

OC230206

6 April 2023

Tēnā koe [REDACTED]

I refer to your email dated 14 March 2023 requesting the following documents under the Official Information Act 1982 (the Act):

- *OC221073 - 11/01/2023 - Official Information Act Request from [Name Withheld] regarding papers, briefings and advice that the Minister took to Cabinet or Cabinet Committee in November 2022*
- *OC221101 - 16/01/2023 - Taking Action on Fuel Prices - Proactive info release*
- *OC221103 - 17/01/2023 - Proposed Maritime Transport (Infringement Fees for Offences - Manawatū River and Tributaries Navigation Safety Bylaw 2022) Regulations 2023*
- *OC220846 - 18/01/2023 - Report back on the 'Driving Change: Reviewing The Road User Charges System' consultation*
- *OC230013 - 18/01/2023 - Amending Road User Charges legislation for light electric vehicles*
- *OC221110 - 19/01/2023 - Taking action on fuel prices: Appropriation for the end of the temporary support measures and short term funding for total mobility*
- *OC221076 - 25/01/2023 - Commercial Carshare in New Zealand*
- *OC230063 - 26/01/2023 - November Monthly Dashboard Report*
- *OC230038 - 30/01/2023 - Meeting with City Rail Link Limited's Chair and Chief Executive on 1 February 2023*
- *OC230051 - 30/01/2023 - Taking action on fuel prices - cost of living extension*
- *OC230054 - 31/01/2023 - Ministry of Transport Annual Review 2021/22 - Response to Select Committee Post Hearing questions*

Of the 11 documents you requested, I am releasing eight with some information withheld or refused, withholding two and refusing one. The following sections of the Act have been used:

- 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)(ba)(i) to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied
- 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)(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 above information is summarised in the document schedule at Annex 1.

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



Hilary Penman
Manager, Ministerial Services

Annex 1 - Document Schedule

Doc #	Reference number	Document	Decision on release
1	OC220969	Official Information Act Request from [Name Withheld] regarding papers, briefings and advice that the Minister took to Cabinet or Cabinet Committee in November 2022 (Note that the incorrect reference number has been used on the actual briefing)	Released with some information withheld under Section 9(2)(a), 9(2)(ba)(i), 9(2)(f)(iv), and 9(2)(g)(i).
2	OC221101	<p>Taking Action on Fuel Prices - Proactive info release</p> <p>Attachments - released with some information withheld under Sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i).</p> <ul style="list-style-type: none"> Briefing paper – Taking Action on fuel prices (OC220725) Briefing paper – Financial update – temporary road user charges and petrol excise duty reductions (OC220795) draft letter (OIA22-598 / OC221094) draft letter (OIA22-603 / OC221113) <p>Attachments – Refused under Section 18(d) as they soon will be released on the Ministry website here - https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm</p> <ul style="list-style-type: none"> Cabinet paper – ‘Taking Action on Fuel Prices: Next Steps DEV minute – minute of decision – ‘Taking Action on Fuel Prices: Next Steps’ (DEV-22-MIN-0287) CAB – minute of decision – ‘Taking Action on Fuel Prices: Next Steps’ (CAB-22-MIN-0534) CAB – minute of decision – ‘Taking Action on Fuel Prices: Next Steps’ (CAB-22-MIN-0554) Ministry of Transport briefing – ‘Taking action on fuel prices – instruments ending the temporary measures’ (OC221083) 	Released with some information withheld under Sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i).
3	OC221103	Proposed Maritime Transport (Infringement Fees for Offences - Manawatū River and Tributaries Navigation Safety Bylaw 2022) Regulations 2023 (Note that the briefing was sent to the Minister on 28 February 2023)	Released with some information withheld under Section 9(2)(a).
4	OC220846	Report back on the ‘Driving Change: Reviewing The Road User Charges System’ consultation	Withheld in full under Section 9(2)(f)(iv)
5	OC230013	Amending Road User Charges legislation for light electric vehicles	Withheld in full under Section 9(2)(f)(iv)

Doc #	Reference number	Document	Decision on release
6	OC221110	Taking action on fuel prices: Appropriation for the end of the temporary support measures and short-term funding for total mobility (Note that the briefing was later withdrawn)	Released with some information withheld under Sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i)
7	OC221076	Commercial Carshare in New Zealand	Released with some information withheld under Section 9(2)(a).
8	OC230063	November Monthly Dashboard Report	Released with some information withheld under Section 9(2)(f)(iv)
9	OC230038	Meeting with City Rail Link Limited's Chair and Chief Executive on 1 February 2023	Released with some information withheld under Sections 9(2)(a), 9(2)(ba)(i), 9(2)(b)(ii) 9(2)(f)(iv), 9(2)(g)(i), and 9(2)(j)
10	OC230051	Taking action on fuel prices - cost of living extension	Refused under Section 18(d).
11	OC230054	Ministry of Transport Annual Review 2021/22 - Response to Select Committee Post Hearing questions	<p>Released with some information withheld under Section 9(2)(a).</p> <p>The attachment to this briefing is refused under Section 18(d) as the response to Select Committee post hearing questions is publicly available at https://www.parliament.nz/resource/en-NZ/53SCTI_EVI_129675_TI4923/d55f472791d42f62824bcb6f5ffe9d92981e2d78</p> <p>While we are aware your request captures the draft version of the response to Select Committee post hearing questions, we believe the final version, available online, will satisfy the public interest test and intention of the Act.</p>



OIA BRIEFING

Document 1

11 January 2023

OC220969

Hon Michael Wood
Minister of Transport

Action required by:
Thursday, 19 January 2023

OFFICIAL INFORMATION ACT REQUEST FROM [REDACTED] s 9(2)(a)
[REDACTED] REGARDING PAPERS, BRIEFINGS AND ADVICE
THAT THE MINISTER TOOK TO CABINET OR CABINET COMMITTEE
IN NOVEMBER 2022

Purpose

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

Name of Requester	[REDACTED] s 9(2)(a)
Request	"Under the Official Information Act 1982, I request a copy of all the papers, briefings and advice that the Minister took to Cabinet or Cabinet Committee in November 2022."
Statutory deadline	Thursday, 19 January 2023
Risks	Risks and mitigations are outlined in Annex 1

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

Meg Shields

Megan Shields
Acting Manager, Ministerial Services

10/01/2023

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Hon Michael Wood
Minister of Transport

..... / /

Comments**Contacts**

Name	Telephone	First contact
Megan Shields, Acting Manager, Ministerial Services	s 9(2)(a)	√
Irené Kilford, Principal Adviser, Official Correspondence		

OFFICIAL INFORMATION ACT REQUEST FROM s 9(2)(a)
s 9(2)(a) REGARDING PAPERS, BRIEFINGS AND ADVICE
THAT THE MINISTER TOOK TO CABINET OR CABINET COMMITTEE
IN NOVEMBER 2022

Background

- 1 On 1 December 2022 you received an Official Information Act (the Act) request from s 9(2)(a)

“Under the Official Information Act 1982, I request a copy of all the papers, briefings and advice that the Minister took to Cabinet or Cabinet Committee in November 2022.”

- 2 A response is due to the requester no later than 19 January 2023

Proposed response

- 3 Ten papers are within scope of this request. Of these ten papers, it is proposed that you release one paper with some information withheld, refuse eight and withhold one including its title.
- 4 The proposed response is based on answers to two written parliamentary questions (WPQs) published on 1 December 2022, in terms of the titles that are withheld in full and in part. As a result, we propose one paper and its title is withheld in full, and one title is withheld in part under section 9(2)(f)(iv) of the Act. We propose that the two other titles that were withheld in the WPQs now be released as they are no longer under active consideration.
- 5 The WPQ answers can be found here:
- https://www.parliament.nz/en/pb/order-paper-questions/written-questions/document/WQ_44792_2022/44792-2022-simeon-brown-to-the-minister-of-transport
 - <https://www.parliament.nz/en/pb/order-paper-questions/written-questions/current?criteria.Keyword=&criteria.QuestionNumber=44803&criteria.QuestionYear=2022&criteria.Subject=&criteria.Timeframe=&criteria.DateFrom=2020-11-24&criteria.DateTo=&parliamentStartDate=2020-11-24&parliamentEndDate=&criteria.DocumentStatus=&criteria.Portfolio=>

- 6 **Annex 1** outlines how each paper has been treated under the Act, and the proposed decisions for each. The following sections of the Act have been used:

9(2)(a)	to protect the privacy of natural persons
9(2)(ba)(i)	to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied
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
18(d)	the information requested is or will soon be publicly available

- 7 With regard to the withholdings under Section 9 of the Act, the Ministry considers 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.

Response attached

- 8 The Cabinet paper proposed for release, with some information withheld, and a draft letter to the requester are attached for your consideration.
- 9 We do not foresee any risks with the proposed response.

Annex 1 – Document schedule

Doc #	Document	Proposed decision on request	Previously released?
1	Establishing the Framework for Congestion Charging in New Zealand	<p>Refuse under Section 18(d).</p> <p>This title was withheld under the answer to WPQ44792. It can now be released as it is no longer under active consideration.</p> <p>This paper will be proactively released after the Bill is introduced to the House. A date is yet to be determined for this so the paper will not be published within 30 working days. However, there is provision in CO(18)4 to publish outside 30 working days where there is "good reason". That provision is being used in this instance.</p>	No
2	City Rail Link Limited Board: Appointment	<p>Refuse under Section 18(d).</p> <p>This paper will be released at the same time as the public announcement of the CRLL Chair appointment is made. It is expected to be in the New Year.</p>	No
3	Civil Aviation Bill - Change of Commencement Date	<p>Refuse under Section 18(d).</p> <p>The paper notes that material will be proactively released after the Supplementary Order Paper is published. This is expected to occur early in the New Year.</p>	No
4	Transport Accident Investigation Commission: Appointments	<p>Release with some information withheld under Sections 9(2)(a), 9(2)(g)(i), 9(2)(ba)(i) and 9(2)(f)(iv).</p> <p>The appointments are confirmed and announced so the paper can be released. Information relating to a potential reprioritisation of funding and a 2023 Budget bid has been withheld.</p>	No

Doc #	Document	Proposed decision on request	Previously released?
		The Chair and members have been advised the paper is being released.	
5	Responding to Fleeing Drivers and Intimidating Behaviour using Vehicles	<p>Refuse under Section 18(d). Also withhold the second part of the title under 9(2)(f)(iv).</p> <p>The paper is being prepared for proactive release and will be published in the New Year. Until that occurs, the second part of the title should not be released.</p>	No
6	Land Transport (Clean Vehicles) Amendment Bill (No 2) - Approval for Introduction	<p>Refuse under Section 18(d).</p> <p>The paper is being prepared for proactive release and will be published in the New Year.</p>	No
7	Taking Action on Fuel Prices: Next Steps	<p>Refuse under Section 18(d).</p> <p>This title was withheld under the answer to WPQ44792. It can now be released as it is no longer under active consideration.</p> <p>The paper is being prepared for proactive release and will be published in the New Year.</p>	No
8	Decarbonising Transport Action Plan	<p>Refuse under Section 18(d).</p> <p>The paper is being prepared for proactive release and will be published in the New Year.</p>	No
9	Clean Car Upgrade: Final Design Decisions for the Trial	<p>Refuse under Section 18(d).</p> <p>This paper will be proactively released at the same time as an announcement is made. A date is yet to be determined for this so it is unlikely the paper will be published within 30 working days. However, there is provision in CO(18)4 to publish outside 30 working days where there is "good reason". That provision is being used in this instance.</p>	No

UNCLASSIFIED

Doc #	Document	Proposed decision on request	Previously released?
10	Providing Rebates or Grants for Zero Emission ATVs	<p>Withhold in full including the title under Section 9(2)(f)(iv).</p> <p>Proposed response aligns with your WPO response where this title was withheld in full.</p> <p>The paper did not make it onto the Committee agenda before the end of 2022. It is expected to be considered early in the New Year. After that occurs, it can be considered for proactive release.</p>	No

RELEASED UNDER
THE OFFICIAL INFORMATION ACT 1982

UNCLASSIFIED

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 1 December 2022, requesting the following under the Official Information Act 1982 (the Act):

“... a copy of all the papers, briefings and advice that the Minister took to Cabinet or Cabinet Committee in November 2022.”

Ten papers are within scope of your request. Of these ten papers, I am releasing one with some information withheld, refusing eight (one with its title partially withheld) and withholding one including its title. The title and content of the paper being withheld (and the partial title of the other paper) remain under active consideration, therefore they are being withheld under Section 9(2)(f)(iv) of the Act.

The following sections of the Act have been used in this response:

- | | |
|-------------|---|
| 9(2)(a) | to protect the privacy of natural persons |
| 9(2)(ba)(i) | to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied |
| 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 |
| 18(d) | the information requested is or will soon be publicly available |

The above information is summarised in the document schedule at Annex 1.

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

Annex 1 – Document Schedule

Doc#	Date and Committee	Document title	Decision on release
1	09/11/2022 DEV	Establishing the Framework for Congestion Charging in New Zealand	Refused under Section 18(d). This paper will be proactively released after the Bill is introduced to the House. A date is yet to be determined for this so the paper will not be published within 30 working days. However, there is provision in Cabinet Office Circular CO(18)4 to publish outside 30 working days where there is “good reason”. That provision is being used in this instance.
2	09/11/2022 APH	City Rail Link Limited Board: Appointment	Refused under Section 18(d). This paper will be released at the same time as the public announcement of the CRL Chair appointment is made. It is expected to be soon.
3	10/11/2022 LEG	Civil Aviation Bill - Change of Commencement Date	Refused under Section 18(d). The paper notes that material will be proactively released after the Supplementary Order Paper is published. This is expected to occur soon.
4	16/11/2022 APH	Transport Accident Investigation Commission: Appointments	Released with some information withheld under Sections 9(2)(a), 9(2)(g)(i), 9(2)(ba)(i) and 9(2)(f)(iv).
5	16/11/2022 SWC	Responding to Fleeing Drivers [withheld]	Refused under Section 18(d). The title is partially withheld under Section 9(2)(f)(iv). The paper is being prepared for proactive release and will be published soon.

Doc#	Date and Committee	Document title	Decision on release
6	17/11/2022 LEG	Land Transport (Clean Vehicles) Amendment Bill (No 2) - Approval for Introduction	Refused under Section 18(d). The paper is being prepared for proactive release and will be published soon.
7	23/11/2022 DEV	Taking Action on Fuel Prices: Next Steps	Refused under Section 18(d). The paper is being prepared for proactive release and will be published soon.
8	23/11/2022 EEC	Decarbonising Transport Action Plan	Refused under Section 18(d). The paper is being prepared for proactive release and will be published soon.
9	23/11/2022 EEC	Clean Car Upgrade: Final Design Decisions for the Trial	Refused under Section 18(d). This paper will be proactively released at the same time as an announcement is made. A date is yet to be determined for this so it is unlikely the paper will be published within 30 working days. However, there is provision in Cabinet Office Circular CO(18)4 to publish outside 30 working days where there is "good reason". That provision is being used in this instance.

Appointment In Confidence

Office of the Minister of Transport

Chair, Cabinet Appointments and Honours Committee

TRANSPORT ACCIDENT INVESTIGATION COMMISSION: APPOINTMENTS

Proposal

- 1 This paper outlines my intention to recommend the Governor-General appoints David Gordon Clarke and Bernadette Roka Arapere as members of the Transport Accident Investigation Commission (the Commission), for terms of three years from the date of appointment.

Background

- 2 The Commission was established under the Transport Accident Investigation Commission Act 1990 (the Act). It is an Independent Crown Entity for investigating aviation, rail, and maritime accidents and incidents. The Commission's principal purpose is to determine the circumstances and causes of accidents and incidents with a view to avoiding similar occurrences in the future, rather than to ascribe blame to a single person.
- 3 Under section 5(1) of the Act, the Commission consists of three to five members appointed by the Governor-General on my recommendation as the responsible Minister. The Commission currently has four members. An Organisation Form is attached, setting out the current terms and membership of the Commission.
- 4 Under section 5(3) of the Act, one of the members of the Commission must be a barrister or solicitor of the High Court who has held a practising certificate for not less than seven years, or a District Court Judge. The Chair and Chief Commissioner Jane Meares currently meets this requirement, as well as outgoing member Richard Marchant – who resigned on 31 October 2022. It is my preference that there is more than one practising barrister/solicitor on the Commission.
- 5 Collectively, members should also have experience in investigation, governance, and relevant industry knowledge of the aviation, rail or maritime sector. Deputy Chair Stephen Davies Howard has aviation and maritime experience, while member Paula Rose has accident investigation expertise.

Comment

- 6 I intend to recommend the appointment of one new member to replace Mr Marchant, and another new member to increase the Commission to five members. Candidate CV forms for the two proposed new members, David Clarke and Bernadette Arapere, are attached.

- 7 Both Mr Clarke and Ms Arapere are barristers of the High Court who have held practising certificates for more than seven years. Their appointments will result in three members meeting the requirement of section 5(3) of the Act, providing adequate cover in case the Chief Commissioner becomes unavailable.

Increasing the Commission to five members

- 8 I intend to recommend the Commission increases to five members for a range of reasons:
- 8.1 It will provide more capacity for the Commission to assess cases if one or more members need to recuse themselves due to a conflict of interest.
 - 8.2 As the workload for the Commission has recently increased with more complex cases, having a further member will spread the workload and allow greater flexibility in how Commissioners approach their work.
 - 8.3 The additional perspectives provided by five members will enhance discussions at the board table and cover the competencies needed for an effective board.
 - 8.4 It will make it easier to plan for succession as a future Chair can first serve as a member to build their knowledge and be able to effectively assess the complex cases which come before the Commission.
 - 8.5 Inducting two members at the same time will be more efficient than separate inductions at different times.

s 9(2)(g)(i) and s 9(2)(ba)(i)

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s 9(2)(f)(iv)

A large rectangular area of the document has been redacted, appearing as a solid grey block. A large, diagonal, red watermark reading "RELEASED UNDER OFFICIAL INFORMATION ACT 1982" is superimposed over this area.

David Clarke

- 11 David Clarke is a Wellington barrister and director of Avid Legal, specialising in corporate and commercial law. He advises on commercial transactions across a wide range of industries and sectors including telecommunications,

technology, energy, defence and infrastructure. He is also experienced in operational and structural governance issues and regulatory compliance.

- 12 Mr Clarke is currently an independent member of two Ministry of Defence project boards, Chair of Football in the Community Trust and a board member of Raroa Intermediate School. Previously he was on the board of Skylight Trust, the Chair of Sport Wellington, Chair of Russell McVeagh and a member of the Karori Sanctuary Trust (Zealandia).
- 13 Mr Clarke will bring a background of dealing with complex operational and regulatory issues and providing legal advice in the transport sector. He is experienced in law, governance and understands the dual role of being a Commissioner investigating accidents as well as a member of the Board

Bernadette Arapere

- 14 Bernadette Arapere (Ngāti Raukawa Te Au Ki Te Tonga, Ngāti Tūwharetoa, Ngāti Maniapoto) is an experienced barrister based in Whanganui, specialising in public law litigation, Te Tiriti o Waitangi and Māori legal issues, whenua, and governance matters. She has been senior counsel in the Māori Land Court, District Court, High Court, Court of Appeal and Supreme Court of New Zealand.
- 15 Ms Arapere is currently trustee of the Raukawa ki te Tonga Trust and New Zealand Law Foundation. Previously she was Co-Chair of Community Law Centres of Aotearoa Inc. and trustee of Te Manawanui Emergency Housing Trust.
- 16 Ms Arapere has sound litigation experience in testing evidence and researching complex evidential issues from her public sector roles. She has been on a variety of boards, understands the importance of relationships, and would offer a diverse perspective with her knowledge of Te Reo and Te Ao Māori, as well as living outside the main centres.

Representativeness of appointments

- 17 I am satisfied these appointments will result in a well-balanced board in terms of gender, age, region, and ethnicity, and have the necessary skills and experience. A Commission with five members will have three female and two male members, one Māori member, and geographic diversity with Masterton, Christchurch, Wellington and Whanganui members. The core competencies of governance, strategy and legal experience would be well covered. The Commission would also have the required sector, regulatory, inquiry, financial, public policy, stakeholder, and practical legal experience amongst the membership.

Remuneration

- 18 The Remuneration Authority sets the fees for members of the Commission. Currently this consists of a daily rate of \$1,200 with part days (of less than six hours) being pro-rated based on an eight-hour day. Remuneration is not to exceed \$270,200 per year.

Appointment process and consultation

- 19 I can confirm an appropriate process has been followed in selecting the proposed appointees, in terms of the Public Service Commission's *Board Appointment and Induction Guidelines*, the Crown Entities Act 2004 and the Transport Accident Investigation Commission Act 1990. In summary, that process comprised:
- 19.1 the Ministry of Transport defining the required skills and experience in consultation with the Chief Commissioner
 - 19.2 public advertising including a detailed position description on the Ministry of Transport's website, The Treasury Board Appointments Database and the New Zealand Law Society newsletter
 - 19.3 seeking nominations from the Ministry for Women, Te Puni Kōkiri, Ministry for Pacific Peoples, Ministry for Ethnic Communities, Ministry of Disability People, and caucus colleagues
 - 19.4 shortlisting and interviewing candidates by the Ministry of Transport, Chief Commissioner and the Commission's former Chief Executive
 - 19.5 due diligence on each preferred candidate, including referee and other background checks
 - 19.6 Ministerial and caucus consultation.

Conflicts of interest

- 20 I can confirm that appropriate enquiries concerning conflicts of interest have been carried out, in accordance with the Public Service Commission's guidelines, to identify any conflict of interest that could reasonably be identified.
- 20.1 David Clarke's current and previous work in the transport sector has been explored. He has declared Avid Legal currently has two clients operating in areas which would fall within the Commission's ambit:
- 20.1.1 East by West Company Ltd, which operates ferries in Wellington.
 - 20.1.2 PHI International, which predominantly operates helicopter services internationally but has some limited New Zealand operations.

IN C O N F I D E N C E

- 20.2 Mr Clarke has declared he would not be involved with these clients or any future clients in the transport sector. The Chair considers this is manageable.
- 20.3 Mr Clarke's roles with the Ministry of Defence would also not be a conflict, as they relate to procurement and not the Defence Force.
- 20.4 Bernadette Arapere has disclosed she does not have any conflicts of interest.
- 21 The Commission has strict processes in place to manage actual conflicts of interest which may arise. Members declare any potential conflicts before being involved in an investigation and recuse themselves as appropriate to mitigate that conflict.

Timing and Publicity

- 22 Notice of these appointments will be published in the *New Zealand Gazette*.

Recommendation

- 23 It is recommended that the Committee notes my intention to recommend the Governor-General appoints David Gordon Clarke and Bernadette Roka Arapere as members of the Transport Accident Investigation Commission, for terms of three years from the date of appointment.

Authorised for lodgement

Hon Michael Wood

Minister of Transport

APH Organisation Form

Organisation and Responsible Portfolio

Transport Accident Investigation Commission: Transport

Brief Outline of the Functions and Responsibilities of the Organisation

The Transport Accident Investigation Commission (TAIC) is an Independent Crown Entity under the Crown Entities Act 2004. The principal purpose of TAIC is to determine the circumstances and causes of accidents and incidents with a view to avoiding similar occurrences in the future, rather than to ascribe blame to any person. TAIC investigates notifiable aviation, rail, and maritime accidents.

TAIC has three to five members. One of these members must be a barrister or solicitor of the High Court who has held a practising certificate for not less than seven years, or a District Court Judge. Collectively, members should also have experience in investigation and governance, and relevant industry experience in the aviation, rail, or maritime areas. The Governor-General appoints the members on the recommendation of the Minister of Transport.

Current Membership

Name	Gender Identity*	Region	Ethnicities (and Iwi if applicable)	Date of original appointment	Expiry date of present term
Jane Meares (Chair and Chief Commissioner)	F	Wellington	NZ European/ British	16/02/2015	31/10/2026
Stephen Davies Howard (Deputy Chair)	M	Masterton	NZ European/ Pākehā	10/08/2015	30/10/2023
Richard Marchant	M	Auckland	NZ European/ Pākehā	28/11/2016	30/06/2022 (resigned as of 31/10/2022)
Paula Rose	F	Canterbury	NZ European/ Pākehā	01/05/2017	30/06/2024

Candidate CV Form

Name (family name in upper case; include title if appropriate)	David Gordon CLARKE
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The Position

Organisation/Entity	Transport Accident Investigation Commission
Position (chair/member etc.)	Member
Term	Three years from the date of appointment
Payment (per day /per year)	The Remuneration Authority sets the fees for members of the Commission. Currently this consists of a daily rate of \$1,200 with part days (of less than six hours) being pro-rated based on an eight-hour day.


How the Candidate Meets the Needs of the Position

Skills and attributes the candidate will bring to the position (e.g. business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	<p>David Clarke is a Wellington barrister and director of Avid Legal, specialising in corporate and commercial law. He advises on commercial transactions across a wide range of industries and sectors including telecommunications, technology, energy, defence and infrastructure. He is also experienced in operational and structural governance issues and regulatory compliance.</p> <p>Mr Clarke is currently an independent member of two Ministry of Defence project boards, Chair of Football in the Community Trust and a board member of Raroa Intermediate School. Previously he was on the board of Skylight Trust, the Chair of Sport Wellington, Chair of Russell McVeagh and a member of the Karori Sanctuary Trust (Zealandia).</p> <p>Mr Clarke will bring a background of dealing with complex operational and regulatory issues and providing legal advice in the transport sector. He is experienced in law, governance and understands the dual role of being a Commissioner investigating accidents as well as a member of the Board.</p>
Possible conflicts of interest	<p>David Clarke's current and previous work in the transport sector has been explored. He has declared Avid Legal currently has two clients operating in areas which would fall within the Commission's ambit:</p> <ul style="list-style-type: none"> • East by West Company Ltd, which operates ferries in Wellington. • PHI International, which predominantly operates helicopter services internationally but has some limited New Zealand operations.

	<p>Mr Clarke has declared he would not be involved with these clients or any future clients in the transport sector. The Chair considers this is manageable.</p> <p>Mr Clarke's roles with the Ministry of Defence would also not be a conflict, as they relate to procurement and not the Defence Force.</p>
Proposals for conflict management (if applicable)	<p>The Commission has strict processes in place to manage actual conflicts of interest which may arise. Members declare any potential conflicts before being involved in an investigation and recuse themselves as appropriate to mitigate that conflict.</p>

RELEASED UNDER
THE OFFICIAL INFORMATION ACT 1982

The Candidate

Name (family name in upper case; include title if appropriate)	David Gordon CLARKE	
Address	s 9(2)(a) 	
Ethnicity(s)	NZ European/ Pākehā	
Age range	50 – 59	
Gender	Male	
Current or most recent Employment (specify position and employer, include years)	Date 2018 – present 2016 – 2019 1995 – 2016	Current Barrister and Solicitor, Avid Legal Inc. Previous Independent Consultant. Partner Russell McVeagh.
Government board appointments held (current and previous, include years)	Date 2017 – present 2016 – present 2018 – 2021	Current Independent member, Board overseeing replacement of Strategic and Tactical Mobility Capability of the New Zealand Government, Ministry of Defence. Independent member, Board overseeing replacement of Maritime Intelligence, Reconnaissance and Surveillance Capability of the New Zealand Government, Ministry of Defence. Previous Independent member, Board overseeing development of civilian maritime capability for non-Defence government agencies, Ministry of Defence.
Private and/or voluntary sector board appointments held (current and previous, include years)	Date 2018 – present	Current Director, Avid Legal.

	2019 - present 2016 - present 2015 – 2021 2007 – 2018 2007 – 2011 2005 – 2016 2002 – 2014	Chair, Football in the Community Trust. Member, Raroa Intermediate School Board. Previous Acting Chair and member of Audit and Risk Committee, Skylight Trust. Chair, Sport Wellington Regional Trust. Independent Audit and Risk member, Zealandia. Director, Corunna Asset Management. Chair, Russell McVeagh.
Qualifications and experience (include significant work history and community involvement)	Experience <ul style="list-style-type: none"> • Over 20 years' experience in governance roles in the commercial, public and charitable sectors. • Over 27 years' experience as a litigator and corporate and commercial lawyer advising private and listed company boards and public entities. • Deep knowledge and experience in the transport sector. Qualifications/Awards <ul style="list-style-type: none"> • Poupou Huia Te Reo – Level 4 (2021). • LLB (Hons. First Class), Victoria University (1995). • Post Graduate Diploma (Pharmacology), Otago University (1991). • Bachelor of Science (Physiology), Otago University (1990). Professional Memberships <ul style="list-style-type: none"> • New Zealand Law Society. • New Zealand Institute of Directors. Achievements <ul style="list-style-type: none"> • Featured as a leading lawyer in Energy, M&A, Transport and infrastructure in the 2015 International Financial Law Review guide to the world's leading financial and corporate lawyers. • Featured as a leading individual in Technology, Media and Telecommunications in the 2016 Chambers' Global Dictionary of World's leading Lawyers. 	

Date: 18/10/2022

Candidate CV Form

Name (family name in upper case; include title if appropriate)	Bernadette Roka ARAPERE
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The Position

Organisation/Entity	Transport Accident Investigation Commission
Position (chair/member etc.)	Member
Term	Three years from the date of appointment
Payment (per day /per year)	The Remuneration Authority sets the fees for members of the Commission. Currently this consists of a daily rate of \$1,200 with part days (of less than six hours) being pro-rated based on an eight-hour day.

How the Candidate Meets the Needs of the Position

Skills and attributes the candidate will bring to the position (e.g. business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	<p>Bernadette Arapere (Ngāti Raukawa Te Au Ki Te Tonga, Ngāti Tūwharetoa, Ngāti Maniapoto) is an experienced barrister based in Whanganui, specialising in public law litigation, Te Tiriti o Waitangi and Māori legal issues, whenua, and governance matters. She has been senior counsel in the Māori Land Court, District Court, High Court, Court of Appeal and Supreme Court of New Zealand.</p> <p>Ms Arapere is currently trustee of the Raukawa ki te Tonga Trust and a trustee of the New Zealand Law Foundation. Previously she was Co-Chair of Community Law Centres of Aotearoa Inc. and trustee of Te Manawanui Emergency Housing Trust.</p> <p>Ms Arapere has sound litigation experience in testing evidence and researching complex evidential issues from her public sector roles. She has been on a variety of boards, understands the importance of relationships, and would offer a diverse perspective with her knowledge of Te Reo and Te Ao Māori, as well as living outside the main centres.</p>
Possible conflicts of interest	None.
Proposals for conflict management (if applicable)	The Commission has strict processes in place to manage actual conflicts of interest which may arise. Members declare any potential conflicts before being involved in an investigation and recuse themselves as appropriate to mitigate that conflict.

The Candidate

Name (family name in upper case; include title if appropriate)	Bernadette Roka ARAPERE	
Address	s 9(2)(a) 	
Ethnicity(s)	NZ Māori ((Ngāti Raukawa Te Au Ki Te Tonga, Ngāti Tūwharetoa, Ngāti Maniapoto)	
Age range	40 – 49	
Gender	Female	
Current or most recent Employment (specify position and employer, include years)	Date 2022 – present 2015 – 2021 2004 – 2015	Current Barrister Sole, Kōkiri Chambers. Previous Crown Counsel, Crown Law Office. Solicitor, Senior Associate and then Director, Wackrow Williams & Davies Ltd.
Government board appointments held (current and previous, include years)	N/A	
Private and/or voluntary sector board appointments held (current and previous, include years)	Date 2018 – present 2018 – present 2017 – present 2014 – 2017 2011 – 2014 2008 – 2012	Current Trustee, New Zealand Law Foundation. Panel Member, Ngā Hoa Aroha (Friends Panel), Te Hunga Rōia Māori o Aotearoa. Trustee, Raukawa ki te Tonga Trust. Previous Co-Chair, Community Law Centres o Aotearoa Inc. Deputy Chair and Trustee, Raukawa ki te Tonga Trust. Trustee, Te Manawanui Emergency Housing Trust.

<p>Qualifications and experience (include significant work history and community involvement)</p>	<p>Experience</p> <ul style="list-style-type: none"> • Experienced litigator, legal adviser, and board member. • Strategic and transformational leadership style. • Authentic knowledge of tikanga and te reo Māori. • Active hapū and iwi member and leader. <p>Qualifications/Awards</p> <ul style="list-style-type: none"> • Poutuarongo Reo Māori (Bachelor of Te Reo me ōna Tikanga), Te Wānanga o Raukawa (to be conferred 2022). • Bachelor of Laws with Honours, University of Auckland (conferred 2005). • Master of Arts with First Class Honours, University of Auckland (conferred 1999). <p>Professional Memberships</p> <ul style="list-style-type: none"> • Barrister & Solicitor of the High Court of New Zealand. • Te Hunga Rōia Māori o Aotearoa, the Māori Law Society. • Te Kāhui Ture o Aotearoa, the New Zealand Law Society. • The New Zealand Bar Association. <p>Community</p> <ul style="list-style-type: none"> • Faculty member, NZ Council for Legal Education Litigation Skills programme (2018 – present). • Faculty member, Pacific Island Law Officers' Network Litigation Skills programme, Samoa (2017 and 2019). • Member, Ministry of Justice Legal Aid selection committee for Waitangi Tribunal and Māori Land Court providers (2015 – present). • Working with the Solicitor-General to build Te Reo Māori and tikanga Māori capability and assisting in the development of Te Reo Māori strategy. • Running training workshops and mentoring junior lawyers within Te Hunga Rōia Māori o Aotearoa, Crown Law and the Government Legal Network. • Marae, hapū and iwi projects.
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Date: 18/10/2022



Document 2

16 January 2023

OC221101

Hon Michael Wood
Minister of Transport

Action required by:
 Monday, 23 January 2023

TAKING ACTION ON FUEL PRICES - PROACTIVE INFO RELEASE

Purpose

This paper:

- seeks your approval for the proactive release of information relating to the ending of the reductions to petrol excise duty, road user charges and half-fare public transport fares. This includes the release of Cabinet material
- provides you with proposed responses to requests under the Official Information Act (OIA) from s 9(2)(a) (OIA 22-598 / OC221094) and s 9(2)(a) (OIA 22-603 / OC221113). Proposed responses are enclosed for your signature.

Key points

- Given that Ministers announced the next steps on the reductions before Christmas, interest in the information has likely lessened. However, much of the media reporting of the ministerial announcement focused on the extension of the reductions to petrol excise duty and half-fare public transport. The main risk with the release of the information is the end of the measures gets highlighted, particularly the two excise increases (28 February and 31 March). Despite not being widely reported in media coverage after the ministerial announcement, information on the tax increases, and the date for the end of half-fare public transport, is already in the public domain.
- We will, subject to your agreement, release the material on our website on **30 January 2023**.

Recommendations

We recommend you:

- | | | |
|---|---|----------|
| 1 | agree to release papers relating to the end of the reductions to petrol excise duty, road user charges and half-fare public transport fares on the Ministry of Transport website on 30 January 2023 | Yes / No |
| 2 | sign the enclosed letter to s 9(2)(a) by 30 January 2023 | Yes / No |

Yes / No

- 3 sign the enclosed letter to s 9(2)(a) by 3
February 2023



Marian Willberg
Manager, Demand Management,
Funding and Revenue

...16/Q1/2023....

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
Marian Willberg, Manager - Ministry of Transport	s 9(2)(a)	✓
Andrew de Montalk, Adviser - Ministry of Transport		

TAKING ACTION ON FUEL PRICES - PROACTIVE INFO RELEASE

We propose to proactively release Cabinet material and other key papers

- 1 The Government has announced the end of the reductions to petrol excise duty and road user charges and the end of half-fare public transport. We seek approval to release the following key papers which relate to that:

	Date	Type and title	Proposed approach / redactions
1	21 September 2022	Briefing paper – Taking Action on fuel prices (OC220725)	These documents have previously been released under the OIA s 9(2)(a)
2	25 October 2022	Briefing paper – Financial update – temporary road user charges and petrol excise duty reductions (OC220795)	OC220882; OC220965). We will make these papers available on our website for completeness.
3	23 November / 28 November / 5 December 2022	Cabinet paper – ‘Taking Action on Fuel Prices: Next Steps’	Withhold information on Budget 2023 initiatives under section 9(2)(f)(iv) of the OIA
4	23 November 2022	DEV minute – minute of decision – ‘Taking Action on Fuel Prices: Next Steps’ (DEV 22-MIN-0287)	Release in full
5	28 November 2022	CAB – minute of decision – ‘Taking Action on Fuel Prices: Next Steps’ (CAB-22-MIN 0534)	Release in full
6	5 December 2022	CAB – minute of decision – ‘Taking Action on Fuel Prices: Next Steps’ (CAB-22-MIN-0554)	Release in full
7	13 December 2022	Ministry of Transport briefing – ‘Taking action on fuel prices – instruments ending the temporary measures’ (OC221083)	Withhold cell phone numbers under section 9(2)(a) of the OIA

- 2 The Cabinet paper proposed for release was considered multiple times. Rather than releasing each version of the paper considered, we propose to release the final version of the Cabinet paper with the associated minutes.
- 3 We have reviewed the papers for release and consulted agencies on the release of the Cabinet paper, including the Ministry of Business, Innovation and Employment (Energy Markets).

Potential matters that could be highlighted once the papers are released

- 4 Given that Ministers announced the next steps on the reductions before Christmas, interest in the information has likely lessened. However, much of the media reporting focused on the extension of the reductions to petrol excise duty and half-fare public transport.
- 5 The main risk with the release of the information is the end of the measures get highlighted, particularly the two excise increases (28 February and 31 March). Despite not being widely reported in media coverage after the ministerial announcement, information on the tax increases, and the date for the end of half-fare public transport, is already in the public domain (for example, on the Ministry's website). The Ministry can provide you support should you be asked to comment on any matters raised following the public release of the papers, including the following:

5.1 the impact of the phased increases on fuel prices – s 9(2)(f)(iv)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5.2 the potential rationale for extending/phasing the reduction to petrol excise duty – the papers show there was a concern, expressed by the Ministry of Business, Innovation and Employment (Energy Markets), that an immediate 25 cent increase could result in fuel supply at some retail sites coming under pressure. s 9(2)(f)(iv)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5.3 emission impacts of the reductions to petrol excise duty and road user charges – information on the potential emission impacts have already been reported, and the information proposed for release contains little new information, so we are doubtful that the release would result in further public comment on the emissions impacts.

5.4 various options relating to extending half-price public transport, including making half-fares permanent – s 9(2)(f)(iv)

[REDACTED]

[REDACTED] The Cabinet paper noted that half-price public transport likely only resulted in a very modest substitution for travel by private motor vehicles (to travel by public transport), and that half-fares could have resulted in fewer people walking in cycling.

5.5 alternative measures to help households with cost pressures – the Cabinet paper sets out some other measures that were considered, s 9(2)(f)(iv)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- 6 Releasing the papers will also likely satisfy other request received (for example, the request from s 9(2)(a), OIA-11562 / OC221064) seeking information on making permanent the increased subsidy for users of the Total Mobility Scheme.
- 7 Should you agree to the release of the papers, the Ministry will make the papers available on our website on **30 January 2023**.

A proposed response to an OIA request from s 9(2)(a) - OIA22-598 / OC221094

- 8 On 12 December, you received a request from s 9(2)(a), which stated:

"I request a copy of all advice, briefings, reports that the Minister has received in the last three months regarding the temporary reduction in Fuel Excise Duty and Road User Charges, and any advice, briefings or reports the Minister has received regarding extending this temporary reduction in Fuel Excise Duty and Road User Charges, and any advice, briefings, or reports the Minister has received regarding the options on how the temporary reduction in Fuel Excise Duty and User Charges may be removed when it concludes. Where information is withheld, please provide reasons under the Official Information Act."

- 9 The documents that fall in the scope of the request are either already publicly available or will soon be publicly available on the Ministry of Transport website.
- 10 As such, we propose you refuse the request under section 18(d) of the OIA, which provides that a request may be refused when the information sought is or soon will be publicly available.
- 11 Enclosed is a draft letter for you to sign to respond to the request from s 9(2)(a). The signed response needs to be sent by your office by **30 January 2023**.

A proposed response to an OIA request from s 9(2)(a) - OIA22-603 / OC221113

- 12 On 16 December, you received a request from s 9(2)(a), which stated:

"Under the Official Information Act 1982, I request a copy of the two Cabinet papers referred to in written question 45495 (2022).

Reply 45495 (2022) has been answered

Portfolio: Energy and Resources (Hon Dr Megan Woods)

Question: *Has the Minister taken any cabinet papers to Cabinet in the past two months regarding the temporary fuel excise reduction, and if so, on what dates?*

Reply: *The Minister of Finance, Minister of Transport and I as Minister of Energy and Resources have taken the following Cabinet papers in the past two months:*

- Taking Action on Fuel Prices: Next Steps, 28 November 2022*
- Taking Action on Fuel Prices: Next Steps, 5 December 2022*

Where information is withheld, I request that you provide the title and date of the communication/document withheld, the reason for refusal, and the grounds

in support of that reason as required by section 19(a) of the Official Information Act.”

- 13 Enclosed is a letter for you to sign to respond to the request from s 9(2)(a) . The signed response needs to be sent by your office by **3 February 2023**.

OIA requests are being received by a range of government agencies

- 14 A range of other agencies are receiving OIA requests for the Cabinet paper or advice prepared for other Ministers on the Cabinet paper. The Ministry of Foreign Affairs and Trade has consulted with the Ministry of Transport on its proposed response and will be referring requests for the Cabinet paper to the Ministry of Transport's website.
- 15 The Ministry of Business, Innovation and Employment has also received requests for the Cabinet paper and proposed to refer requesters to the Ministry of Transport's website.

Next steps

- 16 We propose that you consider this briefing no later than 23 January 2023. This will provide your office time to review the materials for release and discuss (if needed) the proposed redactions with the Ministry.
- 17 As noted above, should you agree, the Ministry will release the information on its website on **30 January 2023**. Should your office (or other ministerial offices) have comments on the specific papers proposed for release these need to be provided to the Ministry as soon as possible.

Hon Michael Wood

MP for Mt Roskill

Minister of Immigration

Minister of Transport

Minister for Workplace Relations and Safety



OC221094

s 9(2)(a)

Dear [REDACTED]

I refer to your email on 12 December 2022 which stated:

"I request a copy of all advice, briefings, reports that the Minister has received in the last three months regarding the temporary reduction in Fuel Excise Duty and Road User Charges, and any advice, briefings or reports the Minister has received regarding extending this temporary reduction in Fuel Excise Duty and Road User Charges, and any advice, briefings, or reports the Minister has received regarding the options on how the temporary reduction in Fuel Excise Duty and User Charges may be removed when it concludes. Where information is withheld, please provide reasons under the Official Information Act"

I am refusing your request under the following section of the Act:

18(d) the information requested is or will soon be publicly available

The information sought in your request is contained in documents that will shortly be publicly available, subject to good reasons to withhold information in section 9(2) of the Act, on the Ministry of Transport's website at: www.transport.govt.nz/area-of-interest/revenue/rates-of-petrol-excise-duty-and-road-user-charges/.

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

Hon Michael Wood

MP for Mt Roskill

Minister of Immigration

Minister of Transport

Minister for Workplace Relations and Safety



OC221113

s 9(2)(a)

Dear s 9(2)(a)

I refer to your email dated 16 December 2022, requesting the following under the Official Information Act 1982 (the Act):

"...I request a copy of the two Cabinet papers referred to in written question 45495 (2022).

Reply 45495 (2022) has been answered

Portfolio: Energy and Resources (Hon Dr Megan Woods)

Question: Has the Minister taken any cabinet papers to Cabinet in the past two months regarding the temporary fuel excise reduction, and if so, on what dates?

Reply: The Minister of Finance, Minister of Transport and I as Minister of Energy and Resources have taken the following Cabinet papers in the past two months:

- Taking Action on Fuel Prices: Next Steps, 28 November 2022*
- Taking Action on Fuel Prices: Next Steps, 5 December 2022..."*

I am refusing your request under the following section of the Act:

18(d) the information requested is or will soon be publicly available

The information sought in your request is contained in documents that will shortly be publicly available, subject to good reasons to withhold information in section 9(2) of the Act, on the Ministry of Transport's website at: www.transport.govt.nz/area-of-interest/revenue/rates-of-petrol-excise-duty-and-road-user-charges/.

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



21 September 2022

OC220725

Hon Michael Wood
Minister of Transport

Action required by:
30 September 2022

TAKING ACTION ON FUEL PRICES - FURTHER DECISIONS

Purpose

To advise you on timetable constraints should the Government wish to extend the temporary reductions to petrol excise duty and road user charges beyond 31 January 2023.

Key points

- s 9(2)(g)(i)
- If the Government did want to extend, primary legislation – a Bill in the House – is needed to extend the reductions to road user charges. Any Bill would need to be passed (and receive Royal assent) before Christmas. The reductions to petrol excise duty can be extended by Order in Council. Any Order in Council will also need to be made before Christmas.
- Transport officials will need direction from Ministers no later than **mid-October 2022** to begin the necessary work should the Government wish to extend the temporary reductions beyond 31 January 2023. If the Government chooses not to extend, some fuel companies have requested 90 days' notice to ensure oil stocks for the end date. As requested by Cabinet, officials will update Ministers on the financial impact of the reductions in October.

Recommendations

We recommend you

- | | | |
|---|--|----------|
| 1 | copy this briefing to the Minister of Finance, the Minister of Energy and Resources and the Minister of Customs | Yes / No |
| 2 | discuss likely direction with transport officials | Yes / No |

Marian Willberg
Manager, Demand Management and Revenue

...21/09/2022....

Hon Michael Wood
Minister of Transport

..... / /

IN CONFIDENCE

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Marian Willberg, Manager, Demand Management and Revenue	s 9(2)(a)	✓
Andrew de Montalk, Advisor, Demand Management and Revenue		

UNCLASSIFIED



25 October 2022

OC220795

Hon Michael Wood
Minister of Transport

Action required by:
 Monday, 31 October 2022

FINANCIAL UPDATE - TEMPORARY ROAD USER CHARGES AND PETROL EXCISE DUTY REDUCTIONS

Purpose

Cabinet requested that Ministers receive in October 2022 a financial update on the cost of the temporary reductions to petrol excise duty, road user charges, half fare public transport and the track user charges reimbursement (CAB-22-MIN-0263 of 4 July 2022 refers).

Key points

- \$737 million of the \$1.3 billion appropriated until 31 January 2023 has been drawn down. This represents:
 - \$360 million for reduced revenue from road user charges from 21 April until 30 September (5 months 9 days). 4 months of draw downs remain.
 - \$320 million for reduced revenue from petrol excise duty from 14 March until 31 August 2022 (5 months 17 days). 5 months of draw downs remain.
 - \$55.5 million for half price public transport fares (1 April until 18 October 2022). This could understate the cost to date, as not every regional council (particularly the smaller ones) claims public transport subsidies each month.
 - \$2.4 million for the track user charges reimbursement to KiwiRail (April until September 2022).

- s 9(2)(f)(iv) [Redacted]

- s 9(2)(g)(i) [Redacted]

- s 9(2)(f)(iv) [Redacted]

Recommendations

We recommend you:

- 1 **copy** this briefing to the Minister of Finance, the Minister of Energy and Resources and the Minister of Customs Yes / No



Marian Willberg
Manager, Demand Management and Revenue Team

..21/10/2022....

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
Marian Willberg, Manager, Demand Management and Revenue, Ministry of Transport	s 9(2)(a)	✓
Andrew de Montalk, Adviser, Demand Management and Revenue, Ministry of Transport		



Document 3

28 February 2023

OC221103

Hon Kiritapu Allan**Associate Minister of Transport**

cc Hon Michael Wood

Minister of Transport

PROPOSED MARITIME TRANSPORT (INFRINGEMENT FEES FOR OFFENCES – MANAWATŪ RIVER AND TRIBUTARIES NAVIGATION SAFETY BYLAW 2022) REGULATIONS 2023

Purpose

Seek your authority to:

1. issue drafting instructions to the Parliamentary Counsel Office (PCO) for infringement regulations relating to the Manawatu River and Tributaries Navigation and Safety Bylaw 2022.
2. share PCO's drafts of the infringement regulations with Horizons Regional Council, to ensure the regulations are fit for purpose.

Your authority is needed as soon as reasonably possible because no infringement regulations are currently in place for Horizons Regional Council, which limits the enforcement options of the Council.

Key points

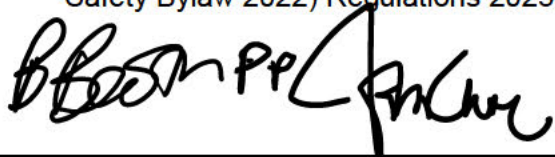
- Navigation safety bylaws allow councils to manage and regulate maritime safety within their waterways. Corresponding infringement regulations support the effective enforcement of these bylaws.
- Without infringement regulations, the only way councils can enforce a bylaw is by prosecuting alleged offenders through the District Court. Prosecution is generally a disproportionate response to the level of offending envisaged by these bylaws. However, since Horizons Regional Council currently have no infringement regulations in place, prosecution is the only enforcement option available to them at the moment.
- Horizons Regional Council have requested infringement regulations be made to correspond to their updated navigation safety bylaw, which came into force in July 2022.

- Your authority is needed for the Ministry to issue drafting instructions to PCO. It is also needed to allow the Ministry to share PCO's drafts of the regulations, which are legally privileged, with Horizons Regional Council since they are outside of the Crown, to ensure that the regulations are fit for purpose.

Recommendations

We recommend you:

- authorise** the Ministry of Transport (the Ministry) to issue drafting instructions to the Parliamentary Counsel Office (PCO) for the Maritime Transport (Infringement Fees for Offences – Manawatū River and Tributaries Navigation Safety Bylaw 2022) Regulations 2023 Yes / No
- authorise** the Ministry to share PCO's drafts of the Maritime Transport (Infringement Fees for Offences – Manawatū River and Tributaries Navigation Safety Bylaw 2022) Regulations 2023 with Horizons Regional Council. Yes / No



Brendan Booth
Chief Legal Adviser

17 / 1 / 23

Hon Kiritapu Allan
Associate Minister of Transport for the
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
Phoebe Moir, Legal Adviser	s 9(2)(a)	✓
Annelies McClure, Principal Solicitor		
Brendan Booth, Chief Legal Adviser		

PROPOSED MARITIME TRANSPORT (INFRINGEMENT FEES FOR OFFENCES – MANAWATŪ RIVER AND TRIBUTARIES NAVIGATION SAFETY BYLAW 2022) REGULATIONS 2023

Horizons Regional Council have requested new infringement regulations

- 1 We have recently received a request from Horizons Regional Council to progress infringement regulations relating to their new navigation safety bylaw. Horizons Regional Council have already passed their new bylaw, which came into force in July 2022.

What are navigation safety bylaws and their corresponding infringement regulations?

- 2 Navigation safety bylaws allow councils to manage and regulate maritime safety within their waterways. Corresponding infringement regulations support the effective enforcement of these bylaws by dissuading breaches and funding the council enforcement of them.
- 3 Without infringement regulations, the only way councils can enforce a bylaw is by prosecuting alleged offenders through the District Court. Prosecution is generally a disproportionate response to the level of offending envisaged by these bylaws.

Horizons Regional Council have updated their navigation safety bylaw

- 4 Navigation safety bylaws are required to be reviewed every five years.¹ Horizons Regional Council did not meet this deadline and their 2010 bylaw expired as a result. The infringement regulations which relate to this old bylaw were also made under the Local Government Act 1974 section 699A, which was repealed in 2013. The new empowering provision is found in the Maritime Transport Act 1994, section 33O.
- 5 This means that the previous infringement regulations are no longer able to be used by Horizons Regional Council.
- 6 Because of this, the Council passed a new bylaw in July 2022: The Manawātū River and Tributaries Navigation Safety Bylaw 2022. This bylaw does not currently have any corresponding infringement regulations, which limits the enforcement options of the Council. Now that a new bylaw is in force, the infringement regulations corresponding to the old bylaw have lapsed, in addition to the expiry and repeal outlined above.
- 7 Horizons Regional Council have therefore requested that new infringement regulations be made to go with their new navigation safety bylaw, and their previous infringement regulations be repealed.

Your authority is required to issue drafting instructions to the Parliamentary Counsel Office

- 8 Cabinet approval is not required to issue drafting instructions to the Parliamentary Counsel Office (PCO) because the infringement regulations are entirely routine and do

¹ [Local Government Act 2002, section 158.](#)

not require new policy decisions since they are giving effect to a bylaw already created by the Council. You can therefore authorise the Ministry to issue drafting instructions to PCO.

Your authority is required to share PCO drafts with organisations outside of the Crown

- 9 Your authority is needed to share PCO's drafts of the regulations with Horizons Regional Council, because draft regulations are legally privileged, and Horizons Regional Council are an organisation outside of the Crown.² Sharing these drafts is necessary to make sure the regulations are fit-for-purpose.
- 10 Sharing PCO drafts is done on the basis that the drafts are:
 - 10.1 subject to legal professional privilege;
 - 10.2 released on an in-confidence basis;
 - 10.3 a work in progress; and
 - 10.4 subject to PCO's quality assurance methods

Horizons Regional Council has produced, in conjunction with the Ministry, proposed infringement offences and fees

- 11 Horizons Regional Council has produced in conjunction with the Ministry, proposed infringement offences and associated penalty levels. These have been attached at Annex 1 for reference.
- 12 These proposed infringement regulations and fees have been approved by the Council, but they are a first draft and are subject to change as the Council works with the Ministry and PCO.

Consultation

- 13 We have already consulted with the Ministry of Justice under 7.34 of the Cabinet Manual, and they have confirmed that they are comfortable with the proposed infringement penalty amounts and wording.³ We will continue to consult with them on further drafts produced by PCO.

Impact analysis

- 14 The Treasury's Regulatory Impact Analysis team has determined that the repeal and replacement of the infringement offences and fees under Manawatū River and Tributaries Navigation and Safety Bylaw 2010 is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.

² [CO \(19\) 2: Attorney-General's Protocol for Release of Draft Government Legislation outside the Crown | Department of the Prime Minister and Cabinet \(DPMC\).](#)

³ [Cabinet Manual 2017 The Executive, Legislation, and the House 7.34 at 105 \(DPMC\).](#)

- 15 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Risk and impacts

- 16 We do not consider there are any risks for you authorising the Ministry to issue drafting instructions to PCO.

Next steps

- 17 Once drafts of the infringement regulations have been prepared, we will provide you with the necessary papers for the Cabinet Legislation Committee, and Executive Council, to enable the infringement regulations to be made.

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THE OFFICIAL INFORMATION ACT 1982

ANNEX 1**Horizons Regional Council's proposed infringement fees for offences of its new Navigation Safety Bylaw 2022**

Clause	Draft Description	Fee \$
cl 3.1.2	Failing to notify Harbourmaster of an accident or incident	200
cl 4.1.1	Failing to have sufficient personal flotation devices for each person on board a recreational craft that are readily accessible and of appropriate size for each person on board	200
cl 4.1.5	Failing to ensure persons on board recreational craft wear flotation devices	200
cl 4.1.6	Failing to ensure that any person being towed is wearing a properly secured personal flotation device of an appropriate size for that person	200
cl 4.2.1	Operating a vessel's propulsion system at wharf, jetty, pier, or ramp in way that may cause damage or injury	200
cl 4.3.1	Diving, swimming, or other related activities in certain areas in breach of requirements	200
cl 4.4.1	Anchoring vessel so as to cause obstruction to the passage of other vessels or approaches to any wharf, jetty, pier, or ramp	200
cl 4.4.2	Cutting, breaking, destroying, or unlawfully detaching moorings or fastenings of vessel in breach of requirements	200
cl 4.4.3	When vessel is moored to wharf or other landing place, failing to ensure adequate and safe means of access to vessel	200
cl 4.5.1	Obstructing access by water to wharf, landing place, boat ramp, or mooring	200
cl 4.5.2	Placing obstruction in waters if liable to restrict navigation, injure person, or damage property	200
cl 5.1.1	Failing to register personal water craft	200
cl 5.1.2	Failing to display, or adequately display, personal water craft registration number	200
cl 5.1.3	Failing to complete change of ownership or deregistration within specified timeframe	200
cl 5.2.2	Allowing a person less than 15 years of age to operate a power-driven vessel capable of exceeding a speed of 10 knots	200
cl 5.3.1	Operating a vessel at a speed exceeding 5 knots within specified areas	200
cl 5.3.2	Operating a vessel at a speed exceeding 5 knots when any part of person is extended over fore part, bow, or side of vessel	200
cl 5.3.3	Operating a vessel at a speed exceeding 5 knots while being towed in specified areas	200
cl 5.3.4	Operating a vessel at a speed exceeding 5 knots in contravention of Harbourmaster's or Enforcement Officer's direction	300

cl 5.3.5	Operating a vessel at a speed exceeding 5 knots in specified areas at certain times of year	200
cl 5.3.6	Failing to recover dropped water ski or similar object unless adequate measures taken	200
cl 5.4.1	Failing to ensure wake of recreational vessel does not cause danger or risk of damage to other vessel or structure, or harm to person	200
cl 5.6.1	Failing to use a lookout 10 years or over on a vessel which is towing a person at a speed exceeding 5 knots who is responsible for notifying the person in charge of any mishap to the person being towed	200
cl 5.6.2	Being towed by a vessel at a speed exceeding 5 knots without a lookout 10 years or over who is responsible for notifying the person in charge of any mishap	200
cl 5.7.1	Towing person between sunset and sunrise	200
cl 5.7.2	Being towed between sunset and sunrise	200
cl 5.8.2	Obstructing person using reserved area for the purpose for which it has been reserved	200
cl 5.8.2	Entering into, remaining in or using a reserved area when a person is using a reserved area for the purpose for which it is reserved	200
cl 5.9.1	Damaging, removing, defacing, or interfering with aid to navigation	300
cl 6.2.5	Failing to give a public notice specifying the period of activity and details of suspension or reserved area	200
cl 6.4	Failing to comply with a direction given by the Harbourmaster, an enforcement officer or an honorary enforcement officer	200



19 January 2023

Document 6

OC221110

Hon Michael Wood
Minister of Transport

Action required by:
Friday, 27 January 2023

Hon Grant Robertson
Minister of Finance

TAKING ACTION ON FUEL PRICES: APPROPRIATION FOR THE END OF THE TEMPORARY SUPPORT MEASURES AND SHORT- TERM FUNDING FOR TOTAL MOBILITY

Purpose

This paper seeks the approval of the Minister of Finance and the Minister of Transport for the necessary funding to end the reductions in road user charges, phase the temporary excise cut on petrol, and extend half-price fares on public transport until 31 March 2023. s 9(2)(f)(iv)

Key points

- We recommend s 9(2)(f)(iv) be appropriated to Vote Transport to provide for Cabinet's decisions (outlined above). s 9(2)(g)(i)

- s 9(2)(g)(i)

- Cabinet has agreed to permanently increase the subsidy for Total Mobility, with further details to be agreed upon by the Minister of Transport. s 9(2)(f)(iv)

Recommendations

We recommend the Minister of Finance and Minister of Transport:

Minister of Finance	Minister of Transport
------------------------	--------------------------

- 1 **note** that on 5 December 2022 [CAB-22-MIN-0554 refers] Cabinet:
 - a) **agreed** to phase the reintroduction of the full rate of petrol excise duty in February and March 2023 (12.5 cents per month for petrol excise duty), with petrol excise duty rates to increase on 28 February (to 57.524 cents per litre), and 31 March (to 70.024 cents per litre);
 - b) **agreed** that the road user charges reduction scheme ends on 31 January 2023;
 - c) **agreed** that the track user charges reimbursement ends on 31 January 2023;
 - d) **agreed** that half-price public transport is extended for the duration of the agreed extension of the reductions to petrol excise duty (to 31 March 2023), followed by the implementation of Community Connect;
 - e) **agreed** that half-priced fares for Total Mobility are extended indefinitely, with further details to be agreed by the Minister of Transport;
 - f) s 9(2)(f)(iv) [REDACTED]
 - g) **authorised** the Minister of Finance and Minister of Transport to have power to act to take decisions on how to address the funding concerns referred to in the paragraph above;
 - h) **authorised** the Minister of Finance and Minister of Transport to agree the final amount of funding required for the initiative, up to a total of **\$800 million** (for six months), including making changes to existing appropriations or establishing new appropriations if required, and to take further detailed policy and implementation decisions consistent with CAB-22-SUB-0554

- 2 **note** that officials consider the final amount required to be s 9(2)(f)(iv) [REDACTED], comprised of **\$120 million** for the phase down of petrol excise duty reductions, **\$24 million** for the two month extension to half fare public transport (including the Total Mobility subsidy to 31 March 2023); s 9(2)(f)(iv) [REDACTED]

3 **agree** the amount of funding required is s 9(2)(f)(iv) to provide for policy decisions referred to in recommendation 1a, d, and f above Yes / No Yes / No

4 s 9(2)(f)(iv) Yes / No Yes / No

5 **approve** the following changes to appropriations to give effect to the policy decisions in recommendation 1a, d and f and recommendation 4 above, with a corresponding impact on the operating balance and net debt Yes / No Yes / No

s 9(2)(f)(iv)

6 **agree** that the changes to appropriations in recommendation 5 above be included in the 2022/23 Supplementary Estimates and that, in the interim, the increases be met from Imprest Supply Yes / No Yes / No

7 **note** that Cabinet agreed that the cost of the policy decisions above will be managed outside of Budget allowances, but that the effective impact on the operating balance and net debt will be offset by underspends from the COVID-19 Response and Recovery Fund returned as part of the October Baseline Update

8

s 9(2)(f)(iv)

M Willberg

Marian Willberg
**Manager, Demand Management and
 Revenue, Ministry of Transport**

...19/01/2023....

Hon Michael Wood
Minister of Transport

..... / /

Hon Grant Robertson
Minister of Finance


..... / /

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

Name	Telephone	First contact
Andrew de Montalk, Adviser, Demand Management and Revenue Team, Ministry of Transport	s 9(2)(a)	✓
Marian Willberg, Manager, Demand Management and Revenue Team, Ministry of Transport		

TAKING ACTION ON FUEL PRICES: APPROPRIATIONS FOR THE END OF THE TEMPORARY SUPPORT MEASURES AND SHORT-TERM FUNDING FOR TOTAL MOBILITY

Cabinet delegated responsibility for the financial arrangements to joint Ministers

- 1 Cabinet has agreed [CAB-22-MIN-0554 of 5 December 2022 refers] to:
 - 1.1 increase petrol excise duty on 28 February 2023 and 31 March 2023 to end the reductions (to petrol excise duty)
 - 1.2 restore the standard rates of road user charges on 1 February 2023
 - 1.3 end half-price public transport fares on 31 March 2023, with Community Connect providing half-priced fares for holders of the Community Services Card from 1 April 2023
 - 1.4 extend half-price fares for Total Mobility indefinitely, with further details to be agreed by the Minister of Transport.
- 2 The above decisions have financial implications for the Crown, some immediate and time-limited, whilst some are permanent or ongoing (Total Mobility). Cabinet has delegated to the Minister of Finance and the Minister of Transport to:
 - 2.1 agree the final amount of funding required, up to **\$800 million** for six months
 - 2.2 make changes to appropriations or establish new appropriations if required.
- 3 Cabinet also authorised Joint Ministers “to have the power to act to take decisions” to address cost pressures for the reductions up to 31 January 2022. We have interpreted the Cabinet minute to provide authorisation for joint Ministers to agree that any additional costs arising from Cabinet’s decisions must be managed within the envelope of **\$800 million** (and limited to the period six months from 31 January 2023).
- 4 This paper is focused on the necessary appropriation changes to give immediate effect to Cabinet decisions relating to petrol excise duty, road user charges and public transport ^{s 9(2)(f)(iv)}


Update on the cost of the support measures to date

- 5 As of 17 January 2023, **\$1.123 billion** of the **\$1.3 billion** has been drawn down. This is made up of:
 - 5.1 \$500 million to backfill petrol excise duty (up to 6 January 2023)
 - 5.2 \$553 million to backfill road user charges (up to 8 January 2023)

5.3 \$67 million to reimburse regional councils for half-fare public transport

5.4 \$3 million for the track user charges reimbursement for KiwiRail.

Agreeing on the final amount of up to \$800 million

6 Cabinet has agreed, in principle, to provide funding up to **\$800 million** for six months, with the final amount to be agreed by Joint Ministers to fund the policy decisions. **\$800 million** was calculated to provide up to a 6-month extension of all measures. As Cabinet agreed to a more limited extension and to end other measures, it is unlikely the full amount will be needed.

7 Our overall approach to setting the final amount is informed by the following:

7.1 **provide for lost revenue and actual costs** – Waka Kotahi should be reimbursed for reduced revenue and costs associated with Cabinet's decisions. Any funds not needed to cover actual lost revenue or costs should not be drawn down or, if drawn, returned to the centre (the Crown).

7.2 **headroom for uncertainty** – s 9(2)(g)(i)
The amounts should provide for cost uncertainty.

8 These factors are described in more detail below as they apply to each initiative.

We recommend s 9(2)(f)(iv) million be appropriated to Vote Transport

9 To provide sufficient funding for each initiative and cost uncertainty, we recommend s 9(2)(f)(iv). This is comprised of:

9.1 s 9(2)(f)(iv) for backfilling road user charges, petrol excise duty and half-fare public transport

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

10 For transparency, estimated component costs for each initiative are detailed below. the component costs are indicative. Underspends in one item (for example, public transport) can be used to pay for cost pressures in other components (eg backfilling RUC) as the funding is in a single appropriation.

11 We have worked with the Treasury on the proposed appropriation changes to Vote Transport and with Waka Kotahi on the cost estimates.

\$120 million is needed for the phase down of the reduction to petrol excise duty until 31 March 2023

12 We estimate that extending the 25-cent per litre reduction (from 31 January 2023 to 27 February 2023) and increasing excise by 12.5-cents per litre on 28 February 2023 and 31 March 2023 will require around \$95 million to backfill the National Land Transport Fund. As described below, we propose a modest uplift to mitigate cost uncertainty.

13 s 9(2)(g)(i)

s 9(2)(g)(i)

- 14 We propose an uplift to **\$120 million** to mitigate the cost uncertainty. Waka Kotahi receives backfill funding in arrears based on actual fuel shipments, meaning, despite any uplift, drawdowns will be based on actuals. Any funds not needed will be returned or retained by the centre.

s 9(2)(f)(iv)

- 15 s 9(2)(f)(iv)

- 16 Waka Kotahi advises that road users may purchase enough road user charges for travel up to 31 January 2023. Waka Kotahi is empowered and funded to audit excessive, unreasonable, or abusive purchases of road user charges. Individual audit decisions are a matter for Waka Kotahi, for which it has statutory independence.

- 17 The risk of excessive amounts of road user charges being pre-purchased is more likely by light vehicle owners than heavy vehicle owners. This is because any pre-purchased road user charges for a heavy vehicle become invalid one month after any increase. Road user charges for light vehicles do not become invalid after a month.

- 18 s 9(2)(g)(i)

- 19 Officials have drafted communication material and propose to work with Waka Kotahi on future communications about the end of the scheme. We understand that Waka Kotahi is proposing to email vehicle owners before the end of January.

\$24 million is needed to extend half-fare public transport until 31 March 2023

- 20 We advised that extending half-fare public transport would require around \$10 million to \$12 million per month. Based on this, we suggest that **\$24 million** be allocated to half-fare public transport through to 31 March 2023. This includes the cost associated with Total Mobility alongside half-fare public transport over the period (up to 31 March 2023).

- 21 Lower-than-anticipated reimbursement claims to date may mean the full amount may not be needed. However, given delays in regional councils claiming the reimbursement and uncertainty about uptake, we suggest the full amount be appropriated, with reimbursement only being provided in arrears for actual costs. Any underspends will be returned to the centre.

s 9(2)(f)(iv)

- 22 Total Mobility provides subsidised taxi fares to disabled people. Prior to the implementation of half-fare public transport, a 50 percent subsidy was provided (jointly funded by the National Land Transport Fund and regional councils). The implementation of half-fare public transport increased the subsidy to 75 percent, subject to a total fare cap, set by regional councils. For example, for a \$20 taxi fare, a Total Mobility user will pay \$5¹, the Crown will pay \$5, the National Land Transport Fund will pay \$6 and the regional council will pay \$4.

- 23 Cabinet agreed to extend half-priced fares for Total Mobility indefinitely, with further details to be agreed by the Minister of Transport. Half-fare public transport will fund the Total Mobility subsidy through to 31 March 2023.

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

25

Next steps

- 26 We propose, as set out in the recommendations, Joint Ministers approve an increase of s 9(2)(f)(iv) to the *Funding for Temporary Decreases in Fuel Excise Duty, Road User Charges, Public Transport Fares and Railway Track User Charges* multi-year appropriation in Vote Transport.

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

¹ Where a taxi fare is higher than the applicable regional fare cap, the user pays the full cost of any fare cost above the cap.

25 January 2023

OC221076

Hon Michael Wood

Action required by:

Minister of Transport

Wednesday, 22 February 2023

COMMERCIAL CARSHARE IN NEW ZEALAND

Purpose

To update you on our investigation into commercial carshare in New Zealand.

Key points

- Te Manatū Waka Ministry of Transport (MoT) undertook a review of New Zealand's parking regulatory system in 2021, as part of MoT's regulatory stewardship responsibilities. This review identified carshare as an area for further investigation.
- Consequently, MoT has investigated commercial on-street carshare in New Zealand. This included desk-based research and interviews with carshare providers and officials at local authorities.
- MoT is working separately with Te Rūnanga o Ngāi Tahu to demonstrate the feasibility of incorporating shared transport options (such as carshare) in new residential developments and will provide you with an update soon [OC220012 refers].
- International studies indicate that carshare can reduce car ownership (and therefore demand for on-street parking), with each shared vehicle replacing five to nine private vehicles. It can also reduce transport costs, make the costs more transparent and contribute to mode shift, reduced vehicle kilometres travelled and reduced emissions.
- Commercial carshare in New Zealand is operates at a small scale, with three providers operating around 500 vehicles across Auckland, Hamilton, Greater Wellington and Christchurch.
- We have not identified any particular regulatory barriers to carshare and do not propose to undertake any further work as part of the parking review.
- Continued work across the system to discourage private car ownership will help to drive the growth of carshare, including:
 - increasing the cost of private vehicle ownership and use (e.g., increasing parking charges, which may be facilitated by increased parking penalties)
 - the introduction of demand-side measures, such as congestion charging

IN CONFIDENCE

- encouraging reallocation of road space, such as through the Reshaping Streets regulatory changes and Innovating Streets programme.

Recommendations

We recommend you:

1 **indicate** if you would like to discuss this briefing with officials

Yes / No


Megan Moffet
Manager, Regulatory Policy
18 / 01 / 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
Megan Moffet, Manager Regulatory Policy	s 9(2)(a)	✓
Harry Harknett, Senior Adviser		

IN CONFIDENCE

Background

- 1 Section 12(1)(e) of the Public Service Act 2020 sets out chief executives' responsibility for stewardship of the legislation administered by their respective departments. The Government Expectations for Good Regulatory Practice (2017) also set out the expectation that government regulatory agencies will have regard to, and give appropriate effect to, their regulatory stewardship responsibilities. In the case of MoT, this responsibility involves regular review and upkeep of the legislative framework to ensure it is efficient, fair, and effectively producing the intended policy outcomes.
- 2 In 2021, MoT undertook a regulatory stewardship review of the parking regulatory system [OC210623 refers]. Parking was chosen for a review due to the significant changes since the current legislation surrounding parking was established, with some elements essentially unchanged since the 1950s.
- 3 The review identified a number of areas for action, including towage and storage regulation and parking offences and penalties. Carshare was identified as an area for further investigation, given carshare's recent entry into New Zealand, its potential to assist with New Zealand's changing approach to parking management and that Germany changed its laws to assist carshare in 2019. Discussions with stakeholders during the review also raised the possibility of regulatory barriers.
- 4 Over recent months, MoT has reviewed a number of publicly available academic papers on carshare and has interviewed carshare providers and officials at local authorities. The purpose has been to understand the potential benefits of carshare, its scale in New Zealand and to identify barriers to its growth and operation, with particular interest in regulatory barriers to "commercial" carshare.

Carshare involves the shared use of vehicles by individuals or organisations

Carshare is a type of shared mobility...

- 5 Carsharing is a type of shared mobility, in which a larger number of people share the use of a smaller number of vehicles, without a driver being provided with the vehicle. Other forms of shared mobility include rideshare and ride hailing. **Annex One** provides further information on other forms of shared mobility.
- 6 Carshare has existed for decades internationally but has grown significantly in the last 20 years. This is in part because the development of smartphones and apps has facilitated access to carshare services. In many ways carshare is a variation of traditional car rentals, although with several distinguishing features:
 - 6.1 a tendency towards shorter-term rental (often charged by the minute or hour)
 - 6.2 use of apps and other smartphone-based technologies that reduce or remove the need for human interaction when collecting or returning a vehicle
 - 6.3 vehicles tend to be dispersed throughout the urban area in small quantities, rather than stored at large lots or offices as is the case for 'standard' car rentals.

...and is itself a broad spectrum of activity

- 7 Carshare is in itself a broad spectrum of activity. There is a range of characteristics that may change based on the operator, location and regulatory environment. **Annex One** also provides more information on some of the versions of carshare that exist.
- 8 For example, there are two primary models of “commercial” carshare. Under these models, vehicles are owned by the provider of the service (often a business, but also conceivably a municipality or government agency) and rented out to businesses or individuals:
 - 8.1 **Station-based carshare**: Often called round-trip, vehicles are rented from one car park (either on private or public land) and returned to the same location at the end of the rental no matter the duration. These vehicles may need to be booked in advance. Station-based carshare is the “traditional” model of carshare and has been operating in New Zealand since at least 2007. A variant of this is “**hub-based carshare**”; under which the trip can start and end at a limited number of locations (‘hubs’ of car parks available for the carshare vehicles), though the returning location may be different from where it is collected. This is similar to ‘docked’ bikeshare systems common overseas.
 - 8.2 **Free-floating carshare**: Vehicles are rented from within a “home zone” (e.g. the Wellington city centre) and returned anywhere within its “home zone”. The “home zone” itself may not be contiguous, and the journey itself may leave that “home zone”. Free-floating carshare does not normally need to be booked in advance. As with “dockless” bike and scooter sharing, this is a more recent development in New Zealand and internationally, meaning there are much less data on it and its effects.
- 9 There are also other models of car share which are not within the scope of this work:
 - 9.1 Under **peer-to-peer carshare**, private individuals rent each other’s vehicles, sometimes facilitated by a third-party app or organisation.
 - 9.2 Some residential developments include shared vehicles for the people that live there. These may be managed by the residents themselves (e.g. [CoHaus](#) in Grey Lynn, Auckland) or may be managed by commercial providers (e.g. Ockham’s apartment building [Daisy](#), also in Auckland). MoT is working separately with Te Rūnanga o Ngāi Tahu to demonstrate the feasibility of incorporating shared transport options, including carshare, in new housing developments, and will provide you with an update soon [OC220012 refers].

Studies indicate that carshare has a range of benefits

- 10 One of the primary benefits of carshare is the ability of a single vehicle to be shared among multiple users. This can reduce the number of privately owned vehicles over time as users can meet their mobility needs without owning a vehicle (or owning fewer vehicles). International studies have found a wide range of different replacement rates, but the most accepted replacement rate appears to be one shared

vehicle replacing around five to nine private vehicles.¹ As the average vehicle is only in use for around five per cent of the time and is parked the rest of the time, this reduction in vehicles can free up land and street space for other uses.

- 11 In addition, carshare can also help to reduce the total amount spent on vehicles in New Zealand and can make costs more transparent to users as they are paid at the time of use. Around 80 per cent of costs are fixed, such as insurance, maintenance, warrants of fitness, and registration. These costs are required to be paid regardless of the usage of the vehicle. In the case of shared vehicles, these costs are shared across multiple users, often reducing the overall cost. In addition, paying for the time used, at the time, makes the cost more easily comparable with that of other transport options.
- 12 Both of these factors can lead to mode shift and a reduction in vehicle kilometres travelled, and therefore a reduction in emissions and other impacts associated with driving. As carshare vehicles are often newer than those of the general fleet, vehicle efficiency can also contribute further to emissions reduction.
- 13 While many studies have raised the possibility of improved equity outcomes resulting from the lower costs carshare can offer to many people, data to support this is more limited.

Commercial carsharing operates at a small scale in New Zealand

Operators and locations

- 14 Carsharing operates at a relatively small scale in New Zealand, with a few domestic companies working across our major urban centres. Cityhop, a station-based provider, was the first entrant to the market in Auckland in 2007. This has been followed more recently by Mevo, a predominantly free-floating provider, entering Wellington in 2016 and Zilch, a hub-based provider entering Christchurch in 2017. Since entering the market, all three providers have since expanded into other urban areas. They also provide services both for individuals and for companies, with Zilch's primary aim being to replace commercial fleets.
- 15 All three providers are part of an All-of-Government rental vehicle contract, meaning that participating agencies are able to contract with carshare providers at reduced rates in order to reduce their reliance on taxis and Ubers, and as an alternative to fleet vehicles.
- 16 **Table 1** sets out the commercial carshare operators currently in New Zealand and where they are operating. We estimate that there are approximately 500 commercial carshare vehicles across the country, with the majority of these based in Auckland and Wellington.² In some cases, these operate solely from private land, while others have commercial agreements with road controlling authorities (RCAs) to operate on-street.

¹ Studies also found differing impacts of station-based and free-floating carshare; this may be in part because free floating carshare is a much newer model and that there are therefore less data. Where some studies did suggest that free floating carshare may have a lower per capita benefit than station-based carshare, others noted that free floating carshare is often more convenient for users, more popular and may therefore have greater benefit overall.

² By comparison, the city of Sydney alone (with a population of over 5 million) appears to have had nearly 2000 vehicles in 2017/2018.

Table 1: commercial carshare operators in New Zealand

	Auckland	Hamilton	Wellington	Christchurch
Cityhop (founded 2007)	Station-based	Station-based	Station-based (including the Hutt Valley and Porirua)	Station-based
Mevo	Free-floating	Station-based	Free-floating	n/a
Zilch	Hub-based	n/a	n/a	Hub-based

Regulation of carshare

- 17 Central government regulation of carshare is largely determined by general transport, consumer and company law. This includes requirements such as transport service licencing and the need to get Certificates of Fitness for each vehicle. However, local council bylaws, policies and procedures can also impact it, particularly as councils are able to create car parks dedicated to carshare vehicles and determine on-street parking prices.

We discussed the challenges that carshare faces with providers and RCAs

- 18 In July and August 2022, officials spoke to the three commercial carshare providers, as well as officials at five RCAs. The five RCAs had different experiences with carshare operators and carshare policies:
- 18.1 Auckland Transport and Wellington City Council have extant carshare policies and multiple on-street operators (Mevo, Cityhop). Both policies include some form of subsidy for use of on street parking by approved operators.
 - 18.2 Hamilton City Council was in the process of developing a new parking policy, including mention of carshare and had an exclusive Memorandum of Understanding with an on-street carshare provider (Mevo).
 - 18.3 Tauranga City Council does not have a current policy or active carshare operator, but has included funding for carshare in a recent business case.
 - 18.4 Queenstown Lakes District Council does not have a current policy or active provider but prior to the COVID-19 pandemic had been publicly identified by Cityhop as a target for expansion.

RCAs had differing practice but were all broadly supportive of carshare

- 19 The staff we spoke to at the various RCAs generally agreed on the benefits that carshare presents: a reduction in car ownership and freeing up on-street parking space. The RCAs (with the exception of Auckland Transport, which has a narrower remit than the councils) also expressed an interest in the use of carshare as part of developments.

IN CONFIDENCE

- 20 Work was being done at most of these RCAs to develop or update their policies. Other significant concerns and items of interest included:
- 20.1 the initial challenge to convince councillors of the value of carshare
 - 20.2 integration of carshare with the public transport network
 - 20.3 network planning, particularly with multiple providers, with a particular eye to equity
 - 20.4 ensuring provision of charging infrastructure
 - 20.5 the political nature of on-street parking.
- 21 Several officials indicated that there may be value in further guidance or direction, particularly in the case of carshare attached to developments.

Providers were mainly concerned by the lack of consistent practice across the country

- 22 The issue of greatest concern for providers was the number of RCAs that they had to engage with and the different systems and practices that each had. This is also consistent with the international literature, with the challenge of negotiating with separate entities noted in studies about carshare in London (with its 32 borough councils) and Germany, which has a number of state and municipal governments.
- 23 They also noted that expansion of their fleets was largely a limitation imposed by commercial viability rather than one that resulted from restrictions imposed by council policies and plans.
- 24 Cityhop was also concerned by Auckland Transport's decision not to provide on-street parks dedicated to particular providers, despite providing car parks dedicated to carshare more generally. This is a challenge for station-based providers such as Cityhop, as a fundamental feature of their model is that a vehicle should be returned to a specific car park. While the *Land Transport Act 1998* does not appear to allow the dedication of car parks to particular individuals or entities, we understand that Wellington City Council, the only other RCA to have two on-street providers, has agreements with the providers that they will relocate vehicles left in car parks marked for use by the other provider as soon as possible.
- 25 We also note that the *Land Transport Act* does not apply to off-street parking, meaning that RCAs can (and expressed willingness to) dedicate off-street parks to particular providers. However, councils also indicated that off-street parking was less attractive to providers.

Conclusions

We do not recommend any direct action targeted at carshare

- 26 This investigation did not identify any clear regulatory barriers to the growth of carshare that require urgent action.

IN CONFIDENCE

IN CONFIDENCE

- 27 While varied practice is a challenge, it is a feature of New Zealand's system, which devolves ownership of streets and decisions as to their use to RCAs. It also extends beyond practices targeted to carshare and included fundamental settings and procedures such as how parking is charged and the different rates.
- 28 We acknowledge Cityhop's concerns with regard to Auckland Transport's decision not to allocate parking to particular providers. Nonetheless, this is an operational decision. The two RCAs are statutorily independent and are entitled to receive and follow their own legal advice on how to approach the issue. We also note that with increasing demand for alternative uses of street space, parking of any form – even for carshare – is not particularly highly ranked.

Instead, continue to make wider system-level changes to encourage mode shift

- 29 For the most part, travel is about access to opportunities, such as employment or amenities. When deciding how to travel (and if to travel), people generally weigh up, consciously or otherwise, the benefits of the desired amenity against the costs of travel or different types of travel, including factors such as convenience and reliability.
- 30 Culturally, New Zealanders have tended to place a lot of value on car ownership, and many of our transport settings continue to encourage use of the car over other modes. However, carshare works best when it is one of a portfolio of transport options. For example, a Finnish study found that in areas where 84 per cent of trips are achievable without a car, use of carshare was twice as common as elsewhere.
- 31 Therefore, changes that reduce our dependency on cars and encourage the use of other modes of transport are likely to help increase demand for carshare. Many of these changes are not particular to carshare policies but are broader features of our transport system. Such changes include:
- 31.1 increasing costs of private ownership (e.g., by raising taxes on ownership or residential parking fees, raising petrol costs)
 - 31.2 changes to general parking charges and provision (which will be facilitated by the proposed increases to parking penalties)
 - 31.3 investment in frequent, fast and reliable public transport
 - 31.4 the introduction of demand-side measures such as congestion charging
 - 31.5 reallocation of road space to facilitate use of other modes, as will be supported through the Reshaping Streets regulatory changes.
- 32 There is also a strong relationship between urban density and carshare. Carshare is more likely to be commercially viable in denser areas where there are more prospective users of each vehicle nearby at the same time. Carshare can also help to make higher density living more attractive by improving mobility without the need to own a car. Changes that help to increase the density of our urban areas, such as the implementation of the National Policy Statement on Urban Development 2020 and the Medium Density Residential Standards, may also help to increase demand for carshare and drive its expansion.

IN CONFIDENCE

Next steps

- 33 If you wish to discuss this briefing, officials can provide further detail on the information gathered during this project.
- 34 In the meantime, work will continue with Te Rūnanga o Ngāi Tahu to demonstrate the feasibility of incorporating carshare and other shared transport in new housing developments that incorporate shared transport options (such as carshare) to incentivise reduced private vehicle ownership. MoT will provide further advice on this project in early 2023.
- 35 Officials will also continue to update you on other projects that came from the parking review, such as the review of parking offences and penalties, and of towage and storage regulation.

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Annex One: Types of carshare (white background) and related types of shared mobility (grey background)

Name	Description	New Zealand examples
Station-based carshare	Often called round-trip, vehicles are rented from one car park (either on private or public land) and returned to the same car park at the end of the rental no matter the duration. These vehicles may need to be booked in advance. Station-based carshare is the “traditional” model of carshare and has been operating in New Zealand since at least 2007.	Cityhop Mevo Loop (Hamilton only)
Hub-based carshare	This is a variant of station-based carshare, but the start and end points of the trip may be at different stations (or hubs).	Zilch
Free-floating carshare	Vehicles are rented from within a “home zone” (e.g. the Wellington city centre) and returned anywhere within its “home zone”. The “home zone” itself may not be contiguous, and the journey itself may leave that “home zone”. Free floating carshare does not normally need to be booked in advance. It is a more recent development, both in New Zealand and internationally, meaning there are much less data on it and its effects.	Mevo
Peer-to-peer carshare	A consumer-to-consumer model, whereby individuals who do not know each other rent each other’s vehicles with a third-party service provider facilitating the connection. For a parallel concept, consider AirBNB.	Yourdrive (until 2020) MyCarYourRental.com
Shared micromobility (eg bikeshare, scootershare)	Often free-floating or hub-based, these models provide shared bicycles or scooters rather than cars.	Lime, Flamingo, Onzo, Jump, Beam, Neuron
Rideshare	Similar to carpooling, a driver heading from one location to another is matched with passengers sharing part or all of the route.	Coseats
Ride hailing	Similar to taxis, individuals hail drivers with vehicles to take them to an agreed location. Often conflated with rideshare.	Uber, Ola, Zoomy

Transport Chapter ERP Dashboard

As at 30 November 2022

[BUDGET-SENSITIVE]

A Portfolio overview of the 10 priority areas within the Transport Chapter of the Emissions Reduction Plan (ERP).

Key: ● On Track ● At Risk ● Delayed

Key Messages from this Period

The Ministry and Waka Kotahi continue to progress the initiatives from the Transport Chapter of the ERP whilst standing up effective monitoring, governance and oversight.

Resourcing and capability remain key restraints along with increasing pressure to deliver initiatives as we approach the election. Competing priorities are forcing both agencies to review the sequencing of initiatives to minimise competition for the use of staff time.

Key recent successes are outlined below.

EV Charging Infrastructure s 9(2)(f)(iv)

- The draft strategy was delivered to Ministers in November, and the Ministry is currently working through feedback provided from the PMO. s 9(2)(f)(iv)

Vehicle Transition Programme (Clean Car Upgrade & Social Leasing)

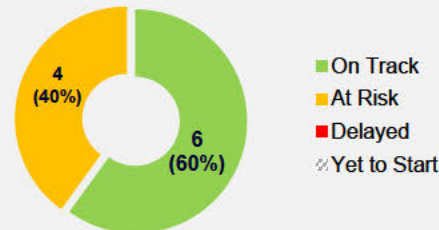
- Social leasing and Clean Car Upgrade trials have been approved by Cabinet.
- Waka Kotahi has commenced engagement with communities in locations selected for the Social leasing and Clean Car Upgrade trials. Positive feedback is being received from these interactions and valuable insights are being gained regarding the needs and wants of the communities.

s 9(2)(f)(iv)

Clean Car Standard

- Vehicle importers are already achieving the 2023 legislated CO₂ reduction target (type A vehicles, 145 grams, type B vehicles, 218.3 grams) and it is likely that the Clean Car Discount and upcoming Clean Car Standard have contributed significantly to reducing vehicle emissions.

Delivery Schedule Status for the Ten Priority Areas



Portfolio Risks and Issues as at 30 November 2022

OC230063 - Document 8 Overall Risks and Issues Status ●

Risks & Issues	Go-To-Green/Mitigation Plan	Pre-Mitigation
Resourcing The key risk to implementation and meeting the ERP timeframes continues to be resourcing. To enable new initiatives, further investment and planning is needed. Any additional work will compete for the resources needed for existing work. Waka Kotahi is operating at capacity and has limited ability to take on new functions without impacting the delivery timeframes for existing initiatives. Limited ability to source qualified staff, and other capacity constraints throughout its business means additional funding will not resolve these issues.	<ul style="list-style-type: none"> Reprioritising resource within the Ministry is underway Where applicable, seek support from other agencies (e.g. MBIE-EV Charging support) s 9(2)(f)(iv) If resourcing constraints persist, consider options to put lower priority projects on hold to free up resources for priority initiatives. 	
Sector skill shortages Labour shortages across the transport sector are continuing to create challenges. Recruiting bus drivers remains as a particular concern.	<ul style="list-style-type: none"> Potential to leverage any upcoming changes to immigration settings that will open up new labour markets Pending funding agreement, implement bus driver terms and conditions as quickly as possible to limit impacts. 	
Stakeholder buy-in Engagement with local government needs to be improved as consultation processes are currently not aligned as best as they could be due to the pace of the ERP. 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.	<ul style="list-style-type: none"> Engage councils to support planning for their place-based programmes Consider opportunities to align any future consultation processes. For example, we intend to combine planned engagements with local authorities in the first half of 2023 on the draft GPS, sub-national VKT targets, and National VKT reduction plan into one set of engagements Develop consultation timeline and process. 	
Funding Vote Transport is still accumulating a large underspend in relation to its CERF funding because of the need for new systems to be set up and processes to be implemented. s 9(2)(f)(iv)	<ul style="list-style-type: none"> The Ministry is actively monitoring CERF expenditure to put in place funding agreements to enable the draw down of funding The Ministry and Waka Kotahi are working to provide key messages to the Treasury on the cause of the variance and the likely spending trajectory going forward. 	
Timeframes The timing of the next general election will constrain the time available to make progress on initiatives that Ministers and Cabinet expect to see progressed before the election period. s 9(2)(f)(iv) During this time, agencies will also be progressing an amendment Bill to the Land Transport Management Act 2003 for the Sustainable Public Transport Framework (SPTF).	<ul style="list-style-type: none"> Conversations between the Ministry, Waka Kotahi and the Minister are on-going regarding prioritising and progressing key initiatives. Appropriate level of resourcing dedicated to projects under time constraints. Working with PCO to ensure priorities are well focused. 	

CERF Financial Update as at 30 November 2022

The forecasted year-to-date spend was reforecast in November 2022 and has changed significantly from \$46m to \$7m (variance of \$38m). The forecast for both the **Mode Shift** and **Community Connect** initiatives have been revised and updated to reflect delays to the start dates for both initiatives. There has been minimal change to the current spend to date, which is now **\$400,211**. The disparity in spend vs. forecast is largely a result of outstanding policy decisions to confirm aspects of the initiative, or delays to getting funding agreements in place. There is a risk of underspend across several of the initiatives for 2022/23, which we will need to monitor closely. NB: A number of establishment payments were made to Waka Kotahi in early December 2022 which will be reflected in next month's spend.

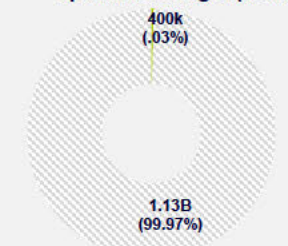
7 CERF
APPROVED
INITIATIVES

\$400K
ACTUAL
SPEND-TO-DATE

\$7m
FORECAST
FY 2022/23

Overall Financial Status

Total Vote Transport CERF funding including out-years
Spend vs Budget (\$Billion)



■ CERF Funding Spent to date
○ CERF Funding Remaining

Minister and Cabinet Decisions relating to priority ERP initiatives

Week Ending

Public Transport Improvement Initiatives (Community Connect Implementation Costs)

- Decision to lodge legislative paper and Bill in February 2023

20 January 2023

EV Charging Infrastructure s 9(2)(f)(iv)

- Cabinet approval to consult.

27 January 2023

Freight Decarbonisation Work Programme

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

27 January 2023

Vehicle Transition Programme (Clean Car Upgrade & Social Leasing)

- Delegated decisions for Clean Car Upgrade

17 February 2023

Freight Decarbonisation Work Programme

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

24 February 2023

Reflecting ERP commitments in the next GPS

- Release draft GPS-LT for consultation

1 March 2023

Delivery Progress as at 30 November 2022

Timeframes outlined below are variable and subject to change. Milestone bars on the timeline represent current forecast of start and end date and may vary from baseline.

Key: Policy Implementation Delayed On-track Complete At Risk On Track

			2022						2023										2024	2025	
Priority Areas	Baseline Start Date	Baseline End Date	Q1	Q2	Q3	Q4			Q1			Q2			Q3			Q4			Commentary
						OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Vehicle Transition Programme (Clean Car Upgrade & Social Leasing)	1/05/2022	31/03/2023		Social leasing and Clean Car Upgrade trials approved by Cabinet																	<div>🕒</div> <p>A briefing on both schemes was delivered to the Minister's office on 23 November 2022. Meeting timeframes was highlighted as a key risk for both schemes. CCU: The trial is on track to begin in one location in April 2023. SL: The detailed design of the scheme was due to be reported back to Cabinet in February 2023. However, Waka Kotahi has faced delays due to a need for additional due diligence for the operational model options. It is now unlikely that the February 2023 Cabinet report back or April 2023 start date will be met.</p>
	1/05/2022	1/04/2023		Social leasing and Clean Car Upgrade commence in at least one location																	
	1/05/2022	1/09/2023		Social leasing and Clean Car Upgrade trials occur in all locations																	
EV Charging Infrastructure & s 9(2)(f)(iv)	1/05/2022	30/06/2023		s 9(2)(f)(iv)																	<div>🕒</div> <p>The EV Charging Strategy received considerable feedback during consultation during Ministerial consultation. Cabinet consideration ahead of public consultation has been delayed slightly to enable feedback to be incorporated s 9(2)(f)(iv)</p>
	1/05/2022	31/03/2023		EV Charging Strategy published for public consultation																	
Freight Decarbonisation Work Programme	1/05/2022	30/06/2023		Freight Decarbonisation Unit established in the Ministry of Transport																	<div>✅</div> <p>The Freight Decarbonisation Unit has been established and further recruitment is underway s 9(2)(f)(iv)</p>
	1/11/2022	31/11/2022		s 9(2)(f)(iv)																	
Public Transport Improvement Initiatives	1/05/2022	31/03/2023		Bill to incorporate the Sustainable Public Transport Framework into the LTMA is introduced																	<div>✅</div> <p>Cabinet has agreed to extend half price fares until 31 March 2023 and as a result have deferred the launch of Community Connect until 1 April 2023. PTAs are on track for the deferred launch. Waka Kotahi continues to develop the investment criteria and model for a bus decarbonisation contestable fund. It expects to invite bids for the first contestable funding round in April 2023.</p>
	1/05/2022	31/03/2023		Community Connect launched nationwide																	
	1/05/2022	31/03/2023		Collaborate with MOT to provide advice to the Minister on the terms and conditions required to stabilise the public transport bus driver workforce																	
	1/05/2022	31/03/2023		Contestable funding model for Bus Decarbonisation is launched																	
Reflecting ERP commitments in the next GPS	1/05/2022	30/09/2023																			<div>✅</div> <p>Integrating the ERP into the GPS remains on track for public consultation in March 2023.</p>
	1/05/2022	31/03/2023																			
Congestion Charging	1/05/2022	30/06/2023		Cabinet decision on whether to progress legislation																	<div>✅</div> <p>s 9(2)(f)(iv)</p>
	1/05/2022	31/12/2023		s 9(2)(f)(iv)																	
Transport Choices Package	1/05/2022	31/12/2022		Advice to joint Ministers on investment package (from the ERP Action Plan)																	<div>✅</div> <p>Official launch of the programme is confirmed for 4 December 2022 and internal briefing presentations to all 46 Councils are scheduled to take place on 6 December 2022.</p>
	1/05/2022	31/03/2023		Provide update to joint Ministers on investment package																	
VKT Reduction Plan and Programmes (including sub-national VKT targets)	1/05/2022	31/03/2023																			<div>🕒</div> <p>The Minister has agreed to the approach the Ministry and Waka Kotahi proposed to develop a national plan and programmes to reduce light vehicle VKT. The approach includes seeking endorsement from the CRMG before the national plan is published, and adjusting the timeframe for the plan so it is delivered to the Minister of Transport by 30 June 2023, following approval by the Waka Kotahi Board. The Ministry is leading work to publish final sub-national VKT reduction targets for Tier 1&2 urban areas by 30 June 2023.</p>
	1/05/2022	31/03/2023																			
	1/05/2022	30/06/2023																			
Clean Car Standard	1/05/2022	30/09/2023		Implementation of the full policy by Waka Kotahi																	<div>🕒</div> <p>Legislation is now in place and the scheme has been rephased to provide more time for implementation. However, there remains considerable pressure on Waka Kotahi to deliver on time.</p>
	1/05/2022	30/06/2025																	Complete legislated review of the targets		
Biofuels Mandate	1/05/2022	31/05/2025		Support MBIE-led work on the bill and regulations																	<div>✅</div> <p>Biofuels Policy announced by the Minister of Energy and Resources on 9 November 2022. Legislative process is on track to be completed by April 2023.</p>



Document 9

30 January 2023

OC230038

Hon Michael Wood
Minister of Transport

MEETING WITH CITY RAIL LINK LIMITED'S CHAIR AND CHIEF EXECUTIVE ON 1 FEBRUARY 2023

Snapshot

You are meeting with City Rail Link Limited's (CRLL's) Chair and Chief Executive on 1 February 2023. To support you in your meeting, we have provided suggested talking points in **Annex One**.

Time and date	4.00pm - 4.30pm, 1 February 2023
Venue	Zoom
Attendees	Sir Brian Roche, CRLL Chair Dr Sean Sweeney, CRLL Chief Executive
Officials attending	Brent Johnston, Acting Deputy Chief Executive, System Performance & Governance Sarah Polaschek, Manager, Governance
Agenda	Item 1: Update on the City Rail Link budget and schedule Item 2: Update on City Rail Link Limited's upcoming funding request Item 3: Workforce update (including health and safety)
Talking points	Suggested talking points for the agenda items are provided in Annex One .

Contacts

Name	Telephone	First contact
Alex Beedell, Senior Advisor, Governance	s 9(2)(a)	
Alan Collins, Senior Advisor, Governance		
Sarah Polaschek, Manager, Governance		✓
Brent Johnston, Acting Deputy Chief Executive, System Performance & Governance		

MEETING WITH CITY RAIL LINK LIMITED'S CHAIR AND CHIEF EXECUTIVE ON 1 FEBRUARY 2023

Key points

- You are meeting with Sir Brian Roche (CRL Chair) and Dr Sean Sweeney (CRL Chief Executive) on 1 February 2023.
- Your last regularly scheduled meeting with the CRL Chair and Chief Executive was on 29 November 2022. Topics discussed included:
 - **Update on the City Rail Link budget and schedule** – CRL advised that the funding request would be provided to Sponsors around March 2023 instead of December 2022. s 9(2)(ba)(i)
 - **Day One Readiness** – Auckland Transport's Day One train plan had been received by CRL. s 9(2)(ba)(i)
 - **Targeted Hardship Fund (THF)** – As of 20 January 2023, CRL had received 286 applications, and the fund has paid out \$3.9 million. Officials are currently consulting with stakeholders on the THF review, s 9(2)(f)(iv)
 - **Workforce update (including health and safety)** – s 9(2)(ba)(i)
- Suggested talking points are provided for your consideration in **Annex One**.

Item 1: Update on the City Rail Link budget and schedule

- 1 The updated figures and information in this briefing are based on the *CRL Sponsor's Assurance Report for November 2022* and the *CRL Finance Report to 30 November 2022*. These figures are subject to change due to the ongoing negotiations with the Alliance.

2 s 9(2)(b)(ii), s 9(2)(ba)(i)

3 s 9(2)(ba)(i), s 9(2)(g)(i)

4

s 9(2)(ba)(i), s 9(2)(g)(i)

Item 2: Update on City Rail Link Limited's funding request

- 5 CRLL has been keeping Sponsors' representatives informed of the progress being made in negotiations with the Alliance during January 2023. We note that any negotiated agreement with the Alliance would come with the expectation that Auckland Transport and KiwiRail provide their full support of, and cooperation with, the revised contract to ensure an optimal outcome.
- 6 The outcome of the negotiations will also determine an updated Practical Completion Date¹. Officials expect CRLL will be able to provide you with an update on its progress with the Alliance in this meeting.

You have set Sponsors' expectations for the funding request from CRLL

- 7 In your letter to the CRLL Chair on 3 October 2022, you communicated Sponsors' expectation that the funding request covers all outstanding aspects of the CRL project.
- 8 This approach would enable trade-offs within the project to be evaluated and provide a more complete value for money assessment. However, for CRLL to provide Sponsors with a single funding request in March 2023, several workstreams must be completed in advance:

8.1 Alliance COVID 19 claims settlements through to 1 July 2022:

s 9(2)(ba)(i)

8.2 Updating the outturn cost of the Alliance contract through to project completion:

CRLL remains in commercial negotiations with the Alliance on the options for updating the outturn cost for the remainder of the Project Alliance Agreement between CRLL and the Alliance through to project completion.

8.3 Updated costs for C8 Henderson and an increased budget for the C9 Britomart East works:

The Delivery Partner Steering Committee have considered the scope and costing proposals for C8 Henderson and C9 Britomart. s 9(2)(f)(iv)

¹ Practical completion does not mean CRL and/or the rail network is ready for public operations as this requires a range of technical, safety and operational factors need to be satisfied before public operations can commence.

s 9(2)(f)(iv)

- 8.4 **Programme Business Case for development opportunities:** Work is progressing to establish any anticipated funding that may be required to address potential timing and funding shortfalls from the budgeted \$182 million sale of Maungawhau and Karanga-a-hape oversite developments. Eke Panuku is preparing a final full pack for Sponsors' officials, which includes an updated programme business case for the sites, precinct development plan, and valuation report, along with a letter and memo to Sponsors.

There is a risk to CRL project funding in 2023/24 if the funding request is not to the schedule, or quality, required by Sponsors

- 9 If negotiations with the Alliance continue past March 2023, then the funding request will be delayed, which could impact Budget 2023 Crown appropriation decisions for the CRL project.

10

s 9(2)(f)(iv), s 9(2)(j)

11

s 9(2)(g)(i), s 9(2)(j)

- 12 There is also a possibility that the funding request will not provide the level of detail required to enable Sponsors to make informed decisions on the future of the CRL project.

- 13 To mitigate the potential risk of some workstreams not being completed to the required standard, or by the right time, we recommend that you use this meeting to:

13.1 reiterate the level of detail that Sponsors expect, and need, to support the funding request

13.2 understand if there are potential barriers to delivering the funding request by March 2023 including, but not limited to, processing COVID-19 claims (paragraph 8.1) and updating the outturn cost of the Alliance contract (paragraph 8.2).

Item 3: Workforce update (including health and safety)

14

s 9(2)(ba)(i), s 9(2)(g)(i)

s 9(2)(ba)(i)

15

16

17

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Annex One: Talking Points

Item	Proposed talking points
Meeting with the City Rail Link Limited's Chair and Chief Executive on 1 February 2023	
Update on the City Rail Link budget and schedule (short-term expectations for CRL and its Board)	<p>Officials recommend that you take this opportunity to reiterate expectations around the detail required in the funding request, so that Sponsors can make informed decisions about the future of the project. You may also wish to ask:</p> <ul style="list-style-type: none"> • if the funding request is on track for delivery in March • for an update on the status of negotiations with the Link Alliance <p>s 9(2)(g)(i)</p> <p>If there are barriers or risks to providing one complete funding request by 31 March 2023, you may wish to remind CRL:</p> <ul style="list-style-type: none"> • that any barriers should be escalated to Sponsors, with clear options that would enable CRL to provide the funding request within the timeframe (including potential omissions of the components previously requested by Sponsors).
Workforce update (including health and safety)	<p>s 9(2)(ba)(i)</p>



Document 11

31 January 2023

OC230054

Hon Michael Wood

Action required by:

Minister of Transport

Tuesday, 14 February 2023

MINISTRY OF TRANSPORT ANNUAL REVIEW 2021/22 - RESPONSE TO SELECT COMMITTEE POST HEARING QUESTIONS

Purpose

To provide you with Te Manatū Waka Ministry of Transport's (the Ministry's) draft response to the 2021/22 Annual Review post hearing questions.

Key points

- The Ministry must respond to 33 written post hearing questions by Tuesday 28 February 2023.
- Unlike the Estimates process where you are responsible for the answers to the questions, the Ministry is responsible for answering the Annual Review questions.
- A draft copy of our response is attached. We believe it to be low risk. The questions cover the following areas:
 - Employee Related Data (questions 163 - 167)
 - Performance Reporting (questions 168 – 169)
 - Decarbonising the Transport System (questions 170 – 175)
 - Freight and Supply Chain Issues Paper (questions 176 – 177)
 - COVID-19 (questions 178 – 182)
 - Road Safety Reporting (questions 183 – 185)
 - Auckland Light Rail (questions 186 – 194)
 - Other questions that require written responses (questions 195 – 197).
- If any significant changes are made to our response before submitting to the Committee, we will inform your office.

Recommendations

We recommend you:

- | | | |
|---|---|----------|
| 1 | review the Ministry's draft response to the Annual Review post hearing questions | Yes / No |
| 2 | advise Ministry officials of any comments you have on the Ministry's draft response by Tuesday 14 February 2023. | Yes / No |


 Hilary Penman
 Manager, Ministerial Services

31/01/2023

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, Deputy Chief Executive, Corporate Services	s 9(2)(a)	
Hilary Penman, Manager, Ministerial Services		
Robert McShane, Principal Adviser, Ministerial Services		
Prashila Dayal, Senior Adviser, Ministerial Services		✓