work in partnership with local environmental groups to ensure a safe boat race for both humans and creatures alike.

Best regards,

s 9(2)(a)

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OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Objection to boat race

Seriously?

Why would you do this in breeding season when hectors dolphins are already so rare

Seems unreasonable, unthoughtful, unnecessary, unethical and irresponsible.

Kind Regards, s 9(2)(a)

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OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

No to Sail Race During Breeding Season

Hi there,

Writing to express concern about a sailing race taking place in Lyttelton Harbour during Hector dolphin breeding season.

I follow a group on Facebook that shares sightings of dolphins and whales, there are 1-2 times a week sightings of pods of dolphins, Hector's and others in the Lyttelton Harbour.

We can move the timing and location of racing; they aren't able to shift where they live and breed.

Protecting Aotearoa's biodiversity is incredibly important; actions like these indicate that the government isn't prioritising Aotearoa's biodiversity strategy.

Thanks,

s 9(2)(a)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Sail GP Lyttleton Harbour – Notice Number 2022-go5092

Kia ora Roger,

I am writing in with regard to the proposed Major Maritime Event for Lyttleton Harbour from Monday 13 March 2013 to Sunday 19th March 2023 inclusive (<https://gazette.govt.nz/notice/id/2022-go5092>).

Project Jonah is a marine mammal welfare charity, working to create a world where marine mammals and their homes are respected and protected. In Aotearoa New Zealand, we are incredibly lucky that many species visit our shores, or call our waters home. This includes the smallest species of marine dolphin, Hector's dolphin, known to frequent the waters of the Akaroa peninsula. Sadly these small, nationally vulnerable dolphins spend their lives in shallow waters, often on the surface, and as a result are prone to injury and death through fisheries bycatch and vessel strike (<https://www.doc.govt.nz/nature/native-animals/marine-mammals/dolphins/hectors-dolphin/>).

Whilst the Notice of Intention to Declare a Major Maritime Event listed on gazette.govt.nz gives guidance to those vessel operators whose activities might be restricted by the event, it gives no information as to the restrictions being placed on the event organiser for their impacts on the environment they might be operating in.

For instance, what guidance has been given to the event operators to ensure all operators of vessels in this area during this event, remain compliant with the vessel operating guidance given in the [Marine Mammals Protection Regulations 1992](#), most notably, part 3, section 20:

Special conditions applying to dolphins or seals

In addition to complying with the conditions set out in [regulation 18](#), any commercial operation and any person coming into contact with dolphins or seals shall also comply with the following conditions:

- (a) no vessel shall proceed through a pod of dolphins:
- (b) persons may swim with dolphins and seals but not with juvenile dolphins or a pod of dolphins that includes juvenile dolphins:
- (c) commercial operators may use an airhorn to call swimmers back to the boat or to the shore:
- (d) except as provided in paragraph (c), no person shall make any loud or disturbing noise near dolphins or seals:
- (e) no vessel or aircraft shall approach within 300 metres (1 000 feet) of any pod of dolphins or herd of seals for the purpose of enabling passengers to watch the dolphins or seals, if the number of vessels or aircraft, or both, already positioned to enable passengers to watch that pod or herd is 3 or more:
- (f) where 2 or more vessels or aircraft approach an unaccompanied dolphin or seal, the masters concerned shall co-ordinate their approach and manoeuvres, and the pilots concerned shall co-ordinate their approach and manoeuvres:
- (g) a vessel shall approach a dolphin from a direction that is parallel to the dolphin and slightly to the rear of the dolphin.

My points for consideration with a focus on our unique marine mammals in their home environment are:

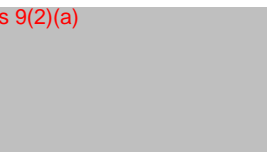
- 1) Have the organisers of this event been provided instruction of the legislation regarding marine mammals as stringent as the instructions gazetted to other vessel operators?
- 2) Has a plan been received from the event organisers that ensures all competitors in the event have read and understood the applicable legislation?
- 3) In the Seismic Surveys Code of Conduct (<https://www.doc.govt.nz/our-work/seismic-surveys-code-of-conduct/overview/>), administered by the Department of Conservation, a Marine Mammal Impact Assessment is required from those wishing to conduct an exercise before doing so. In the instance of the gazetted event, has a similar assessment been carried out by the event organiser, with a view to providing observers to look out for marine mammals in the gazetted area, as well as stand down periods for competitors whilst the marine mammals are in the restricted area?

I am sure that our supporters, as well as the many millions of people passionate about the welfare of marine mammals both here in Aotearoa New Zealand and around the world, would want to know that an event of this magnitude was doing everything possible to minimise its impact on the marine environment and the creatures that call it home.

I look forward to receiving confirmation that this event, its organisers and competitors will be in full compliance with the legislations relevant to the operation of vessels around our magnificent megafauna.

Kia noho haumaru,

s 9(2)(a)



Project Jonah New Zealand

PO Box 8376 Symonds Street Auckland 1150 New Zealand

s 9(2)(a)

W. www.projectionah.org.nz

24 Hour Emergency Stranding Hotline 0800 4 WHALE (0800 494 253)

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Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

LYTTLETON HARBOUR HECTORS DOLPHINS

Is there any truth that you will be holding yachting races in Lyttleton Harbour when it is the habitat for Hector's dolphins during breeding season?

VERY QUESTIONABLE if so especially when New Zealand team are 'LIVE OCEAN' and bringing awareness worldwide for the Champions of **ocean** health. Protecting and restoring the **ocean** for future generations. **Live Ocean** supports scientists, iwi and environmental groups.

Would appreciate your feedback.

Regards

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OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Hectors dolphins in Lyttleton

Good evening,

Regarding Sail GP racing in Lyttelton in March.

My support is for the protection of Hectors dolphin and therefore the cancellation of the planned yacht racing.

Thank you,

Regards,

s 9(2)(a)

s 9(2)(a)

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Submission from Dolphin Defenders

23rd December 2022.

From: defenderdolphinsouth@gmail.com

To: sailgp2023@transport.govt.nz

SailGP - submission

Tēnā koutou,

This submission is on behalf Māui and Hector's Dolphin Defenders, an incorporated society formed to promote further protection and preservation measures for New Zealand's only endemic dolphin species - the Māui and Hector's.

We are utilising the email within the NZ gazette notice to show our increasing concerns with the major maritime event, of SailGP, set to take place in Lyttelton Harbour in March 2023 and again, in 2025.

Banks Peninsula is a unique stronghold for the South Island Hector's dolphin, with more than 30 years of research, data and distribution information held by the University of Otago, and others.

Data shows that Lyttelton Harbour is an important habitat to this population, with consistent dolphin sightings recorded and verified over the years - including of mothers and their calves.

They are known to have a seasonal distribution, with more animals distributed near shore in the warmer months.

Summer is also when birthing occurs.

Mothers and their calves use the sheltered bays and harbours extensively, including within Lyttelton harbour.

Mothers help newborns surface for air, are slow through the water, putting them both at high risk of boat strike.

They are some of the rarest marine dolphins in the world (IUCN, 2013), have low population growth rates (Slooten and Lad, 1991) and are very vulnerable to anthropogenic threats (Dawson, 1990, Slooten and Lad, 1991, Baker et al. 2002, Hamner et al. 2012).

Currently these animals face countless cumulative threats to their survival including pollution, bycatch, coastal development, diseases, climate change, vessel traffic, disturbance, noise, changes in their prey availability, aquaculture, among others (DOC, 2020).

Furthermore, there are records of mortality due to boat strike (DOC, 2022).

Even though sailboats, in general, would not cause disturbance due to noise, the fast hydrofoiling catamarans used for SailGP, could.

They also create a huge risk for boat strike, especially for calves and juveniles.

It is very likely that there will be more than three vessels within 300 metres of a dolphin group and that vessels will cut through a group or obstruct the dolphins' movements.

The event will also be a source of stress and at the very least, cause displacement of individuals and groups.

Marine mammals in Aotearoa are protected through the Marine Mammals Protection Act (1978) and Marine Mammal Protection Regulations (1992).

The Act clearly states, you must travel no faster than idle or 'no wake' speed (≤ 5 knots), there cannot be more than three vessels within 300 metres of a dolphin, or group of dolphins.

It also states, that dolphins must only be approached from a direction that is parallel and slightly to the rear, vessels cannot circle the marine mammals, obstruct their path or cut through any groups and must move slowly away, among other rules.

Most importantly, it includes rules that state: "do not disturb, harass or make loud noises near marine mammals" and to "cease contact if marine mammals show signs of being disturbed or alarmed".

With regards to spotting or observing dolphins before and during the event itself, even for experienced marine mammal scientists/observers it is hard to spot Hector's dolphins due to their small size and the fact that they don't lift much of their body out of the water when they surface. It is even harder to spot them when there is wind and white caps (which will be the conditions for the race).

Mitigation plans for SailGP include having marine mammal observers, however, it is not likely that the race will be stopped in time when dolphins are dangerously close to vessels travelling at high speeds.

There are a few main points we wish to address:

March is within peak calving season - which makes the timing of this event, high risk to the dolphins.

The marine mammal mitigation plan has not been available for public feedback or consultation.

We are disappointed that the Canterbury regional coastal plan is behind in both its planning, and implementation, as we would hope that an updated plan would also include restrictions for events such as this, and at the very least, give the harbourmaster a far greater ability to engage, enforce and restrict within the rules of a robust and up-to-date Plan that is fit for purpose.

We would also expect that an event planned for within the habitat of an endangered marine mammal, be considered a non-permitted activity, and at the very least, require stringent processing for resource consent.

But as it stands, this event is being held within both a Marine Mammal Sanctuary, and a Mātaitai.

If there are any marine mammal injuries, or mortalities due to this event, we ask with urgency, who will take ownership of this, and ultimately, full responsibility?

Please take this submission into consideration, and more importantly, consider giving additional powers and enforcement responsibility to DoC, the harbourmaster, and others, in the absence of an

up-dated robust coastal plan that reflects the modern day accumulative effects these animals face, and ultimately, prohibit such activities.

We do invite you to contact us for further information, and comment.

Best regards,

s 9(2)(a)

Māui and Hector's Dolphin Defenders Inc.

mauihectorsdolphins.org

Sent from my iPhone

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

23rd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Proposed SailGP race on Lyttelton Harbour

Thank you for the opportunity to comment on the proposed SailGP race.

I am a marine biologist with 39 years of experience studying marine mammals, including Hector's dolphins. I am very concerned about the SailGP race proposed to be held in Lyttelton Harbour in 2023. Our 39 year dataset (marine mammal research group at the University of Otago) shows that Lyttelton Harbour is an important habitat, with consistent Hector's dolphin sightings including mothers and calves. Seasonal changes in the distribution of Hector's dolphins means more dolphins close to shore and inside harbours in the warmer months. Summer is also when these dolphins give birth to their calves. Mothers and young calves use the sheltered bays and harbours of Banks Peninsula extensively. When they are born, Hector's dolphins are only about 60 cm long. Their mothers help them surface for air as they are not great swimmers, their fins haven't straightened and haven't gained strength yet. Young calves are very clumsy and slow, and are at high risk of boat strike. Hector's dolphins, calves in particular, have been hit by boats and killed around Banks Peninsula.

Aotearoa New Zealand's reputation is at stake. This reputation would suffer badly if we allowed an event like SailGP to take place in a Marine Mammal Sanctuary. Especially, if the event were to take place during the dolphin's breeding season.

These are the only dolphins endemic to Aotearoa - as Kiwi as the Kiwi. In addition, they are endangered and the rarest marine dolphin in the world (IUCN, 2013). They have low population growth rates (Slooten and Lad, 1991) and are very vulnerable to human activities (Dawson, 1990, Slooten and Lad, 1991, Baker et al. 2002, Hamner et al. 2012). Currently these dolphins face a range of threats to their survival including fishing, aquaculture, pollution, coastal development and vessel traffic (DOC, 2020, 2022).

The speed of these sailing vessels would cause a very high risk of boat strike, especially for calves and juveniles. The number of vessels on Lyttelton Harbour (sailing vessels, support boats, spectators, etc) will make it virtually impossible to abide by the Marine Mammals Protection Act and Marine Mammal Protection Regulations. The proposed race would be a source of stress and dolphin displacement, adding an additional threat to the list of cumulative impacts on this species.

The first step should be to provide detailed information to the public on this yacht race, and begin open and transparent public consultation. This race can not happen in autumn 2023. An efficient public consultation process is needed urgently. This needs to include a "winter" option, to see if the public would prefer the race to take place in Lyttelton in winter 2023, and a "different location" option with the race taking place in another location altogether. The best option at this stage would be to move the event to another location. Obviously, the new location should avoid the habitat of Hector's and Maui dolphins, therefore avoiding endangered dolphin species found only in New

Zealand. There are many suitable locations in New Zealand waters, with relatively low numbers of marine mammals, and a complete lack of marine mammals that are both endemic and endangered.

I have seen a redacted copy of the marine mammal management plan. As I understand it, this has only been distributed to people who have requested it under the Official Information Act. This is an appalling process. Whole pages of the document are redacted, and this document completely fails to assure the public that the impact on dolphins will be carefully managed. If anything, this document indicates that the organisers are hiding information from the public. The document was released, to a limited number of people, just before Christmas. For a race that the organisers hope will happen in March. The process, as well as the content of the document, are extremely unprofessional.

Most of the research proposed in the document is impractical. I have carried out many dolphin surveys, using visual and acoustic methods, from boats, planes and drones. It is simply not possible to detect more than a small proportion of the dolphins present, at any one time. One of the most worrying aspect of the plan is the use of Acoustic Harassment Devices (page 6; last bullet point in section 3.4). As the name indicates, these devices are designed to harass. They are most commonly used to try to keep seals away from salmon farms, with limited success. Acoustic harassment devices clearly violate the Marine Mammals Protection Act and Marine Mammal Protection Regulations. The function of these is to harass dolphins and make them leave the area. I have seen no indication that DOC has approved the use of these harassment devices. The use of AHDs clearly requires approval from DOC under the MMPA. This contradicts public statements about SailGP not needing DOC approval.

I look forward to hearing from you about a credible public consultation process.

Thank you,

s 9(2)(a)

University of Otago
Dunedin

Baker, A. N., Smith, A. N. H. & Pichler, F. B. 2002. Geographical variation in Hector's dolphin: Recognition of a new subspecies of *Cephalorhynchus hectori*. *Journal of the Royal Society of New Zealand* 32:713–717.

Dawson, S. M. 1990. Polychlorinated dibenzo-p-dioxins and dibenzofurans in New Zealand's Hector's dolphin. *Chemosphere*, 20: 1035-1042.

Department of Conservation (DOC). 2020. Hector's and Māui Dolphin Threat Management Plan 2020 ISBN 978-1-99-115299-2.

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Attachment 2 – Submission replies (for reference)

Reply to submissions from:

s 9(2)(a)

A large rectangular area of the document has been redacted, indicated by a grey box. The redaction is labeled 's 9(2)(a)' in red text at the top left of the box.

Tēnā koe

Thank you for your response to the Notice of Intention to Declare the SailGP racing in Lyttelton Harbour as a major maritime event under section 200A of the Maritime Transport Act 1994.

Please note that the proposed declaration of the SailGP races as a major maritime event is not necessary for the event to go ahead. Such a declaration would enable the use of special enforcement powers to be exercised to manage public order and the safety of people and vessels during an event. The event can proceed regardless of whether a declaration has been made, and we cannot require the race organisers to change the timing or location of the event.

You have raised concerns about the impacts the race may have on Hector's dolphins in your submission. This is outside of the scope of what the Maritime Transport Act provides for, as it does not relate to public order or the safety of people and vessels.

We have shared your concerns with the Department of Conservation (DOC), which administers the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992. DOC has advised us that under that legislation, it is illegal to harm, harass, injure or kill marine mammals. All vessels involved in the event, including any support boats or spectator craft, are expected to abide by this legislation.

The race organisers have developed a marine mammal management plan for the event, which outlines the steps that race organisers are going to take to minimise any impacts on marine mammals. The plan is publicly available here:

https://www.christchurchnz.com/media/cchm0w4h/sailgp-mmmp-public-release-dec-22_redacted.pdf

DOC has advised that the race does not need a permit under the Marine Mammal Protection Act or Regulations to run. Certain proposals within the Marine Mammal Management Plan may require a permit if they were to be used, and DOC is working through this with race organisers.

If you have any further questions or concerns in relation to possible impacts on marine mammals, please contact Abby Lawrence, DOC Senior Community Ranger Mahaanui District at: alawrence@doc.govt.nz

Nāku noa nā

Reply to submission from s 9(2)(a)

Tēnā koe s 9(2)

Thank you for your response to the Notice of Intention to Declare the SailGP racing in Lyttelton Harbour as a major maritime event under section 200A of the Maritime Transport Act 1994.

Please note that the proposed declaration of the SailGP races as a major maritime event is not necessary for the event to go ahead. Such a declaration would enable the use of special enforcement powers to be exercised to manage public order and the safety of people and vessels during an event. The event can proceed regardless of whether a declaration has been made, and we cannot require the race organisers to change the timing or location of the event.

You have raised concerns about the impacts the race may have on Hector's dolphins in your submission. This is outside of the scope of what the Maritime Transport Act provides for, as it does not relate to public order or the safety of people and vessels.

We have shared your concerns with the Department of Conservation (DOC), as the agency that administers the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992. All vessels involved in the event, including any support boats or spectator craft, are expected to abide by that legislation.

The race organisers have developed a marine mammal management plan for the event, which outlines the steps that race organisers are going to take to minimise any impacts on marine mammals. The plan is publicly available here:

<https://www.christchurchnz.com/media/cchm0w4h/sailgp-mmmp-public-release-dec-22-redacted.pdf>

DOC has advised that the race does not need a permit under the Marine Mammal Protection Act or Regulations to run. Certain proposals within the marine mammal management plan may require a permit if they were to be used, and DOC is working through this with race organisers.

If you have any further questions or concerns in relation to possible impacts on marine mammals, please contact Abby Lawrence, DOC Senior Community Ranger Mahaanui District at: alawrence@doc.govt.nz

Nāku noa nā

Reply to submission from Dolphin Defenders

Tēnā koe s 9(2)(a)

Thank you for your response to the Notice of Intention to Declare the SailGP racing in Lyttelton Harbour as a major maritime event under section 200A of the Maritime Transport Act 1994.

Please note that the proposed declaration of the SailGP races as a major maritime event is not necessary for the event to go ahead. Such a declaration would enable the use of special enforcement powers to be exercised to manage public order and the safety of people and vessels during an event. The event can proceed regardless of whether a declaration has been made, and we cannot require the race organisers to change the timing or location of the event.

You have raised concerns about the impacts the race may have on Hector's dolphins in your submission. This is outside of the scope of what the Maritime Transport Act provides for, as it does not relate to public order or the safety of people and vessels.

We have shared your concerns with the Department of Conservation (DOC), which administers the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992. All vessels involved in the event, including any support boats or spectator craft, are expected to abide by this legislation.

The marine mammal management plan that the race organisers have developed for the event outlines the steps that they are going to take to minimise any impacts on marine mammals. Any questions you may have regarding feedback and consultation on the marine mammal management plan should be directed to the race organisers. The plan is publicly available here:

https://www.christchurchnz.com/media/cchm0w4h/saigp-mmmp-public-release-dec-22_redacted.pdf

DOC has advised that the race does not need a permit under the Marine Mammal Protection Act or Regulations to run. Certain proposals within the Marine Mammal Management Plan may require a permit if they were to be used, and DOC is working through this with race organisers.

Finally, you have asked that, in the absence of an updated coastal plan that addresses impacts on the Hector's dolphin, we consider giving additional powers and enforcement responsibility to DOC, the harbourmaster, and others.

No authority exists under the Maritime Transport Act to confer such additional powers or enforcement responsibility. The only additional powers available are those that the declaration of a major maritime event under section 200A makes available to manage public order and the safety of people and vessels.

Nāku noa nā

Reply to submission from s 9(2)(a)

Tēnā koe s 9(2)(a)

Thank you for your response to the Notice of Intention to Declare a Major Maritime Event SailGP event as a major maritime event under section 200A of the Maritime Transport Act 1994.

Please note that the proposed declaration of the SailGP races as a major maritime event is not necessary for the event to go ahead. Such a declaration would enable the use of special enforcement powers to be exercised to manage public order and the safety of people and vessels during an event. The event can proceed regardless of whether a declaration has been made, and we cannot require the race organisers to change the timing or location of the event.

You have raised concerns about the impacts the race may have on Hector's dolphins in your submission. This is outside of the scope of what the Maritime Transport Act provides for, as it does not relate to public order or the safety of people and vessels.

We have shared your concerns with the Department of Conservation (DOC) in its capacity as the agency that administers the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992. All vessels involved in the event, including any support boats or spectator craft, are expected to abide by this legislation.

We have noted your request that the public be provided with detailed information about the race, including the marine mammal management plan that SailGP has developed for the event. The plan is publicly available here:

https://www.christchurchnz.com/media/cchm0w4h/sailgp-mmmp-public-release-dec-22_redacted.pdf.

Questions regarding the provision of other information should be directed to the event organisers, Environment Canterbury and DOC as the bodies most directly involved at an operational level.

As you have pointed out in your submission, certain proposals within the Sail GP marine mammal management plan may require a permit if they were to be used. DOC is working through this with race organisers.

If you have any further questions or concerns in relation to possible impacts on marine mammals, please contact Abby Lawrence, DOC Senior Community Ranger Mahaanui District at: alawrence@doc.govt.nz

Nāku noa nā

Reply to submission from s 9(2)(a)

Replied, 16 December 2022:

Kia ora

A map of the area was appended to the Press and NZ Gazette notices, as per the link below.
Did you have a different type of map in mind?

<https://gazette.govt.nz/notice/id/2022-go5092>

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OIA BRIEFING

14 February 2023

OC230048

Hon Michael Wood
Minister of Transport

Action required by:
Tuesday, 28 February 2023

INFORMATION RELATING TO SALVAGE TUG

Purpose

Seek your agreement to the proposed response to an Official Information Act 1982 request.

Name of Requester	s 9(2)(a)
Request	<i>"Can I get all correspondence, internal and external, from the last 5 years held by the Transport Minister's office, MOT, and/or Maritime NZ relating to Wellington having a salvage tug."</i>
Statutory deadline	Tuesday, 28 February 2023
Risks	<p>There is a risk that the information released will be used to suggest that by not funding an emergency towage vessel, the Government is failing to manage a maritime safety risk. Noting that the requester is a reporter.</p> <p>This is mitigated by the information disclosure also setting out the reasons why a publicly funded emergency towage vessel would not be a cost-effective intervention to manage the low likelihood risk of a vessel losing power offshore.</p>

Recommendations

We recommend you:

- 1 **consider** the proposed response to the request under the Official Information Act 1982
- 2 **sign** the attached letter to s 9(2)(a) Yes / No

Nick Paterson
Acting Manager, Resilience and Security

14 / 02 / 22

Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:

☐ Approved☐ Declined☐ Seen by Minister☐ Not seen by Minister☐ Overtaken by events**Comments****Contacts**

Name	Telephone	First contact
Rory Sedgley, Principal Adviser, Resilience and Security	s 9(2)(a)	✓
Nick Paterson, Acting Manager, Resilience and Security	s 9(2)(a)	

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INFORMATION RELATING TO SALVAGE TUG

Five documents fall within the scope of the request

- 1 **Table 1** below sets out the documents that fall in the scope of request and our proposed response.
- 2 There is a risk that the information released will be used by the requestor to suggest that by not funding an emergency towage vessel, the Government is failing to manage a maritime safety risk. Noting that the requester is a reporter.
- 3 This is mitigated by the information disclosure also setting out the reasons why a publicly funded emergency towage vessel would not be a cost-effective intervention to manage the low likelihood risk of a vessel losing power offshore.

Table 1

	Document	Description of information withheld	Previously released?
1	OC220878 - Meeting with the Transport Accident Investigation Commission's Chief Commissioner and Chief Executive - 12 October 2022	Refused under section 18(d) – already available here	Yes
2	MoT email correspondence with office of Minister Wood – January 2023	Withhold some material under section 9(2)(a)	No
3	Internal email correspondence – October 2022	Withhold some material under section 9(2)(a)	No
4	Correspondence between Minister and member of the public – August 2020	Withhold some material under section 9(2)(a) and section 9(2)(b)(ii)	No
5	Internal email correspondence – May 2018	Withhold some material under section 9(2)(a)	No

Consultation

- 4 Maritime New Zealand has been consulted on our proposed response as the requestor has also submitted a duplicate request for the same information from Maritime New Zealand.

s 9(2)(a)

Dear s 9(2)(a)

I refer to your email dated 30 January 2023, requesting the following under the Official Information Act 1982 (the Act):

“Can I get all correspondence, internal and external, from the last 5 years held by the Transport Minister’s office, MOT, and/or Maritime NZ relating to Wellington having a salvage tug.”

Five documents fall within the scope of your request and are detailed in the document schedule attached as Annex 1. The schedule outlines how the documents you requested have been treated under the Act.

Certain information has been refused or withheld under the following sections of the Act:

s18(d)	that the information requested is or will soon be publicly available
s9(2)(a)	to protect the privacy of natural persons
s9(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

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.

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

Yours sincerely

Annex 1 - Document Schedule

Document Number	Document Title / Subject	Decision on release
1	OC220878 - Meeting with the Transport Accident Investigation Commission's Chief Commissioner and Chief Executive - 12 October 2022	s18(d) – available here
2	MoT email correspondence with office of Minister Wood – January 2023	s9(2)(a)
3	Internal email correspondence – October 2022	s9(2)(a)
4	Correspondence between Minister and member of the public – August 2020	s9(2)(a) s9(2)(b)(ii)
5	Internal email correspondence – May 2018	s9(2)(a)

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From: [Tony Frost \(Parliament\)](#)
To: [Nick Paterson](#)
Cc: [Brent Johnston](#); [HanLing Petredean](#)
Subject: FW: Commission from Minister: Tugs with salvage capacity in Wellington Harbour
Attachments: [Appendix One - Reply from TAIC - September 2022.pdf](#)
[Appendix One - Letter from John Burton - August 9 2022.pdf](#)

Hi Nick

In light of the Kaitaki incident over the weekend, can MOT provide the office with any further information on the underlying analysis that they developed to arrive at the position below please?

Brent – CC'ing you but please forward to the relevant DCE if not you.

Ngā mihi

Tony Frost (he/him) | Private Secretary (Transport)
tony.frost@parliament.govt.nz | s 9(2)(a)

Office of Hon Michael Wood

Minister of Immigration | Minister of Transport | Minister for Workplace Relations and Safety

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand
Office Phone: s 9(2)(a) Email: michael.wood@parliament.govt.nz

From: HanLing Petredean
Sent: Monday, 30 January 2023 9:21 AM
To: Tony Frost <Tony.Frost@parliament.govt.nz>
Subject: FW: Commission from Minister: Tugs with salvage capacity in Wellington Harbour

Hi Tony

As discussed, please see below for MOT advice on tugs, which was provided in Oct last year. I sent this to the Minister's inbox directly at this time but may be of use now given the recent Kaitaki incident.

MOT advice:

- Modern harbour tugs (which includes the tugs for Wellington Harbour), unlike their older predecessors, are highly specialised and designed for optimal manoeuvrability, operational efficiency and economy. That specialised capability would be compromised if the tugs also had to be ocean towage capable.
- However, we are aware that there are some tugs in New Zealand, open water capability, which could be deployed if need be – we are aware that least one business (Heron Construction, in Whangarei) operates two smallish ocean-going tugs and Northport subsidiary NorthTugz also has a couple of tugs with some open water capability.
- Having additional open water tug capability would likely introduce costs that outweigh the

risks, noting:

- Having harbour tugs with dual harbour and open water capability would compromise existing harbour operational efficiency and functioning.
- Having additional specialised tugs with open water capability in other locations is likely of little benefit compared to the cost, noting:
 - The incident requiring a tug would need to occur close to where the tug is located to provide additional benefit, and the incident would need to be one which a tug is appropriate to respond to: *we note for example in the case of the Rena an emergency towage vehicle or an ocean towage capable tug, even if immediately available, would have been of no help because the ship was stuck hard and fast on a reef, and attempting to tow it free would have torn its hull apart.*
 - We consider an incident occurring (where there is a salvage need), that would meet the conditions above, as unlikely to occur – officials note there is no incident they are aware of in the past 50 years of which an open water tug would have provided substantial salvage benefit. Noting a tug would not have provided benefit in the case of the *Rena* (2011) and open water capability was not required in the case of the *Mikael Lermontov* (1986).
 - Additionally, while we agree that there could be some situations of engine failure where an open tug could of benefit (as mentioned in the letter), we note these situations can be satisfactorily resolved in most cases without such a vessel – and in any event additional tugs would only be useful if the happened to be located near the area of the vessel that had suffered engine failure.
 - While it is possible to add open water tug capability at most ports around NZ (which would address the point of location above), and these tugs could be useful in the event of engine failure or in the unlikely incident of event requiring salvage where towage was an option, the cost would be significantly disproportionate to the benefit. We note below examples of countries with higher maritime risk profiles that only have minimal dedicated emergency towage capability due to the disproportionate costs (*with supplementary open water tug capability available through contracting commercial operators*):
 - The UK reduced its emergency towage vessel capability from four to one in 2011, as these vessels were very rarely needed and their cost was disproportionate to any potential benefit
 - South Africa also reduced its emergency towage vessel capability from two to one, for similar reasons
 - Australia has only one dedicated emergency towage vessel for the highly sensitive Great Barrier Reef and Torres Strait regions.

Ngā mihi,

HanLing Petredean (she/her) | Private Secretary (Transport)
hanling.petredean@parliament.govt.nz | s 9(2)(a)

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From: [Sam Jaffe](#)
To: [HanLing Petredean](#); [Tony Frost \(Parliament\)](#)
Cc: [Travis Mills](#)
Subject: RE: Commission from Minister: Tugs with salvage capacity in Wellington Harbour

Thanks – can MOT provide the office with any of the underlying analysis that they developed to arrive at their stated position below please?

Alternatively, I can have a conversation with someone

Thanks,

Samuel Jaffe | Ministerial Advisor to Hon Michael Wood

M: [s 9\(2\)\(a\)](#) | E: samuel.jaffe@parliament.govt.nz

Parliament Buildings, Wellington, New Zealand

Authorised by Michael Wood, Parliament Buildings, Wellington

From: HanLing Petredean
Sent: Monday, 30 January 2023 9:21 AM
To: Tony Frost <Tony.Frost@parliament.govt.nz>; Sam Jaffe <Samuel.Jaffe@parliament.govt.nz>
Subject: FW: Commission from Minister: Tugs with salvage capacity in Wellington Harbour

Hi Tony and Sam,

As discussed, please see below for MOT advice on tugs which was provided in Oct last year. I sent this to the Minister's inbox directly at this time but may be of use now given the recent Kaitaki incident.

MOT advice:

- Modern harbour tugs (which includes the tugs for Wellington Harbour), unlike their older predecessors, are highly specialised and designed for optimal manoeuvrability, operational efficiency and economy. That specialised capability would be compromised if the tugs also had to be ocean towage capable.
- However, we are aware that there are some tugs in New Zealand, open water capability, which could be deployed if need be – we are aware that least one business (Heron Construction, in Whangarei) operates two smallish ocean-going tugs and Northport subsidiary NorthTugz also has a couple of tugs with some open water capability.
- Having additional open water tug capability would likely introduce costs that outweigh the risks, noting:
 - Having harbour tugs with dual harbour and open water capability would compromise existing harbour operational efficiency and functioning.
 - Having additional specialised tugs with open water capability in other locations is likely of little benefit compared to the cost, noting:

The incident requiring a tug would need to occur close to where the tug is located to provide additional benefit, and the incident would need to be one which a tug is appropriate to respond to: *we note for example in the case of the Rena an emergency towage vehicle or an ocean towage capable tug, even if immediately available, would have been of no help because the ship was stuck hard and fast on a reef, and attempting to tow it free would have torn its hull apart.*

- We consider an incident occurring (where there is a salvage need), that would meet the conditions above, as unlikely to occur – officials note there is no incident they are aware of in the past 50 years of which an open water tug would have provided substantial salvage benefit. Noting a tug would not have provided benefit in the case of the *Rena (2011)* and open water capability was not required in the case of the *Mikael Lermontov (1986)*.
- Additionally, while we agree that there could be some situations of engine failure where an open tug could of benefit (as mentioned in the letter), we note these situations can be satisfactorily resolved in most cases without such a vessel – and in any event additional tugs would only be useful if the happened to be located near the area of the vessel that had suffered engine failure.
- While it is possible to add open water tug capability at most ports around NZ (which would address the point of location above), and these tugs could be useful in the event of engine failure or in the unlikely incident of event requiring salvage where towage was an option, the cost would be significantly disproportionate to the benefit. We note below examples of countries with higher maritime risk profiles that only have minimal dedicated emergency towage capability due to the disproportionate costs (*with supplementary open water tug capability available through contracting commercial operators*):
 - The UK reduced its emergency towage vessel capability from four to one in 2011, as these vessels were very rarely needed and their cost was disproportionate to any potential benefit
 - South Africa also reduced its emergency towage vessel capability from two to one, for similar reasons
 - Australia has only one dedicated emergency towage vessel for the highly sensitive Great Barrier Reef and Torres Strait regions.

Ngā mihi,

HanLing Petredean (she/her) | Private Secretary (Transport)

hanling.petredean@parliament.govt.nz | s 9(2)(a)

From: [Rory Sedgley](#)
To: [Ministers Office](#)
Cc: [James Macleod](#); [Nick Paterson](#); [Jono Reid](#); [Paul Fistonich](#)
Subject: For info: media response salvage tug in Wellington
Date: Monday, 30 January 2023 11:00:40 am
Attachments: [image002.png](#)
[FW Commission from Minister Tugs with salvage capacity in Wellington Harbour.msg](#)

Hi Tony, HanLing,

I thought you ought to be aware that we are planning a short response to a media enquiry (see **below**) received this morning in relation to a proposal for Crown funding of tugs with salvage capabilities in Wellington. There has been some public commentary about the suitability of the Centreport tugs used to support the Kaitaki incident response on Saturday.

We intend to respond with a statement attributable to a Te Manatū Waka spokesperson:

Te Manatū Waka is aware of historic proposals for Crown funding of salvage tug capability. The matter has been kept under review with Maritime New Zealand, and port companies remain responsible for the provision of tug capability.

To give you some background, concerns about the lack of tugs with salvage capability have most recently been raised in a letter to the TAIC Chief Commissioner in August 22 from John Burton, a Partner at Izard Weston Lawyers who specialises in maritime law. We understand that TAIC discussed this issue, and the correspondence with Mr Burton, at a meeting with the Minister in October 22.

The Minister requested some advice from us, which I am **reattaching** now, and which remains current.

Please let me know if you have any concerns, or would like additional information.

Rory

Rory Sedgley

s 9(2)(a) | E: r.sedgley@transport.govt.nz | transport.govt.nz



From: s 9(2)(a)

Sent: Monday, 30 January 2023 9:30 am

To: Vince Cholewa (Maritime NZ) <Vince.Cholewa@maritimenz.govt.nz>; Media Mailbox <media@transport.govt.nz>

Subject: Salvage tug in Wellington

Hi MoT and Maritime NZ,

I am told that CentrePort was asked for funding from Maritime NZ and MOT to upgrade the current Wellington tugs to have salvage capabilities. Can I get confirmation of this and an

explanation of why this was declined?

Cheers

--

s 9(2)(a)

Senior reporter

s 9(2)(a)

10 Brandon Street,
Wellington 6011



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From: [Jono Reid](#)
To: [Tom Forster](#); [Harriet Shelton](#); [Roger Brown](#)
Cc: [HanLing Petredean](#); [Sarah Polaschek](#); [Megan Moffet](#)
Subject: Commission from Minister: Tugs with salvage capacity in Wellington Harbour
Date: Wednesday, 12 October 2022 10:42:33 am
Attachments: [RE Query - Tugs with salvage capacity in Wellington Harbour.msg](#)
[Appendix One - Reply from TAIC - September 2022.pdf](#)
[Appendix One - Letter from John Burton - August 9 2022.pdf](#)
[image001.png](#)

Hi Tom, Harriet and Roger,

The Minister met with the Transport Accident Investigation Commission just before. At the meeting, the Chief Commissioner raised the **attached** letter she received from John Burton. I had sought some information around the matter from Roger last week (**attached**), and this discussion was conveyed to the Minister. He also recalled receiving a similar letter from Mr Burton.

The Minister was keen for the Ministry to explore the matter further, including some general advice around salvage capacity in Wellington Harbour and risks. He was keen to understand more about who is the responsible agency for leading procurement and any resilience issues, as well as understanding the wider capacity across NZ (**HanLing, Sarah** – please add if I missed anything).

Not sure who the best lead on such advice would be – can we have a chat to work this through?

Cheers,

Jono Reid

Kaitohutohu Mātāmua, Kāwanatanga | Principal Adviser, Governance
Te Manatū Waka Ministry of Transport

s 9(2)(a) | E: j.reid@transport.govt.nz | transport.govt.nz



From: [Nick Paterson](#)
To: [Roger Brown](#)
Subject: RE: Emergency towage
Date: Tuesday, 18 October 2022 10:39:00 am
Attachments: [image001.png](#)

Thanks Roger

Nicolaas Paterson

s 9(2)(a)

| E: n.paterson@transport.govt.nz | www.transport.govt.nz



From: Roger Brown <r.brown@transport.govt.nz>
Sent: Tuesday, 18 October 2022 10:27 am
To: Nick Paterson <N.Paterson@transport.govt.nz>
Cc: Jono Reid <J.Reid@transport.govt.nz>; Tom Forster <t.forster@transport.govt.nz>
Subject: Emergency towage

A few things to draw on for your purposes:

Until 2011, the UK Marine and Coastguard Agency operated four Emergency Towage Vessels (ETVs) as a risk mitigation measure for counter-pollution purposes. The four vessels were commissioned in the aftermath of the 1996 *Sea Empress* oil spill at Milford Haven, to provide dedicated, strategically located capability around the UK coast. The reduction in 2011 to a single vessel, stationed near the North Sea oil fields, reflected that retaining four ships that were rarely, if ever, called into action was disproportionately expensive relative to the risk, while commercial tugs would potentially be available on the spot market. This was despite UK waters being very heavily trafficked (the UK Maritime Accident Investigation Branch has questioned this approach in light of the multiple collision sequence in the Dover Strait in 2016).

South Africa commissioned two ETVs in the 1970s (the model for the UK initiative, as it happens), also in response to a major tanker incident, but in due course reduced that to a one vessel and now appears to rely on commercial vessel availability – for similar reasons. It would be fair to assume that the costs of maintaining standby capability that stood idle was also a driver for this scaled back approach.

The Australian Maritime Safety Authority has one dedicated ETV for the highly sensitive Great Barrier Reef and Torres Strait regions and has contracted towage capable of open water towage around some 11 major ports, as well as the potential to contract or direct vessels of opportunity to assist, if required. This is in no small measure a reflection of the huge scale of bulk shipping of coal and minerals from ports all around the Australian coast and the attendant risks, given the size of the ships, the amount of fuel they carry, and the pollution potential from a major casualty. NZ has no remotely comparable risk profile.

While NZ has also experienced an oil spill by courtesy of the *Rena* grounding, an ETV or an ocean towage capable tug, even if immediately available, would have been of no help because the ship was stuck hard and fast on a reef, and attempting to tow it free would have torn its hull apart.

Given the length of New Zealand's coastline and the distances between the main ports, installing emergency towage capability at a single location is always liable to be fraught unless an emergency fortuitously (so to speak) happens nearby. At the same time, addressing that problem by having capability at multiple locations would be disproportionate to the volume of shipping traffic and relative risk level.

The alternative of having a port company, or port companies, acquire harbour tugs capable of open water towage would be problematic operationally, so even if the cost difference of sourcing a dual-purpose tug were to be paid for by a fairy godmother, this would be disadvantageous. That aside, there might well be potential for competing interests where a port's immediate operational imperatives happened to coincide with a potential emergency response.

Modern harbour tugs, unlike their older predecessors, are highly specialised and designed for optimal manoeuvrability, operational efficiency and economy. That specialised capability would be compromised if the tugs also had to be ocean towage capable. At the same time, the vessels' open water capability would be compromised by the need still to perform harbour towage – effectively they would be perpetuating the drawbacks inherent to the older generation of tugs.

At least one other business (Heron Construction, in Whangarei) operates two smallish ocean-going tugs and Northport subsidiary NorthTugz also has a couple of tugs with some open water capability.

Otherwise, as was the case with the *Rena* salvage operation, suitable vessels had to be brought in from overseas.

Finally, with reference to a passenger ship losing power, you would expect that the first response would be to drop the anchors to prevent the ship drifting into further trouble pending resolution of the problem or evacuation of the passenger, though of course Murphy's Law might see this happening in a navigation channel or heavy weather.

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From: [Tristan Culpan](#)
To: s 9(2)(a)
Subject: M201098 Reply from Hon Julie Anne Genter, Associate Minister of Transport
Date: Wednesday, 19 August 2020 11:20:00 am

Tēnā koe s 9(2)(a),

On behalf of Hon Julie Anne Genter, Associate Minister of Transport, please find below a reply to your correspondence.

Dear s 9(2)(a)

Thank you for your email to Hon Twyford of 14 July 2020 regarding the purchase of an emergency response vessel (ERV). Your correspondence has been referred to me as the matter you have raised falls under my portfolio of responsibilities.

The main challenge with this issue is to provide an effective capability at a reasonable cost, given New Zealand's 14,000 km long coastline. Studies have shown that of the wide variety of types of maritime incidents, only an extremely small sub-set would have had improved outcomes if an ERV or out-of-port capable tug was immediately available.

Where vessels encounter issues such as loss of power or loss of steering, then any response vessel must be sufficiently ready and sufficiently close so as to be able to render assistance before a resulting incident (such as a grounding or collision) occurs. Where the vessel in distress might benefit from preventative services (such as pumps) before any accident occurs then the services must be sufficiently ready and sufficiently close. Response vessels need to be available continuously with rapid response times and also be closely located to the scene of the incident if any preventative action is to be feasible. This requires multiple vessels to cover a long coastline.

Unfortunately, suitable vessels are expensive and the level of crewing and support required (for example salvage and towage capabilities, and 24/7 availability) make the on-going support costs high. Given the constrained economic climate as a result of COVID-19, we have had to consider the allocation of funding for various initiatives even more carefully than usual. While we are not currently considering financial support for an ERV we remain committed to safety in the maritime sector.

I appreciate your concern for the complexities surrounding the environment and your wish to respond to potential incidents such as vessel groundings.

Thank you again for taking the time to write with your concerns.

Nāku noa, nā

Hon Julie Anne Genter
Associate Minister of Transport

Ngā mihi koe,
Tristan



Tristan Culpan | Hēkeretari Matua | Office of Hon Julie Anne Genter | Associate Minister of Transport

Level 6.C Bowen House | Parliament Buildings | Wellington | New Zealand

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From: s 9(2)(a)
To: [Tristan Culpan](#)
Subject: M201098 EMAIL 1/2 - FW: NEW ZEALAND - EMERGENCY RESPONSE VESSEL (ERV) 2020 - FOLLOW UP
Date: Tuesday, 14 July 2020 2:59:47 pm

From: s 9(2)(a), s 9(2)(b)(ii)
Sent: Tuesday, 14 July 2020 2:59 PM
To: P Twyford (MIN) <P.Twyford@ministers.govt.nz>
Cc: S Jones (MIN) <s.jones@ministers.govt.nz>; J Genter (MIN) <j.genter@ministers.govt.nz>
Subject: NEW ZEALAND - EMERGENCY RESPONSE VESSEL (ERV) 2020 - FOLLOW UP

Dear Ministers, I haven't had any response as yet to my previous correspondence (below) and just wanted to follow up in light of the recent near miss with the Funing vessel at Port of Tauranga which ran aground.

"Dual investigations have been launched after a log carrier's engine failed at the entrance to Port of Tauranga this morning.

The Singaporean-registered log carrier, Funing-9690913, was bound for China when it lost power at the entrance to the Port of Tauranga about 12.30am.

Without power, it could not steer and drifted to the edge of the channel at the base of Mauao. It is believed to have snagged a marker buoy"

As per my note below, I would like to try and arrange a meeting with the relevant people in Government. Could you please let me know how best to go about this.

Kind regards

s 9(2)(a), s 9(2)(b)(ii)

Director

From: s 9(2)(a), s 9(2)(b)(ii)
Sent: Tuesday, 21 April 2020 2:32 pm
To: p.twyford@ministers.govt.nz
Cc: s.jones@ministers.govt.nz; j.genter@ministers.govt.nz
Subject: NEW ZEALAND - EMERGENCY RESPONSE VESSEL (ERV) 2020

Dear Ministers,

I am writing to you in what is a revisit to my previous correspondence with Government in the pre and post RENA days. s 9(2)(a), s 9(2)(b)(ii)

[REDACTED]

[REDACTED]

s 9(2)(a), s 9(2)(b)(ii)

To the present day; since the RENA, we have been advocating for NZ to have it's own ERV, as in the event of a similar maritime incident, or response requirement, there is currently no ERV capability. We work closely with Maritime NZ in other areas, but I understand their budgets are not geared for something of this significance.

I am of the opinion, that there is presently a unique opportunity to re-explore the NZ ERV strategy and as such, s 9(2)(a), s 9(2)(b)(ii) to be permitted to present a business case to Government (in confidence).

There are certain current market factors that I believe clearly say now is the time. The key factor is a severely distressed Offshore Support Vessel market, and vessel values have been plummeting for the last 12 months. Now in the C19 environment, this has been exacerbated, a suitable high end vessel could be acquired for a fraction of its new build costs.

This would not only be a cornerstone business, and help manage and protect NZ coastline; it would generate 50 – 60 full time positions both maritime, and technical / management support, the employment would surely be welcomed as the country seeks to develop new and sustainable initiatives coming out of C19. This entire operation could be implemented within 3 - 6 months.

The funding for the vessel would come from us; we will actually buy the vessel, however this would be based in entering a long term contract with the Government.

Thanks in advance and I look forward to hearing from either of you in due course.

Yours sincerely,

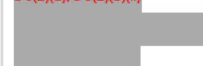
s 9(2)(a), s 9(2)(b)(ii)



s 9(2)(a), s 9(2)(b)(ii)



s 9(2)(a), s 9(2)(b)(ii)



From: [Natasha Rave](#)
To: [Tom Forster](#); [Ken Hopper](#); [Shelley Tucker](#)
Cc: [Nick Paterson](#)
Subject: RE: Minister meeting with the Maritime Union National Council at 9.00 – 9.45am on Wednesday 9 May
Date: Monday, 7 May 2018 10:41:30 am

Hi Tom and Ken,

Please find our proposed responses for items relating to offshore oil and gas exploration and the importance of establishing a fast response rescue vessel for NZ coast outlined below:

Offshore oil & gas exploration e.g. future of industry

Recent Government announcements on the future of offshore oil and gas

- Offshore oil and gas is the responsibility of the Hon Dr Megan Woods, Minister of Energy and Resources.
- In April 2018, Government announced its long-term direction for offshore oil and gas exploration, in particular that it will not grant new deep-sea oil and gas exploration permits.

Financial security regime for offshore oil and gas installations

- Officials from the Ministry of Transport, Maritime New Zealand and the Ministry of Business of Innovation and Employment are together working to ensure operators of offshore installations have an appropriate level of financial assurance to cover the costs in the instance of a significant oil spill. This area of work falls under the responsibility of the Hon Julie Anne Genter, Associate Minister of Transport.
- Under the Maritime Transport Act 1994, operators of offshore installations are required to obtain certificates of insurance to demonstrate that they have sufficient financial assurance to cover their liabilities in the event of a spill. The issuing of certificates is the mechanism through which the financial risks of costs falling to third parties or to the Crown are reduced. Marine Protection Rules Part 102 (Part 102) sets out the requirements that owners must meet to obtain this Certificate.
- Part 102 currently requires owners to have insurance or financial security that covers statutory liabilities to a maximum of 14 million International Monetary Fund units, equating to approximately NZ\$27 million. Modelling indicates this figure is insufficient to cover third party clean-up and compensation costs in the event of a significant oil spill.
- In 2017, the previous Government sought to adjust the financial assurance regime for offshore installations by amending Part 102 to:
 - provide a scaled framework for identifying the assurance amount required for clean-up and compensation, ranging from NZ\$25 million to NZ\$600 million to better reflect the risks posed by a significant oil spill;
 - refine the scope of assurance to align with the availability of insurance products on the international market, whilst maintaining the full liability of operators; and
 - make a provision for the Director or Maritime New Zealand to consider well containment in assessing the total assurance requirements.
- In February, Cabinet noted the intention to consult on increasing the maximum amount under the scaled framework from \$600 million to \$800 million to better address the

financial risk associated with a potential oil spill. The previous government originally consulted on the \$800 million maximum.

- This consultation process returned fifteen submissions on the proposed amendment. Officials are now working on options for Ministers' to consider in order to implement the amended Rule, including a feasible implementation timeframe

Importance of establishing a fast response rescue vessel for NZ coast to deal with disasters such as Rena

- Government has been asked to support the provision of this type of vessel on several occasions. The challenge is to provide an effective capability at a reasonable cost given New Zealand's 14,000 km long coastline.
- New Zealand has a reasonable level of Search and Rescue capability to address the safety-of-life aspects of incidents. The assumption is that the topic relates to vessels to support salvage and towage operations - typically known as Emergency Towage vessels (ETVs).
- Studies have shown that of the wide variety of types of maritime incidents only a small sub-set would have improved outcomes if a fast response rescue vessel or ETV was available. If a vessel faces a threat such as loss of power or loss of steering then the ETV must be sufficiently ready and sufficiently close so as to be able to render assistance before the vessel strikes.
- For a scenario where the ETV could supply the vessel in distress with preventative services (such as pumps) before any accident occurs then the services must have very high availability, that is be sufficiently ready and sufficiently close.
- ETV coverage needs to be available 24/7 with rapid response times and closely located to the scene of the incident if any preventative action is to be feasible. This requires multiple vessels to cover a long coastline. Suitable vessels are expensive and the level of crewing and support required (salvage and towage capabilities, 24/7 availability etc.) make the on-going support costs high. The UK had four ETVs on permanent standby but has reduced this to one due to operating and maintenance costs. The one retained was a political decision after pressure from the Scottish Parliament.
- The RENA incident is a good example of a scenario where an ETV would have made no difference whatsoever to the outcomes; in that case the vessel was heavily grounded and badly damaged immediately the accident occurred. An ETV could not have towed the vessel or undertaken any meaningful salvage or pollution prevention activities.
- Maritime NZ commissioned independent expert studies into this issue in 2005 and again in 2015. The studies highlighted the challenges of the substantial costs of providing a full, comprehensive capability given the very low likelihood of an incident where the availability of an ETV would make a meaningful difference.
- The studies considered that optimising the capabilities of assets that are already available and working jointly with Ports to support improved tug capabilities offered more cost effective capability given the risk level.
- New Zealand does have a small number of potentially suitable vessels already in commercial operations, for example the off-shore support vessel in Taranaki and the

ocean going tug in Wellington. Maritime NZ has been working with the operators of these vessels to establish the potential to use them in any future incidents.

- Maritime NZ does not consider that there is a justifiable case for the provision of a group of dedicated ETVs (minimum number required to give meaningful coverage is estimated to be four) but does consider that the latent capability of vessels in New Zealand now and planned for the future should be optimised/maximised.
- Maritime NZ is developing a funding proposal for overall Maritime Incident Response Capability. This proposal includes funding to improve the capabilities of a number of existing tugs and support vessels.

Cheers Ken. Let me know if you require anything else.

Tash ☺

Dr Natasha Rave

Principal Adviser | Resilience & Security | Regulatory and Data Group

Ministry of Transport – Te Manatū Waka

s 9(2)(a) | www.transport.govt.nz

Enabling New Zealanders to flourish

From: Tom Forster

Sent: Friday, 4 May 2018 7:07 PM

To: Peter Mee (Parliament) <Peter.Mee@parliament.govt.nz>

Cc: Erin Wynne <e.wynne@transport.govt.nz>; Shelley Tucker <s.tucker@transport.govt.nz>; Natasha Rave <N.Rave@transport.govt.nz>; Ken Hopper <k.hopper@transport.govt.nz>

Subject: RE: Minister meeting with the Maritime Union National Council at 9.00 – 9.45am on Wednesday 9 May

Hi Peter,

Most of the issues are really not in my patch. I am happy to get someone to put together the final briefing but can Erin's team and Shelley's team please provide the content (i.e your write up that goes into the briefing rather than providing us with other briefings that we have to wade through to get relevant stuff).

Given the tight timeframe we would need this by say lunchtime or latest 2 pm on Monday.

Cheers

Tom

From: Peter Mee [Peter.Mee@parliament.govt.nz]

Sent: Friday, 4 May 2018 5:11 p.m.

To: Tom Forster

Cc: Erin Wynne

Subject: Minister meeting with the Maritime Union National Council at 9.00 – 9.45am on Wednesday 9 May

Evening Tom,

The Minister is meeting with the Maritime Union National Council at **9.00 – 9.45am on**

Wednesday 9 May. He will be speaking with the National Council on the Government's transport strategy, and how ports and coastal shipping factor in the strategy. Issues the Council would like to discuss include:

- The Labour Party's SeaChange document - Rail & Freight
- Cabotage – possibility of a feasibility study - Rail & Freight
- Safety – enforceable maritime regulations - ICT
- Support for NZ shipping industry re overseas competition - Rail & Freight (this I believe may be related to section 198)

- Offshore oil & gas exploration eg future of industry, - RAS
- Explain Just Transition & who pays for it (not sure what this is about)
- Creation of a Sovereignty fund for the future (Not sure what this is about)
- Importance of establishing a fast response rescue vessel for NZ coast to deal with disasters such as Rena - RAS
- State owned shipping line – possibility of a feasibility study - Probably Rail and Freight
- The much needed Govt funding for sea-service component of maritime training, and maritime training in general - ICT

Can we please have the usual meeting briefing prepared for this one: background on the organisation, attendees, and information on the subjects the Council would like to raise. Can this be in the office by **4pm Tuesday 8 May**?

Happy to discuss.

Cheers,

Peter Mee

Private Secretary – Transport

Office of Hon Phil Twyford | Minister of Transport

s 9(2)(a)

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

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OFFICIAL INFORMATION ACT 1982



OIA BRIEFING

15 February 2023

OC230036

Hon Michael Wood
Minister of Transport

Action required by:
Wednesday, 22 February 2023

OFFICIAL INFORMATION ACT REQUEST FROM s 9(2)(a) REGARDING CRL COST ESTIMATES AND SPONSOR'S ASSURANCE QUARTERLY REPORT

Purpose

Seek your agreement to the proposed response to an Official Information Act 1982 request from s 9(2)(a)

Name of Requester s 9(2)(a)

Request

"Additionally I would like to request specific information:

- *What are the most up-to-date estimates for the total expected costs of the CRL project?*
- *When were these estimates made?*
- *What is the total estimated cost escalation?*
- *What was the original total budget?*
- *What are the origin of the escalated costs?*
- *How much of the cost escalations were due to stopping work due to COVID-19?"*

Date of request Tuesday, 24 January 2023

Statutory deadline Wednesday, 22 February 2023

Risks

We intend to withhold information in relation to question three regarding the total estimated cost escalation, there is a possibility that this decision may be taken to the Ombudsman. Officials consider that the risk of an unfavourable decision in such an instance is low. Because of the uncertain and confidential nature of preliminary cost estimates, and the significant prejudice to the commercial position of both City Rail Link Limited (CRL) and the Crown in releasing this information, we are confident that the reasons for withholding will be upheld. Furthermore, the public's interest in release is outweighed by the public's interest in ensuring that agencies can negotiate effectively in matters that generally will entail the imposition of costs or liabilities.

Recommendations

We recommend you:

- 1 **consider** the proposed response to the request under the Official Information Act 1982
- 2 **sign** the attached letter to s 9(2)(a) Yes / No

James O'Donnell

James O'Donnell
**Acting Manager, Programme
 Assurance and Commercial**

.15 / .02. / ..2023

Hon Michael Wood
Minister for Transport

..... / /

Minister's office to complete:

- ☐ Approved
 ☐ Declined
☐ Seen by Minister
 ☐ Not seen by Minister
☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
James O'Donnell, Acting Manager, Programme Assurance and Commercial	s 9(2)(a)	
Charles Rosa, Senior Adviser, Programme Assurance and Commercial		✓

OFFICIAL INFORMATION ACT REQUEST FROM s 9(2)(a) REGARDING CRL ESTIMATES AND SPONSOR'S ASSURANCE QUARTERLY REPORT

Background

- 1 On 24 January 2023, you received an Official Information Act (the Act) request from s 9(2)(a) requesting the following:

"Please provide a copy of CRL Sponsor's Assurance Quarterly Report for May – July 2022

Additionally I would like to request specific information:

- *What are the most up-to-date estimates for the total expected costs of the CRL project?*
- *When were these estimates made?*
- *What is the total estimated cost escalation?*
- *What was the original total budget?*
- *What are the origin of the escalated costs?*
- *How much of the cost escalations were due to stopping work due to COVID-19?"*

- 2 As your office does not hold the document requested, on 27 January 2023, the request was partially transferred to the Ministry of Transport (the Ministry) for a response under Section 14(b)(ii) of the Act.
- 3 The same request was sent to CRLL on 24 January 2023 which was then transferred to the Ministry of Transport on 2 February 2023. The Ministry sent an acknowledgement email to the requester on 9 February 2023 stating that as you have already received a similar OIA request, that this response will serve as a response to that request.
- 4 The proposed response will only answer the questions in the request.

Consultation

- 5 Draft responses to the questions were provided to CRLL, Treasury, and the Auckland Council. Their comments have been incorporated into the answers shown in **Table 1**.

Proposed response

- 6 No documents fall within the scope of the request.
- 7 The draft proposed responses to the six questions about the CRL cost estimates can be found in **Table 1**.
- 8 We are proposing that information requested about the cost escalation of the project is withheld under section 9(2)(b)(ii) and 9(2)(j) of the Act, as releasing it would be likely to prejudice the commercial position of CRLL and their ongoing negotiations.

- 9 We are also proposing to refuse the request for information about the impact of COVID-19 on cost escalation under section 18(e) of the Act because it is not possible to separate COVID-19 from other cost pressures and as such, the requested information does not exist.
- 10 A letter to the requester is attached for your signature.

Risks and mitigations

- 11 As we propose to withhold information within the scope of the request, there is a risk that this decision may be taken to the Ombudsman. Officials consider that the risk of an adverse decision in such a situation is low.
- 12 CRLL is in ongoing negotiations with its project delivery partners and the Ministry is engaging with CRLL as to progress on negotiations. The information the Ministry receives from CRLL remains uncertain and highly confidential. If released, it will harm the Crown's and CRLL's commercial position as negotiations to determine the final cost of the project are ongoing with the project's delivery partners.
- 13 The public interest in the release of this information is outweighed by the need to keep this commercially sensitive information confidential. The public's interest is met by ensuring that agencies are able to negotiate effectively in matters that generally will involve the imposition of costs or liabilities.
- 14 In relation to the impact of COVID-19 on the cost escalation of the project, this is information we simply do not have. It is impossible for us to extract the impact COVID-19 has had compared to other factors, such as industry workload, labour and resource shortages and supply chain issues.
- 15 For the reasons above, officials consider that the grounds for withholding the information will be upheld by the Ombudsman.

Table 1

Question	Answer
What are the most up-to-date estimates for the total expected costs of the CRL project?	This information is publicly available on https://www.cityraillink.co.nz/city-rail-link-cost-timeline . The current budget for the CRL project is \$4.419 billion.
When were these estimates made?	This information is publicly available on https://www.cityraillink.co.nz/city-rail-link-cost-timeline . The current project budget was set in April 2019.
What is the total estimated cost escalation?	I have decided to refuse your request for information relating to the estimated cost escalation under section 9(2)(b)(ii) and 9(2)(j) of the Act. The extent of escalation to date is currently subject to negotiations between CRL and their project delivery partners. Releasing this information would prejudice CRL's ability to conduct and conclude the negotiations.
What was the original total budget?	This information is publicly available on https://www.cityraillink.co.nz/city-rail-link-cost-timeline . The original budget was established in July 2014 at \$3.4 billion when CRL was established. It increased in April 2019 to \$4.419 billion.
What are the origin of the escalated costs?	The origins of cost escalation from the original budget are a combination of COVID-19 related costs, and construction cost inflation due to a wide range of issues including industry workload, labour and resource shortages and supply chain issues.
How much of the cost escalations were due to stopping work due to COVID-19?	In the current industry macro environment, it is not possible to extract COVID-19 cost pressures from non-COVID-19 cost pressures. As such, I am therefore refusing your request under section 18(e) of the Act because the requested information does not exist.

Office of Hon Michael Wood

MP for Mt Roskill

Minister of Immigration
Minister of Transport
Minister for Auckland

Minister for Workplace Relations and Safety
Associate Minister of Finance



s 9(2)(a)

Dear s 9(2)(a)

I refer to your email dated 24 January 2023, requesting the following under the Official Information Act 1982 (the Act):

“Please provide a copy of CRL Sponsor’s Assurance Quarterly Report for May – July 2022

Additionally I would like to request specific information:

- What are the most up-to-date estimates for the total expected costs of the CRL project?*
- When were these estimates made?*
- What is the total estimated cost escalation?*
- What was the original total budget?*
- What are the origin of the escalated costs?*
- How much of the cost escalations were due to stopping work due to COVID-19?”*

The request for a copy of the CRL Sponsor’s Assurance Quarterly Report for May – July 2022 has been transferred to the Ministry of Transport. They will respond directly to you on this. This letter responds to the remainder of your request which are the questions regarding CRL cost estimates.

I note that you also sent the same request to City Rail Link Limited (CRL) on 24 January 2023 which was then transferred to the Ministry of Transport on 2 February 2023. As referred to in the acknowledgement of your request from the Ministry on 9 February 2023, this response serves to respond to that request as well.

I am pleased to provide the following responses to your questions in **Table 1**.

Information requested about the cost escalation of the project is withheld under section 9(2)(b)(ii) and 9(2)(j) of the Act, as releasing it would be likely to prejudice the commercial position of CRL and their ongoing negotiations with project delivery partners.

I am also declining the request for information about the impact of COVID-19 on cost escalation under section 18(e) of the Act as it is not possible to separate COVID-19 from other cost pressures and as such, the requested information does not exist.

With regard to the information that has been withheld under section 9 and 18 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.

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

Yours sincerely

Hon Michael Wood
Minister of Transport

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OFFICIAL INFORMATION ACT 1982

Table 1

Question	Answer
What are the most up-to-date estimates for the total expected costs of the CRL project?	This information is publicly available on https://www.cityraillink.co.nz/city-rail-link-cost-timeline . The current budget for the CRL project is \$4.419 billion.
When were these estimates made?	This information is publicly available on https://www.cityraillink.co.nz/city-rail-link-cost-timeline . The current project budget was set in April 2019.
What is the total estimated cost escalation?	I have decided to refuse your request for information relating to the estimated cost escalation under section 9(2)(b)(ii) and 9(2)(j) of the Act. The extent of escalation to date is currently subject to negotiations between CRLL and their project delivery partners. Releasing this information would prejudice CRLL's ability to conduct and conclude the negotiations.
What was the original total budget?	This information is publicly available on https://www.cityraillink.co.nz/city-rail-link-cost-timeline . The original budget was established in July 2014 at \$3.4 billion when CRLL was established. It increased in April 2019 to \$4.419 billion.
What are the origin of the escalated costs?	The origins of cost escalation from the original budget are a combination of COVID-19 related costs, and construction cost inflation due to a wide range of issues including industry workload, labour and resource shortages and supply chain issues.
How much of the cost escalations were due to stopping work due to COVID-19?	In the current industry macro environment, it is not possible to extract COVID-19 cost pressures from non-COVID-19 cost pressures. As such, I am therefore refusing your request under section 18(e) of the Act because the requested information does not exist.

15 February 2023

OC230049

Hon Michael Wood**Action required by:****Minister of Transport**

Monday, 20 February 2023

2023 MARCH BASELINE UPDATE FOR VOTE TRANSPORT

Purpose

Seek your approval of the 2023 March Baseline Update (MBU) Submission for Vote Transport, prior to submitting it to the Minister of Finance. The submission needs to be signed before **1pm on Monday, 20 February 2023** to meet the Treasury deadline for this process. One soft copy of the submission needs to be delivered to the Minister of Finance's office.

Key points

- The MBU submission updates the Vote Transport figures in the Treasury's financial system for any Cabinet decisions and other adjustments that have been agreed since the 2022 October Baseline Update submission was finalised in November 2022. MBU is important as it enables the Treasury to make the correct in-year revisions and ensure that the Economic and Fiscal Updates are as accurate as possible.
- While MBU is a technical update, with its contents designed to require no approval by Cabinet, it does provide an opportunity to seek joint Ministers' agreement to make changes to baselines that joint Ministers have the authority to approve and to adjust the future spending profile of multi-year appropriations.
- All changes in the update are explained in the submission except for any prior Cabinet or joint Minister decisions which are summarised in this briefing.
- Vote Transport has 8 tagged contingencies that need to be monitored and managed, with total funding over \$3.2 billion over the next five financial years. Tagged contingencies are not included in MBU as the funding has not been appropriated. Given the number and size of the tagged contingencies, a table listing each tagged contingency, expiry dates, and the expected phasing across financial years is provided in this briefing.

Recommendations

We recommend you:

- 1 **sign** the attached 2023 March Baseline Update submission for Vote Transport to the Minister of Finance Yes / No
- 2 **deliver** one soft copy of the signed submission to the Minister of Finance's office by 1pm on Monday, 20 February 2023. Yes / No



Paul Laplanche
Chief Financial Officer
 15 / 02 / 2023

Hon Michael Wood
Minister of Transport
 / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Alice Kavwenje (Acting Financial Controller)	s 9(2)(a)	✓
Paul Laplanche (Chief Financial Officer)		

2023 MARCH BASELINE UPDATE FOR VOTE TRANSPORT

The March Baseline Update is a technical update to the Vote Transport figures in the Treasury's financial system

- 1 The March Baseline Update (MBU) submission updates the Vote Transport figures in the Treasury's financial system (CFISnet¹) for any Cabinet decisions and other adjustments that have been agreed since the 2022 October Baseline Update submission was finalised in November 2022. MBU is important as it enables the Treasury to make the correct in-year revisions and ensure that the Economic and Fiscal Updates are as accurate as possible.
- 2 While MBU is a technical update, with its contents designed to require no approval by Cabinet, it does provide an opportunity to seek joint Ministers' agreement to make changes to baselines that joint Ministers have the authority to approve and to adjust the future spending profile of multi-year appropriations.
- 3 The adjustments fall into the following categories:
 - 3.1 Cabinet or joint Minister decisions already made since the last update (which are described in this briefing, not in the MBU submission)
 - 3.2 expense or capital transfers – transfers of appropriations between years
 - 3.3 fiscally neutral adjustments – transfers of funding between appropriations that do not affect the overall commitment of funding
 - 3.4 forecasting changes – some appropriations may be altered if their source funding is forecast to change
 - 3.5 other technical changes
 - 3.6 extension of tagged contingencies – tagged contingencies cease to exist on 1 February of the following year, unless joint Ministers agree to extend the expiry date
- 4 Adjustments of types 3.2 to 3.6 above may be made with the approval of joint Ministers (you and the Minister of Finance) as permitted by Cabinet Office Circular (18) 2 or section 9 of the Land Transport Management Act 2003. Your signature on the attached submission and the Minister of Finance's letter notifying the outcome of the update constitutes approval in this case.
- 5 Attached to the submission will be two tables showing the MBU adjustments. These are the standard reports generated from the Treasury's CFISnet system.
- 6 This briefing includes an annex (Annex 1: Appropriation Amounts). This shows the amount of each appropriation in Vote Transport per year from 2022/23 to 2026/27 after the MBU changes are made, as well as the 2022/23 appropriation from the 2022 October Baseline Update (i.e. prior to MBU changes). Appropriation amounts affected

¹ CFISnet consolidates financial information from all departments, Crown entities and other Crown-controlled entities, for all of Government budgeting and reporting.

by MBU changes are highlighted in green. A summary of the total changes from the 2022 October Baseline Update to MBU for 2022/23 to 2026/27 has also been provided at the end of each of the two tables. This is for your information only and is not included with the MBU submission to the Minister of Finance.

- 7 The submission to the Minister of Finance includes a recommendation that appropriation changes be included in the 2022/23 Supplementary Estimates, and increases be met from Imprest Supply in the interim. This is important, as the 2022/23 Supplementary Estimates will be an Act that will validate changes made to appropriations since the 2022/23 Estimates, and Imprest Supply is the mechanism to facilitate the changes until the 2022/23 Supplementary Estimates Act is passed.

There are no unusual items in the submission

- 8 There are no unusual items in this submission and the Te Manatū Waka Ministry of Transport (the Ministry) has followed the template format provided by the Treasury.
- 9 All changes in the update are explained in the submission, except for any prior Cabinet or joint Minister decisions, which are not required in the written submission. However, the fiscal impacts of these prior decisions are included in the tables attached to the submission. For completeness, these prior decisions are summarised below:
 - 9.1 Cabinet approved a further extension of the temporary reductions to Fuel Excise Duty, Road User Charges, Public Transport fares and Track User Charges to 30 June 2023, including approving funding of \$718 million to top up the National Land Transport Fund for the land transport revenue losses caused by the temporary reductions [CAB-23-MIN-0009].
 - 9.2 Cabinet approved the reallocation of Northern Pathway funding under the New Zealand Upgrade Programme (held within the New Zealand Upgrade Programme tagged contingency) to two new projects:
 - 9.2.1 \$80 million capital expenditure for the Ngauranga to Petone Shared Pathway Project [DEV-22-MIN-0297, CAB-22-MIN-0564]; and
 - 9.2.2 \$200 million operating expenditure to contribute to Auckland Transport's share of the Eastern Busway Project [ENV-22-MIN-0042, CAB-22-MIN-0462].
 - 9.3 Cabinet approved the drawdown of the \$131.000 million tagged contingency for strategic land acquisition for Auckland Light Rail, provided for through Budget 2022 decisions [DEV-22-MIN-0298, CAB-22-MIN-0564].
 - 9.4 Cabinet approved funding to Air Chathams and Intercity to support transport connectivity to the Chatham Islands and the West Coast by establishing the *Transport Connectivity with Isolated Communities* appropriation, transferring a \$2.500 million underspend from the *Maintaining Essential Transport Connectivity* MYA [DEV-22-MIN-0310, CAB-22-MIN-0587].
 - 9.5 Joint Ministers approved a request from Waka Kotahi for the use of land transport revenue to fund \$116.610 million over five years for Waka Kotahi's

regulatory functions through section 9(1A) of the Land Transport Management Act 2003 [OC220881].

- 9.6 Joint Ministers approved increased funding for the search and rescue sector for 2023/24 (\$11.750 million) and 2024/25 (\$12.702 million), funded through section 9(1) of the Land Transport Management Act 2003. This funding was provided as an interim measure to continue to support the sector while the Recreational Safety and Search and Rescue Review continues [OC220931].
- 9.7 Joint Ministers (including the Minister for Economic and Regional Development) approved a fiscally neutral adjustment of \$4 million from the *Regional State Highways MYA* to the *Supporting Regional and Infrastructure Projects* (\$1 million) and *Infrastructure Projects* (\$3 million) categories of the Tuawhenua Provincial Growth Fund as part of reprioritisation within the Supporting Regions Programme [OC220944].
- 9.8 You approved a transfer of \$1.873 million from the *Public Transport Concessions* category to the *Administration* category of the *Community Connect Programme* multi-category appropriation. This is to meet the increased costs of implementation of the scheme by public transport authorities [OC220982].

Land transport revenue forecasting is still to be finalised

- 10 The Ministry is classified as a forecasting department, as it is responsible for forecasting land transport tax revenue.
- 11 The Treasury will provide the economic data used for forecasting purposes in February 2023, and results of the forecasting exercise will be finalised by late March 2023. Preliminary revenue forecast results will be entered into the Treasury's CFISnet system on 15 February 2023 but will not be included in the attached submission or tables to the Minister of Finance.
- 12 Any changes to land transport revenue will be matched by changes to the National Land Transport Programme appropriations. The Land Transport Management Act 2003 provides a permanent legislative authority (PLA) for such changes to these appropriations, so the changes do not require the approval of joint Ministers.
- 13 Information about the forecast land transport revenue and its effect on the delivery of the current Government Policy Statement on land transport will be included in a separate briefing to you and the Minister of Finance. The Ministry will advise you immediately of any concerns with the levels of actual revenue compared to forecast.

This briefing provides an update on the tagged contingencies within Vote Transport

- 14 There are 8 tagged contingencies within Vote Transport, with a large number created through Budget 2022 decisions. The total funding available in these tagged contingencies is more than \$3.2 billion over the next five financial years.

- 15 Tagged contingencies are not reported in the Treasury's financial system as the funding has not been appropriated. However, it is important that they are managed effectively and expiry dates are extended where appropriate.
- 16 To increase the visibility of the tagged contingencies within Vote Transport a table listing each tagged contingency, expiry dates, and the expected phasing across financial years is provided in this briefing (Annex 2: Tagged Contingencies in Vote Transport).

Consultation

- 17 The entities affected by these changes have been consulted and agree to them.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

ANNEX 1: APPROPRIATION AMOUNTS

Items highlighted green are amounts that have changes since the 2022 October Baseline Update. All numbers are in \$000s.

Departmental appropriations

	OBU 2022	MBU 2023				
		22/23	23/24	24/25	25/26	26/27
Output expenses						
Search and Rescue Activity Coordination PLA	6,843	5,863	5,026	4,046	3,580	3,580
Search and Rescue Training	1,587	1,587	700	-	-	-
Transport – Policy advice, ministerial servicing, governance, and other functions	66,852	64,897	57,561	46,926	45,926	45,926
Auckland Light Rail Unit MYA	57,132	10,000	-	-	-	-
Total departmental appropriations	132,414	82,347	63,287	50,972	49,506	49,506
Full OBU 2022 forecast		132,414	59,386	50,506	49,506	49,506
Change from OBU 2022		(50,067)	3,901	466	-	-

Non-departmental appropriations

	OBU 2022	MBU 2023				
		22/23	23/24	24/25	25/26	26/27
A. CLASSES OF OUTPUTS TO BE SUPPLIED BY ORGS OTHER THAN THE DEPT						
Accident or Incident Investigation and Reporting	7,247	7,247	7,865	7,199	7,199	7,199
Weather Forecasts and Warnings	25,724	25,724	25,724	25,724	25,724	25,724
Land Transport Regulatory Services	8,173	5,473	10,873	8,173	7,923	7,923
SuperGold Card – Administration of the Public Transport Concessions Scheme MCA	95	95	95	95	95	95
Maritime Regulatory and Response Services	9,299	9,299	9,299	9,299	9,299	9,299
Road User Charges Investigation and Enforcement	6,986	6,986	3,779	3,779	3,779	3,779
Road User Charges Refunds	3,120	3,120	3,010	3,012	3,012	3,012
Clean Car Standard - Operation	14,908	14,908	11,842	11,842	11,842	11,842
Health and Safety at Work - CAA	1,201	1,201	1,201	1,201	1,201	1,201
Health and Safety at Work - Maritime	10,544	10,544	10,814	11,124	11,244	11,244

BUDGET SENSITIVE

	OBU 2022	MBU 2023				
		22/23	23/24	24/25	25/26	26/27
PGF - Supporting Regional and Infrastructure Projects MCA	984	984	1,000	-	-	-
Protection Transport Agency Functions MYA (AvSec)	117,968	83,548	34,420	-	-	-
Protection Transport Agency Functions MYA (CAA)	23,593	17,800	5,793	-	-	-
Protection Transport Agency Functions MYA (MNZ)	31,745	22,330	9,415	-	-	-
Restoration SH1 between Picton and Christchurch MCA	5,144	5,144	-	-	-	-
Administration of the Automatic Dependent Surveillance-Broadcast Transponders Rebate Scheme	272	272	-	-	-	-
COVID-19 - NLTF Operating Cost Pressure and Revenue Shortfall Funding MCA	44,533	43,533	1,000	-	-	-
Capital Investment Package - Operating costs MCA	25,690	2,000	23,690	-	-	-
Civil Aviation and Maritime Security Services	2,624	2,624	2,142	1,924	1,924	1,924
Clean Vehicle Discount Scheme – Administration MYA	8,000	8,000	8,000	8,000	8,000	8,000
Rail – Grants MYA	42,906	41,884	38,810	11,363	11,552	13,359
Funding for temporary decreases in Fuel Excise Duty, Road User Charges, Public Transport fares and Railway Track User Charges MYA	900,781	1,618,781	-	-	-	-
Community Connect - Administration of Community Connect MCA	3,934	5,807	317	211	211	211
Public Transport Bus Decarbonisation MYA	4,290	4,290	8,965	13,695	13,695	13,695
Ground-based navigation aids (GBNAs) for aviation safety	-	-	400	400	400	400
Rail - Maintenance and Renewal of the Rail Network MYA	537,425	456,579	530,841	389,975	-	-
Clean Vehicle Discount Administration Costs PLA	8,000	8,000	8,000	8,000	8,000	8,000
Mode Shift - Mode-Shift Operating Costs MCA	22,000	22,000	24,500	-	-	-
Administration of the Clean Car Upgrade MCA	7,865	7,865	8,958	-	-	-
Retaining and Recruiting Bus Drivers MYA	13,000	13,000	15,000	16,000	17,000	-
Social Leasing Scheme Trial	1,950	1,950	-	-	-	-
Auckland Light Rail – Detailed Planning Phase MYA	20,095	82,302	70,443	720	-	-

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	OBU 2022	MBU 2023				
		22/23	23/24	24/25	25/26	26/27
National Land Transport Program PLA	2,282,463	1,567,643	3,584,516	3,799,707	3,864,212	3,594,705
Search and Rescue and Rec Boating Safety Act PLA - CE	13,659	15,159	13,459	13,459	13,459	13,459
Search and Rescue and Rec Boating Safety Act PLA - 3rd parties	10,766	10,766	15,834	16,737	5,193	5,193
Waka Kotahi Regulatory Functions PLA	-	3,850	31,350	34,870	34,870	11,670
Sub-total	4,216,984	4,130,708	4,521,355	4,396,509	4,059,834	3,751,934
B. OTHER EXPENSES						
Membership of International Organisations	863	863	863	863	863	863
Bad Debt Provision – MVR/ Licencing and RUC	4,000	4,000	4,000	4,000	4,000	4,000
SuperGold Card – Public Transport Concessions for Cardholders MCA	35,777	36,021	36,021	37,021	37,021	37,021
PGF - Enabling Infrastructure Projects (NZTA) MCA	9,681	9,681	-	-	-	-
PGF - Enabling Infrastructure Projects (KiwiRail) MCA	5,700	150	5,550	-	-	-
KiwiRail Holidays Act Remediation	1,129	1,129	-	-	-	-
Waka Kotahi NZ Transport Agency Palmerston North	1,500	1,500	-	-	-	-
Maintaining international air services MYA	203,874	203,874	-	-	-	-
Maintaining essential transport connectivity MYA	6,171	3,671	-	-	-	-
Automatic Dependent Surveillance-Broadcast Transponders Rebate Scheme MYA	7,778	7,778	-	-	-	-
Water Search, Rescue and Safety Frontline Services	15,145	15,145	15,145	15,145	15,145	15,145
Auckland City Rail Link Targeted Hardship Fund MYA	2,142	2,142	2,206	587	-	-
Auckland City Rail Link - Operating MYA	3,019	3,019	4,227	1,900	-	-
Clean Vehicle Discount Scheme – Rebates MYA	82,513	147,172	-	-	-	-
Recreational Aviation Safety Activities PLA	370	370	-	-	-	-
Housing Infrastructure Fund - Fair Value Write Down	22,419	22,419	-	-	-	-
Community Connect - Community Connect Concessions MCA	24,249	22,376	24,349	24,335	24,335	24,335

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	OBU 2022	MBU 2023				
		22/23	23/24	24/25	25/26	26/27
Capital Investment Package - Third party projects MCA	1,000	-	1,000	-	-	-
Clean Vehicle Discount Rebates PLA	123,687	176,431	154,984	133,101	114,184	107,977
Mode Shift - Mode-Shift Third-Party Activities MCA	86,000	45,000	278,000	-	-	-
Supporting a Chatham Islands Replacement Ship	6,000	6,000	-	-	-	-
Clean Car Upgrade – Grants MCA	7,644	7,644	6,692	-	-	-
Transport Connectivity with Isolated Communities	-	2,500	-	-	-	-
Eastern Busway Project	-	200,000	-	-	-	-
Sub-total	650,661	918,885	533,037	216,952	195,548	189,341
C. CAPITAL INVESTMENTS IN ORGS OTHER THAN DEPTS						
Civil Aviation Authority – Capital Injection MYA	66,160	49,408	60,071	-	-	-
Clean Car Standard - Capital	12,426	11,426	1,000	-	-	-
Rail - KiwiRail Holdings Limited	834,987	723,372	1,047,843	751,786	470,226	93,828
NLTF Borrowing Facility for Short-Term Advances	750,000	750,000	750,000	750,000	750,000	750,000
Regional State Highways MYA	30,293	22,293	4,000	-	-	-
Rail - KiwiRail Equity Injection	32,449	4,960	7,500	4,000	2,500	7,500
Rail - NZ Railways Corp Equity Injections MYA	49,088	52,550	126,338	-	-	-
COVID-19 - NLTF Capital Cost Pressure Funding MCA	1,000	1,000	-	-	-	-
COVID-19 Equity Injection to Waka Kotahi NZ Transport Agency MCA	1,000	1,000	-	-	-	-
JV Airports	-	-	500	500	500	500
Auckland City Rail Link MYA	448,000	472,000	386,500	14,647	-	-
Rebuild SH1 between Picton & Christchurch MCA	431	431	-	-	-	-
Housing Infrastructure Fund Loan MYA	301,500	301,500	-	-	-	-
Waka Kotahi NZ Transport Agency Regulatory Loans MYA	30,000	30,000	14,000	-	-	-
PGF - Rail projects MCA	2,459	5,450	3,841	10,366	-	-
PGF - Infrastructure Projects MCA	20,170	20,170	26,540	-	-	-
National Land Transport Programme Loan 2021 – 2024 MYA	880,000	740,000	1,060,000	-	-	-

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	OBU 2022	MBU 2023				
		22/23	23/24	24/25	25/26	26/27
Capital Investment Package - Funding for Crown Assets MYA	844,730	586,837	874,748	770,861	880,945	723,209
Clean Vehicle Discount Scheme – Capital costs and equity injection into Waka Kotahi NZ Transport Agency	500	500	-	-	-	-
Maritime New Zealand – Capital Injection	1,000	1,000	100	-	-	-
Mode Shift - Mode-shift Crown Assets MCA	1,000	-	1,000	-	-	-
Auckland Light Rail Limited – Capital injection	25,698	25,698	302	-	-	-
Auckland Light Rail Strategic Land Acquisition MYA	-	38,400	92,600	-	-	-
Ngauranga to Petone Shared Pathway Project	-	80,000	-	-	-	-
National Land Transport Programme - New Infrastructure for and Renewal of State Highways PLA	619,215	617,835	17,060	20,380	76,310	487,940
Maritime NZ Capital Expenditure PLA	205	205	105	105	105	105
Joint Venture Airports - Crown Contribution MYA	7,830	7,830	-	-	-	-
Sub-total	4,960,141	4,543,865	4,474,048	2,322,645	2,180,586	2,063,082
Total Non-Departmental Appropriations	9,827,786	9,593,458	9,528,440	6,936,106	6,435,968	6,004,357
Full OBU 2022 forecast		9,827,786	9,211,767	6,834,319	5,892,909	5,834,327
Change from OBU 2022		(234,328)	316,673	101,787	543,059	170,030

BUDGET SENSITIVE

ANNEX 1: TAGGED CONTINGENCIES AS AT 14 FEBRUARY 2023

Tagged contingencies	Type	Entity	Expiry	2022/23 (\$000s)	2023/24 (\$000s)	2024/25 (\$000s)	2025/26 (\$000s)	2026/27 (\$000s)	Total	Comment
Transmission Gully (Vote Finance)	Operating	Waka Kotahi	1/04/2024	130,600	-	-	-	-	130,600	Tagged contingency sits in Vote Finance
Supporting a Chatham Islands Replacement Ship to Enable Critical Transportation Services	Operating	Ministry of Transport	30/06/2023	5,020	24,080	-	-	-	29,100	An extension to the expiry is requested in this submission
Supporting Implementation of Initiatives Detailed in the Enabling Drone Integration Package	Operating	Civil Aviation Authority	30/06/2023	1,590	2,255	1,635	1,637	1,637	8,754	An extension to the expiry is requested in this submission
Supporting Implementation of Initiatives Detailed in the Enabling Drone Integration Package	Capital	Civil Aviation Authority	30/06/2023	1,000	500	250	-	-	1,750	An extension to the expiry is requested in this submission
Enabling Timely Delivery of City Rail Link by Addressing Project Cost Pressures	Capital	City Rail Link Limited	30/06/2023	-	180,000	100,000	80,000	-	360,000	An extension to the expiry is requested in this submission
Cleaner Vehicles for Low-Income New Zealanders - Social Leasing Scheme	Operating	Waka Kotahi	30/06/2023	8,050	10,000	-	-	-	18,050	An extension to the expiry is requested in this submission
Cleaner Vehicles for Low-Income New Zealanders - Vehicle Scrap and Replace Scheme	Operating	Waka Kotahi	30/06/2024	-	-	242,900	294,050	-	536,950	

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Tagged contingencies	Type	Entity	Expiry	2022/23 (\$000s)	2023/24 (\$000s)	2024/25 (\$000s)	2025/26 (\$000s)	2026/27 (\$000s)	Total	Comment
Auckland Light Rail - Progressing the Next Phase of Project Delivery	Capital	Auckland Light Rail Limited	30/06/2024	-	-	-	-	-	-	The tagged contingency has been fully drawn down – refer to section 9.3 above.
Project iReX	Capital	KiwiRail	1/02/2026	-	-	142,121	145,335	12,544	300,000	
New Zealand Upgrade Transport Projects	Capital	KiwiRail	1/02/2030	-	-	16,000	200,000	55,000	271,000	
New Zealand Upgrade Transport Projects	Capital	Waka Kotahi	1/02/2030	12,000	347,000	360,000	395,000	200,000	1,314,000	\$280 million was drawn down for the Eastern Busway and Ngauranga to Petone projects – refer to section 9.2 above.
New Zealand Upgrade Transport Projects	Capital	Joint Ministers	1/02/2030	240,000	-	-	-	-	240,000	
Total				398,260	563,835	862,906	1,116,022	269,181	3,210,204	

BUDGET SENSITIVE

15 February 2023

OC230050

Hon Michael Wood
Minister of Transport

Action required by:
 Thursday, 23 February 2023

VOTE TRANSPORT CONTINGENT ASSETS AND LIABILITIES SIGN OFF AS AT 31 DECEMBER 2022

Purpose

Seek your Ministerial certification of the register of contingent assets and liabilities for Vote Transport as at 31 December 2022 **by 23 February 2023**.

Key points

- Te Manatū Waka must maintain a register of Vote Transport's contingent assets and liabilities. This register covers both Crown and departmental (Ministry) contingencies.
- Six-monthly Ministerial certification of the contingencies is part of the financial reporting requirements for Crown reporting entities. The Ministry provides a copy of your certification to the Treasury.
- By signing the attached certification of contingent assets and liabilities, you are certifying that you are not aware of any omissions from the register.
- There are two new entries on the register from the previous six-monthly sign-off (30 June 2022). These relate to Transmission Gully and Pūhoi to Warkworth Public-Private Partnership cost claims, primarily due to delays and costs caused by COVID-19, and City Rail Link Limited COVID-19 additional cost claims. While both meet the reporting requirements as contingent liabilities, neither can be quantified at this stage.
- Four other Crown contingent liabilities remain on the register from the previous six-monthly sign-off. Only one Crown contingent liability meets the reporting requirements as it is not considered remote. This is the emergency guarantee of up to \$10 million provided to the Transport Accident Investigation Commission if it needs to obtain specialist recovery equipment for use after a major marine, air or rail accident.

Recommendations

We recommend you:

- 1 **note** the two new entries in the Vote Transport register of contingent assets and liabilities as at 31 December 2022, relating to Transmission Gully and Pūhoi to

Warkworth Public-Private Partnership cost claims and City Rail Link Limited
COVID-19 additional cost claims

- 2 **agree** that you are not aware of any contingent assets or liabilities that have been omitted from the Vote Transport register of contingent assets and liabilities as at 31 December 2022 Yes / No
- 3 **sign** the attached certificate of contingent assets and liabilities to that effect by Thursday, 23 February 2023, for Te Manatū Waka to forward on to the Treasury no later than Friday, 24 February 2023



Paul Laplanche
Chief Financial Officer
15 / 02 / 2023

Hon Michael Wood
Minister of Transport
..... / /

Minister's office to complete:

- ☐ Approved ☐ Declined
- ☐ Seen by Minister ☐ Not seen by Minister
- ☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Alice Kavwenje, Financial Controller	s 9(2)(a)	✓
Paul Laplanche, Chief Financial Officer		

VOTE TRANSPORT CONTINGENT ASSETS AND LIABILITIES SIGN OFF AS AT 31 DECEMBER 2022

A register of contingent assets and liabilities is required to be maintained

- 1 Te Manatū Waka must maintain a register of Vote Transport's contingent assets and liabilities. This register covers both Crown and departmental (Ministry) contingencies.
- 2 The definition of a contingency, for accounting purposes, is where there is a possible asset or liability arising from a past event, but the existence of this asset or liability will be confirmed only by the occurrence of uncertain events not wholly within the control of the entity.
- 3 Contingencies are not recognised in the financial statements. However, an entity is required to disclose information in its financial statements about any contingencies, unless the possibility of the triggering event is remote.
- 4 Six-monthly Ministerial certification of the contingencies is part of the financial reporting requirements for Crown reporting entities. The Ministry provides a copy of your certification to the Treasury, with the 31 December 2022 sign-off required to be provided to the Treasury no later than Friday, 24 February 2023.
- 5 By signing the attached certificate of contingent assets and liabilities, you are certifying that you are not aware of any omission from the register.

There are two changes to the Crown contingency register since the previous sign-off was completed

- 6 The Ministry has included two new contingent liabilities to the register since the previous sign-off was completed (as at 30 June 2022). The new contingent liabilities are for:
 - 6.1 Public-Private Partnership claims, primarily due to COVID-19: Waka Kotahi is a party to two public-private partnerships (PPPs), Transmission Gully and Pūhoi to Warkworth. Both are subject to disputes and settlements, largely related to COVID-19 impacting progress and causing delays. Waka Kotahi is currently working through these disputes with the contractors, including using independent reviewers, but has not been presented with evidence to indicate an amount of the claim with any certainty to allow a liability to be measured and recognised.
 - 6.2 City Rail Link Limited (CRL) COVID-19 additional cost claims: The Link Alliance is delivering the biggest package of works for the Auckland City Rail Link. CRL has received claims from Link Alliance for COVID-19 costs. These claims cover the period 30 June 2020 to 30 June 2022 and are currently being reviewed by an independent estimator appointed by Link Alliance participants. The claims are material and complex, and until CRL and the other Link Alliance participants have received and considered the work of the independent estimator it is not possible to provide a reliable estimate or robust guidance on the likely outcome of such claims or the quantum of any settlement. CRL still anticipate settlement of the claims will occur in 2022/23.

- 7 The four other contingent liabilities are entries that have been on the register for a number of years. Only one of them meets the criteria to be disclosed in the financial statements. None of the contingencies have been called upon to date.

Transport Accident Investigation Commission (TAIC)

- 8 An emergency guarantee of up to \$10 million if TAIC needs to obtain specialist recovery equipment for use after a major marine, air or rail accident. The occurrence must be beyond TAIC's normal range of capabilities, and the usual channels for accessing emergency funding cannot be used. This guarantee has been in place since December 2001.
- 9 It is not possible to judge whether the likelihood of an event that would trigger the liability is remote or not, and so the contingency is disclosed in the financial statements.

New Zealand Oil Pollution Fund (NZOPF)

- 10 An indemnity for costs of a rapid response to an oil spill. The indemnity only applies if the reserves of the NZOPF are less than \$2 million, and is for the amount by which the reserves are less than \$2 million. This has been in place since November 2013.
- 11 The Ministry and Maritime New Zealand (as the organisation administering the NZOPF) consider the likelihood of an event that would trigger the liability to be remote, and so the contingency is not disclosed in the financial statements.

Waka Kotahi, in respect of the Transmission Gully project

- 12 An indemnity for an unquantified amount to give financiers assurance that the Crown will meet any repayment obligations should Waka Kotahi default on its commitments. The Crown provided the guarantee in July 2014.
- 13 The Ministry and Waka Kotahi consider the likelihood of an event that would trigger the liability to be remote, and so the contingency is not disclosed in the financial statements.

Waka Kotahi, in respect of the Puhoi to Warkworth project

- 14 An indemnity for an unquantified amount to give financiers assurance that the Crown will meet any repayment obligations should Waka Kotahi default on its commitments. The Crown provided the guarantee in November 2016.
- 15 The Ministry and Waka Kotahi consider the likelihood of an event that would trigger the liability to be remote, and so the contingency is not disclosed in the financial statements.

Contents of the Ministry of Transport's Register

- 16 There are no contingent assets and liabilities in the Ministry's register as at 31 December 2022.

15 February 2023

OC230057

Hon Michael Wood
 Minister of Transport

Action required by:

22 February 2023

PROACTIVE RELEASE OF CABINET MATERIAL ON THE DRAFT LONG-TERM ELECTRIC VEHICLE (EV) CHARGING STRATEGY

Purpose

Seek your approval to proactively publish the Cabinet Paper and Minutes on the draft long-term EV charging strategy on Te Manatū Waka's website.

Number of papers	Three
Deadline	27 February 2023
Risks	We foresee no risks with the release of these documents if the draft EV charging strategy is released for public consultation on 23 February 2023 as planned when this briefing was prepared. If the release of the draft strategy is further delayed as signalled to Officials on 13 February 2023 (though not yet confirmed), there are political risks associated with releasing this material before the draft Strategy is in the public domain. If these documents are not published by 27 February 2023, you will not meet Cabinet's required timeframe for proactive release.

Recommendations

We recommend you:

- 1 **approve** Te Manatū Waka to publish three documents with redactions as marked on its website; Yes / No
- 2 **refer** this briefing to Hon Dr Megan Woods; Yes / No
- 3 **note** that in order to meet the timeliness required by Cabinet Office circular 18(4), the documents must be published by 27 February 2023; and
- 4 **note** the draft long-term EV Charging Strategy and supporting discussion document will be launched by you on the 23 February 2023.



Holly Walker
**Manager, Environment and Emissions
Strategy**

15/2/2023

Hon Michael Wood
Minister of Transport

..... / /

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OFFICIAL INFORMATION ACT 1982

Minister's office to complete: ☐ Approved ☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Holly Walker, Manager, Environment and Emissions Strategy	s 9(2)(a)	✓
Michelle Palmer, Adviser, Environment and Emissions Strategy		

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PROACTIVE RELEASE OF CABINET MATERIAL ON THE DRAFT LONG-TERM ELECTRIC VEHICLE (EV) CHARGING STRATEGY

Background

- 1 On 19 December 2022 Cabinet made a decision on the paper titled '*Release of Charging Our Future: A Draft Long-term Electric Vehicle Charging Strategy for Aotearoa New Zealand*'.
- 2 Cabinet Office circular CO 18(4) states that all Cabinet and Cabinet Committee papers and minutes be proactively released and published online within 30 business days of final decisions being taken by Cabinet. This is the case "unless there is good reason not to publish".
- 3 The Ombudsman guidance on the Official Information Act 1982 (the Act) states that over the holiday period, the three weeks from 25 December and 15 January do not count as working days. A count of 30 working days would require these papers to be published by 22 February 2023.
- 4 Additionally, given your final standard weekend bag for 2022 was the week ending Friday 9 December (which was prior to when Cabinet made a decision on this paper), and the first 2023 weekend bag was Friday 20 January, it is reasonable that these documents have not been published within 30 business days of final decisions being taken by Cabinet.
- 5 We propose to publish the following documents on Te Manatū Waka's website on 27 February 2023:
 - Release of Charging Our Future: A Draft Long-term Electric Vehicle Charging Strategy for Aotearoa New Zealand'
 - CAB-22-MIN-0599 Report of the Cabinet Environment, Energy and Climate Committee: Period Ended 16 December 2022
 - ENV-22-MIN-0062 Minute

Review

- 6 Te Manatū Waka has reviewed these documents and proposes some content is withheld which is consistent with the grounds contained in the Act.
- 7 Note that whilst agencies withhold information in proactive releases consistent with the Act, Section 48 of the Act, which protects Ministers and agencies from civil or criminal liability where information is released under the Act, does not apply to information that is proactively released.
- 8 We recommend that information is withheld under the following section of the Act:
9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials

- 9 Further detail on what material we recommend withholding and why is included in the document schedule attached at Annex 1.

Consultations undertaken

- 10 The Ministry of Business, Innovation and Employment (MBIE) was consulted on the release of these documents.
- 11 All detail is included in the document schedule attached at Annex 1.

Risks and mitigations

- 12 We do not foresee any further risks other than those outlined in the document schedule attached at Annex 1.

Next steps

- 13 Once you have approved the release of the documents, we will publish them on Te Manatū Waka's website.

Annexes

The following documents are attached to this briefing:

- Annex 1: Document Schedule
- Annex 2: Material for release – Marked Up
- Annex 3: Material for release – Redacted

ANNEX 1 DOCUMENT SCHEDULE

Doc #	Document title	Details
1	Release of Charging Our Future: A Draft Long-term Electric Vehicle Charging Strategy for Aotearoa New Zealand'	<p>Some information on pages 2, 9 and 10 is withheld under the following section of the Official Information Act 1982 (the Act):</p> <ul style="list-style-type: none"> 9(2)(f)(iv) relating to the constitutional conventions which protect the confidentiality of advice tendered to Ministers or officials. <p>s 9(2)(f)(iv)</p> <p>Some information on page 8 is withheld under the following section of the Act:</p> <ul style="list-style-type: none"> 9(2)(f)(iv) relating to the constitutional conventions which protect the confidentiality of advice tendered to Ministers or officials. The information we plan to withhold is active policy advice. <p>Note a clarification note has also been provided to paragraph 24 pertaining to a reference of the wrong Budget year.</p> <p><u>Consultations</u> MBIE were consulted as part of the review of this document for proactive release.</p> <p><u>Risks and mitigations</u> We foresee no risks with the release of this document, assuming the draft EV charging strategy and discussion document are released for public consultation on 23 February 2023. If the release of the draft Strategy is further delayed there will be political risks associated with releasing this material before the draft Strategy is in the public domain.</p>
2	CAB-22-MIN-0599 Report of the Cabinet Environment, Energy and Climate Committee: Period Ended 16 December 2022	<p>Some information is withheld as it is out of scope and does not relate to the proactive release of the draft long-term EV Charging Strategy Cabinet Paper.</p> <p><u>Consultations</u> MBIE were consulted as part of the review of this document for proactive release.</p> <p><u>Risks and mitigations</u> We foresee no risks with the release of this document, assuming the draft EV charging strategy and discussion document are released for public consultation on 23 February 2023. If the release of the draft Strategy is further delayed there will be political risks associated</p>

		with releasing this material before the draft Strategy is in the public domain.
3	ENV-22-MIN-0062 Minute	<p>This document is released in full.</p> <p><u>Consultations</u> MBIE were consulted as part of the review of this document for proactive release.</p> <p><u>Risks and mitigations</u> We foresee no risks with the release of this document, assuming the draft EV charging strategy and discussion document are released for public consultation on 23 February 2023. If the release of the draft Strategy is further delayed there will be political risks associated with releasing this material before the draft Strategy is in the public domain.</p>

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ANNEX 2 MATERIAL FOR RELEASE – MARKED UP

Refused under Section 18(d)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

ANNEX 3 MATERIAL FOR RELEASE – REDACTED

Refused under Section 18(d)

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16 February 2023

OC230111

Hon Michael Wood
Minister of Transport

VISIT TO WELLINGTON AIRPORT

Snapshot

You will meet with Matt Clarke, Chief Executive, during a visit to Wellington International Airport.

Time and date	Monday, 20 February 2023
Venue	Wellington International Airport
Attendees	Matt Clarke, Chief Executive
Officials attending	None
Agenda	Aviation sector COVID-19 recovery and response. Decarbonisation of aviation, including the future of electric and zero emissions flights. The aviation sector's plans for meeting future traveller demand. § 6(a), § 9(2)(f)(iv)
Talking points	§ 6(a), § 9(2)(f)(iv)

Contacts

Name	Telephone	First contact
Tom Forster Manager, Economic Regulation	§ 9(2)(a)	✓
Ken Hopper Senior Licensing Adviser		

Visit to Wellington Airport

Aviation sector COVID-19 recovery and response

- A group of aviation sector Chief Executives, including Matt Clarke of Wellington Airport, wrote to Ministers Wood, McAnulty (when he was Associate Transport Minister), and Verrall (as Minister for COVID-19 Response) in late December 2022, to update Government on the significant operational pressures facing New Zealand's aviation sector during the holiday period.
- A reply has been prepared and was about to be sent by Minister McAnulty on behalf of Ministers Wood and Verrall. This has been paused due to the recent Cabinet reshuffle, and will now be sent by Minister Allan once the delegations are confirmed.
- The aviation sector is under pressure from a sharp increase in travel volumes against the backdrop of our international borders reopening in 2022, coupled with significant resource constraints, including staff shortages across the system, as a result of the pandemic.
- We have moved from COVID-19 response to recovery, though there are still some COVID related measures in place. The aviation sector would like to see a reduction, or removal, of the mandate for COVID cases to isolate for 7 days, and would welcome any move to a test-to-return for asymptomatic cases. The aviation sector believes this will help address the current staffing pressures across the system.
- Manatū Hauora regularly reviews public health measures and provides advice to Government on potential changes. Cabinet is due to review COVID-19 settings on 20 February 2023.
- Longer-term recovery efforts for the aviation sector are part of the global issue of workforce constraints across a range of sectors and skill shortages.
- There may be a question about immigration settings, particularly the median wage threshold for the Accredited Employer Work Visa. This is addressed in the reply to the aviation sector CE's letter that, as Minister of Immigration, you are not currently considering a sector agreement for the aviation industry, and that you encourage the sector to take a collective approach to workforce planning and development to identify what can be done within the current settings. This should be done in consultation with unions and other workforce representative groups.

Decarbonisation of aviation, including the future of electric and zero emissions flights

- Aviation accounts for six per cent of our domestic transport emissions.
- The Emissions Reduction Plan includes multiple actions to begin reducing our domestic aviation emissions and the 2022-2025 decarbonising transport action plan (DTAP) sets out in more detail the work needed to deliver these actions.
- One action from the DTAP is to form a sector leadership group to reduce aviation emissions. The Sustainable Aviation Aotearoa (SAA) group was established at the end of last year which you endorsed at the ministerial level.
- Jenna Raeburn (General Manager of Wellington Airport) is a member of SAA and attended the inaugural meeting in November 2022.

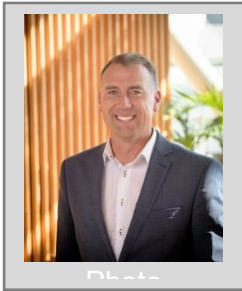
- Officials are now in the process of scoping and standing up working groups within SAA – with one looking specifically at zero emissions aviation (including electrification and hydrogen).
- This working group will explore zero-emissions aviation infrastructure, regulation, and zero-emissions aviation technologies.
- Another SAA working group is taking a more strategic view of sustainable aviation in New Zealand to establish the best mix and phasing of different fuel types in order to help inform the necessary infrastructure, as well as what regulatory changes may be needed to enable sustainable aviation.

The aviation sector's plans for meeting future traveller demand

- There is no economic regulation of domestic aviation. Domestic airlines can operate freely throughout the country, subject only to civil aviation safety and security rules.
- Most international airlines with rights to operate to New Zealand have the right to operate to Wellington. Among the exceptions are, e.g., Indian airlines, which can currently operate to Auckland only.
- An issue for airlines already operating to New Zealand is that the addition of a Wellington service could lead to fewer passengers on their existing Auckland and/or Christchurch services.
- Air New Zealand, Fiji Airways, Jetstar and Qantas currently operate international services at Wellington Airport. Prior to COVID-19, Singapore Airlines operated a Singapore service via Melbourne. Virgin Australia may look to resume its Wellington service.
- The Ministry is ready to negotiate for any international air rights that Wellington Airport considers necessary to its growth.
- By 2040, Wellington Airport anticipates catering to 12 million passengers per year (double its current numbers).
- One means being considered to cater for this growth is an extension of the runway to allow for larger and longer-range aircraft. This would likely take place at the Lyall Bay (southern) end of the runway.

s 6(a), s 9(2)(f)(iv)

Biography



Matt Clarke, Chief Executive

Matt has over 20 years' experience in the airport industry having first joined Infratil's airport team in Europe after serving as the Chief Executive of Rotorua Airport. He has been at Wellington Airport since 2010 as Chief Commercial Officer, playing a key role in the strategic development of the business before taking over as Chief Executive in 2022. He holds a Bachelor of Commerce degree from the University of Canterbury and has completed post-graduate studies at Melbourne Business School and the New Zealand Institute of Directors.

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17 February 2023

OC230102

Hon Michael Wood
Minister of Transport

Action required by:
 Monday, 20 February 2023

SUSTAINABLE BIOFUELS OBLIGATION - IMPACT OF DECISION TO DISCONTINUE

Purpose

This briefing outlines the likely impact of the decision to discontinue the Sustainable Biofuels Obligation on the transport sector's ability to meet its expected emissions reductions. While the impact of the Biofuels decision will not be able to be fully offset within the transport sector alone, we suggest some options for how transport could contribute to filling the gap left by Biofuels in current and future emissions budgets.

Key points

- As you know, the Sustainable Biofuels Obligation was an important component of the policies and actions outlined in the transport chapter of the ERP. The decision not to proceed with the obligation will have an impact on both transport's ability to meet our estimated emissions reductions and the overall emission budgets for New Zealand.
- Biofuels was a particularly important ERP action in the short-term because it is one of the few transport actions with the potential to rapidly reduce emissions while we transition away from internal combustion engine vehicles, and as such, serve as an interim source of emissions reductions until longer-term benefits from mode-shift and fleet transition actions can be felt.
- Biofuels was expected to make up around half of transport's quantified contribution to the first three emissions budgets. Removing Biofuels without replacing its impact means transport is estimated to fall short of its estimated emissions reductions for the first emissions budget and make it more challenging to meet the second and third emissions budgets. s 9(2)(g)(i)

- s 9(2)(h)

s 9(2)(h)



s 9(2)(f)(iv)




Recommendations

We recommend you:

- 1 **note** that the Sustainable Biofuel Obligation was estimated to contribute significantly towards estimated transport emissions reductions and the focus area targets

s 9(2)(f)(iv)



Genevieve Woodall
Manager, Emissions Programme
Office, Ministry of Transport

..... / /

Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Genevieve Woodall, Manager, Emissions Programme Office	s 9(2)(a)	✓
Holly Walker, Manager, Environment and Emissions Strategy		
Ella Sparrow, Senior Adviser, Emissions Programme Office		

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SUSTAINABLE BIOFUELS OBLIGATION - IMPACT OF DECISION TO DISCONTINUE

Part 1: Understanding the impact of the decision not to progress the Sustainable Biofuels Obligation

The Emissions Reduction Plan (ERP) establishes targets to ensure delivery against our long-term climate change commitments

- 1 To drive New Zealand's contribution to the global effort of limiting warming to 1.5°C, Aotearoa has adopted a series of **domestic emissions reduction targets** in legislation. The Climate Change Response Act 2002 (CCRA) requires:
 - 1.1 all greenhouse gases, other than biogenic methane, to reach net zero by 2050
 - 1.2 a minimum 10 percent reduction in biogenic methane emissions by 2030, and a 24 to 47 percent reduction by 2050 (compared with 2017 levels).
- 2 To ensure New Zealand is on track to meet our long-term targets, a series of interim targets, called **emissions budgets** have been established. Emissions budgets specify the amount of greenhouse gas emissions permitted over a five-year period, or four years in the case of the first emissions budget. Emissions budgets will get smaller over time, helping Aotearoa to step progressively towards our 2050 target. The first three emissions budgets for Aotearoa have been set by the Minister of Climate Change.
- 3 **Sub-sector targets** were also established in the first ERP to track progress across key sectors over each emissions budget period. Meeting these sub-sector targets is not a requirement of the CCRA and it was expected that across sectors there would be both under and over achievement for meeting the sub-sector targets. An adaptive management approach to meet the legislated targets will be used to help Government respond to unforeseen changes and seize any opportunities to reduce emissions faster or change focus if required.
- 4 The transport sub-sector targets published in the ERP for the first three emission budgets were based in part on the Climate Change Commission's recommendations for the level of emissions reduction transport could achieve. However, transport officials estimated that transport was in a better position to decarbonise quicker than some other sectors and could therefore contribute more to emissions budget one than the Climate Change Commission recommended.
- 5 New Zealand's ability to achieve the first emissions budget across all sectors was therefore based on an assumption that transport would achieve this higher level of emissions reduction (referred to going forward as the **estimated emissions reduction from transport**).

- 6 The estimated emissions reduction from transport were quantified based on policies and commitments that were already made at the time of publication. These policies and commitments were expected to enable transport to overachieve in the first emissions budget period, get us a significant way towards meeting the second emissions budget and less than half of the way to meeting the third emissions budget.

Table 1 Contribution of quantified commitments as at ERP publication

Contribution of current commitments to emissions reduction in MTCO ₂ -e	Emissions budget 1	Emissions budget 2	Emissions budget 3
Level of abatement estimated by the CCC that informed the transport sub-sector target	1.0	8.7	24.5
Estimated abatement impact from all transport ERP initiatives (mid-point) – our emissions reduction goal	1.7	6.3	9.4

- 7 As well as setting estimated emissions reductions, the transport chapter of the ERP set four transport targets that align with the three focus areas that guide our approach to reducing transport emissions. We refer to these as the **focus area targets**.
- 8 The focus area targets provide guidance on how much effort is required to reduce transport emissions across the system and shape our policy and investment decisions to support the scale and pace of change required.
- **Target 1:** Reduce total vehicle kilometres travelled by the light fleet by 20 percent by 2035 through improved urban form and providing better travel options.
 - **Target 2:** Increase zero-emissions vehicles to 30 percent of the light fleet by 2035.
 - **Target 3:** Reduce emissions from freight transport by 35 percent by 2035.
 - **Target 4:** Reduce the emissions intensity of transport fuel by 10 percent by 2035.
- 9 Achieving the four focus area targets would enable transport to also meet its sub-sector target for emissions budget two and get very close to achieving emissions budget three.

The Sustainable Biofuel Obligation contributed significantly towards estimated transport emissions reductions and the focus area targets

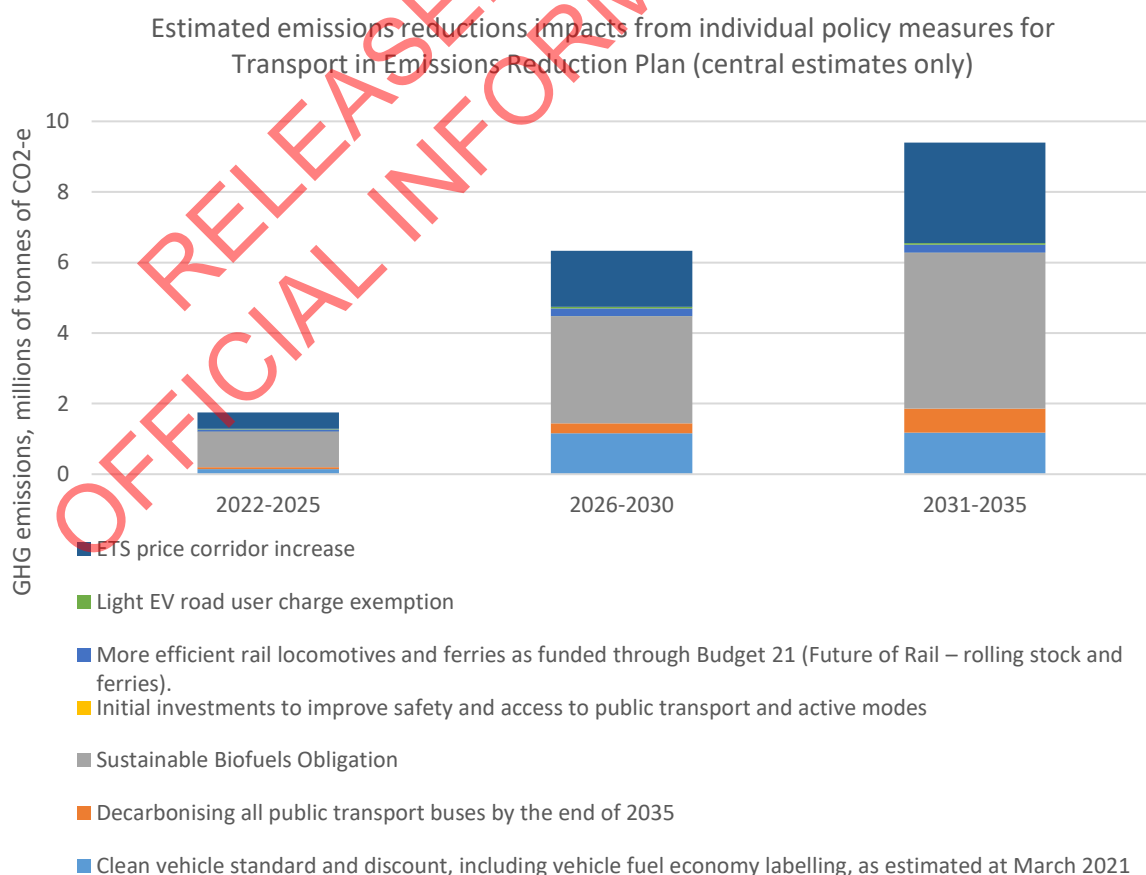
- 10 The transport chapter of the ERP outlined a suite of actions that would enable us to overachieve in the first emissions budget period and set the foundation for achieving our focus areas targets over the longer-term.
- 11 Implementing the Sustainable Biofuels Obligation was estimated to contribute 58%, 48%, and 47% of our estimated emissions reductions for the three emissions budgets respectively (see table 2).

- 12 Part of the reason for the large contribution from biofuels, particularly in the short-term, is that while the ERP sets targets for a 20% light VKT reduction target by 2035 and establishes an expectation that freight mode shift will help to reduce emissions from heavy transport, internal combustion engine (ICE) vehicles are expected to remain a large component of the vehicle fleet in Aotearoa New Zealand for some time. Biofuels were expected to play an important transitional role (a short-term *Improve* mechanism) while the foundations for longer-term *Avoid* and *Shift* mechanisms (such as integrated land use planning and the creation of a National VKT reduction plan and programmes) were embedded.

Table 2 Estimated impact of Sustainable Biofuels Obligation

ERP analysis (MT CO ₂ -e)	Emissions budget 1	Emissions budget 2	Emissions budget 3
Estimated emissions reductions from all transport ERP initiatives (mid-point)	1.7	6.3	9.4
Estimated emissions reduction impact from Biofuels (mid-point)	1.0	3.0	4.4
Biofuels share of total estimated transport emissions reduction	58%	48%	47%

- 13 Of all the transport commitments and policies quantified, Biofuels was estimated to have the biggest impact on emissions reduction. The different commitments and policies quantified and their relative contribution to the estimated reduction impact from transport are outlined in the graph below.



- 14 Biofuels was also a significant initiative to enable transport to meet focus area targets 3 and 4. Based on our analysis and current options available, focus area target 4 would be unachievable without Biofuels and achieving focus area target 3 would be considerably more difficult.

s 9(2)(h)

Part 2: Mitigating the impact of the Biofuels decision

s 9(2)(f)(iv)

s 9(2)(f)(iv)

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s 9(2)(f)(iv)

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22 February 2023

OC230114 / BRI-2705

Hon Michael Wood

Minister of Transport

NATIONAL VKT REDUCTION PLAN AND URBAN PROGRAMMES – OUTLINE AND UPDATE

Purpose

To provide an update on the national VKT reduction plan (the national plan) and urban VKT reduction programmes (urban programmes), including a draft outline of the national plan.

Key points

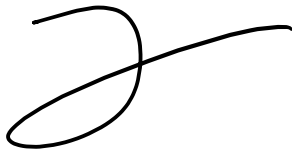
- We have attached a draft outline of the national plan for your feedback. It sets out what we are proposing to cover.
- The purpose of the national plan is to provide clear direction on what it will take to meet the national VKT reduction target and what Waka Kotahi NZ Transport Agency will do to help achieve this target in partnership with others. It will also provide guidance on what needs to be included and prioritised in the urban programmes.
- We will undertake targeted engagement on the national plan in March 2023 with central government, local government, business, advocacy, and community stakeholders. We will provide you with an overview of key feedback from this engagement in April 2023, when we will also provide you with a draft of the national plan.
- Work is also underway on the urban programmes. Waka Kotahi has set up a process to allocate funding to support Tier 1 and 2 urban areas to develop the programmes. All areas will receive funding, but it will be allocated based on need.
- We still need to confirm what the approval process will be for councils and Waka Kotahi to endorse and publish the programmes. We will provide you with further advice on this when we brief you in April 2023.

Recommendation

We recommend you:

1 **indicate** if you wish to discuss this briefing with Officials.

Yes / No



Jessica Ranger
**Manager, Placemaking and Urban
 Development, Ministry of Transport**
 22/02/23



Richard May
**Chief of Staff, Waka Kotahi NZ Transport
 Agency**
 22/02/23

Hon Michael Wood
Minister of Transport
 / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Jessica Ranger, Manager, Placemaking and Urban Development, Ministry of Transport	s 9(2)(a)	
Richard May, Chief of Staff, Waka Kotahi NZ Transport Agency		
Katie Mayes, National Manager Policy & System Planning, Waka Kotahi NZ Transport Agency		✓

NATIONAL VKT REDUCTION PLAN AND PROGRAMMES – OUTLINE AND UPDATE

Background

- 1 In December 2022, we updated you on the approach that Waka Kotahi NZ Transport Agency (Waka Kotahi) and Te Manatū Waka Ministry of Transport (the Ministry) are taking to develop a national plan and urban programmes to reduce vehicle kilometres travelled (VKT) by light vehicles (OC220831).
- 2 We agreed with your Office to provide you with an outline of the national plan in February 2023, followed by an early draft of the plan in April 2023.
- 3 This briefing provides you with a draft outline of the national plan, our engagement approach, and a more detailed timeline. It also provides an update on the urban programmes.

We are making good progress on the national VKT reduction plan

- 4 The purpose of the national VKT reduction plan is to provide clear direction on what it will take to meet the national VKT reduction target and what Waka Kotahi will do to help achieve this target in partnership with others. The plan will also identify broader actions that are needed beyond the control of Waka Kotahi (e.g. in the urban planning system) to enable us to reach the national VKT reduction target. It will also provide guidance on what needs to be included and prioritised in the urban VKT reduction programmes.
- 5 We have attached a draft outline of the national VKT reduction plan at Appendix A, which sets out in more detail what the plan will cover. This includes:
 - why we need to create better cities for people by reducing car dependency and use
 - the principles and approach guiding the plan and programmes
 - what we need to do to reduce car dependency and use
 - a framework for the urban programmes, including expectations for what they contain
 - national actions to support the delivery of the urban programmes
 - timelines, accountabilities, and how we will monitor and track progress on actions in the national plan.
- 6 We are also considering how we communicate and describe the national plan. We want to be clear that we can reduce VKT in a way that maintains/improves access for people, and creates safer, healthier, and more productive towns and cities.

We are planning to engage with key stakeholders on the national plan in March 2023

- 7 We are planning to undertake targeted engagement in March 2023 with central government, local government, business, advocacy, and community stakeholders. This is likely to be in the form of webinars, as well as an opportunity to provide written feedback and/or fill in a survey. We will provide you with an overview of key feedback from this engagement when we share a draft of the national plan with you in April 2023.
- 8 The Ministry will be undertaking engagement on the sub-national VKT reduction targets in March/April 2023, and on the draft Government Policy Statement on Land Transport 2024-34 (the draft GPS) in April-May 2023. While we have not been able to combine these engagements with the national plan due to the tight timeframes for its delivery, we are ensuring that we provide clear and consistent messaging across them.
- 9 Our intent is to ensure councils understand how the draft GPS and VKT planning documents fit together, and how the urban VKT reduction programmes might be funded in future.

Waka Kotahi has also set up a challenge team to provide feedback on the plan as it is developed

- 10 The challenge team is comprised of transport sector experts from a diverse range of areas, including transport disadvantage and equity, travel demand management, public transport, active modes, behavioural science, transport and land use integration, environmental planning, climate change and adaptation, Māori perspectives on transport and Māori place identity, and transport and strategic policy. The members of the challenge team are listed at Appendix B.
- 11 The first meeting of the challenge team took place in early February 2023. Overall, there was positive feedback from the sector experts on being brought in early in the process to be able to help shape the plan. The challenge team is set to meet multiple times over the coming months as the plan is shaped up and reflects a commitment by Waka Kotahi to enhance sector engagement. Bringing a range of experts from across the sector into the plan development process will ensure a broad range of perspectives are reflected in the plan and that we build wide sector support for the plan.

Waka Kotahi is also progressing work on the urban programmes

- 12 Building on the national VKT reduction plan, the urban programmes will set out the required actions, investments, and other activities (such as land use and demand management measures) to reduce VKT by light vehicles in each urban area.
- 13 These programmes will be developed in line with the sub-national VKT reduction targets once they have been confirmed. Collectively, these targets, combined with reductions expected from the rest of New Zealand, will align with achieving the ERP

target to reduce total VKT by light vehicles by 20 percent (relative to projected growth) by 2035.¹

- 14 The urban programmes will be used by councils, Waka Kotahi, and government agencies to better understand the scale of work, timing, interdependencies, and potential cost of activities needed to reach the sub-national VKT targets.
- 15 We are working to progress the programmes in time for key activities to be identified ahead of the next National Land Transport Programme period. It will be important for activities to be included in Regional Land Transport Plans (RLTPs) where possible, so that implementation funding from National Land Transport Fund and other Crown sources (e.g. the Climate Emergency Response Fund (CERF)) can be utilised as it becomes available over that period.
- 16 Councils in each of the 13 urban areas will be asked to partner with Waka Kotahi to prepare the programmes. To do this, we will need to work together, through existing forums where possible, such as the Urban Growth Partnerships. It is our expectation that councils will partner with Māori and community representatives to develop their programmes, and Waka Kotahi will support councils to do so.

Partnership approach for developing the urban programmes

- 17 Waka Kotahi launched the VKT reduction programme work on 23 February 2023, with a webinar with all relevant councils.
- 18 Waka Kotahi is still developing its partnership approach for the programmes. However, we are prioritising working through the Urban Growth Partnerships on Tier 1 programmes, part of which will involve developing place-based approaches to engagement together with partners.
- 19 For the first half of 2023, work with Tier 2 councils will be primarily focused on RLTP development, and engagement with stakeholders/community will likely align through those processes.

Waka Kotahi has set up a process to allocate funding to councils to support programme development

- 20 Waka Kotahi has been allocated \$22.5 million from the CERF to develop the national plan and urban programmes. \$13 million of this funding will be distributed to the 13 Tier 1 and 2 urban areas to assist councils to develop the programmes.
- 21 Waka Kotahi will engage directly with Tier 1 and 2 areas to allocate funding through an expression of interest (EOI) process. Councils within a Tier 1 or 2 area will need to provide a joint application on the resource required to complete an urban programme for their area (e.g. Greater Wellington Regional Council, Wellington City Council, Hutt City Council, Upper Hutt City Council, Porirua City Council and Kapiti Coast District Council will need to submit a joint application). This includes identifying the needs of

¹ This represents about a one percent reduction in VKT compared to 2019 levels, assuming ongoing population growth and urban development.

their Māori partners. Waka Kotahi will then assess these applications and distribute the funding based on need. All areas will receive some funding.

- 22 Waka Kotahi will prioritise Tier 1 areas first due to the need to complete these programmes by the end of 2023, with the EOI process set to close at the end of March 2023 for Tier 1, and applications approved as soon as possible in April/May 2023. The EOI process for Tier 2 will commence in September 2023, with programmes needing to be completed by the end of 2024.

We still need to confirm the approval process for councils and Waka Kotahi to endorse and publish the programmes

- 23 We are considering the best process for approving and endorsing the urban programmes. While it is agreed that there needs to be joint accountability for the programmes between councils and Waka Kotahi, we need to work through what this means in practice for getting each programme endorsed and published. We will provide you with further advice on this when we brief you in April 2023.

Risks to delivery

- 24 The timeframes for finalising the national plan are very tight. It is critical that the national plan is approved by the Waka Kotahi Board and endorsed by Ministers without significant delays for the plan to be published in July 2023. Our agencies are working together to manage risks associated with the tight timeline and approval process. We have outlined key milestones for your awareness below.
- 25 The urban programmes will be developed to align with the sub-national VKT reduction targets. The Tier 1 targets are due to be confirmed and published in June 2023, after the Ministry undertakes further engagement with local authorities and you seek Cabinet agreement on the targets. We are planning to confirm the targets for Tier 2 urban areas at the same time. On 13 February, your office advised us that you would like to allow more time to confirm the Tier 2 targets. s 9(2)(f)(iv)
- 26 The implementation of urban programmes is not yet funded, which could lead to poor buy-in from councils to develop the urban programmes. We are mitigating this risk by co-ordinating our engagement on the draft GPS and VKT reduction planning. s 9(2)(f)(iv)
- 27 Some councils in the areas badly affected by Cyclone Gabrielle may find it hard to participate in the targeted engagement and EOI processes planned for March 2023. We may have to adapt our approach if this becomes a significant issue.
- 28 Some central and local government stakeholders are concerned about the implications of meeting the VKT reduction targets while continuing to increase housing supply. In our view, there are plenty of opportunities to deliver more housing

while reducing transport emissions and creating well-functioning cities.² We will continue to work through these concerns with stakeholders, including through the Urban Growth Partnerships.

- 29 Waka Kotahi also recently briefed you on the VKT assessment of spatial plans that was completed for Urban Growth Agenda central government partners (BRI-2654 refers). This assessment highlighted that substantial VKT reductions could only be achieved by incorporating travel demand management tools alongside changes to land use, transport activities, and urban form. This is evident in the Hamilton Metro Spatial plan, where modelling of the inclusion of new public transport services and additional parking charges suggests a significant VKT reduction could be achieved. We will work with Urban Growth Partnerships to ensure these findings inform the development or alignment of the urban programmes.

Next steps

- 30 Key milestones for your awareness:

Date	Milestone
March 2023	Targeted engagement on national VKT reduction plan with relevant central government agencies, local government, and key transport stakeholders.
5 April 2023	You will receive a joint briefing with a draft of the national VKT reduction plan, and advice on approval process for urban VKT reduction programmes.
April-May 2023	EOI applications from Tier 1 councils for funding to support urban programme development completed.
25 May 2023	National VKT reduction plan will be discussed at Waka Kotahi Board meeting.
June 2023	Waka Kotahi Board will endorse final VKT reduction plan by 30 June 2023. You will receive the final national plan and a briefing to take to Climate Emergency Response Ministers (CRMG) seeking their endorsement of the plan.
July 2023	National VKT reduction plan published following endorsement from CRMG.
September 2023	EOI process for Tier 2 councils for funding to support urban programme development commences.

² For example, initiatives that improve travel by public transport and active modes are crucial to enable more housing in existing urban areas while creating well-functioning cities. The National Policy Statement on Urban Development also includes clear national direction to support reductions in greenhouse gas emissions (Objective 8 and Policy 1(e)), and to have good accessibility by public or active transport (Policy 1(c)).

December 2023	Tier 1 urban VKT reduction programmes must be completed.
December 2024	Tier 2 urban VKT reduction programmes must be completed.

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Appendix A: Draft outline of the national VKT reduction plan

Section	What this will cover
1. Introduction	<ul style="list-style-type: none"> - Purpose of the plan - What it covers - Infographics
2. Why we need to create better cities for people by reducing car dependency and use	<p>Making the case for less car dependency and use, covering themes, such as:</p> <ul style="list-style-type: none"> - providing space for more people in our cities, while maintaining and improving access - avoiding more congestion - reducing emissions - making transport fairer, including for disabled people and people who do not drive a car - less car dependence can reduce household travel costs - creating streets that people enjoy living and shopping on - reducing deaths and injuries, by reducing traffic and making it safer to walk and bike - health benefits from less car traffic and more active travel.
3. The principles and approach guiding the plan and associated programmes	<p>We are considering the following guiding principles:</p> <ul style="list-style-type: none"> - we will address the root causes of car dependency - we will reduce car use in ways that improve wellbeing and liveability - Te Tiriti o Waitangi underpins our approach - we will reduce inequities, not reinforce them - we will collaborate across sectors and agencies to create better cities for people - we will tailor our approach for different cities - communities will be closely engaged in changes.
4. What we need to do to reduce car dependency and use	<p>This includes:</p> <ul style="list-style-type: none"> - delivering three strategic shifts (shaping urban form, making shared and active modes more attractive, influencing travel demand and transport choices) - developing urban programmes for different cities and communities - aligning central and local government planning and investments - building capabilities and momentum for changes - strategically targeting, sequencing and integrating interventions.
5. A framework for the urban programmes, including expectations for what they contain	<p>Guidance on what we expect the programmes to contain and what should be prioritised, how we will assess them, and their relationship to Regional Land Transport Plans and Regional Spatial Strategies.</p> <p>Programmes are likely to cover:</p> <ul style="list-style-type: none"> - strategic context identifying unique placed-based characteristics and the challenges and opportunities they pose for VKT reduction - system-wide actions/activities that combine to achieve the sub-national target - the cost associated with delivering the proposed programme.
6. National actions to support delivery of the	<p>Actions for Waka Kotahi and partners to take at the national level. These will be in addition to and complement a range of nationally delivered actions set out in the ERP.</p>

urban programmes	Actions within the control of Waka Kotahi include for example: streamlining investment decision-making, developing the evidence base and tools to support VKT reduction, and providing capability and capacity support to local government.
7. Timelines, accountabilities, and how we will monitor and track progress on actions in this plan.	Builds on the roles outlined in the ERP and the Decarbonising Transport Action Plan (DTAP).

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Appendix B: Challenge Team membership

- s 9(2)(a) – MRCagney (transport policy, research, planning and design)
- s 9(2)(a) – Vitruvius (sustainable transport, transport planning, smart mobility, travel behaviour change, travel demand management)
- s 9(2)(a) – WSP Opus Research (social science, resilience and public health)
- s 9(2)(a) – MRCagney (public transport planning, land-use and transport integration, urban strategy)
- s 9(2)(a) – University of Waikato (urban and regional planning, human geography, climate change impacts and adaptation)
- s 9(2)(a) – Te Manawahoukura, Centre of Rangahau Excellence (Māori identity and placemaking, and nexus between community creation, social processes and urban design)
- s 9(2)(a) – Palmerston North City Council – Waka Kotahi (transport planning and delivery, Tier 2 urban area perspective)
- s 9(2)(a) – Ian Wallis Associates (urban public transport planning, policy, operations and management)
- s 9(2)(a) – Climate Change Chief Executives Board (policy leadership and advice, environment policy, strategic policy)
- s 9(2)(a) – University of Auckland (transport, infrastructure, urban modelling, big data and technology)

Note: Waka Kotahi is looking to add two additional members to the challenge team who can add to the Māori perspective in the group.



OIA BRIEFING

23 February 2023

OC230062

Hon Michael Wood
Minister of Transport

Action required by:
Thursday, 2 March 2023

OFFICIAL INFORMATION ACT REQUEST FROM s 9(2)(a) FOR
ATTACHMENTS TO A POLICE BRIEFING IPR/22/80CH, ROAD TO ZERO
MINISTERIAL OVERSIGHT GROUP MEETING 19 OCTOBER 2022 – TALKING
POINTS.

Purpose

Seek your agreement to the proposed response to an Official Information Act 1982 request.

Name of Requester	s 9(2)(a)
Request	<p><i>I would like to request the following documents provided from police:</i></p> <p><i>IPR/22/80CH, Road to Zero Ministerial Oversight Group meeting 19 October 2022 – Talking Points.</i></p>
Statutory deadline	Thursday, 2 March 2023
Risks	<p>The information is outdated</p> <p>Some of the information in the documents proposed to be released is now outdated. There has been progress made in some of the areas, such as vehicle safety standards. This has been noted in the letter to the requester.</p> <p>The documents note that we are behind in delivering key Road to Zero work programmes that will reduce deaths and serious injuries (DSI) on our roads</p> <p>The documents proposed for release note that we are behind in delivering key DSI reducing work programmes. This includes the under-delivery of median barriers to the point where it may not achieve the 1000km target in 2030. There is risk that Waka Kotahi may be criticised about this under delivery.</p>

Recommendations

We recommend you:

- 1 **consider** the proposed response to the request under the Official Information Act 1982
- 2 **sign** the attached letter to s 9(2)(a) Yes / No

 Helen White
Manager, Mobility and Safety

..... / /

 Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:

- ☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Jorgia Kelsey, Advisor, Mobility and Safety	s 9(2)(a)	
Helen White, Manager, Mobility and Safety	 	✓

OFFICIAL INFORMATION ACT REQUEST FROM [REDACTED] FOR IPR/22/80CH, ROAD TO ZERO MINISTERIAL OVERSIGHT GROUP MEETING 19 OCTOBER 2022 – TALKING POINTS.

Background

- 1 The initial request was made to the Minister of Police seeking the talking points that New Zealand Police provided for the Road to Zero Ministerial Oversight Group (RtZ MOG) meeting in October 2022. These talking points were provided along with the RtZ MOG pack that was prepared for you and other Ministers by the road safety partner agencies. The documents attached to the briefing are therefore within scope of the request.
- 2 The request was partially transferred to you as the RtZ MOG documents attached to the talking points align with your portfolio responsibilities as the Minister of Transport and as the Chair of the RtZ MOG.

Seven documents fall within the scope of the request

- 3 **Table 1** below sets out the documents that fall in the scope of the request and our recommendation on how the information should be treated.
- 4 We understand that the Minister of Police is releasing the talking points in full.

Some information is recommended to be withheld

- 5 There is specific information within the Road to Zero Quarterly Progress Report and the meeting minutes (Documents 3 and 4) that includes detail on projects where decisions are yet to be made. Where this applies the information has been withheld under section 9(2)(f)(iv) of the Official Information Act 1982 (the Act). This includes:
 - 5.1 Work on tyre safety performance
 - 5.2 Detail on the speed management committee
 - 5.3 Detail on Accessible Streets rule changes
 - 5.4 Oral fluid testing device approval and roadside testing
 - 5.5 Review of the licensing system
 - 5.6 Penalties regulation changes
 - 5.7 Safety cameras roll out
 - 5.8 Update on the Road to Zero Action Plan
- 6 Phone numbers have been withheld from the meeting minutes (Document 3) under section 9(2)(a) of the Act to protect the privacy of natural persons.

- 7 With regard to the information that has been withheld under section 9 of the Act, we are 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.
- 8 Appendix 5 (work time logbooks) (Document 7) has been refused under section 18(d) of the Act as the information is publicly available, and a link to the document has been included in the response letter.

Consultation

- 9 Consultation was undertaken with Police, Waka Kotahi and the Ministry of Social Development. Agency feedback was incorporated in the proposed response.
- 10 Each of the agencies consulted are comfortable with the proposed response.

Risks

- 11 Some of the information is out of date. There has been progress made in some of the areas, such as vehicle safety standards. This has been noted in the letter to the requester to mitigate the risk.
- 12 The documents released, particularly the briefing note for the Ministerial Oversight Group meeting in October 2022 (Document 3), note that we are behind in delivering key DSI contributing work programmes. This includes the under-delivery of median barriers to the point where it is not sufficient to achieve the 1000km target in 2030.

s 9(2)(g)(i)



Table 1 – Documents proposed for release

	Document	Description of information withheld	Previously released?
1	OC230062 IPR/22/80CH Road to Zero Ministerial Oversight Group meeting talking points 19 October 2022	This document is being considered through the Minister of Police's response.	No
2	OC230062 IPR2280CHb – Agenda 19 October 2022	Release in full.	No
3	OC220752 Ministerial Oversight Group Meeting briefing 19 October 2022.	<p>Some information is withheld under sections 9(2)(a) and 9(2)(f)(iv).</p> <p>Information withheld under section 9(2)(a):</p> <ul style="list-style-type: none"> • Contact numbers on page 2. <p>Information withheld under section 9(2)(f)(iv):</p> <ul style="list-style-type: none"> • Police recommended that the latter part of paragraph 16 is withheld on the performance measures for enforcement. • Police recommended that the latter part of paragraph 30 is withheld about sites identified for speed cameras. • Paragraphs 47-48, 50-51, part of paragraph 52, and paragraph 53, on the Road to Zero Action Plan. 	No
4	OC230062 Appendix Two Road to Zero Ministerial Oversight Group – Quarterly Project Report (April – June) 19 October 2022.	Some information withheld under sections: 9(2)(f)(iv) and 9(2)(g)(i).	No

Table 1 – Documents proposed for release

	Document	Description of information withheld	Previously released?
		<p>Information withheld under section 9(2)(f)(iv):</p> <ul style="list-style-type: none"> • All information relating to tyre requirements and safety (slide 4, 17). • Highlights on the establishment of the Speed Management Committee (slide 14). • Waka Kotahi recommended that information on the Safety Camera System Operating Model is withheld (slide 15). • Highlights on the Accessible Streets rule changes (slide 16). • All information relating to oral fluid testing devices and roadside testing (slide 23, 26). • The Ministry of Social Development recommended that some information is withheld on the access to driver license support services project (slide 24). • Highlights and some of the risks on the review of the licensing system (slide 25). • Information on penalties regulation changes (slides 4 and 27). <p>Information withheld under section 9(2)(g)(i)</p> <ul style="list-style-type: none"> • Police recommended that the following risk in safety camera network expansion is withheld § 9(2)(g)(i) [REDACTED] • Police recommended that the following quarterly highlight is withheld on vehicle safety promotion § 9(2)(g)(i) (slide 18). • Police recommended that the following quarterly highlight in the post crash care project is withheld § 9(2)(g)(i) [REDACTED] 	

Table 1 – Documents proposed for release

	Document	Description of information withheld	Previously released?
		s 9(2)(g)(i)	
5	OC230062 Appendix 3 Speed and Infrastructure Programme – pathway to amber	Release in full.	No
6	OC230062 Appendix 4 Road to Zero Quarterly Infograph June 2022	Release in full.	No
7	OC230062 Appendix 5 Worktime, logbooks, and fatigue management technology review 30 June 2022	Refuse in full under section 18(d) as the briefing is publicly available here: https://www.transport.govt.nz/assets/Uploads/17BriefingsFromJune2022.pdf	Yes

Agenda	Road to Zero – Ministerial Oversight Group
Date	19 October 2022
Time/Venue	5.00pm – 6.00pm/ online

Attendees	Hon Michael Wood, Minister of Transport, Hon Willie Jackson, Minister for Māori Development, Hon Chris Hipkins, Minister of Police, Hon Kiri Allan, Minister of Justice, Hon Kieran McNulty, Associate Minister of Transport	
In attendance	Bryn Gandy (Te Manatū Waka), Nicole Rosie (Waka Kotahi), Kane Patena (Waka Kotahi), Andrew Coster (NZ Police), Phil Parkes (Worksafe), Megan Main (ACC), Rajesh Chhana (Ministry of Justice), Mark Lambert (Auckland Transport), Bronwyn Turley (Te Manatū Waka), Fabian Marsh (Waka Kotahi), Tara Macmillan (Waka Kotahi), Rebecca Ellery (Te Manatū Waka (minutes))	
Apologies	Bryan Sherritt (Te Manatū Waka)	
	Topic	Responsible
1	Road to Zero Quarterly Update	Bronwyn Turley (Te Manatū Waka)
	Update on road to zero progress over the quarter April – June 2022.	
2	Speed and Infrastructure Programme – Pathway to Amber	Tara Macmillan (Waka Kotahi)
	<i>Road to Zero focus area 1 (speed and infrastructure)</i> Update on the plan to move the programme status from Red to Amber	
3	Partnership approach to support best practice for work related road safety	Fabian Marsh (Waka Kotahi)
	<i>Road to Zero focus area 3 (work related road safety)</i> Update on the progress of the partnership approach to support best practice for work related road safety as agreed in the worktime, logbooks and fatigue management technology review briefing 30 June 2022 (OC220232).	
4	Update on Road to Zero Action Plan 2023 - 2025	Bronwyn Turley (Te Manatū Waka)
	Update on the development of the Road to Zero Action Plan 2023 – 2025 since the last Ministerial Oversight Group and next steps.	



11 October 2022

OC220752

Hon Michael Wood
Minister of Transport

cc Hon Chris Hipkins
 Minister of Police

Hon Kiri Allan
 Minister of Justice

Hon Willie Jackson
 Minister for Māori Development

Hon Kieran McAnulty
 Associate Minister for Transport

MINISTERIAL OVERSIGHT GROUP MEETING 19 OCTOBER 2022

Snapshot

This is the third meeting of the Ministerial Oversight Group for Road to Zero. This meeting was originally scheduled for 1 September 2022 but was postponed due to ministerial availability. The key matters to be discussed are the latest Road to Zero Quarterly Progress Report (for the last quarter of last financial year), Speed and Infrastructure Programme update, partnership approach to support best practice for work related road safety and a Road to Zero Action Plan 2023-2025 update.

Time and date	5.00pm – 6.00pm, Wednesday 19 October 2022
Venue	Zoom Meeting
Attendees	Hon Michael Wood, Minister for Transport (Chair) Hon Chris Hipkins, Minister of Police Hon Kiri Allan, Minister of Justice Hon Willie Jackson, Minister for Māori Development Hon Kieran McAnulty, Associate Minister for Transport
Officials attending	Bryn Gandy, Nicole Rosie, Andrew Coster, Megan Main, Phil Parkes, Rajesh Channa, Kane Patena, Bronwyn Turley, Karen Jones, Helen White, Fabian Marsh, Tara MacMillan, Rebecca Ellery (minutes)
Agenda	<ol style="list-style-type: none"> 1. Road to Zero Quarterly Progress Report 2. Speed and Infrastructure Programme 3. Partnership approach to support best practice for work related road safety 4. Update on the Road to Zero Action Plan 2023-2025

Talking points

We have included indicative questions which Ministers may wish to discuss at the end of this briefing.

Contacts

Name	Telephone	First contact
Bryan Sherritt, Director Road to Zero	s 9(2)(a)	✓
Rebecca Ellery, Portfolio Manager System and Regulatory Design		

Road to Zero Ministerial Oversight Group Meeting October 2022**Key points**

- This is the third meeting of the Ministerial Oversight Group (MOG) for Road to Zero (RtZ).
- The key matters for discussion at this meeting are the RtZ Quarterly Progress Report, the Speed and Infrastructure Programme (SIP), partnership approach to support best practice for work related road safety and an update on the next RtZ Action Plan.
- We have provided questions that we recommend Ministers to discuss throughout this briefing and attached as appendix one.

The RtZ Deputy Chief Executives and Chief Executives Groups recently met

- 1 Since the last MOG meeting on 2 June 2022 the RtZ Deputy Chief Executive Management Group (DCEs) has met twice, a meeting was held on 5 July 2022 and 3 October 2022 and Chief Executive Governance Group (CEs) met on the 4th of August.
- 2 Discussions at the DCE's meetings highlighted the need to improve joined up communications and messaging across the RtZ partners. The communications team at Waka Kotahi presented to the DCE's the approach being adopted by the road safety partners in respect to a more partnership aligned approach to communications. Joined-up activities included the push for all agencies to use the RtZ icon in their content and collateral and joint media releases in particular ahead of long weekends. In support of this approach the cross-agency RtZ marketing and communications (Marcomm) group conducted a workshop on 27 September 2022 to further embed a joint agency approach to communication about RtZ. The Marcomms group meets regularly and manages a joined-up communication and education calendar to maintain connection and visibility.
- 3 The DCE's and CE's were also updated on the RtZ portfolio and the updated reporting framework for the RtZ quarterly progress report. The new format promotes stronger alignment between partners in relation to performance reporting metrics and it has been setup to overtly report on progress being made towards the RtZ Action

Plan and the Road Safety Investment and Delivery Report (October 2021). The updated quarterly progress report is attached as appendix two.

- 4 Waka Kotahi gave the DCE's an update on the safety camera programme and moving the ownership of the camera operation from NZ Police to Waka Kotahi. Dependencies were noted, including the setting of speed limits rule 2022, SIP, Regulatory Systems (Transport) Amendment Bill Two (RSTA 2) that will allow the operation of average speed cameras in New Zealand, electronic service, process automation and the road safety penalties review.
- 5 NZ Police updated the DCE's on the deployment dashboard which has been developed and highlighted how the dashboard can support effective deployment decisions at the district level for both general deterrence and specific deterrence.
- 6 The CE's were provided with an update on;
 - 6.1 the work that Te Manatū Waka are leading on vehicle standards;
 - 6.2 the work that NZ Police are leading in relation to improving road policing outcomes and;
 - 6.3 the work that Waka Kotahi are progressing in moving the SIP from red to amber, an updated version of this is included on this meetings agenda and is attached as appendix three.
- 7 The inclusion of Māori and Māori interests and the health sector in the RtZ governance arrangements are gaps that we are working to address. There is now representation from the Equity and Population Health Group on the DCE's group.
- 8 The DCE's have been briefed on a workshop that will be conducted on 28 October with the DCE's. The workshop is designed to better align the partner organisations around the implementation of all the work streams that are articulated in the RtZ Action Plan.

Agenda Item 1: Road to Zero Quarterly Progress Report

- 9 Officials have prepared a portfolio level RtZ Quarterly Progress Report (the Quarterly Report) for Ministers, CE's and DCE's to actively monitor the delivery of actions and commitments through RtZ. This document is attached as appendix two.
- 10 Much of the data in the quarterly progress is from the last quarter of last financial year, given that this MOG meeting is the postponed meeting that was to be conducted on 1 September 2022, where possible the report has been updated with more recent information.
- 11 The updated report has adopted a new RAG status reporting regime. The new regime has five levels with the inclusion of red/amber and amber/green. This is the primary reason the portfolio has been given a red/amber status this reporting cycle in lieu of the red status it received last reporting cycle.
- 12 The first four slides represent a high-level summary of the quarterly report. It provides an overall status rating for the portfolio of amber/red, as the major DSI reducing actions are behind schedule.

- 13 You will note that 'Investment in Safety Treatments and Infrastructure' is status amber/red, this is largely due to the rate of installation of median barriers not being sufficient to achieve the 1000km target by 2030. Waka Kotahi will articulate their plan for moving from red to amber for this action as part of agenda item two. Median barriers are a key DSI reducing component of the RtZ Action Plan.
- 14 The action 'Raise Safety Standards of Vehicles entering the Fleet' is status red. This is due to the planned progress on the action not having been achieved to date. However, Te Manatū Waka have made some recent good progress on this action, but headwinds remain:
- 14.1 Te Manatū Waka has provided initial advice on its approach to vehicle safety standards. Our current vehicle standards regulatory framework has major limitations. We proposed substantial modernisation of the regulatory framework to ensure agencies are well-placed to respond to expected disruptive changes in the vehicles sector. Te Manatū Waka consider this is a critical component of their responsibility as system steward.
 - 14.2 It is noted that there is limited direct connection between new entry standards and the prevalence of 1- and 2-star cars currently in the fleet, which is where the immediate road safety risk mostly lies. 86 percent of 1- and 2-star cars were manufactured prior to 2008.
 - 14.3 The biggest barrier to implementing new standards is limited specialist drafting resource. The prioritisation of existing resource away from other transport priorities will be required to progress changes to rules.
 - 14.4 With the above in mind, Te Manatū Waka's initial advice emphasised regulatory stewardship for a range of reasons. However, this does not preclude progressing other improvements to entry standards where it makes sense. While there are substantial policy resourcing constraints, there is a wealth of research to base advice on and it is considered that the policy issues are straightforward.
 - 14.5 Te Manatū Waka did not propose specific immediate standards improvements in its advice due to the lack of information available to accurately assess price impacts for used vehicles and vehicles currently in the fleet. Additionally, it is tricky to predict the differing impacts of any price changes across the community. It is recognised that this information is likely to be of high importance to Ministers. Te Manatū Waka are working to close these information gaps for the next phase of advice that Minister Wood will receive in October.
 - 14.6 The October advice to Minister Wood will cover next steps for a first principles review of the vehicle standards regulatory framework and, in that context, will include information about practical progress on regulatory reform as signalled in RtZ.

Vehicle Standards are a key contributor to DSI reduction.

- 15 The action Prioritise Road Policing is status amber/red moving up from red last quarter. There has been considerable work done by NZ Police in the last quarter, including on the introduction of the Safe Roads Control Strategy and plans for the

associated operating model and the successful trialling and evaluation of their new deployment dashboard. Whilst many of the police metrics have not been achieved, it is considered that there is momentum being built.

- 16 Enforcement is a key contributor to DSI reduction in the RtZ Action plan, and to this end a highly productive workshop was conducted on 31 August 2022 between NZ Police, Te Manatū Waka and Waka Kotahi. This was to pursue agreement on the recommendations from a review conducted by the Global Road Safety Partnership into road policing performance measures in New Zealand. s 9(2)(f)(iv)
- 17 In the previous report we were unable to provide an updated forecast on the overall DSI reduction expected from RtZ. We expected to be able to provide this information in this current quarterly report and all subsequent ones. We have not been able to progress the forecasting to a robust state that engenders confidence, and consequently this remains a work in progress and has not been included in this report but will be included in the next quarterly progress report.
- 18 We welcome any feedback on this new format of the quarterly report and are seeking ministerial agreement to release this document on the Te Manatū Waka website, along with the RtZ Infographic showing progress against the focus areas of the strategy in appendix four.

In terms of the portfolio actions, there are delivery challenges that put progress against the RtZ target at risk

- 19 The overall RtZ portfolio is tracking at amber/red. Despite a high level of activity and investment of time and effort by all road safety partners, we remain behind on many of the key DSI contributing work programmes. Road policing is below the target levels, the infrastructure programme is behind schedule and the policy programme is also behind schedule.
- 20 The infrastructure programme continues to be behind schedule, with median barrier delivery significantly below the target. Overall delivery pace is sitting at 60 percent; however, improvement initiatives have been identified and are underway to reduce the current forecast gap including installation of median barriers on previously widened sections of roads. The infrastructure programme will also be discussed in further detail in agenda item two.
- 21 The support of some more vocal community members and some stakeholders for work being delivered under the SIP has not been forthcoming. Giving a voice to a broader representation of community and stakeholder views will be an important aspect of the process of installing the lifesaving initiatives. Achieving the appropriate pace of change whilst we bring the community on the journey, is challenging, however, if we go too slow, we will see unnecessary DSI's.
- 22 A new delivery/ procurement model is being implemented to allow for earlier constructor involvement to ensure fit for purpose designs and increase delivery pace

across the programme. This initiative will be a valuable contributor to moving the status of the infrastructure program from red to amber.

Elements of the portfolio are tracking well

- 23 The delivery of roundabouts is tracking well at 96% of its delivery target against forecast.
- 24 Speed management is progressing well with the new Land Transport Rule: Setting of Speed Limits 2022 coming into effect on 19 May 2022 and the speed rule guide getting approved and published. Te Manatū Waka briefed you in early July 2022 on the proposed terms of reference and the proposed appointment process for the new Speed Management Committee. The Committee is expected to be in place by the end of 2022.
- 25 There has been strong support and endorsement expressed at the most recent Austroads Road Safety Taskforce meeting from the Australian States for the leading work that New Zealand has done in relation to speed management and the Speed Management Framework that has been established. This message was reinforced by Australian delegates at the Australasian Road Safety Conference in Christchurch at the end of September 2022.
- 26 An independent review of the Speed Management Guide by the Global Road Safety Partnership has provided clear endorsement of the guide.
- 27 A new Speed Review Governance Group has been established that will have the role of endorsing contentious speed limit changes. This will be a mechanism to deal with the pockets of strong public and stakeholder opposition and manage the pace of change.

There have been delays in the safety camera operating model change

- 28 There have been some delays in the safety camera system operating model which transfers the ownership and operation of the safety camera network and offence processing from NZ Police to Waka Kotahi. There has been a delay of approximately six months to the legislation required to enforce average speed/ point to point cameras. The programme is assessing the impact of this as RSTA2 is required to enforce average speed and point-to-point cameras.
- 29 There has also been delays to safety camera hardware due to supply chain impacts of COVID-19 and the war in Ukraine and delays to organisation design consultation due to concerns raised by NZ Police and the Police Association.
- 30 Public consultation is underway for the use of average speed (point to point) cameras. s 9(2)(f)(iv)

We are yet to see the lift in Road Policing metrics in this quarter, that we expect from the reforms that Police are introducing

- 31 Road policing activity continues to be below target levels, however dedicated road policing FTE sat at 1065 (of a 1070 target). NZ Police met 67% of their 20,000 hours of mobile speed camera deployment, an under delivery of 6615 hours.
- 32 A lot of positive work is being undertaken by the NZ Police to achieve the agreed actions from the Martin Jenkins Road Safety Investment and Delivery Review (the Review). To support the implementation of the Safe Roads Control Strategy, a Safe Roads Control Action Group has been formed with leadership from road policing and districts.
- 33 Police remain focused on delivering the Safe Roads Operating Model and balancing deployment decisions to prioritise restraints, impairment, distraction and speed (RIDS) activity.

Agenda Item 2: Speed and Infrastructure Programme Update

- 34 Overall the Investment in Safety Treatments and Infrastructure action is at status amber/red which is driven predominantly by an under performance in median barrier installation and state highway speed management.
- 35 Our biggest killer on rural roads is head-on collisions and run-off road crashes, with median barrier our highest order intervention for treating this. Median barrier installation is currently at 60% of its required pace.
- 36 Safe and appropriate speeds across the New Zealand road network is vital to reducing DSI. Speed is a major contributing factor to the cause of the majority of DSI crashes in New Zealand, but more importantly it dictates the outcome of every crash.
- 37 In some areas in New Zealand that there has been considerable community and stakeholder pushback associated with the implementation of safe and appropriate speeds and the installation of median barrier.
- 38 Waka Kotahi have been striving to achieve the optimum balance between the ambition required for the implementation of these highly effective life saving initiatives and the need to bring the community and stakeholders along on the journey such that social licence for this work is maximised. Getting this right will see the application of these highly important initiatives at an optimal scale and pace.
- 39 This work is not straight forward and has a high degree of complexity. Waka Kotahi have been developing a plan for moving this RtZ Action from red to amber and their presentation is attached as appendix three.

Agenda Item 3: Partnership approach to support best practice for work related road safety

- 40 The establishment of a partnership between government agencies, unions and sector organisations to support best practice for work-related road safety was one of the recommendations from a Te Manatū Waka-led review into work time limits, logbook

and fatigue-monitoring technology. In our June 2022 briefing on this review, you agreed to discuss the partnership at this meeting of the MOG.

- 41 The partnership is modelled on the National Road Safety Partnership Programme in Australia, which has been effective at improving organisational road safety culture and reducing work-related vehicle harm.
- 42 The intention is for the partnership to co-design, co-invest and co-deliver safety interventions that target key risks in work-related road safety. These interventions could include educational resources, establishing good practices for managing fatigue risk, and leadership or investment into successful implementation of safety technology. Industry could also put forward initiatives they have been working on that require funding. The partnership could utilise ACC funding and investment methodology.
- 43 Our review of work time limits found that there is a lack of evidence to determine whether reducing these limits would reduce the number of people being killed or seriously injured in a work-related road crash. We need to further engage with industry and unions to better understand the issue of fatigue, including the benefits and challenges of potentially reducing work time limits. The partnership is one potential forum to engage on this work.
- 44 The partnership could also provide a platform for employers to implement best practice safety initiatives, to achieve their obligations under the Health and Safety at Work Act 2015 (HSWA) of eliminating risks where possible, and minimising harm when elimination is not possible. We are currently investigating the benefits and feasibility of designating Waka Kotahi as a HSWA regulator, which would require Waka Kotahi to educate and engage with industry bodies, unions, employers and organisations to promote improvements in health and safety practices. The partnership provides a platform for Waka Kotahi to carry out its new role, should it be designated.
- 45 The next step for establishing the partnership is to develop terms of reference and a business case on a wider harm reduction plan for work-related road safety. Waka Kotahi would take the lead on this, working closely with Te Manatū Waka, WorkSafe, ACC, MBIE and the New Zealand Police, before engaging more widely with industry and unions. The worktime, logbooks and fatigue management technology review (30 June 2022) is attached as appendix five.

Agenda Item 4: Update on Road to Zero Action Plan 2023-25

- 46 At the last meeting of the MOG, Ministers agreed to undertake targeted consultation on the draft Road to Zero Action Plan 2023 – 25 (draft Action Plan) with interested stakeholders across industry and advocacy groups, and road safety partners (including Waka Kotahi, the New Zealand Police, ACC and WorkSafe).

47 s 9(2)(f)(iv)

■ s 9(2)(f)(iv)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

49 Feedback from stakeholders was supportive of the proposed actions. There was a strong sense conveyed by stakeholders that we just need to get on with progressing the actions, particularly given the delays caused by COVID-19 and other interruptions.

■ s 9(2)(f)(iv)

[Redacted]

■ s 9(2)(f)(iv)

[Redacted]

52 Clear targets will need to be signalled in the plan to illustrate that the actions are ambitious, and to hold road safety partners to account for delivering on them. We are continuing to refine the intervention indicators in the draft Action Plan, s 9(2)(f)(iv)

[Redacted]

■ s 9(2)(f)(iv)

[Redacted]

Appendix One: Talking Points

- It would be appropriate during the meeting to seek assurances from Te Manatū Waka, Waka Kotahi and NZ Police on the progress that each of the agencies has been making in relation to RtZ.
- It is important that the MOG has an appreciation of the nature of the system improvements RtZ is seeking to make and how each element of the system is dependant on other parts of the system. There is no “silver bullet” solution to the road safety crises in New Zealand – we need to strengthen all parts of the system. All the interventions are evidence based and will be evaluated and will lead to a more liveable and sustainable Aotearoa.
- Similarly, it is important to understand that New Zealand’s road safety performance is diabolically poor when compared to other developed countries around the world, our rates of DSI per 100,000 people are broadly twice that of the leading jurisdictions in Australia and three times that of the leading countries in Europe.
- It is important to provide leadership and direction to the agencies around delivery and implementation of the key RtZ initiatives to the standard and timeframe required for the successful delivery of the RtZ goal of a 40% reduction in the death, pain and suffering inflicted in New Zealanders by road trauma.

A particular focus being on the high DSI reducing activities including:

- Speed management
 - Infrastructure
 - Enforcement
 - Safety cameras
 - Vehicle standards
 - Fines and penalties
- It is important for Ministers to advocate for the co-benefits, between road safety outcomes and other key initiatives. Reduced speeds, reduced VKT, increased public transport patronage, increased levels of active transport, not only have key road safety benefits but they also deliver strong environmental outcomes and improved liveability, public health, and well-being outcomes for all New Zealanders.

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Road to Zero Ministerial Oversight Group - Quarterly Progress Report (April – June)

19 October 2022



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Executive Summary

Portfolio Summary



In a similar performance to last quarter despite a high level of activity and investment of time and effort by all road safety partners, we remain behind on all of the key DSI-contributing work programmes. The focus moving forward will be to convert the high level of work effort into measurable outputs that save lives and prevent injury.

Action Plan Priority Status

Infrastructure and Speed		1. Investment in safety treatments and infrastructure
		2. Introduce a new approach tackling unsafe speeds
		3. Review infrastructure standards and guidelines
		4. Enhance the safety and accessibility of footpath, bike lanes and cycleways
Vehicle safety		5. Raise safety standards of vehicles entering the fleet
		6. Increase understanding of vehicle safety
		7. Implement mandatory anti lock braking system (ABS) for motorcycles
Work related road safety		8. Strengthen commercial transport regulation
		9. Support best practice for work related road safety
Road user choices		10. Prioritise road policing
		11. Enhance drug driver testing
		12. Increase access to driver licencing and training
		13. Support motorcycle safety
		14. Review road safety penalties
		15. Strengthen system leadership and coordination
System management		

Insights

- The format of this report has been revised to better align it to the Road to Zero Action Plan (2020 – 2022) and provide the ability to understand the progress being made on each item.
- The number of deaths from road trauma to the end of June 2022 was 187 compared to the 2018 baseline number of 197 for the same period (source Te Manatū Waka website).
- The relatively high number of deaths and serious injuries recorded in the first half of 2022 when compared to the same period in 2020 and 2021, has been mirrored in many Australian states as they also transition from the COVID-19 pandemic.
- An independent review of government department strategies by the McGuiness Institute has ranked the New Zealand Government's Road to Zero Strategy as the number one ranked government strategy in New Zealand out of 221 strategies operational as at 31 December 2021.
- At the recent Austroads Road Safety Taskforce meeting in Sydney, New Zealand received overwhelmingly positive feedback from Australian jurisdictions on the recently released Speed Management Framework, which is clear indication of the quality of the work that has been done in this area.
- An independent review of the Speed Management Guide by the Global Road Safety Partnership has provided a clear endorsement of the guide.

RAG KEY (more detailed key on slide 11)

- Successful delivery highly likely, no major risks
- Successful delivery probable, risks require constant attention
- Successful delivery feasible, significant issues exist requiring attention
- Successful delivery in doubt, risks or issues in a number of key areas
- Successful delivery is at risk



Road to Zero – Required Outcomes

Road to Zero has strong focus on interventions that have been **proven to work**. The challenge in New Zealand is to implement these interventions at the **scale and pace** that will be necessary to achieve the target of a 40% reduction in DSI by 2030.

The most significant DSI reducing safe system interventions from Road to Zero are;

Infrastructure – at least 1000 km of flexible median barriers, more than 1300 intersections upgraded with primary safe system treatments such as roundabouts and raised platforms.

Speed limits – speed management applied to at least 10,000 km of the road network to align speed limits with safe and appropriate speeds.

Safety Cameras – 700 - 800 new safety cameras (including point to point cameras) to lower average network speeds (including updated levels of **finest and penalties**).

Enforcement – increase levels of **enforcement** from 2018/19 levels, particularly for restraints, impairment, distraction, and speed (including updated levels of **finest and penalties**).

Vehicle Safety – substantially improve vehicle safety standards via a revised regulatory framework along with practical progress on modern safety features and increasing exit of less-safe vehicles.



Focus Areas for Ministers

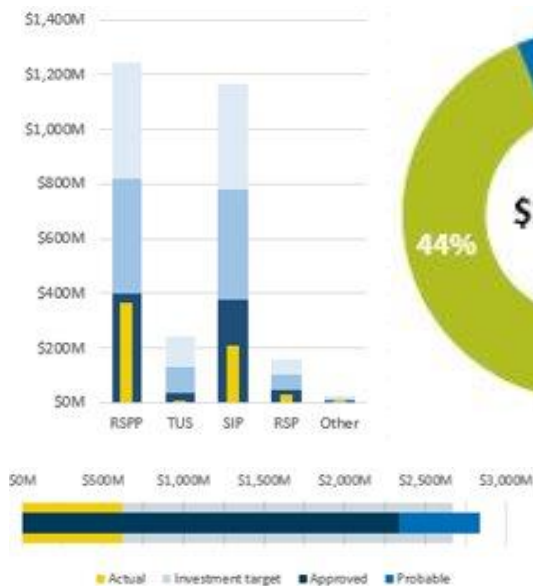
Initiative	Work Underway	What Ministers can do in next 6 – 12 months	Key Risks
Road Safety Penalties Review and enforcement	s 9(2)(f)(iv)	s 9(2)(f)(iv)	s 9(2)(f)(iv)
Speed and Infrastructure	<p>Waka Kotahi are supporting Road Controlling Authorities (RCA's) through the Speed Management Planning Process.</p>	<p>Continue to support Waka Kotahi through acknowledging the current challenging environment within which it is operating.</p>	<p>Waka Kotahi is receiving significant push back on certain proposed speed limit changes. This coupled with the under delivery of safety infrastructure improvements and the current perception of poor maintenance outcomes from some elements of the community will continue to put strain on public buy-in for Road to Zero from an infrastructure perspective.</p> <p>Speed and infrastructure activities contribute significantly towards the achievement of the overall 40% DSI reduction by 2030. Benefits from speed enforcement, cannot be fully realised if speed limits are higher than the safe and appropriate speeds.</p>
Vehicle Standards	<p>s 9(2)(f)(iv)</p> <p>Te Manatū Waka is preparing advice on next steps in a review of the vehicles regulatory framework, which is necessary to modernise how the current system operates while pre-emptively addressing foreseeable future issues.</p> <p>Te Manatū Waka is working to fill information gaps around equity and market implications so that our advice can also include advice about practical next steps to improve vehicle quality and entry standards.</p>	<p>Support the progression of work in this focus area to improve vehicle standards in Aotearoa.</p>	<p>1- and 2-star cars are over-represented in crash statistics in New Zealand, but there are currently limited policy tools which target their presence in the existing fleet and work in this area will probably have access impacts.</p> <p>The vehicle safety focus area contributes to a quarter of the targeted DSI reduction by 2030. Not addressing 1- and 2-star cars' current presence and future entry into the fleet will risk achievement of the overall 40% DSI reduction by 2030.</p> <p>s 9(2)(f)(iv)</p>

Portfolio Summary

Death and Serious Injury Summary

- Rolling DSI 12-month total for period to end June 2022 is now 2609 compared to current projection of 2601, noting 2030 target is 1,787.
- DSIs have trended down in May and June 2022. This followed a spike in April and is leading to the 12-month rolling trend line coming down closer to the target trend line.
- NOTE: the most recent months will be subject to some under-reporting while the Crash Analysis System (CAS) is brought up to date each month with police recorded DSI data.

Financials



Death and Serious Injury Summary



Monthly provisional road deaths (Source: MOT website taken 16 August 2022)

Year	Jan	Feb	Mar	Apr	May	June	YTD
2022	29	26	32	39	27	34	187
2018 (baseline)	36	28	39	26	31	37	197



Road Safety Investment Delivery Review – Partner Actions

In 2021, Martin Jenkins was commissioned by Te Manatū Waka to conduct an independent review of Road Safety Investment and Delivery (the Review). The aim of the Review was to provide an understanding of how road policing activities and safety infrastructure investments are prioritised, delivered and monitored. The review identified that good progress has been made in direction setting through the development of the Road to Zero strategy and action plan and actions. The Review identified a number of improvements across governance, investment prioritisation, the Police Safe Roads Operating Model and performance reporting.

In January 2022, Waka Kotahi, Police, and Te Manatū Waka (the partners) developed a response to the Review, Response to the Road Safety Investment and Delivery Review (the Response). The Response accepted the findings and recommendations set out in the Review. The partners confirmed specific actions that will be taken to respond to the Review findings and recommendations which are reported across the next four pages.

The partners expected the actions to take 12 – 18 months to embed and realise improvements (June 2023). The RAG status on the following four pages are against progress against this timeframe documented in the Response.

Note: Some of the reported actions have been completed prior to this reporting period. They are included in this report for visibility and to acknowledge that they are complete but may be removed in subsequent reports.

Road to Zero strategy and action plan and actions. The Review identified a number of key findings related to the Road Safety Model and performance reporting.

Taka (the partners) developed a response to the Review, Response to the Road Safety Review Recommendations set out in the Review. The partners confirmed specific actions that they will undertake over the next four pages.


The Review aims to embed and realise improvements (June 2023). The RAG status on the following issues was as follows:

d prior to this reporting period. They are included in this report for visibility and to allow

Road Safety Investment Delivery Review – Partner Actions

Agency	Action	Update
	<p>Further embed recent improvements to the governance, reporting and oversight mechanisms established to enable the delivery of Waka Kotahi road safety investment and infrastructure programme (Speed and Infrastructure Programme (SIP)). A dedicated executive level governance structure is in place to actively monitor and oversee the delivery of Road to Zero activities.</p>	<p>Complete. A comprehensive governance structure has been established within Waka Kotahi to provide oversight of all RtZ activities including the SIP. This includes a RtZ Executive Sub Committee that operates across the whole RTZ portfolio. A SIP Governance Group has also been established to provide oversight and assurance of the SIP delivery programme and outcomes. Regular reporting mechanisms have been established to provide visibility and insights on delivery progress. This action has resulted in more in-depth reporting on SIP and a governance framework to provide greater monitoring and assurance.</p>
	<p>Work with Te Manatū Waka and Police to strengthen the road safety partnership. This includes reviewing the level of governance necessary to provide assurance and discharge accountabilities to deliver on the Road Safety Partnership Programme outcomes in a way that reflects the level of investment and necessary contribution to Road to Zero outcomes.</p>	<p>An implementation plan has been developed to improve the performance, management and delivery of the Road Safety Partnership Programme (RSPP). This plan outlines proposed actions approved by the Waka Kotahi Executive Leadership Team and includes actions to address recommendations from the Road Safety and Investment Delivery Review. The implementation plan suggests joint action in areas where delivery has been identified by the review as requiring partnership between Waka Kotahi and Police. As indicated in the FY Q3 RSPP Minister's report, Police have expressed interest in working together with Waka Kotahi to create a plan for the delivery of the shared recommendations. Police have responded positively to the plan and are working with Waka Kotahi to refine aspects of it. Waka Kotahi have developed a proposed governance model and terms of reference, aiming to strengthen the governance of the RSPP to reflect the investment in the programme and contribution to the outcomes of Road to Zero. Police are supportive of the refreshed governance approach and are working collaboratively towards its implementation.</p>
	<p>Will work with Police to further break down national road safety outcomes to more defined regional activity measures to enable more active monitoring of delivery performance against system outcomes.</p>	<p>The Global Road Safety Partnership (GRSP) was engaged to conduct a review of current RSPP Police performance measures, in order to provide advice on the efficacy of the current measures and recommendations for improvements to better align measures and targets with desired outcomes. The report is currently in its final stages, and has been shared with Waka Kotahi, Police, and Ministry of Transport, with consultation scheduled to commence this month.</p>


Road Safety Investment Delivery Review – Partner Actions

Agency	Action	Update
	<p>Work with Police to establish District level road safety plans that more effectively align regional delivery of road safety activities, such as road policing and infrastructure treatments, to regional road safety performance and risks. The plans will be informed by customised regional data, trend analysis and insights, aligned to Road to Zero.</p>	<p>• Whilst the implementation plan proposed Waka Kotahi work with Police to form district deployment plans, Waka Kotahi and Police have since agreed this is a function for Police only. However, the opportunity exists for Waka Kotahi and Police to work together to develop a safe-system lens approach workplan. The Police component to this plan will be informed by the Road Policing Dashboard information and largely be based on general deterrence principles.</p>
	<p>Work with Te Manatū Waka and Police to review measures of police activity within the Road Safety Partnership Programme to ensure optimal alignment with Road to Zero outcomes and international best practice.</p>	<p>• The Global Road Safety Partnership (GRSP) was engaged to conduct a review of current RSPP Police performance measures, in order to provide advice on the efficacy of the current measures and recommendations for improvements to better align measures and targets with desired outcomes. The report is currently in its final stages, and has been shared with Waka Kotahi, Police, and Ministry of Transport, with consultation scheduled to commence this month.</p>
	<p>Support the implementation of the recently endorsed Road to Zero Speed and Infrastructure Design Framework, setting clearer guidance for embedding safe system analysis into the delivery of infrastructure programmes and projects.</p>	<p>• The Design Framework provides delivery partners and project teams consistent guidance in the application of safe system principles. The framework also provides practitioners with guidance on how to achieve good safe system outcomes and approach trade-offs which are typical in retrofit works, reducing the need for departures and escalation of issues which can consume time. The Design Framework has now been published and is being applied as part of ongoing Speed and Infrastructure Programme works development and implementation.</p>
	<p>Undertake work to strengthen the prioritisation and decision-making frameworks that guide investment in road safety interventions and activities through the National Land Transport Programme.</p>	<p>• This action will enable Waka Kotahi to obtain feedback on the application of the current investment prioritisation method to inform development of the prioritisation approach for the 2024 NLTP. This includes consideration of how prioritisation guidance might be applied to activities beyond a 3-year period; guidance to support applications for funding at a programme level; and support for a portfolio approach to management of the RtZ programme.</p>
	<p>Strengthen portfolio and programme management capability to support more aligned and coordinated delivery of road safety infrastructure treatments on local roads, working in partnership with councils.</p>	<p>• Substantial work has already been undertaken and continues through the local roads component of the SIP. Codesign and integration of programmes with Council partners is assisting to lift ambition levels for safety outcomes across the network, as well as provide consistency from a customer perspective.</p>

Road Safety Investment Delivery Review – Partner Actions

Agency	Action	Update
	Establish the Road to Zero Ministerial Group to provide strengthened oversight and leadership over the delivery of Road to Zero.	 <ul style="list-style-type: none"> • Complete.
	Strengthen the governance for the delivery of Road to Zero. This includes embedding the refreshed Road to Zero Chief Executives Governance Group.	 <ul style="list-style-type: none"> • Complete. Meetings have taken place in February and June 2022.
	Appointment of the Director, Road to Zero, a cross agency and system role responsible for supporting enhanced coordination and integration of delivery across the road safety partnership.	 <ul style="list-style-type: none"> • Complete.
	Undertake targeted monitoring of the progress made by Waka Kotahi in responding to the Review as part of our annual Crown monitoring programme.	 <ul style="list-style-type: none"> • Monitoring is underway however this needs to be formalised through Te Manatū Waka governance. Conversation been initiated.
	Implement a more robust reporting and insights framework to more actively monitor cross system delivery, performance and risks. This includes providing clearer line-of-sight on the impact of delivery performance against Road to Zero system targets and indicators.	 <ul style="list-style-type: none"> • This remains a work in progress however, reporting and monitoring improvements have been initiated.
	Further strengthen insights through the annual reporting on performance against Road to Zero system targets and indicators.	 <ul style="list-style-type: none"> • Release of the 2021 RtZ Annual Monitoring Report. As above, further work to improve reporting insights is underway.

Road Safety Investment Delivery Review – Partner Actions





Agency	Action	Update
	<p>Deliver the Safe Roads Control Strategy.</p> <p>Launched December 2021.</p>	<p>• Completed</p>
	<p>Progress the development and implementation of Police's Safe Roads operating model to guide greater focus and consistent approaches to policing on our roads and road safety.</p>	<p>• A draft concept of the Safe Roads Operating Model has been developed with KPMG and has been passed onto Police. The next phase will be to engage internally via workshops, then launch no later than November.</p>
	<p>Establishment of an independent activity-based costing (ABC) review. This will help understand how to strengthen transparency over the allocation and use of dedicated road policing funding.</p>	<p>• The ABC work is the first step to better understand the link between the funding, activities and resourcing that supports road policing delivery. Currently this work is in the draft model development and testing stage. This work will provide a more informed position by the end of 2022.</p>
	<p>Police will take a more structured and formal approach to understanding the deployment of road policing resource.</p>	<p>• To assist deployment, a new Road Policing Dashboard has been piloted in Tāmaki Makaurau. This Dashboard will enable evidenced based decision-making police to deploy its resource in alignment with the principles of deployment.</p> <p>• The evaluation of the Dashboard has been completed. A decision has been made to roll this out nationally commencing with Waikato, Tasman and Southern districts.</p>

RAG Status for Road to Zero Action Reporting

Progress of the programmes/ key projects over the reported quarter

- QTR** Progress has remained on track over the quarter and no major issues to threaten delivery.
- QTR** Progress has had delays or issues although if addressed promptly should not impact overall delivery or benefits realisation.
- QTR** Progress has had major delays or issues. Serious attention/ focus is required over the next quarter to manage or resolve.



Progress toward delivering the overall actions in the Action Plan

-  Successful delivery to time, cost and quality appears highly likely and there are no major issues that at this stage appear to threaten significant delivery.
-  Successful delivery appears probable however constant attention will be needed to ensure risks do not materialise into major issues threatening deliver.
-  Successful delivery appears feasible but significant issues already exist requiring management attention. These appear resolvable at this stage and if addressed promptly, should not impact delivery or benefits realisation.
-  Successful delivery is in doubt with risks or issues apparent in a number of key areas. Prompt action and prioritisation is needed to address these to enable delivery.
-  Successful delivery is at risk if major issues across critical areas are not managed or resolved with urgency.

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Focus Area 1 – Infrastructure and Speed

DSI contribution
40-45%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe		Quarterly Highlights	Key Risks, Challenges & Mitigations
 1. Invest in safety treatments and infrastructure improvements	 Speed and Infrastructure Programme	Primary safe system interventions for corridors (installation of new median barriers)	400km by 2024 1000km by 2030	QTR	<ul style="list-style-type: none">Overall delivery pace is sitting at approximately 60 percent.Improvement initiatives are now underway as well as the commencement of the development of a targeted median barrier programme.	<ul style="list-style-type: none">Some of this challenge results from the funding process which prioritises higher benefit projects, resulting in a higher proportion of high risk and complex corridors within the programme.A new programme approach is being developed which considers a more balanced approach, bringing forward less complex median barrier installs in order to be able to increase the pace of delivery in NLTP 2024-27, subject to funding.
		Supporting safe system interventions for corridors (side barriers, rumble strips)	1700km by 2024 4000km by 2030	QTR	<ul style="list-style-type: none">Delivery of supporting infrastructure is progressing well as this has little impact on access or network operation. 33km of side barrier was completed last quarter.	<ul style="list-style-type: none">Noise complaints are becoming more prevalent as more ATP is installed on the network.
		Speed Changes	3500km by 2024 10,000km by 2030 of roads addressed through speed management	QTR	<ul style="list-style-type: none">The target has already been met with a forecast of ~31,000km expected by 2030. The majority of speed changes have been on local roads. The bulk of the Highway speed changes are expected in 2023/24.Establishment of Speed Review Governance Group to support and endorse contentious speed reviews.Waka Kotahi Board approved an 'approach to speed reviews' to allow speed management teams to continue with low-risk speed changes and a mechanism to review and escalate contentious corridors.	<ul style="list-style-type: none">Strong pockets of public and stakeholder opposition to speed reductions resulting in a need to manage the pace of change.A pragmatic approach to speed management has been developed and approved by Waka Kotahi Board to support speed review teams to navigate the current external climate.
		Primary safe system interventions for intersections (roundabouts)	500 by 2024 1300 by 2030	QTR	<ul style="list-style-type: none">Work is underway to highlight and accelerate project elements that deliver the combination of safety benefits. The programme is tracking at 96% of its delivery target for roundabouts against forecasts.	

Focus Area 1 – Infrastructure and Speed

DSI contribution
40-45%




Key actions to
progress RAG

- Continue to progress speed reviews where there is support from the public and stakeholders. Contentious changes will be reviewed by a Speed Management escalation group for decisions. Achieving the appropriate pace of change is a challenge.
- Implement new delivery/procurement model to allow earlier constructor involvement to ensure for fit-for-purpose designs and increase delivery pace across the programme. Reporting to date has only been on retrofitted median barrier, total median barrier installed across all infrastructure projects since the beginning of the Road to Zero Strategy in 2020 will be included in future reporting.

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Focus Area 1 – Infrastructure and Speed

DSI contribution
40-45%


Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
 2. Introduce a new approach to tackling unsafe speeds	 Speed Management	Safe speeds around schools	40% schools with speed limits in compliance with the Rule by 2024	QTR <ul style="list-style-type: none">Councils progressing well with identifying and planning for schools on local network.Programme for highways is currently being aligned against planned speed changes and phased approach. Changes in Northland progressing well.	
		New Speed Rule	Rule changes for new regulatory framework	QTR <ul style="list-style-type: none">The new Land Transport Rule: Setting of Speed Limits 2022 came into effect on 19 May 2022.	
		Speed Guide	Publish Speed Guide	QTR <ul style="list-style-type: none">Speed Rule Guide approved and published.	<ul style="list-style-type: none">Provide support to Road Controlling Authorities (RCA's) through the Speed Management Planning Process
		National Speed Limit Register	Develop National Speed Limit Register application	QTR <ul style="list-style-type: none">Complete.	
	 Regulatory Work Programme	Establishment of the Speed Management Committee	Requirement of the new Setting of Speed Limits Rule	QTR	<div>s 9(2)(f)(iv)</div> <ul style="list-style-type: none">On track

Dependencies

- Road Controlling Authorities are dependent on the State Highway speed management plans to support the development of their speed management plans.
- Road Controlling Authorities are dependent on the Speed Guide support their development of the speed management plans.

Focus Area 1 – Infrastructure and Speed

DSI contribution
40-45%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
<div><div></div><div>2. Introduce a new approach to tackling unsafe speeds (cont.)</div></div>	<div><div></div><div>Safety Camera System</div></div>	Safety Camera System operating model	<div>s 9(2)(f)(iv)</div>	<div>QTR</div> <div><div>s 9(2)(f)(iv)</div></div>	<div>s 9(2)(f)(iv)</div>
		Safety Camera network expansion	Procure and install safety cameras for the first stage of network expansion Aug 2024	<div>QTR</div> <div><div>Public consultation is underway for the use of average speed (point to point) cameras. An accelerated roll out opportunity has been progressed with Auckland Transport (AT), identifying 28 sites for early roll out, subject to NZ Police agreement to support under the current operating model.</div></div>	<div>s 9(2)(g)(i)</div> <div><div>Inability to accelerate roll out new cameras if the system is not available.</div></div>

Dependencies

- Safety cameras are dependent on legislation to enable enforcement of point-to-point cameras
- Safety cameras are dependent on the outcomes of fees and fines review.





Key actions to progress RAG

- Consideration of a more flexible programme structure that enables some activities to accelerate while others continue at a measured pace. Consider installing new cameras, but issue warning notices until full enforcement capability is in place.



Focus Area 1 – Infrastructure and Speed

DSI contribution
40-45%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
 <p>3. Review infrastructure standards and guidelines</p>	 <p>Speed and Infrastructure Standards and Guidelines</p>	Embed Safe System principles in existing transport-related standards, guidelines and practices	Review and update Infrastructure standards and guidelines	<p>QTR</p> <ul style="list-style-type: none"> 75% of high priority documents have been updated to embed safe system principles, the remaining documents will be completed by end of December 2022. 	
 <p>4. Enhance the safety and accessibility of footpaths, bike lanes and cycleways</p>	 <p>Regulatory Work Programme</p>	Accessible Streets rule changes – to simplify rules around vulnerable road users	Consult on rules and progress rule changes (2019 – 2020)	<p>QTR</p> <p>s 9(2)(f)(iv)</p>	<ul style="list-style-type: none"> Te Manatū Waka to provide advice to Ministers office should any issues arise through ministerial consultation.

Dependencies

- Accessible Streets dependent on Cabinet approval and government priorities.
- Accessible Streets complements the Reshaping Streets programme of work.




Key actions to progress RAG

- Accessible Streets will progress following Cabinet consideration of the policy changes. If these are approved by Cabinet, then regulatory changes will be progressed. Waka Kotahi will also lead an education campaign on the changes.
- Note: The status of the accessible streets programme of work was Amber at last update. It is now red because of delays to progress.



Focus Area 2 – Vehicle Safety

DSI contribution
25%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
<div></div> <div>5. Raise safety standards of vehicles entering the fleet</div>	<div>  Regulatory Work Programme</div>	Raising Vehicle Fleet Safety Standards	<div>Review of the vehicle standards regulatory framework</div> <div>Practical next steps to raise quality of the vehicle fleet</div>	<div>QTR</div> <div><ul style="list-style-type: none">Te Manatū Waka developed initial advice which went to the Minister early July 2022. That advice is the first in a series of papers reviewing the vehicle standards regulatory framework, which is necessary to prepare for modern vehicles and meet core regulatory stewardship needs.The Ministry is considering practical next steps to increase entry standards, as was signaled in the original Action Plan. While there are clear candidate technologies, we are seeking to understand the market and equity impacts to give confidence about implications.</div>	<div><ul style="list-style-type: none">We have extremely limited policy resources overall which makes it difficult to proceed with both immediate practical steps and strategic change, but having a clear set of obvious next steps means we can have high near-term impact with resources we have.We have limited data about market and equity impacts of new vehicle standards. Work is underway to close these gaps.</div>
			<div>s 9(2)(f)(iv)</div>	<div>QTR</div> <div>s 9(2)(f)(iv)</div>	<div>s 9(2)(f)(iv)</div>

Dependencies

- Deciding next steps for standards improvements requires understanding market and equity impacts of new standards so that social license for reform is maintained.
- Once a decision is reached, implementation cannot proceed without adequate drafting resource.
- Progress on the review of regulatory framework depends on dedicated resource continuing to prioritise this work.



Key actions to progress RAG

- Seek data and insights about market and equity impacts to provide confidence and support in-principle decisions about near-term standards changes.
- Progress review of regulatory framework.



Focus Area 2 – Vehicle Safety




DSI contribution
25%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
<div><div></div><div>6. Increase understanding of vehicle safety</div></div>	<div><div></div><div>Road Safety</div></div>	Vehicle safety promotion	Raise awareness of the importance of safe vehicles towards reducing the severity of crashes	<div><div>QTR</div><div><ul style="list-style-type: none">Draft technology report with phasing for both new and used vehicles complete.WoF/CoF system assessment for modern vehicles underway Initial scoping to assess suitability.</div></div> <div>s 9(2)(g)(i)</div>	
<div><div></div><div>7. Implement mandatory anti lock braking system (ABS) for motorcycles</div></div>	<div><div></div><div>Regulatory Policy</div></div>	<div><ul style="list-style-type: none">A rule mandating anti-lock braking systems for motorcycles entering the fleet is now in place. This action has been completed.</div>			

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Focus Area 3 – Work Related Safety

DSI contribution
not yet established




Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
 8. Strengthen commercial transport regulation	  Regulatory Work Programme	Review logbook and work-time requirements under the Land Transport Act 1998	MOT policy investigation (2020) MOT regulatory process (2020 – 2021)	QTR <ul style="list-style-type: none"> Advice provided seeking Minister's agreement to engage with industry and unions to better understand issues surrounding fatigue and work-time rules. Te Manatū Waka consulting on possible use of e-logbooks as part of the road user charges consultation. No decisions have been made. 	
		Review logbook and work-time requirements under the Land Transport Act 1998	Policy investigation of future technologies	QTR <ul style="list-style-type: none"> Completed examining the future role of transport technology, particularly telematics and fatigue monitoring technology. 	
		Review the roles and powers of regulators	MOT policy investigation (2019 – 2020)	QTR <ul style="list-style-type: none"> A further workshop was held in July with MBIE, Te Manatū Waka and Waka Kotahi to progress policy work on designating Waka Kotahi to take on functions under the Health and Safety at Work Act (HSWA). 	
		Investigate future of telematics	Policy investigation (2022)	QTR <ul style="list-style-type: none"> Minister briefed, at a high level, about telematics as part of the briefing noted above on work time requirements. We recommended that we work closely with the proposed new road safety collective to investigate how to encourage uptake and successful implementation fatigue-monitoring and other safety technologies. 	

Dependencies

- There is a dependency on feedback before the framework for reviewing and revising infringement fees and fines across the transport sector can be developed.

Focus Area 3 – Work Related Safety

DSI contribution
not yet established



Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
 9. Support best practice for work related safety	 Work Related Road Safety	Work related road safety	MOT policy investigation (2020) MOT regulatory process (2020 – 2021)	QTR <ul style="list-style-type: none"> NZ Trucking association is partnering with Australian Trucking Association to launch a heavy vehicle accreditation scheme 'Trucksafe' in NZ. Completion of the NZ Police Journey purpose data into Waka Kotahi Crash Analysis System Business case development under way to establish a road safety partnership lead by industry. 	
	 Worksafe	Support private-sector best practice road safety initiatives	Best practice guidelines developed and implemented	QTR <ul style="list-style-type: none"> Minister briefed in June 2022 seeking agreement to Waka Kotahi establishing a road safety partnership to be run by industry, and involving unions and government agencies (ACC, Te Manatū Waka, NZ Police and WorkSafe), to collaborate on evidence-based interventions to tackle key risks of harm in work-related road activity. Continuing to run a small subject matter expert government, union, private sector group looking at safety in the transport sector. Researching around mapping harm across the transport sector. 	

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Focus Area 4 – Road User Choices

DSI contribution
25 – 30%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
 10. Prioritise Road Policing	 Road Safety Partnership Programme	Dedicated road policing sworn staff	1070 sworn staff	QTR	<ul style="list-style-type: none"> As of June 2022, dedicated road policing FTE sat at 1,065 FTE, with 943 in the Districts and 122 in the CVST and NRPC
		Mobile speed cameras deployment	20,000 hours	QTR	<ul style="list-style-type: none"> Police met 67% of the Q4 target of 20,000 hours, an under delivery of 6,615 hours.
		Restraints	15,000 offences	QTR	<ul style="list-style-type: none"> Police detected 66% of the Q4 target of 15,000 offences, an under delivery of 5,128 offences.
		Breath tests	3,000,000 breath tests	QTR	<ul style="list-style-type: none"> As of June 2022, Police had conducted 1,592,286 alcohol breath tests for the 2021/22 year.
		Rural speed enforcement	70% of officer issued speed offence notices which are rural	QTR	<ul style="list-style-type: none"> Rural roads accounted for 52% of officer issued speed notices in Q4
		Officer issued speed enforcement	15% of officer issued speed offences between 1- 10km/h	QTR	<ul style="list-style-type: none"> In Q4, 9.1% of officer issued speed offences were for speeds 1-10 km/h above posted speed limits
		Identified and engaged high-risk drivers	1700 high risk drivers	QTR	<ul style="list-style-type: none"> Police initiated 838 proceedings for Fails to Stop for Police and 421 proceedings for Sustained Loss of Traction in Q4

Dependencies



- The Road Safety Investment and Delivery Review – completed by Martin Jenkins, articulates multiple recommendations that Police and our partners are committed to delivering. The review of RSPP measures by the Global Road Safety Partnership, Dave Cliff, will provide advice into the current RSPP measures. This will inform if there are changes to be made to the current and future (24/27 RSPP) measures.

Key actions to progress RAG

- The Police Executive and wider leadership team are fully supportive and actively working towards lifting road policing performance.
- Initiatives such as the Road Policing Deployment Dashboard, is about to be rolled out nationally.

Focus Area 4 – Road User Choices

DSI contribution
25 – 30%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
 10. Prioritise Road Policing	 Change Initiatives Investment Portfolio	Mobile Camera Replacement Programme	30 October 2022	QTR <ul style="list-style-type: none">Operational capacity in the existing mobile camera vans was restored by 30 June. All cameras are on track to be replaced with the new NK7 devices by 30 September 2022.	<ul style="list-style-type: none">Ownership of RedFlex lease contract, post business function transition to Waka Kotahi. If Waka Kotahi does not take ownership of this lease contract, Police would remain liable for covering termination costs. This has been mitigated by mutually determining contract conditions with Waka Kotahi (including a mutually agreed Novation clause) and ensuring the programme business case is signed off specifically on the basis of Waka Kotahi assuming contract ownership after business function transition.
		Innovation Hub: Unmarked Motorcycle Trial	30 June 2022	QTR <ul style="list-style-type: none">Unmarked motorcycle trial phase in Canterbury and Wellington districts completed, with trial in Tamaki Makaurau underway. Trial will be extended to other districts in August and will allow Police to evaluate the benefit of expanded unmarked vehicle fleets on road user behaviour.	<ul style="list-style-type: none">No risks at this point.

Dependencies

- Programme dependencies. Ensure timely actions meet milestones.
- NZ Police working in partnership with Waka Kotahi in regard to the mobile cameras programme.




Key actions to progress RAG

- Strong planning and governance to track and deliver progress.



Focus Area 4 – Road User Choices

DSI contribution
25 - 30%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
11. Enhance drug driver testing	 TE MANATŪ WAKA MINISTRY OF TRANSPORT Regulatory Work Programme	Drug Driving Bill	Drug Driving Bill (Complete)	QTR <ul style="list-style-type: none">The Act received Royal Assent on 11 March 2022	<ul style="list-style-type: none">N/A
	 WAKA KOTAHĪ NZ TRANSPORT AGENCY Regulatory Policy	Drug Driving Implementation	TBC	QTR <ul style="list-style-type: none">New regulatory team established.Drug driving steering committee established.	<ul style="list-style-type: none">Delays in the timeframes are a result of the time taken to for the Drug Driving Bill to be passed.
	 NEW ZEALAND POLICE Ngā Pōhēhēhē o Aotearoa Impaired Driving Programme	<div>s 9(2)(f)(iv)</div>	<div>s 9(2)(f)(iv)</div>	QTR <div>s 9(2)(f)(iv)</div>	<div>s 9(2)(f)(iv)</div>
		<div>s 9(2)(f)(iv)</div>	<div>s 9(2)(f)(iv)</div>	QTR <div>s 9(2)(f)(iv)</div>	<div>s 9(2)(f)(iv)</div>

Dependencies

- Programme dependencies. Ensure timely actions meet milestones.

Key actions to progress RAG

- Strong planning and governance to track and deliver progress.





Focus Area 4 – Road User Choices

DSI contribution
25 - 30%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
12. Increase access to driver licensing and training	 MSD	Driver licencing initiative - Data and evidence working group – bringing together groups to joint together outcomes	Currently in the scoping phase.	QTR <ul style="list-style-type: none"> Working group has been established and work has begun to understand the data environment. 	<ul style="list-style-type: none"> There may be difficulty in combining some data. For example Crash Analysis System (CAS) data is not currently in Stats NZ Integrated Data Infrastructure (IDI). We are exploring enabling this and looking to use existing data such as ACC in the meantime.
		Stabilise and expand access to driver licence support services	Design a new contracting and procurement framework for FY23. Establish an effective referral process s 9(2)(f)(iv) and develop reporting using IDI data (July 2023)	QTR <ul style="list-style-type: none"> Funding for up to 64,000 people to get driver licenses over the next four years secured as part of Budget 2022. MSD regions allocated funding to stabilise the sector in year one for around 10,000 places. 	<ul style="list-style-type: none"> Working to manage expectations following the budget announcement and to explain the year one stabilise phase while the sector builds capacity and capability to sustain increased numbers – Holding lines and communications drafted to existing providers, staff and stakeholders.
	 Waka Kotahi	Examine the current state of the driver licence eco-system and develop a framework and implementation plan for further system improvements	Identifying the current state and developing a view of the future licensing system. Continuing work on regional trials and other ongoing improvements to the delivery of the licensing system (2021 – 2022)	QTR <ul style="list-style-type: none"> Employment and Training Ministers Group (EEP) endorsed the Director of Land Transport to lead a cross-agency Driver Licensing Improvement Programme (DLIP). In Te Tai Tokerau, Waka Kotahi has partnered with Far North Rural Education Activities Programme (REAP) and NZ Police, and in Tarāwhiti, they have partnered with Tarāwhiti REAP and McInnes Group, (a local driver licence support operator) to deliver a 12-month trial for alternate testing services in these regions. 	<ul style="list-style-type: none"> That Te Ao Māori is not embedded in the future state design, and the future state does not fully reflect the key principle of by Māori, for Māori. A cross-agency steering group has been established, which includes TPK, and each agency is identifying a lead Māori advisor to work with the programme and Waka Kotahi's Pou Ārahi. A risk of commitment and active participation from the other agencies has now been reduced by the establishment of a cross-agency steering group, with representatives from Waka Kotahi, ACC, MSD, MoT, Police and TPK, and active participation from all agencies at a working group level.

Focus Area 4 – Road User Choices

DSI contribution
25- 30%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
 12. Increase access to driver licensing and training	 Regulatory Work Programme	Change to five-year time limited licence rule	Driver licensing rule change (2019) (Complete)	QTR <ul style="list-style-type: none">The Land Transport (Driver Licensing) Amendment Rule (No 2) 2021 increased the validity of newly issued and renewed learner and restricted car and motorcycle licenses from 5 years to 10 years. This came into effect in December 2021.	<ul style="list-style-type: none">None.
		Review of licensing system	Review of licensing system (2019 – 2021)	QTR s 9(2)(f)(iv)	s 9(2)(f)(iv) s 9(2)(f)(iv) we propose to release research conducted as part of the review of the licensing system. We are also exploring other changes to the licensing system that may support access.

Dependencies




- Waka Kotahi's Driver Licensing Improvement Programme.
- There are no key activities that need to happen to make changes sooner.

Key actions to progress RAG



Focus Area 4 – Road User Choices

DSI contribution
25 - 30%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
13. Support motorcycle safety	 Regulatory Work Programme	Licensing pathway for motorcyclists – policy review	Licensing pathway review including Competency Based Training and Assessment (CBTA) and Ride Forever training (2020)	QTR	<ul style="list-style-type: none">Scoping and early policy development. Initial discussions held between Te Manatū Waka, Waka Kotahi, and ACC. Research to look into motorcycle safety and licensing interventions has been commissioned.
	 Regulatory Workstream	Roads and Roadside Package s 9(2)(f)(iv)	Package of safety treatments on 24 highest risk routes (by December 2019) and 26 rural high-risk routes (2019 – 2024)	QTR	<ul style="list-style-type: none">Waka Kotahi's task is to implement the ACC programme of motorcycle safety road engineering measures on high-risk motorcycle routes. The delivery approach is complete, scoping 80% complete and construction is progressing.
	 Incentivise motorcycle skills training	Two-year cashback pilot, incentivising sign ups for hard-to-reach riders	Completed a two year pilot and extended to June 2022. New cashback scheme in place from November 2022.	QTR	<ul style="list-style-type: none">ACC levy team are reviewing how this could be administered through motorcycle registration.NZ Police Awhi application utilising motorcycle training for diversion.

Dependencies

- Waka Kotahi resourcing for the Waka Kotahi review.



Key actions to progress RAG

- Waka Kotahi completing the review of the current pathways. Will then be in a position to advise the government on what interventions may be required.



Focus Area 4 – Road User Choices

DSI contribution
25 - 30%

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
 14. Review road safety penalties	 Regulatory Work Programme	Review Financial Penalties and Remedies programme	Review road safety related offences s 9(2)(f)(iv)	QTR • s 9(2)(f)(iv)	• s 9(2)(f)(iv)
		Distracted driving	Consult on updates to the Land Transport (Offences and Penalties) Regulations 1999 (2021 – 2022)	QTR • This was a one-off piece of work which is now complete. • The infringement fee for using a mobile phone while driving increased from \$80 to \$150 in April 2021. Further potential changes to the distracted driving offences are being considered as part of the wider review mentioned above. • The wider consideration of distracted driving is subsumed into the general road safety penalties review highlighted above.	• N/A

Dependencies

- This work links in directly with enforcement, including the safety camera programme as appropriate fines and penalties coupled with the target enforcement levels are expected to lead to significant DSI reductions.



Key actions to progress RAG

- Effective engagement with Ministers and the public to highlight the positive road safety and equity impacts we could see from this work programme. This needs to highlight the better outcomes (relative to the status quo) that the proposals will generate for vulnerable groups. Examples include young males and Māori who are over-represented in road trauma.






Focus Area 5 – System Management

DSI supporting and enabling action

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations	
 15. Strengthen system leadership and coordination	 System Management	System Management Implement ation and Strategic Leadership	QTR	<ul style="list-style-type: none">Establishment of System Management Advisory Group led by Waka Kotahi2023-25 RtZ Action Plan in its final stages and will go to Cabinet end September 2022.		
		Data and evidence	Transport Evidence Base Strategy Transport Safety Knowledge Hub Integrated intervention logic model Vision Zero 2050 network modelling	QTR	<ul style="list-style-type: none">Release of the 2021 RtZ Annual Monitoring Report .Vision Zero 2050 Modelling work is underway.2021 Communities at Risk Register has been updated and released to Local Authority partners.	<ul style="list-style-type: none">Late release of the 2021 RtZ Annual Monitoring Report (AMR) and currency of the information in the report. We will seek to release the 2022 AMR in March 2023.
		Education and Marketing	Assist public understanding (2020 – 2022)	QTR	<ul style="list-style-type: none">Public Awareness Campaign has effectively disrupted and has allowed us to start a conversation around Road SafetyThere has been a substantial increase in Road to Zero awareness, from 11 percent in December 2021 to 59 percent in June 2022.Vision Zero Learning and Capability Programme first Community of Practice.RtZ Collaboration progress on developing the draft Road Safety Action Planning guidelinesCommencement of a performance measurement framework.	
		Post crash care	Establish a cross agency post crash working group	QTR	<ul style="list-style-type: none">s 9(2)(g)(i)	Leverage learnings from the National First Responders Group to investigate how good practices and learnings can be shared and identify areas which require focus.

Focus Area 5 – System Management

DSI supporting and enabling action

Action	Workstream (Programme)	Key Projects/ Activities	Output and Action Plan Timeframe	Quarterly Highlights	Key Risks, Challenges & Mitigations
 15. Strengthen system leadership and coordination	 System Management	Improving Māori road safety outcomes	Deepen understanding of road safety outcomes (2020 – 2022)	QTR <ul style="list-style-type: none">Detailed scoping of project to start August.	<ul style="list-style-type: none">Māori Partnership review currently on hold awaiting more feedback from Māori as part of the Whakahaumarū huarahi mō ngā iwi Māori engagements.
	 Road Zero	Governance	Strengthen governance arrangements.	QTR <ul style="list-style-type: none">Established the Road to Zero Deputy Chief Executive Management Group.	
		Leadership and coordination	Develop a monitoring framework	QTR <ul style="list-style-type: none">Reporting and monitoring improvements initiated.	

Dependencies

- Dependent on feedback from Māori as part of the Whakahaumarū huarahi mō ngā iwi Māori engagements
- Post Care Response - Emergency services sector are undergoing restructures, there is a lack of staffing due to covid response and DHB restructure.

Key actions to progress RAG

- Continue to strengthen the reporting framework and governance.
- Continued development of the implementation of improved governance through the system management workstream at Waka Kotahi working in partnership with other road safety partners.



Indicator Reporting

The following graphics highlight how tracking is going against the key road to zero indicators to show progress, as apposed to the tracking against the five focus areas of the Road to Zero strategy reported in the previous slides.

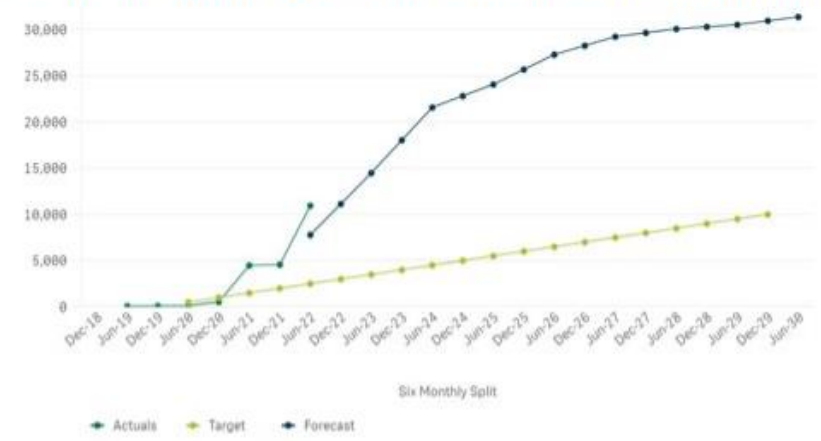
1.1.5 Kilometers of the network treated through speed management

Target (2030)
10,000

Forecast (2029/30)
31,359

Actual (2021/22)
10,940*

* State Highways and Local Roads



1.1.5 Kilometers of the network treated through speed management (split)



- The target has already been met with a forecast of ~31,000km expected by 2030. The majority of speed changes have been on local roads. The bulk of the highway speed changes are expected in 2023/24.
- Delivery of speed limit changes on the highway network will be impacted with the current consideration of a phased approach. Councils and Auckland Transport in particular, continue to deliver speed limit changes at pace.

1.1.1 Kilometers of the network treated with new (retrofitted) median barrier

Baseline (2020)
0

Target (2030)
1,000

Forecast (2029/30)
587

Actual (2021/22)*
65



- Slight increase in retrofitted median barrier delivered completed to last quarter.
- In addition to retrofitted, 43km of new median barrier was installed from Jan 20 to Jun 22 via new parts of the network, either via State Highway improvements, or Crown funded projects (not currently displayed on the graph) this will be reported on for all future reports.
- Work is continuing to embed initiatives that will lift the rate of delivery of median barriers. Forecast adjustments will be expected to be visible through 2022/23 as designs are completed and project timings are confirmed.



Indicator Reporting

The following graphics highlight how tracking is going against the key road to zero indicators to show progress, as apposed to the tracking against the five focus areas of the Road to Zero strategy reported in the previous slides.

Speed and Infrastructure Programme Roundabouts



Speed & Infrastructure – Total DSIs



- The programme is tracking at 96% of its delivery target for roundabouts against forecasts.
- Work is underway to highlight and accelerate project elements that deliver the combination of safety benefits (median, wide centre, roundabouts and side barrier).
- This graph represents only roundabouts, not all Safe System interventions for intersections as reported in the Road to Zero Annual Report.
- The programme has achieved ~30% DSI savings against the 635 target in 2030.
- Note: DSI savings are currently only adjusted only when project or intervention is fully completed



Indicator Reporting

Annual Target
(RSPP 2021-24)

80,000

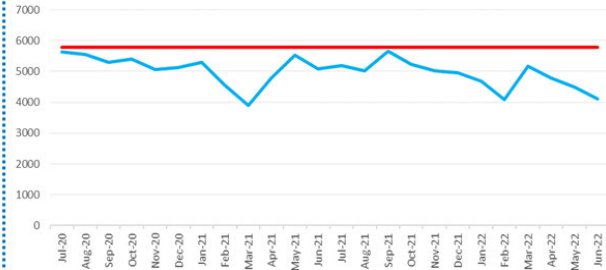
Actual (2020/21)

61,200

Actual (2021/22)

58,406

Mobile speed camera deployment activity (hours)



The target for mobile speed camera hours deployment was set at 80,000 hours for the fiscal year. This measure is unachievable with the current level of Traffic Camera Operators. Additional operators are being engaged on a fixed-term basis.

Camera breakdowns and lack of spare parts for cameras no longer in production have also had a marked impact on the ability to deploy for the required hours. The activity is tracking just under the achievable activity level of 69,381 hours despite the equipment and staff challenges.

Mobile camera replacement programme

Police is currently replacing mobile cameras as a change initiative under the 2021 – 24 Road Safety Partnership Programme (RSPP).

The new NK7 mobile cameras have been received and are being released to deployment in batches. This has allowed police to restore mobile camera operational capacity by 30 June 2022, using a mix of old and new cameras – with further camera replacement continuing to progress in July. The replacement work is already halfway through, and 20 NK7 cameras are in deployment already.

All 43 mobile cameras will be replaced with the new NK7 model by 30 September 2022.

The annual target number of passive and screening breath tests under the RSPP 2021-24 is a desired activity level of 3,000,000 tests. Currently this data is not reliably available on a monthly basis as the devices need to be returned for downloading data and calibration. The graph to the left represents the data from the devices returned for calibration before end of June 2022 on a rolling 12-month basis.

Police is currently implementing a solution under RSPP 2021-24 that will enable the collection of almost real-time data on the number and location of passive breath tests and breath screening tests. New Drager 7510 breath testing devices that can have data downloaded from within each district have been rolled out. The proportion of devices docked and downloaded since the rollout sits at 23 percent. The next stage in the project is to identify issues with docking and downloading their devices regularly and encouraging staff to do this.

Annual Target (RSPP
2018-21)

2,000,000

Actual (2020/21)

1,500,268

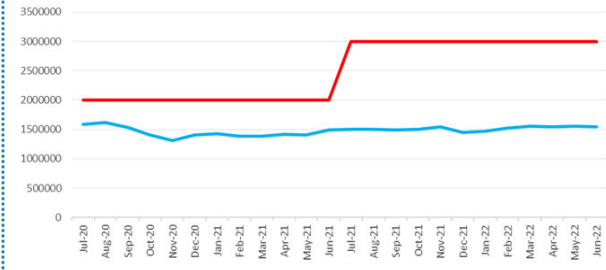
Annual Target (RSPP
2021-24)

3,000,000

Actual (2021/22)

1,592,286

Number of passive and screening breath tests
conducted (rolling 12-month total)



Annual Target (RSPP
2021-24)

60,000

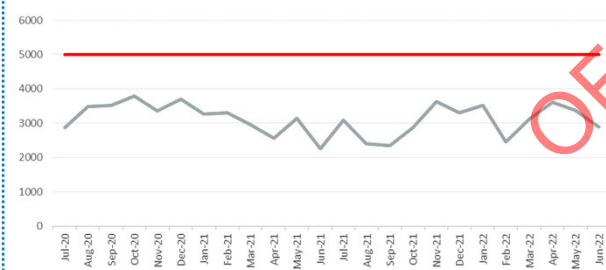
Actual (2020/21)

38,236

Actual (2021/22)

36,613

Number of restraint offences



The annual target number of restraint offences under RSPP 2021-24 is 60,000. This represents a monthly target of 5,000.

For the 2021/22 year, NZ Police recorded 36,613 restraint offences, short by 23,387 offences.

The number of deaths from passengers and drivers where the person was recorded as not wearing a seatbelt from the period Apr to Jun 2022 was 25, representing 23% of all DSIs recorded during this period.

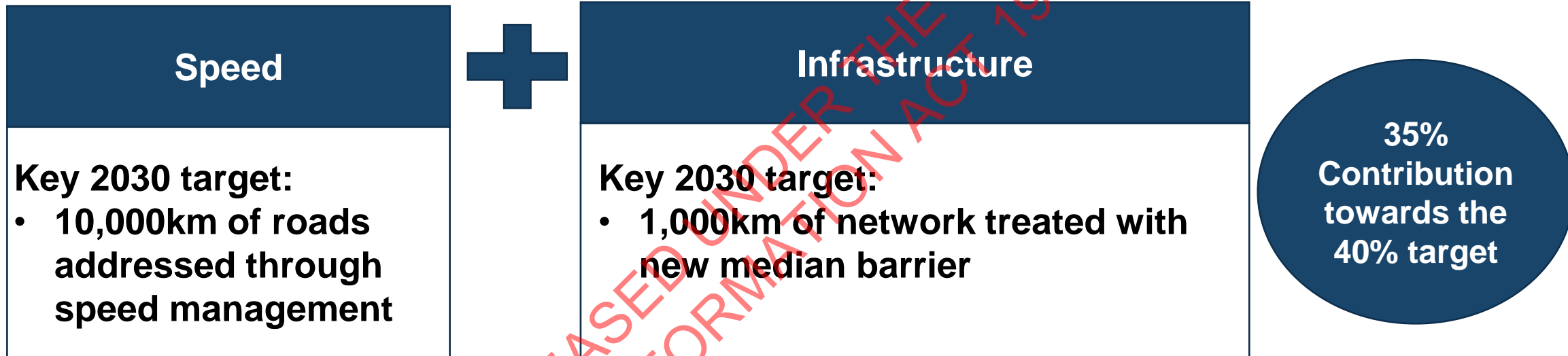


Appendix 3

Speed and Infrastructure Programme

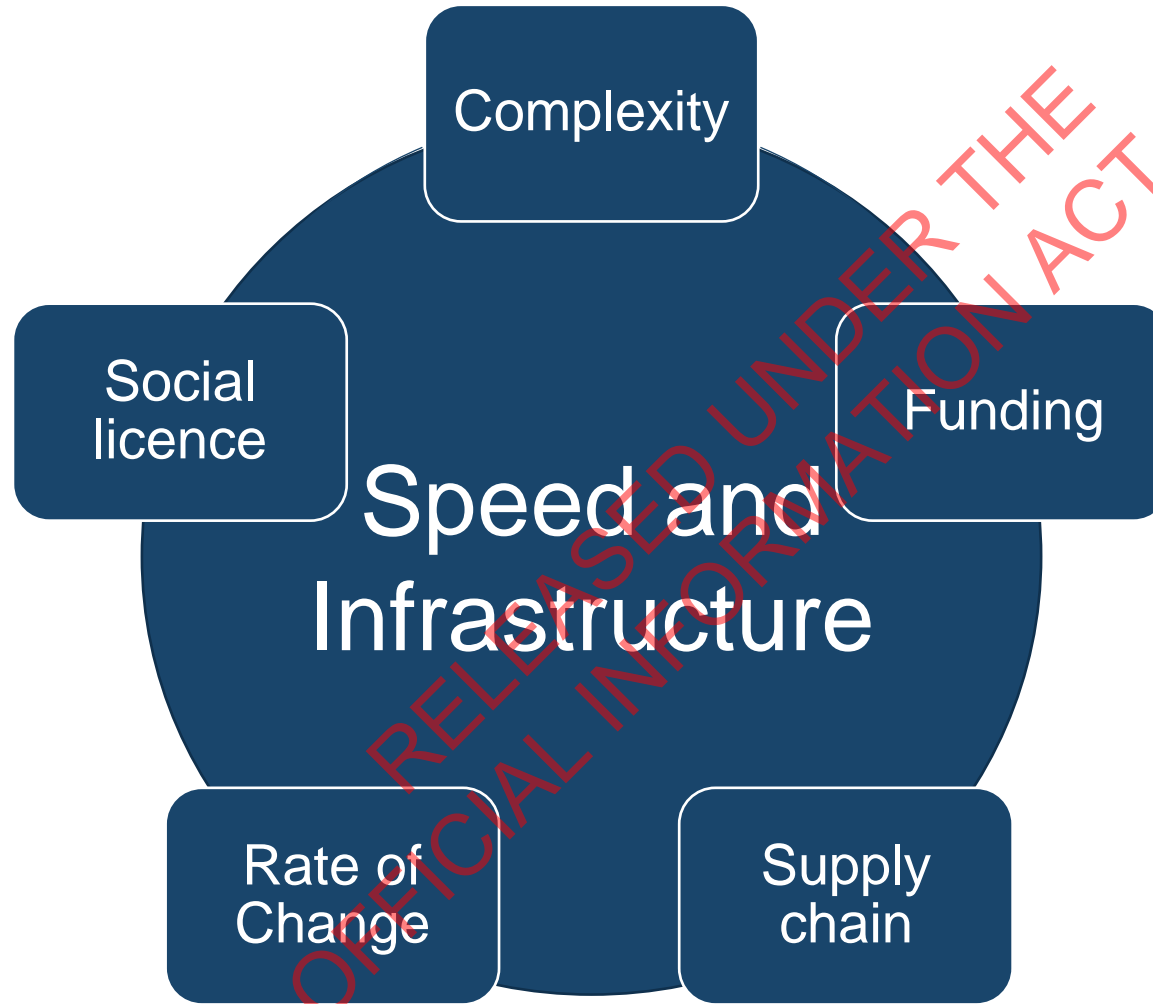
Pathway to Amber

Importance

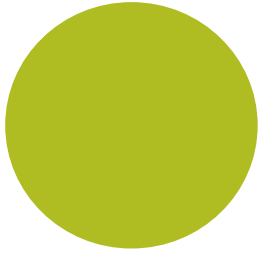


Together, Speed and Infrastructure activities aim to deliver a **DSI reduction contribution of 630 by 2030**

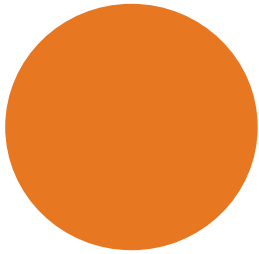
Challenges



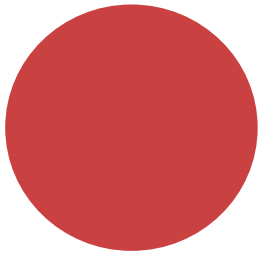
Traffic light status definitions



All aspects of the Speed and Infrastructure Programme programme are tracking well to deliver the required DSI reduction outcome and outputs



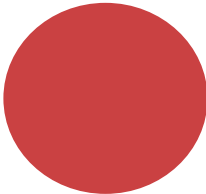
Some aspects of the Speed and Infrastructure Programme are at risk, however the overall DSI reduction contribution is still achievable



Key aspects of the programme are at risk with the overall DSI reduction contribution at risk and unlikely to be achieved without an intervention

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Programme status



Speed Management

State Highways

Local Roads

The majority of DSIs occur on 100km/h sections of rural roads, with the State Highway Speed Management Programme behind due (in part) to lack of social licence for reduced speeds



Infrastructure

Median Barrier

Wide Centreline

Roundabouts

Side Barrier

Our biggest killer on rural roads is head-on collisions and road run-offs, with median barrier our highest order intervention for treating this. The Median barrier is currently at 60% of its required pace

Overall SIP Programme Status is RED, driven predominantly by an under performance in median barrier and state highway speed management

Pathway from RED to AMBER

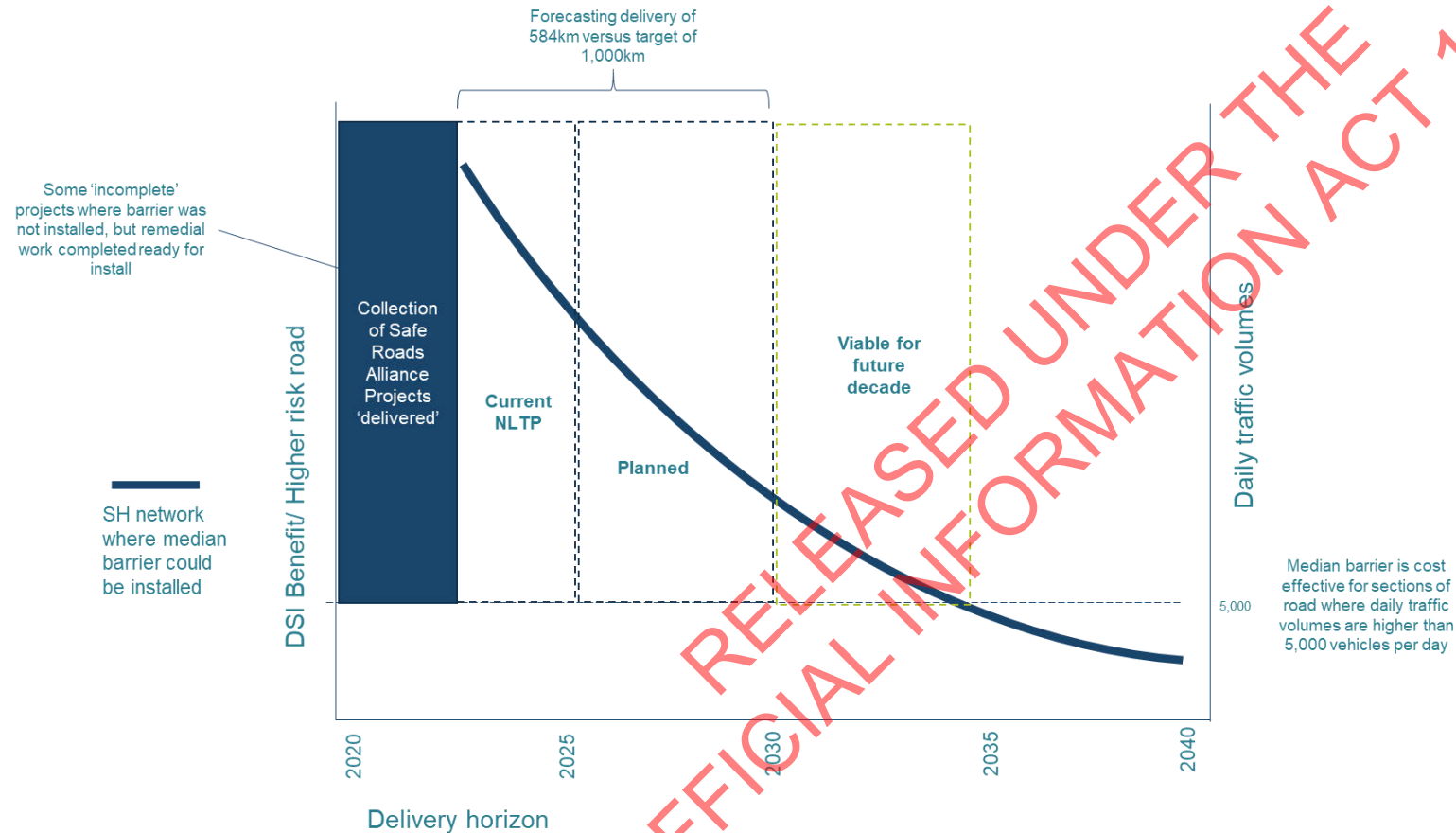
Median Barriers:

Develop a plan to lift the delivery pace of median barrier and identify additional kms to close the forecasted target gap

Speed Management:

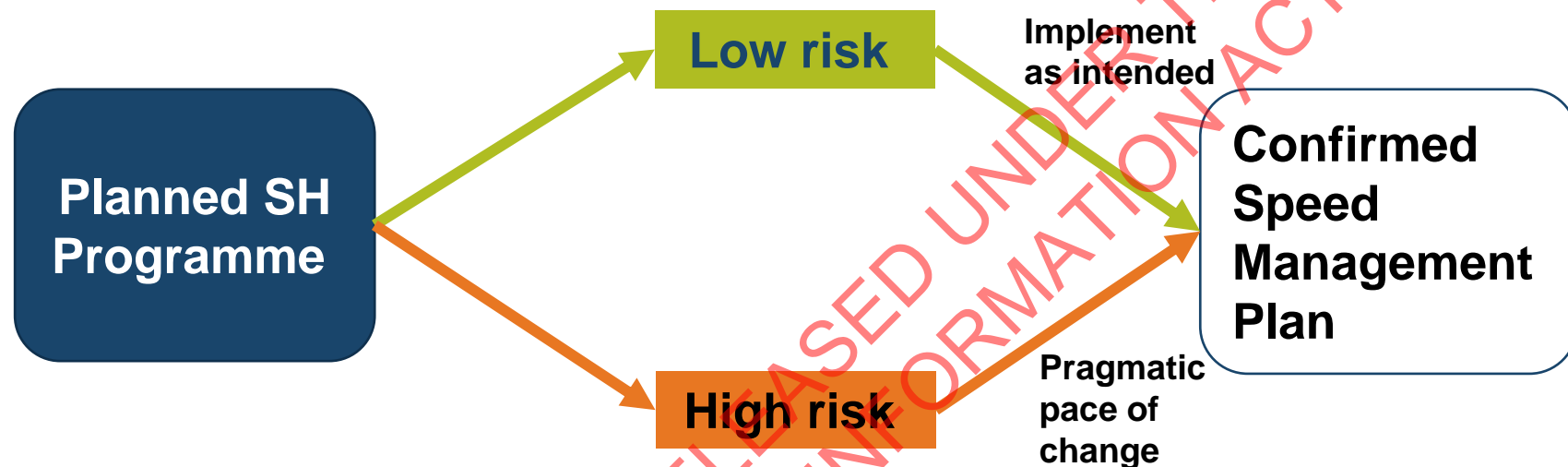
Support the local roading speed management delivery, while applying a pragmatic approach to state highway speed reviews which consider the interim use of 90km/h where appropriate

Median barrier approach



Capture of
installed kms
from other
programmes

State Highway Speed Management Plan approach

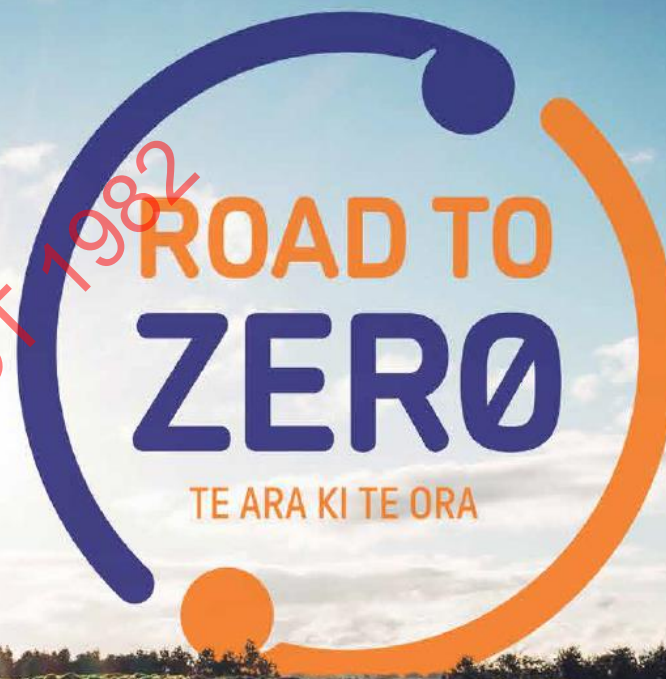


*Continue to support
local roading partners
deliver their speed
management plans*

The move to AMBER will be triggered when:

1. The Median Barrier Programme is affordable and funding mechanism agreed for implementation; and
2. The State Highway Speed Management Plan approach is approved for implementation and includes recommended pathway speeds for contentious corridors/sections of state highway.

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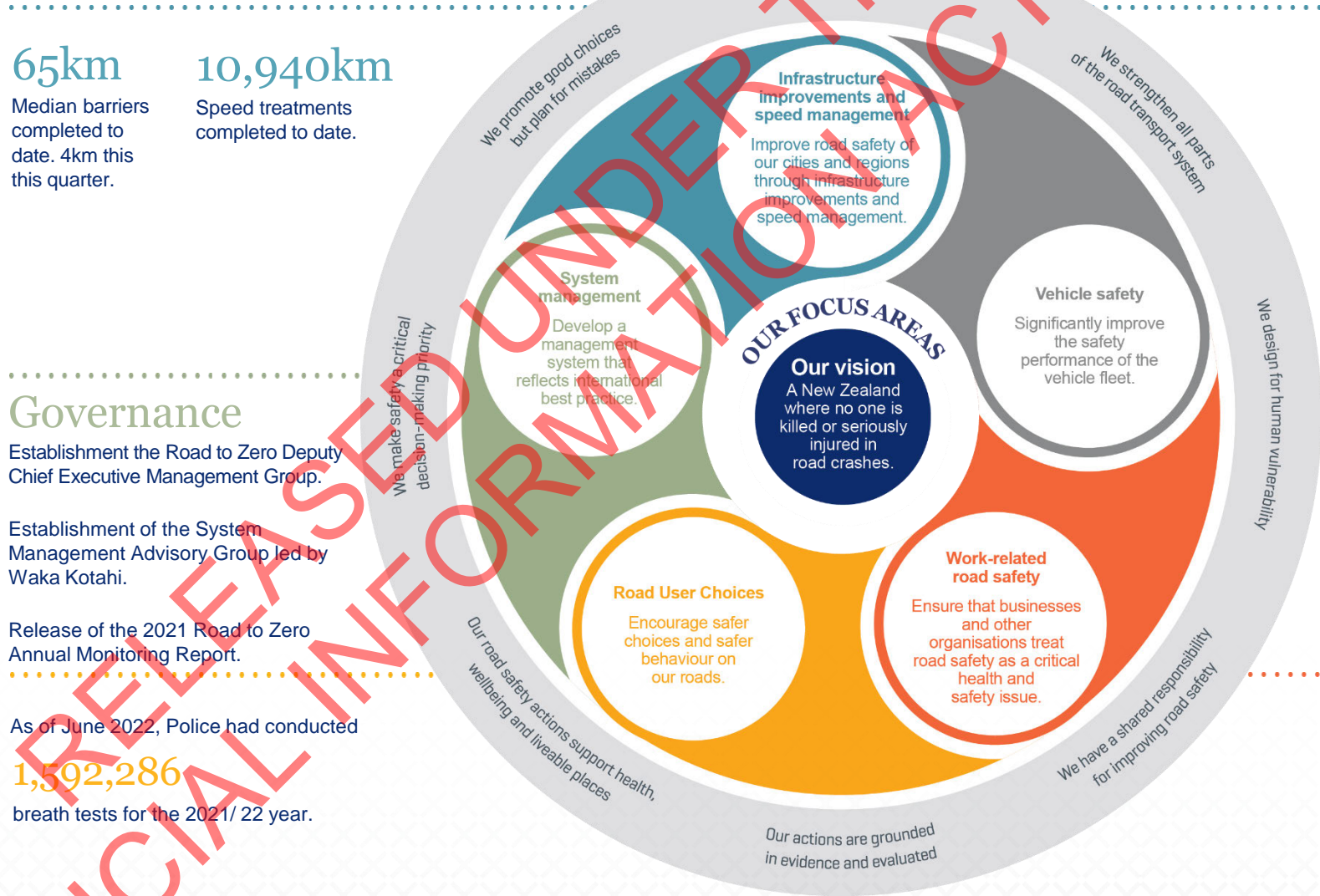
Te Ara Ki Te Ora – Ngā whakamahuki ki te Hune 2022|
Road to Zero – quarterly insights June 2022

Provisional road deaths for Q2 2022:*
100 (Up from 87 in Q1)
Road deaths for Q2 average 2018-22:*
90

On average, one person is killed every day on New Zealand roads, and another seven are seriously injured. Each and every one of the lives lost and people injured on our roads is a devastating tragedy, that has a lasting impact on our communities.

Road to Zero is our plan to build the safest road system we can, and work towards zero deaths and serious injuries on Aotearoa New Zealand roads. Road to Zero is not about any single initiative but about how we develop a Safe System that includes safe vehicles, safe speeds, safe road users and safe roads. A safe system approach means looking at all aspects of the transport system and making evidence based interventions across a wide range of activity to make a difference. Road to Zero – quarterly insights June 2022 highlights progress across a number of areas across the full system response. Each of these has a part to play in contributing to Road to Zero. Every New Zealander has a role to play. It takes everyone to get to no one – Mā tātou e kore tētahi e hinga.

* Data from MOT website



Policy work
The new Land Transport Rule: Setting of Speed Limits 2022 came into effect on 19 May 2022.
Speed Rule Guide approved and published.
Establishment of the Speed Review Governance Group to support and endorse speed reviews.
Te Manatū Waka is developing advice on an approach for the review of the vehicle standards regulatory framework.

A business case is being developed that proposes to establish a road safety partnership between Government and Industry to collaborate on evidence based interventions to tackle key risks of harm in work related road safety.

Office of Hon Michael Wood

MP for Mt Roskill

Minister of Immigration

Minister of Transport

Minister for Auckland

Minister for Workplace Relations and Safety

Associate Minister of Finance



3 March 2023

s 9(2)(a)

Dear s 9(2)(a)

I refer to your email sent on 27 January 2023 to the Police portfolio parliamentary email address, requesting the following under the Official Information Act 1982 (the Act):

IPR/22/80CH, Road to Zero Ministerial Oversight Group meeting 19 October 2022 – Talking Points.

The Minister of Police partially transferred your request to me on 1 February 2023, for the attachments to the document noted above. You can expect a separate response from the Minister of Police on your other requests.

Seven documents fall within the scope of your request and are detailed in the schedule attached as Annex 1. The schedule outlines how the documents you requested have been treated under the Act.

Certain information is withheld under the following sections of the Act:

- 9(2)(a) to protect the privacy of natural persons
- 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
- 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty

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.

With regard to document 7, Worktime, logbooks, and fatigue management technology review 30 June 2022, I am refusing this part of your request under the following section 18(d) of the Act, as it is publicly available (see further detail in the Annex).

It should be noted that some of the information released is out of date, and progress has been made since the time these documents were prepared.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Wood'.

Hon Michael Wood
Minister of Transport

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Annex 1 - Document Schedule

Doc	Document	Decision on release
1	OC230062 IPR/22/80CH Road to Zero Ministerial Oversight Group meeting talking points 19 October 2022	The Minister of Police is considering this document as part of your request to them.
2	OC230062 IPR2280CHb – Agenda 19 October 2022	Released in full.
3	OC230062 Ministerial Oversight Group Meeting minutes 19 October 2022.	Some information withheld under sections 9(2)(a) and 9(2)(f)(iv).
4	OC230062 Appendix Two Road to Zero Ministerial Oversight Group – Quarterly Project Report (April – June) 19 October 2022.	Some information withheld under sections 9(2)(f)(iv) and 9(2)(g)(i).
5	OC230062 Appendix 3 Speed and Infrastructure Programme – pathway to amber	Released in full.
6	OC230062 Appendix 4 Road to Zero Quarterly	Released in full.

	Infograph June 2022.	
7	OC230062 Appendix 5 Worktime, logbooks, and fatigue management technology review 30 June 2022	Refused under section 18(d) as the briefing is publicly available (page 90 onwards in this link): https://www.transport.govt.nz/assets/Uploads/17BriefingsFromJune2022.pdf

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27 February 2023

OC230058

Hon Michael Wood
Minister of Transport

cc Hon Kiri Allan

Associate Minister of Transport

CROWN ENTITY DRAFT LETTERS OF EXPECTATIONS FOR 2023/24

Purpose

Seeks your approval to sign draft 2023/24 letters of expectations (LOEs) for the transport Crown entities you have responsibility for.

Key points

- LOEs play an important role in influencing the planning process for Crown entities. By convention, they are used to convey responsible Minister's expectations in relation to Government priorities and performance expectations over the short- to medium-term.
- LOEs inform draft Statements of Performance Expectations – statutory planning documents that Crown entities are required to present to responsible Ministers for comment by 30 April every year.
- This briefing provides draft LOEs for three transport Crown entities that you have responsibility for: Waka Kotahi NZ Transport Agency, the Transport Accident Investigation Commission (TAIC), and City Rail Link Ltd (CRL). A draft LOE for Auckland Light Rail Ltd will be provided for your consideration in early March.
- The Associate Minister of Transport has delegated responsibility for the Civil Aviation Authority and Maritime New Zealand – you have been copied into the briefing that includes these LOEs (OC230060 refers).
- The draft LOEs take a 'top-down' approach, focusing on the Government's key strategic priorities for each entity, as well as general guidelines about the 'no surprises' convention heading into the General Election on 14 October 2023. Please note that they were drafted before the recent North Island storms – therefore, you may wish to update one or more of the draft LOEs as a result.
- We recommend that you review the draft LOEs attached to this briefing and either sign them or provide feedback in person or in writing.

Recommendations

We recommend you:

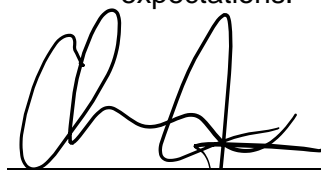
- 1 **consult** with the Minister of Finance before signing the draft letter of expectations for CRLL (as you are signing it on behalf of shareholding Ministers)

EITHER

- 2 **agree** to sign the attached draft letters of expectations for Waka Kotahi, TAIC and City Rail Link Ltd Yes / No

OR

- 3 **advise** Te Manatū Waka of any changes you wish to make to the draft letters of expectations. Yes / No



Sarah Polaschek
Manager Governance

21 / 2 / 23

Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Brent Johnston, Acting Deputy Chief Executive – System Performance & Governance	s 9(2)(a)	
Sarah Polaschek, Manager, Governance		✓
Johnny Crawford, Senior Adviser, Governance		

CROWN ENTITY DRAFT LETTERS OF EXPECTATIONS AND MONITORING PRIORITIES FOR 2023/24

Setting the strategic direction of Crown entities is a core responsibility for Ministers under the Crown Entities Act 2004

- 1 As responsible Minister for transport Crown entities, you have an important role to play in influencing performance by participating "...in the process of setting and monitoring the entity's strategic direction and targets" (section 27 of the Crown Entities Act 2004).
- 2 An important part of this influencing process involves communicating your expectations and/or priorities in person or in writing. By convention, responsible Ministers usually communicate their expectations via a letter of expectations (LOE), to coincide with the start of the annual planning cycle. For Crown entities with a June balance date, LOEs are usually finalised by the end of February.
- 3 This timing allows two or three months for the Board to consider and reflect the LOE in its draft Statement of Performance Expectations (SPE), which is due to be provided to you for comment by 30 April. You have an opportunity to provide feedback on the draft SPE, including the extent to which you think the draft SPE aligns with your LOE.

We have prepared draft LOEs for your consideration

- 4 Attached to this briefing are draft LOEs for Waka Kotahi, the Transport Accident Investigation Commission, and City Rail Link Ltd (CRL) (**Appendix 1**). We will submit a draft LOE for Auckland Light Rail Ltd for your consideration in early March.
- 5 The Associate Minister of Transport has delegated responsibility for the Civil Aviation Authority and Maritime New Zealand – you have been copied into the briefing that includes these LOEs (OC230060 refers).
- 6 The monitoring approach taken by Te Manatū Waka is risk-based and assesses entity governance, capability and performance to understand whether the entity is delivering its functions effectively (i.e. consistent with Government's strategic outcomes) and efficiently (i.e. consistent with value-for-money principles).
- 7 We have consulted with teams from across Te Manatū Waka to provide input into the draft LOEs but have opted to take a 'top-down' approach this year, emphasising the most important priorities for each Crown entity. The high-level themes of each draft LOE have also been shared with relevant entities with the caveat that they are all subject to change.
- 8 In addition to its business-as-usual monitoring work programme (including funding reviews, quarterly reporting, the Budget 2023 process, providing feedback on draft SPEs and board appointments), we have included some entity-specific expectations. For example, the Waka Kotahi LOE asks the Board to focus on five main themes to ensure it is best placed to respond to future challenges:
 - work with partners to build a better land transport system
 - continue to work towards being a leader in cost and asset management
 - exemplify value for money
 - look to the future state of the land transport system
 - ensure the public is well informed and information is accessible.

- 9 We have asked the entities to follow the Election guidelines for public service entities during the period prior to the election on 14 October 2023. This means that the Board should keep you informed of matters of significance to the transport portfolio, particularly where these matters may become controversial or subject to public debate.

The CRLL draft LOE is different from the other LOEs

- 10 CRLL's LOE is different from other transport sector entity LOEs, as the Project Delivery Agreement (PDA) provides a clear set of expectations around what the company is to deliver. Therefore, the LOE largely focuses on ways CRLL gives effect to the PDA.
- 11 The draft LOE also aims to ensure that any expectations adequately reflect the Sponsors' interests, provide an appropriate balance between opportunities and risks, and are achievable by CRLL and its Board.
- 12 Reflecting current issues facing CRLL, the draft LOE includes the following topics:
- management of risks, costs and schedule
 - CRLL in an alliance environment
 - health and safety
 - strong community engagement and working collaboratively to mitigate impacts on communities.
- 13 We have consulted with the Treasury, Auckland Council officials, and Auckland's Mayor and Deputy Mayor on the draft LOE, and they are comfortable with its content. You are signing the draft CRLL LOE on behalf of shareholding Ministers – therefore, we recommend that you consult with the Minister of Finance before signing the LOE.

Risks

- 14 One risk associated with the LOE process is that an entity interprets an expectation differently to its original intent and/or that an expectation conflicts with another under certain circumstances – therefore, a Board may need to trade-off between expectations.
- 15 This risk is particularly relevant to Waka Kotahi, given its significant scale and scope of business and the acute financial pressures it is currently experiencing. This risk is partly mitigated by asking the Waka Kotahi board to respond to the LOE by 17 March 2023, outlining any questions or comments the Board has about the expectations, as well as the major risks and issues likely to influence the planning process for 2023/24.

Next steps

- 16 Please review the attached draft LOEs and provide any feedback at your earliest convenience.
- 17 The LOEs will inform the development of each Crown entity's draft SPE for the 2023/24 financial year. Crown entities need to provide draft SPEs to responsible Ministers by 30 April 2023. Te Manatū Waka will assist you to provide feedback on these draft SPEs, which the Crown entity must consider before finalising the SPE by 30 June 2023.

Appendix 1: Draft letters of expectations

- Waka Kotahi NZ Transport Agency
- Transport Accident Investigation Commission
- City Rail Link Ltd.

The appendix is withheld under Section 9(2)(f)(iv)

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