


OC2250048

14 February 2025

Tēnā koe 

I refer to your email dated 24 January 2025, requesting the following under the Official Information Act 1982 (the Act):

Any briefings, documents or reports (including drafts) prepared for the Minister of Rail, Winston Peters.

Any agenda and other documents prepared for any meetings with Minister Peters.

Where a document that falls under scope of this request cannot be released, please supply a summary of that document's contents. Where any document falls under the scope of this request, please release it in full, including sections which might otherwise be considered out of scope.

There is one document that falls within the scope of your request and is detailed in the document schedule attached as Annex 1. The schedule outlines how the document you requested has been treated under the Act.

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


9(2)(a) to protect the privacy of natural persons

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's website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā



Sarah Carson
Acting Manager, Rail

Annex 1: Document in scope of the request

Doc #	Title of Document	Proposed decision on request
1	Rail policy responsibilities and decision-making for the rail network investment programme	Proposal partially withheld on the grounds of section 9(2)(a) – protect the privacy of natural persons



19 December 2024

OC241454

Hon Simeon Brown

Action required by:

Minister of Transport

Friday, 20 December 2024

cc Rt Hon Winston Peters

Minister for Rail

RAIL POLICY RESPONSIBILITIES AND DECISION-MAKING FOR THE RAIL NETWORK INVESTMENT PROGRAMME

Purpose

Describe responsibilities for rail policy and associated decision-making for the Rail Network Investment Programme (RNIP).

Key points

As the Minister of Transport, you are responsible for transport investment, regulation and system stewardship

- As Minister of Transport, you are responsible for investment in transport infrastructure and services, transport regulation (eg, safety and security) and developing the transport system more broadly.
- This includes responsibility for:
 - issuing the Government Policy Statement (GPS) on land transport, which guides how funding for the land transport system will be invested across road, rail and coastal shipping – including:
 - the rail freight network (below rail only)
 - metro rail network and services (below and above rail)¹
 - a broad range of land transport legislation, including the Land Transport Management Act (LTMA) 2003 and the Railways Act 2005.
- The LTMA:
 - sets out requirements for the operation, development and funding of land transport including rail

¹ "Below rail" refers to the railway infrastructure like tracks and signalling systems, while "above rail" includes the trains, locomotives, and carriages that operate on this infrastructure.

- sets out requirements for the RNIP – a three-year investment programme for the below rail network (freight and metro) with a 10-year horizon
- establishes the New Zealand Transport Agency (NZTA), responsible for delivering the National Land Transport Programme – a three-year programme that sets out how NZTA plans to invest the National Land Transport Fund (NLTF) in accordance with the GPS. NZTA is responsible for advising you on the RNIP and its funding from the NLTF
- establishes the Director of Land Transport (Brent Alderton), who is responsible for regulating rail safety in New Zealand. The Railways Act sets out the safety framework for rail operations in New Zealand.
- The Ministry of Transport is your lead adviser on transport, including rail. We advise you on a broad range of things within your transport portfolio, including:
 - legislative, regulatory and policy settings
 - transport investments, and overall funding levels and priorities
 - transport revenue, including Road User Charges, Fuel Excise Duty, and Track User Charges (TUC)²
 - acting on behalf of the Crown as purchasers of key transport investments funded outside the NLTF, and
 - Crown agency governance, appointments, performance and monitoring, including of NZTA.
- Responsibility for funding the majority of KiwiRail's capital programme (for below rail) sits with you as the Minister of Transport through Vote Transport. Almost all of the rail freight network is funded through Budget, with a very small portion funded through Track User Charges paid by KiwiRail.

Shareholding Ministers are responsible for setting expectations and priorities for KiwiRail, the New Zealand Railways Corporation and Ferry Holdings Limited

- As shareholding Ministers, the Minister for Rail and Minister of Finance are jointly responsible setting expectations and priorities for:
 - KiwiRail Holdings Limited (KiwiRail), a state-owned enterprise, and its commercial activities including rail freight, tourist rail, and ferry services (Interislander)
 - the New Zealand Railways Corporation (NZRC) – a state-owned enterprise that owns the land beneath the KiwiRail rail network on behalf of the Crown.³

² The TUC is a fee that KiwiRail, as the national rail freight operator, pays for use of the rail freight network. The TUC contributes to the cost of maintaining and renewing the below-rail infrastructure, arising from wear and tear, which includes tracks, bridges, tunnels, overhead electrical systems, train signals, and maintenance equipment. As Minister of Transport, you are responsible for setting the regulations for this charge, ensuring it is fair and transparent, and overseeing their implementation to support rail maintenance and renewals.

³ Though NZRC does not have shares or shareholders, the Ministers are generally referred to as the “shareholding Ministers” for this company to reflect the terminology used in the SOE Act.

- The Minister for Rail is also responsible for the new procurement entity tentatively named Ferry Holdings Limited (Ferry Holdings).
- Shareholding Ministers are:
 - responsible for overseeing and managing the Crown's interests, risks and relationships with KiwiRail and NZRC
 - answerable to Parliament and the public for these interests
 - responsible for appointing directors to the boards of these companies and entity, subject to Cabinet confirmation.
- The Treasury is responsible for monitoring KiwiRail, NZRC and Ferry Holdings on behalf of shareholding Ministers.
- Shareholding Ministers are responsible for funding and signing equity injections into KiwiRail's commercial activities.

Rail Network Investment Programme

- The Land Transport Management Act (Sections 22A-F refer) sets out the requirements associated with:
 - the RNIP
 - NLTF funding for activities included in the RNIP.
- The RNIP sets out a three-year investment programme with a 10-year horizon of activities that KiwiRail recommend be funded, or partially funded, through the NLTF.
- The legislative requirements stipulate that:
 - every three financial years, KiwiRail must prepare an RNIP by a date set by you as the Minister of Transport⁴
 - you must decide to approve (or not) the RNIP and make reasonable efforts to do so before the start of the financial year to which it applies
 - before you approve the RNIP:
 - NZTA must provide you advice on the RNIP and rail activities proposed to be funded through the NLTF that you must consider⁵
 - you must consult KiwiRail shareholding Ministers before you approve it.
 - at KiwiRail's request, you may also approve a rail activity or a combination of rail activities in the RNIP to be fully or partially funded through the NLTF

⁴ KiwiRail's RNIP must (under Section 22(A)(3)) take into account the Act's purpose and the Government Policy Statement on land transport, indicate any significant rail activities likely to be included in the next RNIP, and provide necessary information for NZTA's advice to the Minister.

⁵ NZTA must (under Section 22(C)(1)) advise the Minister on whether the RNIP contributes the purpose of the Act, is consistent with the GPS on land transport, takes into account relevant regional plans, includes necessary financial and activity details, and he should ultimately approve it.

- before you approve the funding, you must consider NZTA's advice and consult shareholding Ministers.
- A flow diagram on decision making is attached in Annex 1.

Recommendations

We recommend you:

- 1 **agree** to share this briefing with the Minister for Rail Yes / No
- 2 **note** we have concurrently supplied a range of Rail Briefings to your office to share with the Minister for Rail



David Wood
Deputy Secretary, Investment and Monitoring

Hon Simeon Brown
Minister of Transport

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

Comments

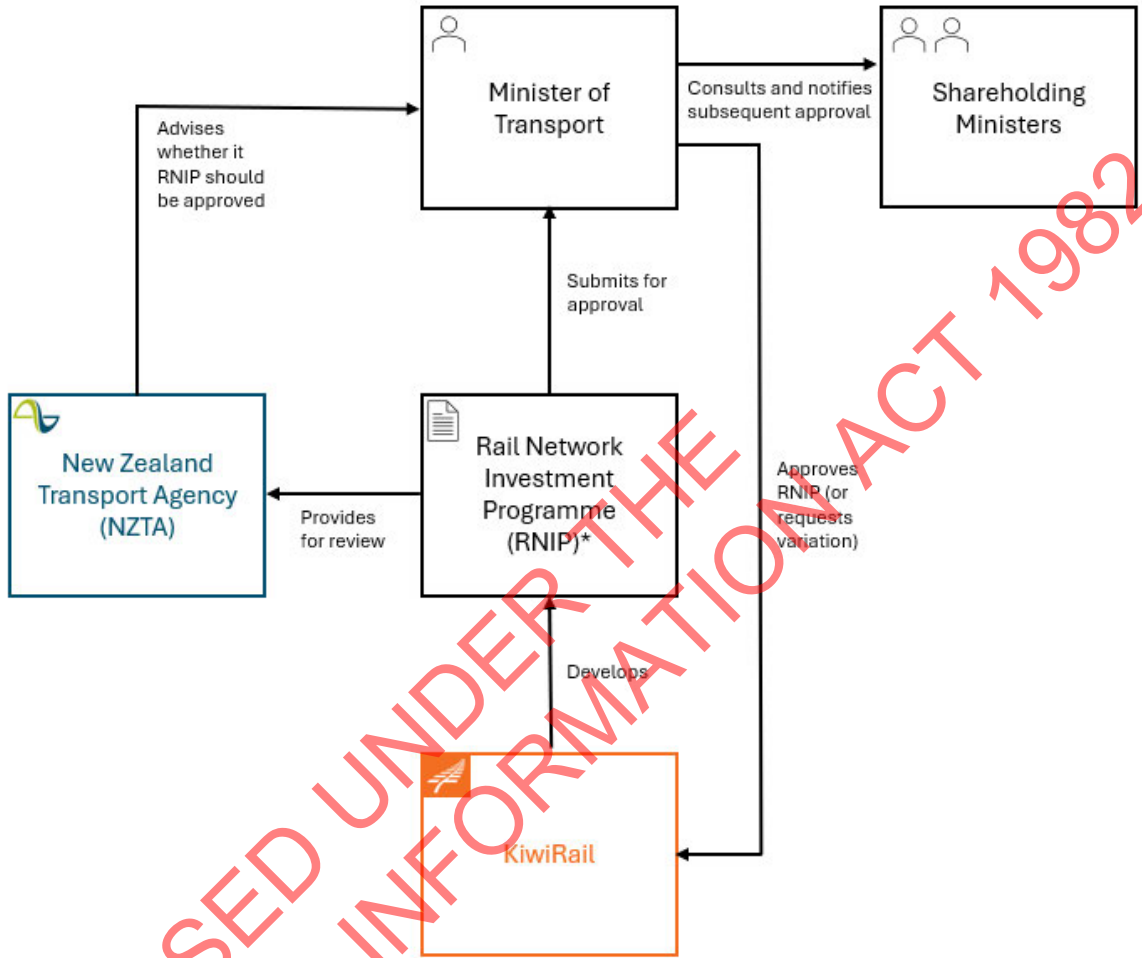
Contacts

Name	Telephone	First contact
David Wood	s 9(2)(a)	
Bev Driscoll		✓
Dylan Chambers		

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ANNEX 1

Figure 1: Rail Network Investment Programme decision-making flow diagram



*KiwiRail is required to prepare an RNIP every three financial years under the Land Transport Management Act 2003

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