

	\$m – increase/(decrease)				
	2021/22	2022/23	2023/24	2024/25	2025/26
Supporting a Chatham Islands Replacement Ship to Enable Critical Transportation Services – Tagged Operating Contingency	-	11.020	24.080	-	-

- 1.3 **agreed** that the contingency may be drawn down by the Minister of Transport, the Minister of Internal Affairs and the Minister of Finance (establishing any new appropriations as necessary), upon their joint satisfaction with further work to confirm the ownership model, business operating model and governance arrangements for the future shipping solution
- 1.4 **noted** that the contingency may be drawn down into Vote Transport or Vote Internal Affairs as required
- 2 **note** that further work to determine which appropriation the contingency funding will be drawn down into (Vote Transport or Vote Internal Affairs) for the vessel replacement is ongoing
- 3 **note** that the Chatham Islands Enterprise Trust, with assistance from officials, are progressing work on the ownership model, business operating model and governance arrangements for the future shipping solution, with an expectation that further advice will be provided to Ministers on these matters in the coming two months
- 4 **note** that while this work is being completed, funding is urgently required to support the upcoming required special survey for the Southern Tiare
- 5 **agree** that as the Minister of Transport, the Minister of Internal Affairs and the Minister of Finance (Joint Ministers), you are satisfied funding for the short-term maintenance of the Southern Tiare can now proceed, noting further work will be undertaken to fulfil the funding conditions for the replacement vessel
- 6 **agree** to establish the following new appropriation:

Yes / No

Yes / No

Vote	Appropriation Minister	Appropriation Administrator	Title	Type	Scope
Transport	Minister of Transport	Ministry of Transport	Supporting a Chatham Islands Replacement Ship	Non-Departmental Other Expense	This appropriation is limited to funding to support the replacement of the current shipping vessel supporting the Chatham Islands, including the costs of short-term maintenance of the existing vessel until a replacement ship is delivered.

- 7 **approve** the following changes to appropriations to provide for the decision in recommendation 5 above, with a corresponding impact on the operating balance:

Yes / No

	\$m – increase/(decrease)				
Vote Transport Minister of Transport	2021/22	2022/23	2023/24	2024/25	2025/26
Non-Departmental Other Expense: Supporting a Chatham Islands Replacement Ship	-	s 9(2)(i)		-	-
Total Operating	-	s 9(2)(i)		-	-

- 8 **agree** that the proposed changes to appropriations for 2022/23 above be included in the 2022/23 Supplementary Estimates and that, in the interim, the increases be met from Imprest Supply

Yes / No

- 9 **agree** that the expenses incurred under recommendation 6 be charged against the 'Supporting a Chatham Islands Replacement Ship to Enable Critical Transportation Services tagged operating contingency', described in recommendation 1.2

Yes / No

- 10 **note** that, following the adjustments detailed in recommendation 6 the remaining balances and indicative phasing of the operating contingency described in recommendation 1.2 will be:

	\$m – increase/(decrease)				
	2021/22	2022/23	2023/24	2024/25	2025/26
	-	s 9(2)(i)	24.080	-	-

- 11 **note** the Treasury's view that Crown investments being made into the Chatham Islands to date have been largely ad hoc, and that no single agency has oversight of the range of investments being made

- 12 **consider** the options to progress work on the vessel replacement:

- a. **instruct** officials from the Department of Internal Affairs, to conduct a broad-based review of infrastructure investments and sustainability of the Chatham Islands infrastructure

Yes / No

and / or

- b. **instruct** officials to continue working on the Chatham Islands ship replacement project with that Chatham Islands Enterprise Trust without the need for a review in recommendation 12a

Yes / No

and / or

- c. **meet** with officials from the Department of Internal Affairs and the Ministry of Transport to discuss an appropriate way forward.

Yes / No



Joanna Heard
Policy Delivery Lead, Supply Chain

..... / /

Hon Grant Robertson
Minister of Finance

Hon Jan Tinetti
Minister of Internal Affairs

..... / /

Hon Michael Wood
Minister of Transport

..... / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Contacts

Name	Telephone	First contact
Joanna Heard, Policy Delivery Lead, Supply Chain	s 9(2)(a)	
Callum Gill, Senior Adviser, Supply Chain	s 9(2)(a)	✓

Background

- 1 Officials previously wrote to Ministers (Transport and Internal Affairs) regarding the Chatham Islands vessel replacement in October 2021 (MoT OC210765 refers). This advice outlined the case for Government investment in supporting the Chatham Islands Enterprise Trust (CIET) to replace its aging vessel, the Southern Tiare.
- 2 That paper provided an overview of the key information in the CIET's business case for a replacement vessel. It also outlined several unresolved issues, such as finalised ship design, the role of Government in owning or having ownership interests in a new vessel and Government's desired outcome for any support.
- 3 Given the urgency of the matter (specifically the requirement of a special survey in early 2023 and an aging ship), we recommended that this be taken forward as a Budget bid for consideration as part of Budget 2022. As a result, \$35.1 million was approved as contingency funding. This funding is to cover the replacement of the vessel and any required maintenance to the current vessel to ensure it remains seaworthy before its replacement is available.
- 4 Ministers have imposed conditions on accessing this funding, directing officials to provide further advice relating to confirming the ownership model, business operating model and governance arrangements for the future shipping solution. Ministers also noted this funding could be drawn down into either Vote Transport or Vote Internal Affairs. Work on this has begun and we intend to report back to Ministers in the coming two months.
- 5 The immediate focus of officials and CIET is to work on securing funding for the Southern Tiare to ensure it can enter special survey on time. Based on our discussions with Treasury officials, we believe these conditions were imposed specifically for the vessel replacement and not for the required maintenance – which is unavoidable and must occur. We are seeking authorisation now as parts and steel need to be purchased in preparation of going into dry dock to minimise the time the vessel is out of service.
- 6 MoT is reliant on assurances and information from CIET through this process. CIET is providing information from the work undertaken by their ship manager, ASP Ship Management (ASP).¹ MoT notes that it is not an expert in commercial shipping operations.
- 7 We have consulted the Treasury and Department of Internal Affairs in writing this briefing.

What is a special survey?

- 8 A "survey" is a maritime requirement for an independent check to confirm that the vessel and equipment are sound and serviceable, fit for their intended use and operating limits, and meet all applicable maritime and marine protection rules.
- 9 There are three types of surveys: special survey (required every 5 years), intermediate survey (occur between every special survey), and annual surveys.

¹ ASP Ship Management is the same company who managed New Zealand's coastal tankers before they ceased operations earlier this year.

- 10 At the completion of all repairs and preventative maintenance, a successful survey results in the granting of certificates of compliance – allowing the vessel to sail legally and safely. Passing survey is also a requirement for vessel insurance.

CIET have taken the Southern Tiare through to survey several times

- 11 The CIET through Chatham Island Shipping Limited has taken the Southern Tiare through three intermediate and one special survey since taking ownership of the Southern Tiare in May 2013.
- 12 The last special survey for the Southern Tiare was completed by March 2018 in China. The vessel was away for 3 months and cost s 9(2)(i). A survey is often undertaken overseas where there is access to cheaper labour, materials, and shipyard availability. However, the most recent interim survey was completed in May 2021 at a cost of s 9(2)(i) and was undertaken in New Zealand.
- 13 Choices can be made to complete less work at special survey in anticipation of selling/scraping a vessel before intermediate survey. However, given the lengthening build times for new vessels around the world (two years or possibly longer), there is a possibility the Southern Tiare will need to be taken through intermediate survey in 2025/2026. The intent would be to have the replacement vessel come online before the intermediate survey requirement to avoid this additional cost.

Total maintenance is higher than first anticipated, at s 9(2)(i)

- 14 The current vessel managers, ASP Ship Management, completed their procurement process to select a shipyard to perform the special survey in late June 2022. ASP invited 14 shipyards across the Asia-Pacific region to submit a proposal to undertake the required maintenance for the Southern Tiare. Of those invited, only four responded with a quote to undertake works (China, Indonesia, New Zealand, and Papua New Guinea). Yard availability for small vessels in Asia is limited as their focus is on vessel construction to meet global freight demand.

- 15 s 9(2)(b)(ii) [REDACTED] the New Zealand yard (Titan Marine Engineering) provided a thorough break-down of costs with a high level of confidence – this fact is reflected in price.

- 16 Titan Marine Engineering quoted s 9(2)(i) to undertake the works, whereas the Asian shipyards quoted s 9(2)(i). CIET noted that while the quoted price is low for Asian shipyards it is concerned that many aspects of vessel repair were not quoted, which would lead to unknown increases in cost.

- 17 As a result, ASP have recommended that Titan Marine Engineering in Auckland undertake this work. The survey is expected to take two months and cost s 9(2)(i)

- 18 CIET have supported this recommendation for several reasons:

- Titan Marine have had the most recent engineering involvement with the MV Southern Tiare and know it better than the other quoting yards

- Having work undertaken in New Zealand reduces risks during travel to Asia (such as mechanical breakdowns) as well as any further international border restrictions that could occur
- The proposed timeframe for works to be completed is two months, which is half of the allowed time and is a full month quicker than any of the international yards.

- 19 The Chatham Islands Enterprise Trust are aware that funding is finite and higher maintenance costs will result in less available funds for the replacement vessel. In considering this they have chosen the option that provides greater cost certainty and less time away from the Islands.

Animal welfare concerns raised by MPI

- 20 The Ministry of Primary Industries (MPI) recently went to the Chatham Islands to engage with a number of stakeholders primarily regarding animal welfare and farming practices. A consistent message received from the farming community was that the current level of service presents a barrier to successful farming on the island. Animal welfare issues arise when excess stock cannot be moved off island due to infrequent voyages and low capacity before feed supplies are exhausted. Officials will continue to engage with MPI around these issues as the vessel procurement proceeds.
- 21 MPI also raised concerns that animal welfare issues will be exacerbated during the period that the vessel will be in survey. MPI are exploring whether a vessel might be available for livestock to minimise animal welfare concerns while the Southern Tiare is in dry dock in early 2023. The Ministry has received a media inquiry on this issue as well.
- 22 CIET has noted that selecting a New Zealand shipyard will mean less time where the ship is not serving the Islands and that they are working with farmers to minimise any impacts. Officials will report back to you if risks materialise on this issue.

Cashflow for the vessel is required well before the March 2023 special survey timeline

- 23 As noted, various inspections are undertaken so that materials and parts can be purchased in advance of going to dry dock. ASP have recommended an initial timeline for cash expenditure that is earlier than anticipated, primarily around supply chain difficulties and lead times:

s 9(2)(i)



- 24 Given the above, we are seeking authorisation to access Budget funding now rather than later this year.

Key risks

Maintenance costs are high, and the Ministry is not an expert in commercial shipping operations

- 25 As noted, the maintenance costs are higher than were initially anticipated (originally estimated at s 9(2)(i) in 2021). This will eat into funding that was intended for the ship procurement, which CIET are aware of.
- 26 MoT also notes that we are reliant on the information from the current ship manager and assurances from CIET in providing you this briefing. MoT does not have expertise in this area to verify whether the high maintenance costs are justified. Similarly, we will need to consider what assurances are put around the ship procurement to ensure views from all stakeholders on the Islands are considered (Council, iwi, farmers etc).
- 27 As we move into the ship procurement, a key consideration will be ensuring the lead agency has the right expertise to undertake this process and satisfy the Budget 2022 conditions. MoT has begun discussions with the Ministry of Defence (MoD) who, alongside the Navy, has expertise in this area and may be able to assist. MPI have suggested they may also be able to assist. Alternatively, we may need to explore the need for external expertise to assist us if the MoT is to lead this work going forward.

Crown investments in the Chatham Islands' infrastructure are being made in isolation of each other

- 28 s 9(2)(g)(i)
Ministry of Transport officials would like direction on what Joint Ministers would like to do on this issue, as it is not a transport issue. The outputs of this work may assist with addressing the conditions imposed by Ministers, such as who owns the vessel going forward.
- 29 The primary agencies with investment interests in the Chatham Islands include: DIA, which has current ownership and oversight of the Waitangi Wharf and provide an annual appropriation to the Chatham Islands Council; Ministry of Business, Innovation and Employment (MBIE), which has investments in the airport runway, energy and digital connectivity; and Crown Infrastructure Partners, which has investments in broadband and telecommunications.
- 30 There are different options for Ministers to consider regarding what work you would like to occur before the remainder of the vessel funding is drawn down. You could direct officials to undertake a broader review or stocktake of the Crown's relationship with the Islands, with a focus on the longer-term financial sustainability and the Islands' ongoing ability to afford the costs associated with operating and maintaining its various assets. This is likely to take some time and will need to be led by DIA.
- 31 Alternatively, if Ministers consider the primary issue is the future governance and operations of the ship, then the Ministry of Transport could continue to work with the CIET and DIA on undertaking this work. However, this is not BAU work for the Ministry or DIA – we would need to determine how to appropriately resource this

project and what assurance Ministers are expecting around the work of CIET. As noted, MoD, and/or the Navy may be able to assist.

- 32 We seek your views on whether officials should undertake such a review before the next report-back, expected in the coming two months.

Next steps

- 33 We recommend you agree to establish an appropriation in Vote Transport of s 9(2)(i) [REDACTED] to ensure the Southern Tiare can enter special survey before March 2023. We note that this is more than the s 9(2)(i) [REDACTED] quote, as any excess funding will be used for the ship replacement process. It also avoids officials returning to Joint Ministers seeking additional funding.
- 34 We also seek your feedback on whether you want officials to undertake a review of Crown investments being made on the Islands. This is likely to take longer than the work to address the conditions for the ship replacement and could occur in parallel but should ensure Government is more joined up when making future investments.
- 35 Officials intend to provide you with further advice on the vessel replacement in the coming two months, following further work with CIET and DIA. These will cover the specific conditions and to which Vote the remaining funding should sit with for the vessel procurement.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

18 July 2022

Hon Michael Wood
Minister of Transport

OC220502

TE MANATŪ WAKA MINISTRY OF TRANSPORT'S FINAL LONG-TERM INSIGHTS BRIEFING

Purpose

This briefing provides you with the final version of Te Manatū Waka Ministry of Transport's (the Ministry's) Long-Term Insights Briefing (LTIB). It outlines the steps we undertook to produce the final LTIB, and the process for you to table it with the House of Representatives.

Key points

- The LTIB is a statutory requirement in the Public Service Act 2020 (the Act). The Ministry's LTIB is on *the impact of automated vehicles operating on Aotearoa New Zealand roads*. This topic was selected because automated vehicles (AVs) have not been a priority in the Ministry's work programme but present significant future opportunities and challenges that need careful consideration ahead of their deployment.
- As required by the Act, the Ministry sought guidance from the public, firstly in September 2021 around the scope and substance of the LTIB, and most recently in May 2022 on the final draft of the LTIB. Together with further stakeholder engagement, this has shaped the final version of the LTIB.
- During the second round of public consultation, we had 23 submissions from across government agencies, academia, advocacy groups and industry. Many submitters focussed on technical aspects of AVs, and many of these issues were given the high-level focus of the LTIB. Some submissions related to issues that were already addressed in the LTIB but required further context and explanation. These submissions have been either incorporated into the LTIB or noted for future AV workstreams.
- This briefing provides you with a copy of the final LTIB and an associated draft letter for you to sign and table with the House of Representatives, where the LTIB may be subject to a Select Committee review. There is no specific deadline for tabling the final version of the LTIB. However, the guidance is that LTIBs should aim to be tabled by 30 June 2022 or as soon as practicable.
- Prior to presenting the LTIB to Select Committee we would like to meet with you to discuss the key findings, and areas where further work may be required.

Recommendations

We recommend you:

- 1 **sign** the attached letter addressed to the Clerk of the House of Representatives
- 2 **agree** to provide the signed letter and aim to table the LTIB with the House of Representatives as soon as practicable
- 3 **note** on 25 July 2022 at 4:30pm you will be meeting with transport officials to discuss the key insights from the LTIB and areas where further work may be required.



Bryn Gandy
Acting Chief Executive

.15.... / ..07.... / .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
Bryn Gandy, Secretary for Transport & Chief Executive		
Richard Cross, Manager, Strategic Policy and Innovation		✓
Mikusha Newdick, Graduate Adviser, Strategic Policy and Innovation		

TE MANATŪ WAKA MINISTRY OF TRANSPORT'S FINAL LONG-TERM INSIGHTS BRIEFING

Overview of the LTIB process

- 1 On 5 May 2022, we provided you with a briefing that outlined the Ministry's approach for the release of the final draft Long-term Insights Briefing (LTIB) for its second round of public consultation (OC220318 refers). A copy of the consultation document was provided to you at the time, so you had visibility of the content and our approach.
- 2 As you will recall, the Public Service Act 2020 (Schedule 6, clauses 8 and 9) introduced a requirement for agencies to develop a LTIB at least once every three years. The Ministry's LTIB topic (*the impact of automated vehicles (AVs) operating on Aotearoa New Zealand roads*) affords the opportunity to explore the opportunities and challenges of AVs in detail before they are deployed on New Zealand roads. This will enable us to develop future policy options which will aim to improve individual wellbeing as well as support broader transport outcomes.
- 3 We have followed the requirements outlined in the Public Service Act throughout the LTIB process. This has included keeping you informed of progress on a 'no surprises' basis and developing the document independently and outside our normal working relationship. We are now providing you with the final LTIB and are ready to work with you on next steps.
- 4 Additional detail on the LTIB requirements can be found in Annex 1.

The second round of public consultation on the LTIB has been completed

- 5 The Public Service Act 2020 requires agencies to consult with the public twice before the final LTIB is tabled with the Governance and Administration Select Committee.
- 6 To inform the focus and content of our LTIB, we have extensively engaged with representatives and organisations across multiple sectors and disciplines. These stakeholders include Age Concern, representatives from the disability sector, local government including regional and city councils, academics, Business NZ and other government agencies.
- 7 The second round of public consultation focused on the draft full content of the LTIB and how well we have incorporated initial feedback received from our first consultation process. Submitters were asked to complete a survey on the key areas discussed in the LTIB. This served as an opportunity for stakeholders to comment on the final draft LTIB before it is finalised.
- 8 The consultation period was three weeks from 6 May to 27 May 2022. We received 23 submissions across government agencies, academia, advocacy groups and industry. Most submissions were from industry bodies.

Key themes from the submissions

- 9 The skew of submissions from industry organisations meant a concentration of submissions on the technical aspects of AVs and their regulatory application. Key themes from submissions included:
- Digital infrastructure: 11 out of the 23 submitters raised concern around the urgency of reserving spectrum for AVs, securing the right digital infrastructure and associated costs. Many submitters suggested that successful AV implementation will be dependent upon adequate vehicle to infrastructure (V2I). While aspects of this were covered in the LTIB, the radio spectrum required for V2I communication and how the resource(s) will be reserved to enable the operation of AVs falls more under the implementational remit of Waka Kotahi and MBIE and is out of the scope of this LTIB.
 - Testing and trialling: many submitters indicated that testing and trialling nationally will be pertinent prior to the full deployment of AVs in New Zealand. Notably, many stated that trials are occurring overseas, and those subsequent learnings will be difficult to apply to New Zealand's unique environment, topography and vehicle use cases. Some submitters suggested that better communication between local and central government will be necessary in ensuring that the appropriate infrastructure and funding allocation is available for these trials. These submitters felt that assurance of the validity of AVs operating on our roads could only come with New Zealand-specific experience.
 - Flexible transport regulation: several respondents stated an increasing need to re-examine, update, and future-proof regulations with AVs in mind. A more flexible, broader approach may be better able to keep pace with rapid technological changes, given the current developing environment.
 - Steering the course: 5 out of the 23 submissions explicitly stated the role of Government is to be proactive in "shaping and steering" the deployment of AVs in New Zealand. Other submitters implied that it is the responsibility of both Government and industry. In line with feedback on the importance of testing and trialling, some industry members claimed that Government will need to enable trials, innovative testing, and funding to fully realise the economic and social benefits from AVs in New Zealand.
 - Liability problem: while the LTIB sufficiently discusses the varying consequences associated to AV-related accidents, given the uncertainty of the regulatory approaches, many submitters raised their concerns on how this will be resolved. Further consideration needs to be given to ensure that issues related to liability are resolved equitably while maintaining consumer uptake, public buy-in and trust of the operator. Outlining an exact approach in doing this is beyond the scope of the LTIB, but we have made changes to the briefing to draw greater attention to this issue as liability is not adequately addressed in our existing legislation.

- Collaboration: submitters across the various industries stated AVs will have implications on the various government sectors, industry associations and Ministers which will require further cross-agency collaboration. This will ensure that we achieve shared positive policy outcomes and also help make progress in terms of changing legislation owned by different government agencies. The need to engage with “non-traditional” transport sectors and agencies such as telecommunications and Artificial Intelligence (AI) was also highlighted.
- 10 While aspects of the above key themes were covered in the LTIB, where appropriate, further emphasis was given to some of the topics. Comments specifically relating to the application of regulation, or the Government’s perceived direction of this work are outside the scope for this LTIB. The feedback however has been noted for the future AV work programme and discussions with Waka Kotahi, and other relevant government agencies and interest groups.
- 11 Other themes or gaps were identified by comparatively fewer submitters. Where they fell within the scope and purpose of the LTIB we added call out boxes to offer supplementary information or greater context on the following:
- Edge-cases: highlighting how we can minimise the safety implications of exceptional circumstances an AV may face, these can include temporary traffic management (e.g., events or roadworks) or emergency incidents.
 - Ethical considerations: understanding that there will be ethical implications associated with how AVs are programmed.
 - AV use cases: clarifying and providing examples of different types of AVs that can be used for transporting both people and goods and may replace or complement parts of the existing transport system.
 - A “flexible and adaptive” regulatory system: drawing greater attention to the evolving nature of AV technology and the requirements of a regulatory system that can be flexible enough to accommodate and keep pace with such change.

The Ministry has completed the final version of its LTIB

- 12 We have incorporated feedback from the second round of public consultation into the final version of the LTIB. It is structured around the key questions we need to answer to understand the impact of AVs. The LTIB is set out across five sections:
- Sections one and two provide context around the transport system and introduce the concept of technology and automation. They also introduce the transport outcomes framework, which is the lens used when discussing the impact of AVs.
 - Section three identifies the key questions that New Zealanders and the wider transport sector want answers to, in order to understand the potential impact of AVs. It includes considerations for local and central Government, including transport outcomes, current organisational goals, and regulation.
 - Sections four and five pull together the insights we have drawn from the previous section and briefly outlines what we could do next. We have outlined three high-level approaches the Government could take.

- 13 As well as producing an LTIB that delivers on the requirements under the Act, the intention is to provide an evidence base which could be used to develop an AV regulatory work programme or roadmap.
- 14 The Government will have choices about how much is invested in this ongoing work and will need to consider the advantages and disadvantages to being an early adopter or taking a 'wait and see' approach. Regardless of which approach the Government takes, it will be important that the regulatory frameworks ensure that those bringing AV technology to market are acting responsibly. At present, there is a gap in our regulatory framework around liability and responsibility for highly automated. We consider this an important issue to address regardless of the Government encouraging, discouraging, or remaining neutral towards AVs, and have proposed including this issue in our broader vehicles work programme.

You will table the final LTIB in the House of Representatives where it will be subject to a Select Committee review

- 15 We have now completed the final version of the LTIB, and it is ready to be tabled with the House of Representatives who will then table it with the Governance and Administration Select Committee. There is no specific deadline for tabling the final version of the LTIB. However, the guidance is that LTIBs should be tabled by 30 June 2022 or as soon as practicable.
- 16 Once you have tabled the LTIB, the Governance and Administration Committee will refer the LTIB to the relevant Select Committee for its review. It is likely to be referred to the Transport and Infrastructure Select Committee. The Select Committee may hear evidence from departments, invite you to appear to discuss the contents of the LTIB, receive their own public input, and seek independent advice.
- 17 On 25 July 2022 at 4:30pm we will meet with you to discuss the key insights from the LTIB and areas where further work may be required. This meeting will also act as a precursor to any potential appearance you may have in front of Select Committee. Further supporting documents can also be provided should you require them prior to any hearing.
- 18 Officials may also be called to attend the Select Committee examination of the Briefing as a witness at public hearings to give evidence (generally, Chief Executives will be expected to appear). The 'no-surprises' principle creates an expectation on Chief Executives to inform their Minister of matters that arise during the Select Committee examination. This may include:
- Notifying you in advance of attendance by officials.
 - Keeping you informed of any matters that arise during the examination that are significant to the Transport portfolio.
 - Providing you with a copy of any written information released to the Select Committee.
- 19 Once this process is complete, the Select Committee will present its findings to the House for debate. Once this has occurred, we will publish the LTIB on our website.

ANNEX 1 – LTIB requirements

The LTIB is a statutory requirement to be led by chief executives

- 1 The Public Service Act 2020 (Schedule 6, clauses 8 and 9) introduced a requirement for agencies to develop a Long-term Insights Briefing (LTIB) at least once every three years.
- 2 LTIBs are designed to be led by chief executives, who:
 - are asked to produce a briefing in time for it to be presented to Parliament by 30 June 2022.
 - are required to select the subject matter for the Briefing. They must do this by considering those trends, risks and opportunities that are particularly relevant to their department's functions.
 - can select the time horizon that is the most appropriate for the area under investigation.
 - must consider the consultation feedback when finalising the subject matter for the LTIB (before it is drafted) and then the content of the LTIB. This means genuinely considering matters raised during consultation. However, the final decision rests with chief executives and there may be good reasons not to adopt an approach suggested during consultation.
 - also need to appropriately consider Māori and Treaty interests as part of their thinking on the LTIBs.
- 3 The Public Service Act requires LTIBs to be produced independently of Ministers. This means that we will be keeping you informed of progress on a 'no surprises' basis.



OIA BRIEFING

8 July 2022

OC220512

Hon Michael Wood
Minister of Transport

Action required by:
Friday, 15 July 2022

OFFICIAL INFORMATION ACT REQUEST FROM s 9(2)(a)
REGARDING A LETTER REFERENCE IN WPQ 16751(2022)

Purpose

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

Name of Requester	s 9(2)(a)
Request	"Under the Official Information Act 1982, I request a copy of the letter sent to Hon Dame Fran Wilde on 7 June 2022, referenced in WQ 16751 (2022)."
Statutory deadline	Friday, 15 July 2022
Risks	No risks have been identified

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

Gareth Fairweather
Director Auckland Light Rail

08/07/2022

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
Gareth Fairweather, Director Auckland Light Rail	s 9(2)(a)	✓
Ana Clark, Graduate Adviser Economic Regulation		

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

**OFFICIAL INFORMATION ACT REQUEST FROM s 9(2)(a)
REGARDING A LETTER REFERENCE IN WPQ
16751(2022)**

Background

- 1 On 16 June 2022 you received an Official Information Act 1982 (the Act) request from s 9(2)(a)
He requested:

“Under the Official Information Act 1982, I request a copy of the letter sent to Hon Dame Fran Wilde on 7 June 2022, referenced in WQ 16751 (2022).”

- 2 Your response is due to s 9(2)(a) no later than 15 July 2022.
- 3 1 document falls within the scope of the request. This letter was sent from you to Dame Fran Wilde, Chair, Auckland Light Rail Establishment Unit Board.
- 4 The letter documents the high-level expectations for the scope of the business case, and the Investment Management System more generally.
- 5 We are currently in the process of preparing a substantive proactive release which includes the document requested within this OIA request.

Proposed Response

- 6 We therefore recommend you decline the request under section 18(d) of the Act as the documents will soon be publicly available.
- 7 We anticipate the proactive release will be published early August. The proposed letter sets out where s 9(2)(a) may find the information he seeks from this OIA once it is available.
- 8 The Ministry will send you a marked-up version of the proactive release and a briefing identifying any information we propose to withhold and any associated risks.

Risks

- 9 No risks have been identified with this proposed OIA response.
- 10 Any risks that are identified in the preparation and consultation for the proactive release of these documents will be included in a briefing to you prior to publishing.

Hon Michael Wood

MP for Mt Roskill

Minister of Immigration

Minister of Transport

Minister for Workplace Relations and Safety



8 July 2022

s 9(2)(a)

Dear s 9(2)(a)

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

["Under the Official Information Act 1982, I request a copy of the letter sent to Hon Dame Fran Wilde on 7 June 2022, referenced in WQ 16751 (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 Ministry of Transport is currently preparing this document for proactive release. The documents will be published on the Ministry of Transport website (www.transport.govt.nz/).

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

20 July 2022

OC220518

Hon Michael Wood**Minister of Transport**

cc Hon Kieran McAnulty

Associate Minister of Transport

UPDATE ON GPS 2024 DEVELOPMENT

Purpose

This briefing provides you with an update on the development of the Government Policy Statement on Land Transport 2024 (GPS 2024). Specifically, this briefing provides a proposed series of briefings for you and discusses options to structure GPS 2024 to help it to achieve your strategic priorities.

Key points

- We suggest a series of briefings for you to ensure officials remain aligned with your views as different parts of the GPS are developed. The topic of each briefing is tied to development stages of the GPS. This series of briefings will enable you to stay abreast of developments, while providing guidance or decisions as and when required.
- An A3 addressing some other GPS 2024 issues is appended, for your consideration and feedback. We are seeking your views on:
 - Whether the GPS should present a broad land transport strategy or limit itself to the scope of investment possible through the National Land Transport Fund (NLTF)
 - How directive you want to be on GPS priorities
 - How much focus there should be on the longer-term direction for land transport

Recommendations

We recommend you:

1. **Note** the proposed timetable of briefings and engagement on GPS 2024
2. **Either:**

Advise the Ministry of your feedback on the questions in the attached A3

Yes /
No

OR:

3. **Agree** to meet with officials to discuss the questions in the A3

Yes /
No



Tim Herbert
Manager
20 / 07 / 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

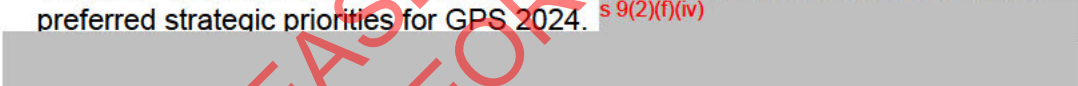
Name	Telephone	First contact
Tim Herbert, Manager, Investment	s 9(2)(a)	✓
Alastair Farr, Principal Advisor, Investment		
Paul Hawkes, Senior Advisor, Investment		

UPDATE ON GPS 2024 DEVELOPMENT

Background

- 1 We have previously reported to you on our plans for preparation of the next GPS (OC210614) and discussed possible strategic priorities for that document.

Strategy and the wider structure of GPS 2024

- 2 The GPS sets out the Crown's land transport investment strategy. Waka Kotahi and local authorities are then required to enact their parts of the government's strategy.
- 3 Providing clear, targeted strategic priorities helps local authorities understand your objectives, and gives them a strong indication of the types of projects that are likely to receive funding. Signalling of priorities will therefore aid in delivery of the associated outcomes.
- 4 Under the Land Transport Management Act 2003 (the Act), the scope of the land transport investment strategy is not limited to NLTF spending. Therefore, if a substantial proportion of land transport investment is to be direct-funded by government, the strategy can also provide signals about how the government intends to target its direct investments.
- 5 Once approved by Cabinet, such a strategy would also provide a foundation for future Budget and Climate Emergency Response Fund (CERF) bids.
- 6 You have indicated (OC210614 and Officials' meeting of 22 March 2022) your preferred strategic priorities for GPS 2024. ^{s 9(2)(f)(iv)}

- 7 We are now seeking your views on:
 - Whether the GPS should present a broad land transport strategy or limit itself to the scope of investment possible through the National Land Transport Fund (NLTF)
 - How directive you want to be on GPS priorities
 - How much focus there should be on the longer-term direction for land transport.
- 8 An A3 outlining these options is attached. We would welcome the opportunity to discuss this with you at your convenience.

Next steps

- 9 A high-level project plan for development of GPS 2024 is attached as Annex 1. This schematic provides a more streamlined view of the work-streams than that described in OC210614, but still covers the same territory.

- 10 Based on this plan, we envisage a series of briefings for you as shown in Table 1 below. The topic of each discussion is tied to the development stage of the GPS. This series of briefings will enable you to stay abreast of developments and provide officials with guidance or decisions, as and when required.

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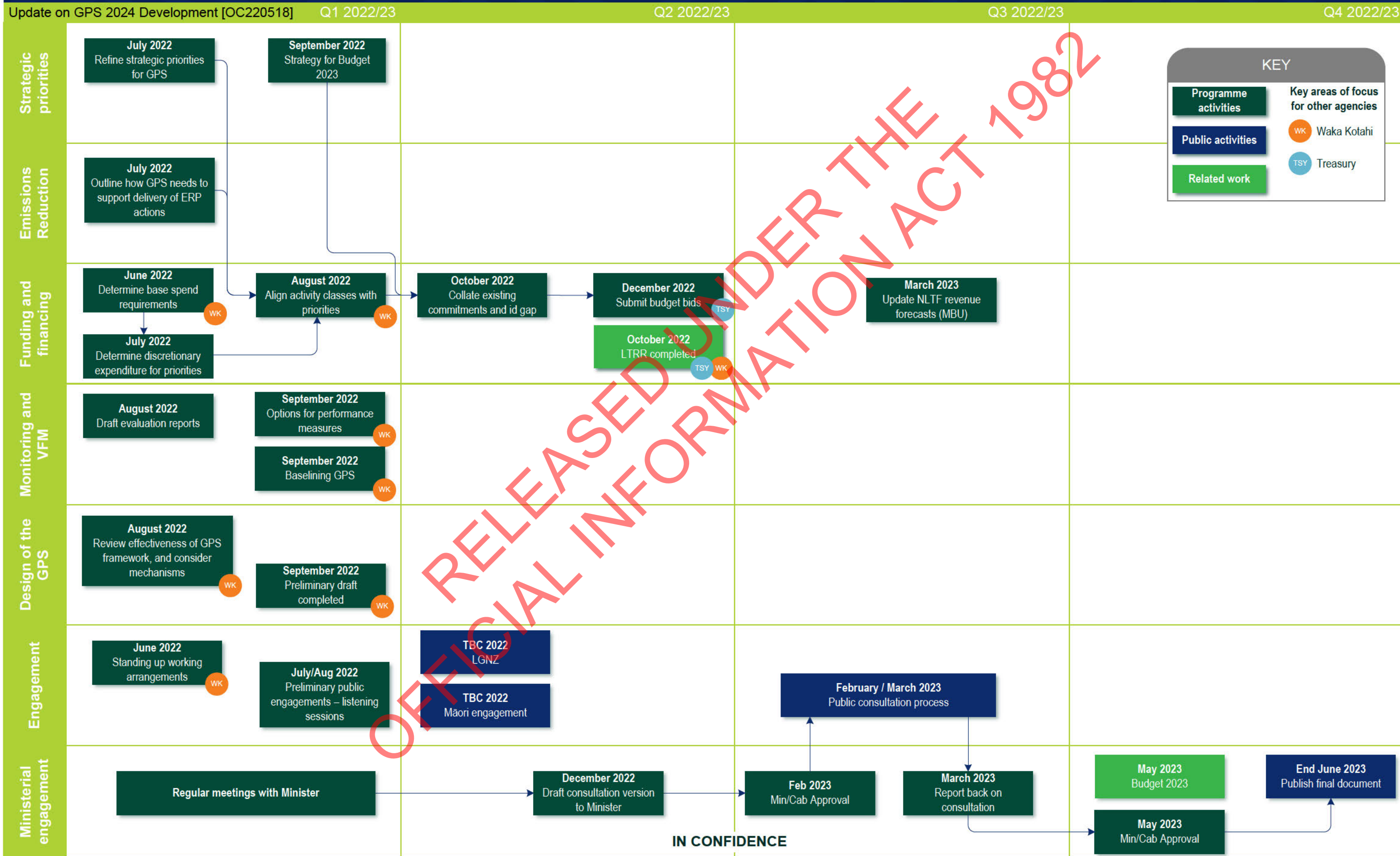
Annex 1: Plan at a Glance

Annex 2: Strategic Priorities A3

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Annex 1: Plan at a Glance

GPS on Land Transport 2024



Annex 2: Delivering your land transport priorities

GPS on Land Transport 2024

Update on GPS 2024 Development [OC220518]

Context for GPS 2024

The next 10 years will represent a significant shift in the way New Zealand's land transport system operates. This will involve significant reductions in carbon emissions, while ensuring that the land transport system continues to meet the needs of all New Zealanders - from congested urban centres through to rural and provincial communities.

GPS 2024 is a critical opportunity for Government to set the right guidance for investments that will achieve these objectives.

Planning for uncertainty

While the transition is clearly signalled through the Emission Reduction Plan, it remains far from clear how the various actors within the transport system will respond.

Given this level of uncertainty the GPS needs to be as directive as possible about the Government's overall priorities and objectives, while maintaining sufficient flexibility to allow investments to adapt to a changing strategic environment and emerging patterns of behaviour.

Managing revenue and expenditure pressures

There is limited capacity within the NLTF to meet all of the Government's aspirations for land transport over the next ten years.

s 9(2)(f)(iv)

Increases in input costs are having impacts on the affordability of transport projects, resulting in project delays. The costs of maintaining and renewing the existing network are assuming a larger proportion of NLTP revenue.

On the revenue side, the more successful we are at reducing VKT, the less revenue is available. In addition, the Government has also responded to immediate cost-of-living challenges by discounting fuel taxes and public transport fares.

We need to find sustainable solutions to address the funding shortfall, while continuing transform the network to support the preferred future.

Your priorities

Your proposed priorities reflect the balance between driving system change, while ensuring the existing network remains available:

s 9(2)(f)(iv)

How can the GPS enable these priorities?

Provide a complete land transport investment strategy

Given the wider funding pressures (and increasing share of Crown funding), the GPS should provide a more holistic investment strategy that outlines how all funding sources will be used to support delivery.

This includes, for example, Crown funding sources such as CERF as well as innovative funding mechanisms, such as Green Bonds. This is a key focus for the Land Transport Revenue Review.

Send clear investment signals

Describe the priorities in a practical way to guide investment decision-making to maximise 'best' results – while giving Waka Kotahi and other partners the flexibility to manage the specific response.

This may involve, for example, providing guidance on the relative weightings of different priorities, and requiring integrated approaches to planning.

GPS should also set stronger signals to support the longer-term direction for the system. This, includes, for example:

- supporting the coordinated implementation of medium-term "mezzanine" strategies such as Emissions Reduction, Road to Zero and the National Freight and Supply Chain Strategy,
- the integration of transport planning into long-term regional spatial strategies.

Feedback on proposed directions

Your feedback is sought on the following questions

1 Should the GPS present a land transport investment strategy that is wider than the NLTF?

This ensures Government can set a holistic direction, and it is consistent with advice presented as part of the Land Transport Revenue Review.

However, this may present a challenge where the GPS signals strategic objectives in advance of the Budget process, where proposed investments are assessed against other Government priorities. On the other side, an investment strategy would signal intentions and objectives for the system which could be used to support the case for future investment.

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2 How directive do you want to be on GPS priorities?

Developing clear guidance on achieving the priorities is essential, but we need to maintain flexibility for Waka Kotahi and partners to respond. This will be underpinned by appropriate performance monitoring.

Example: directing the response

The GPS could provide greater direction on how the priorities should be applied (especially where there is a conflict):

- confirming the order of priorities
- providing greater guidance on how the priorities to be achieved (to inform the responses sought)
- outlining a hierarchy of interventions to guide integrated responses.

5 July 2022

OC220528

Hon Michael Wood
Minister of Transport

MEETING WITH ELECTROMOTIV ON TRANSITIONING TO ZERO EMISSIONS PUBLIC TRANSPORT

Snapshot

Electromotiv called this meeting to discuss how Electromotiv can work with Government to further New Zealand's zero emissions transport efforts.

Time and date	3:30-4:00pm, Tuesday 12 July 2022, Zoom
Attendees	Adrian Salinas, CEO, Electromotiv Darren McCoubrie, CFO, Electromotiv Sam Andrist, Commercial Analyst, Electromotiv
Officials attending	N/A

Contacts

Name	Telephone	First contact
Matt Skinner, Acting Manager Mobility and Safety	s 9(2)(a)	✓
Dominic Cowell-Smith, Adviser Mobility and Safety	s 9(2)(a)	

MEETING WITH ELECTROMOTIV ON TRANSITIONING TO ZERO EMISSIONS PUBLIC TRANSPORT

Background Information

Electromotiv works with bus operators and truck owners to transition to zero-emission technology

- 1 Electromotiv is a company that works across Australia and New Zealand to accelerate the transition to zero-emissions buses and trucks. They are backed by a philanthropic trust with a mandate to reduce carbon emissions.
- 2 Electromotiv works with governments and bus operators to provide electric and hydrogen buses, charging infrastructure, depot upgrades, and renewable energy.
- 3 Electromotiv currently have active projects with Auckland Transport (nine electric buses), Environment Canterbury (seven electric buses), and Go Bus in New Zealand. *This information is incorrect and should read "...active projects with Go Bus in Auckland (nine electric buses) and in Christchurch (seven electric buses)".*
- 4 The Auckland Transport and Go Bus partnership consists of the lease of nine Yutong E12 buses that are maintained and serviced by JW Group New Zealand. These buses run between Manukau and the Auckland International Airport. *This information is incorrect and should read "The Go Bus partnership in Auckland..."*

Key talking points

How Electromotiv can work with Government to further New Zealand's zero emissions transport efforts

- 5 I am pleased to meet with you given our shared goal of transitioning to zero-emissions public transport. I note your current work in New Zealand with Auckland Transport, Environment Canterbury, and Go Bus.
- 6 The Government is committed to decarbonising the public transport bus fleet. By 2025, only zero-emission buses will be able to be purchased for use in New Zealand, with a target of complete decarbonisation of the public transport bus fleet by 2035.
- 7 The Government has several initiatives to increase uptake of zero-emission public transport options. I encourage you to work with Public Transport Authorities (PTAs) and public transport operators to make use of these initiatives.

Climate Emergency Response Fund

- 8 The rapid adoption of low-emission vehicles, including in the public transport bus fleet, is one of the priority actions this Government has committed to under the first all-of-government Emissions Reduction Plan.
- 9 Through Budget 2022, the Government has signalled \$137 million over 12 years to transition the public transport fleet to zero-emissions vehicles. The \$40 million announced in Budget 2022 is the first four years of this funding. This funding will be administered by Waka Kotahi NZ Transport Agency (Waka Kotahi).

- 10 The funding will support PTAs to invest in and progress bus decarbonisation initiatives, such as deploying zero-emission buses or investing in associated infrastructure. Waka Kotahi and Te Manatū Waka the Ministry of Transport are developing a funding agreement, which will set out the criteria that PTA initiatives must meet to access the funding. Waka Kotahi will be able to draw down the funding once this funding agreement is finalised.

New Zealand Green Investment Finance

- 11 Through Budget 2021 the Government also provided \$300 million to recapitalise New Zealand Green Investment Finance (NZGIF) to continue to invest to support climate change mitigation, with a particular focus on decarbonising public transport, waste and plastics. The Government set up NZGIF to accelerate investment that can help to reduce greenhouse gas emissions in New Zealand.
- 12 NZGIF is providing a finance facility to support Zenobē to deploy electric buses under long-term lease agreements with major operators in New Zealand. This support complements existing investment in decarbonisation of the bus fleet through the National Land Transport Programme.

Public Transport Operating Model Review (PTOM review)

- 13 The PTOM review is considering policy options to support the Government's commitments and remove barriers to decarbonisation of the public transport fleet. One of the key options identified by the PTOM review to enable decarbonisation is ensuring the legislative and policy framework supports changes to asset ownership arrangements. PTA or third-party ownership of assets may be desirable to reduce risk pricing from operators and/or to remove barriers to entry. I have received final policy advice on the PTOM review and expect to seek Cabinet decisions in the coming months.

Plans for electric vehicle (EV) charging infrastructure

- 14 Ministers have previously agreed to the development of a standalone strategy document outlining the Government's long-term vision for our national EV charging infrastructure system (the Strategy), aided by engagement with key public and private stakeholders across the energy and transport sectors.
- 15 Work on the Strategy is underway. At a high-level, the Strategy focuses on ensuring the accessibility, affordability, convenience, security and reliability of our national EV charging infrastructure to support the wider transition to, and use of, low-emissions transport over time.
- 16 The Strategy does not make any specific recommendations around charging for the public electric bus fleet, though it will help to coordinate actions pertaining to hub and depot charging for heavy EVs.

Biographies



Adrian Salinas is the Chief Executive of Electromotiv. He is a mechanical and electrical engineer with two decades of experience managing zero-emission technologies from EVs, buses, hydrogen and renewable energy generation.

Prior to joining Electromotiv, Adrian developed wind farms in both Mexico and Australia. He also electrified the ACT Government's private vehicle fleet, installing 50 charging stations around Canberra to support this shift.



Darren McCoubrie is the Chief Financial Officer (CFO) of Electromotiv. He joined Electromotiv in October 2020, initially as a contractor to raise capital and act as CFO. Following the completion of the initial fund raising, Darren's role extended into commercial development and financial control requirements of the business.

Prior to Electromotiv Darren spent 15 years in institutional and commercial finance roles in Australia and overseas. He also has experience in independent contracting in roles involving structuring and arranging finance, business mergers and divestment, and managing a business integration following acquisition.



Sam Andrist is the Commercial Analyst and New Zealand representative for Electromotiv. He graduated from the University of Canterbury in 2018 with a Bachelor of Commerce, majoring in Economics.

Sam has ten years experience working on sustainability projects and led an energy management project in high school that won the Zayed Future Energy Prize in Abu Dhabi.

12 July 2022

OC220535

Hon Kieran McNulty**Action required by:****Associate Minister of Transport**

Friday, 5 August 2022

cc Hon Michael Wood

Minister of Transport

INTRODUCTORY BRIEFING – TRANSPORT SECURITY AND RESILIENCE

Purpose

Provide you with an overview of work to improve resilience and security in the transport sector and your role in the system.

Key points

- You will play a crucial role in the stewardship of the transport system's resilience and security and Te Manatū Waka has a dedicated team to support you with your responsibilities for response and recovery.
- We will also support you to take opportunities to reduce the likelihood and/or consequence of risks, and improve the transport system's readiness to respond.
- Te Manatū Waka and the transport agencies are integrated within the wider national security and emergency management systems, with a range of work underway to ensure the transport system is appropriately prepared to anticipate, respond to, and recover from an incident.
- You will shortly receive advice on whether to proceed with an application to establish a protected area over three outfall pipelines in the Hawkes Bay under the Submarine Cables and Pipeline Protection Act 1996.

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Recommendations

We recommend you:

Indicate if you would like to discuss with officials any of the issues raised in this briefing. Yes/No



Nick Paterson
Acting Manager, Resilience and Security

12 / 07 / 2022

Hon Kieran McNulty
Associate 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
Nick Paterson, Acting Manager, Resilience and Security	s 9(2)(a)	✓
Daniel Mitchell, Graduate Adviser, Resilience and Security		

RESILIENCE AND SECURITY IN THE TRANSPORT SECTOR

Delegated functions and responsibilities

- 1 Congratulations on your appointment as Associate Minister of Transport. In your capacity as Associate Minister, as per your delegation letter, you are responsible for the following matters concerning resilience and security:
 - 1.1 Land transport infrastructure resilience and security, in so far as it relates to the regions (as part of para 2.1.1).
 - 1.2 Maritime resilience and security (as part of para 2.1.9).
 - 1.3 Aviation resilience and security (as part of para 2.1.10).
- 2 Your delegation excludes:
 - 2.1 The Maritime Security Strategy.
 - 2.2 Land transport resilience and security (unless regional) and matters that are multimodal.

What this means for you

- 3 As the Associate Minister for Transport with the above delegations, you will play a crucial role in the stewardship of the transport system's resilience and security and given the wide-reaching nature of transport in New Zealand, you will have the opportunity to feed into, and influence the broader National Security System.
- 4 Your role in the stewardship of transport resilience and security extends far beyond response and recovery. Te Manatū Waka Ministry of Transport and the transport agencies will work with you during your time as our Associate Minister to review, strengthen, and improve the transport system settings through its regular work programme. This will include opportunities to participate in legislative change, international engagement, and the implementation of a wide-ranging work programme.
- 5 Te Manatū Waka will work with you, the transport agencies, and range of industry and government stakeholders, to ensure the transport system is appropriately prepared to anticipate, respond to, and recover from an incident. An introduction to several of the issues that will shortly require your attention is provided at the end of this briefing.

New Zealand's National Security System

- 6 The wider National Security System is currently in a period of reform, with measures to strengthen machinery of Government arrangements for national security being considered alongside the development for a new strategy. Te Manatū Waka is contributing to the reform projects for the National Security System.
- 7 Nevertheless, the system recognizes and emphasises the importance of resilience, which is the ability of a system to respond to and recover from any disruptive event (whether potential or actual). It does this through a holistic and integrated approach to

managing national security risk. Known as the four strategic roles of emergency management (the 4R's), this encompasses:

- 7.1 Reduction — identifying and analysing long-term risks and taking steps to eliminate these risks if practicable, or if not, to reduce their likelihood and the magnitude of their impact.
- 7.2 Readiness — developing operational systems and capabilities before an emergency happens.
- 7.3 Response — acting immediately before, during or directly after a significant event.
- 7.4 Recovery — using coordinated efforts and processes to bring about immediate, medium-term, and long-term regeneration.

The transport system supports the achievement of the national security objectives

- 8 Currently the National Security System has seven objectives (which are subject to the national security strategic review), and to various degrees, the transport sector has a role in each of these.
 - 8.1 Ensuring public safety
 - 8.2 Preserving sovereignty and territorial integrity
 - 8.3 Protecting lines of communication (note this objective includes transport supply chains, e.g. sea lines of communication refers to the maritime supply chain).
 - 8.4 Strengthening international order to promote security
 - 8.5 Sustaining economic prosperity
 - 8.6 Maintaining democratic institutions and national values
 - 8.7 Protecting the natural environment

We support the governance of the national security system

- 9 Governance arrangements operate at four levels.
 - 9.1 The **Cabinet Committee for External Relations and Security (ERS)** is a Cabinet committee with oversight of national security matters (in addition to foreign affairs matters). You may be invited to ERS by the Chair to provide a Cabinet paper or an oral update on matters relating to transport security.
 - 9.2 The **Officials Committee for Domestic and External Security Coordination (ODESC)** is a committee of Chief Executives that is established and chaired by the DPMC during an emerging, or actual, national crisis. Membership is determined based on the type of crisis. **ODESC reports to the ERS**. The Secretary of Transport may participate at the invitation of the Chair.
 - 9.3 The **Hazard and Risk Board (HRB)** is a committee of Chief Executives responsible for building a high-performing and resilient National Security

System that can manage civil contingencies and hazard risks through governance, alignment, and prioritization of investment, policy, and activity. **The HRB reports to the ERS.** The Secretary of Transport is a member of the HRB.

- 9.4 The **Security and Intelligence Board (SIB)** is a committee of Chief Executives responsible for building a high-performing, and cohesive, security and intelligence sector through governance, alignment, and prioritization. The SIB maintains a focus on external threats and intelligence issues. **The SIB reports to the ERS.** The Secretary of Transport is not a member of the SIB but may participate at the invitation of the Chair.

We have an important role in systems governance

Our governance and committee membership are extensive

- 10 Te Manatū Waka is the Chair of the Maritime Security Oversight Committee and the New Zealand Search and Rescue Council. It is a member of the HRB, the HRB Senior Officials Group (HRB-SOG), the National Exercise Programme Planning and Coordination Team, the National Agencies' Incident Management Reference Group, the Counter-Terrorism Coordination Committee, the Trans National Organised Crime Steering Committee, and the Border Executive Board (BEB)

Important matters have been raised, and actions tasked

- 11 HRB/HRB-SOG: in November 2021 the Ministry was tasked to discuss with relevant partners, how policy options for decisions on preventative measures, repairs, and recovery works for critical transport infrastructure can best be progressed, including through existing strategic work programmes, such as the National Adaptation Plan. In November 2022 we will present a stocktake of the actions we have taken and of the gaps that remain.
- 12 BEB: The Border Executive Board (BEB) is a departmental governance board made up of the Chief Executives of the border agencies, including Te Manatū Waka. The BEB was established to deliver an integrated and effective border system. BEB has tasked officials from the border agencies (including AvSec) to engage with our six largest airports on their regulatory requirements and infrastructure needs at these airports. Te Manatū Waka co-leads this work with NZ Customs Service.

We actively build networks with our transport partners

- 13 The Transport Security Working Group (TSWG) and the Transport Resilience Advisory Group (TRAG) are both chaired by Te Manatū Waka's Resilience and Security Team, and each include representatives of Waka Kotahi (the New Zealand Transport Agency), Maritime New Zealand (MNZ), the Civil Aviation Authority (CAA), KiwiRail, the Transport Accident Investigation Commission (TAIC), and the NZ Police.
- 14 The roles of these groups, regarding security and resilience respectively, are to strengthen sector relationships; identify and promote opportunities for collaboration; enable information sharing; identify and seek to mitigate emerging threats; influence key security and resilience outcomes through providing leadership and strategic direction; and to provide a forum for escalation through relevant National Security System groups (including HRB and SIB).

- 15 In addition to these roles, the TRAG provides a forum to collaborate on operational readiness arrangements for the transport sector, including the arrangements for the Transport Response Team. The TSWG and TRAG each meet quarterly, in alignment with HRB and SIB meetings, so that the sector can be kept well informed and involved in these matters.
- 16 Te Manatū Waka is also working with Waka Kotahi to develop a Land Transport Security Forum which will engage with industry bodies, other government agencies and stakeholders on the strategic security issues affecting the land transport sector.

Te Manatū Waka currently has lead agency responsibilities

- 17 For any national security risk (or major element of such a risk), a lead agency is identified. The lead agency is the agency with the primary mandate for managing a particular hazard or risk across each of the 4Rs. Whilst some risks are managed by the lead agency alone, many require the support of other government agencies.
- 18 As you will be aware, as Minister for Emergency Management, the lead agency arrangements are currently being reviewed as part of the Trifecta Review led by the National Emergency Management Agency. Te Manatū Waka has been engaging with the National Emergency Management Agency on the Trifecta Review including on the review of the lead agency arrangements.
- 19 Currently Te Manatū Waka has lead agency responsibilities for major transport events¹. This means that with respect to a major transport event, it is required to:
 - 19.1 monitor and assess the situation; and
 - 19.2 plan for and coordinate the national response; and
 - 19.3 report to the ODESC and provide policy advice; and
 - 19.4 coordinate the dissemination of public information.
- 20 To meet these requirements, Te Manatū Waka:
 - 20.1 should develop and maintain capability and capacity to ensure that it is able to perform its role; and
 - 20.2 may draw on the advice of expert emergency managers in doing so.
- 21 If the major transport event is the result of a terrorist event, NZ Police will be the lead agency. If it is the result of an environmental event, or a state of emergency is declared, NEMA/CDEM will be the lead agency. In these situations, Te Manatū Waka would act as a support agency.

We have a dedicated resilience and security work programme

- 22 In accordance with its national security duties and system stewardship role, Te Manatū Waka undertakes a range of actions and workstreams to better understand the security threats, vulnerabilities, and priorities of the wider transport system. Te

¹ These include major transport incidents (i.e. major events involving large passenger vehicles (such as a jet aircraft, passenger train, passenger ferry), and failure of critical transport infrastructure.

Manatū Waka recognizes the importance of this role, and has reflected this in the Transport Outcomes Framework, through the Resilience and Security outcome (Figure 1).

RESILIENCE AND SECURITY

Minimising and managing the risks from natural and human-made hazards, anticipating and adapting to emerging threats, and recovering effectively from disruptive events.

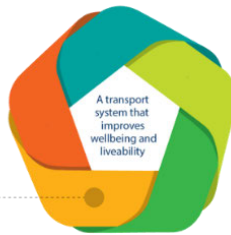


Figure 1: Transport Outcomes Framework; Resilience and Security Outcome.

- 23 The Resilience and Security Team leads this work programme. It is a small team which has built strong relationships and expertise across each transport mode. As stewards of the system, this team works closely with the crown entities, and its counterparts throughout the sector, to support them in their work programmes.
- 24 The team has established, and Chairs, the Transport Security Working Group and the Transport Resilience Advisory Group (Paragraph 13). These cross-agency groups enable all the actors in the sector to see across the system and how their respective pieces of work contribute to each other. The forums have enabled the sharing of information and best practice and are used to support system level emergency management planning.

Emergency management

We coordinate the transport sector during a nationally significant event

- 25 The Transport Response Team (TRT) is activated and coordinated by Te Manatū Waka in the case of an actual, or potential, nationally significant event. Its membership includes Waka Kotahi, CAA, MNZ, KiwiRail, and the TAIC. The purpose of the TRT is to:
 - 25.1 Facilitate the flow of information throughout the transport sector between transport sector entities,
 - 25.2 Facilitate the timely and accurate transfer of information between the transport sector and the government, providing a 'whole of transport' picture, to ensure a transport perspective is taken into consideration, and
 - 25.3 Provide the lead agency, the Secretary of Transport, and the Government, with strategic and well-informed advice relating to the state of the transport sector.
- 26 Partial or full activation of the TRT has been required to support the response to the Kaikoura earthquake in 2016, the eruption of Whakaari/White Island in 2019, the COVID-19 response, and most recently with the Wellington protests in 2022.
- 27 Te Manatū Waka is working to develop the capability of its staff in order to adequately staff the TRT if it is activated. It has established a close working relationship with the National Emergency Management Agency (NEMA), and we are regularly sending

staff to attend NEMA hosted training in the Government's endorsed method of emergency management: the Coordinated Incident management System (CIMS).

We have established broad emergency management plans and frameworks

- 28 As lead agency for major transport events and the coordinator of the TRT, we are responsible for the following plan and framework:
- 28.1 The 2019 Transport National Emergency Response Plan (TNERP) – this outlines the way in which transport entities will work together, and others, during an emergency.
- 28.2 The 2021 Draft Major Transport Incident Framework (MTIF) – this outlines the role of transport entities and other stakeholders, as well as the key legislation powers, plans, and strategies, that are applicable to them.
- 29 The TNERP is currently due for review, and the MTIF has not yet been finalised, these pieces of work are dependant on the outcomes of the Trifecta Review and are being managed to align to the timings of the Trifecta Review.

We are proactively involved in wider cross-Government policy programmes

- 30 Te Manatū Waka provides policy input into a wide range of national security policy programmes. We are supporting the response to the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain, the Countering Terrorism and Violent Extremism National Strategy, the Transnational Organised Crime Strategy, the Crowded Places Strategy, the Foreign Interference Work Programme, Modern Slavery and Workplace Exploitation, Emergency Management System Reforms, and the sanctions applied against Russia.
- 31 Te Manatū Waka also provides input into a wide range of policy programmes that govern or regulate critical national infrastructure that transport is either directly or indirectly related to. This is to raise the profile of transport resilience and security, and to enable progress in this area, through as many avenues as possible, whilst ensuring efforts are not duplicated. Current areas of interest include the Resource Management Act Reform, the Three Waters Reform, the Review into the Future for Local Government, and the development of the National Adaptation Plan.
- 32 Further opportunities exist to adopt a more direct focus on the resilience of regional transport in these work programmes, and through work already underway with our sector partners. Te Manatū Waka is in a unique position to advocate for cross-cutting issues such as climate change related hazards, regional connectivity, and supply chain resilience to be addressed holistically, overcoming potential siloes that may emerge as other sectors attempt to address these issues themselves.

The transport sector has international relationships and obligations

- 33 Te Manatū Waka regularly engages with a range of international partners to develop a common understanding of key resilience and security matters. This engagement facilitates high-level information sharing between partners, which promotes diversity of thought within the domestic policymaking process and supports informed policy

advice to Government on the appropriateness or otherwise of New Zealand aligning with international partners on specific initiatives.

New Zealand's Five Countries relationship extends to transport

- 34 We have a strong relationship with our Five Countries counterparts: Australia, Canada, the United States of America, and the United Kingdom. While the Five Countries relationship began as an intelligence sharing agreement, the Five Eyes, it has since grown and we now participate in various transport related sub-committees which have been established, such as the Research and Development (5RD) subcommittee and the Aviation Five (A5).

The International Civil Aviation Organisation is a key partner

- 35 The International Civil Aviation Organization (ICAO) is a specialized agency of the United Nations. It establishes the principles and techniques of international air navigation, while fostering the planning and development of international air transport to ensure safe and orderly growth. The ICAO Council adopts standards and recommended practices concerning air navigation, its infrastructure, flight inspection, prevention of unlawful interference, and facilitation of border-crossing procedures for international civil aviation.

The International Maritime Organisation is a key partner

- 36 The International Maritime Organization (IMO) is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships.
- 37 IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented. MNZ actively contributes to IMO work on security and will provide you with further information in due course.

There are some topics which will soon require your attention

Proposal to establish a pipeline protection area

- 38 Through your Associate Minister of Transport delegation, you are responsible for the administration of the Submarine Cables and Pipeline Protection Act 1996. Through this act, you can create an enforceable protection area over submarine pipelines and cables.
- 39 Te Manatū Waka has received a joint application from Napier City Council, Hastings District Council, and the private business Pan Pac Forest Products Limited (Pan Pac), to establish a protected area over three outfall pipelines in Hawkes Bay. Pan Pac and Maungaharuru-Tangitū Trust (MTT), a post-settlement governance entity representing a collective of hapū, are currently in the High Court in relation to customary marine title and protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011, s 6(c). We are preparing a post-consultation briefing for you with advice on whether to proceed with the application.

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



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



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Other topics that will be of interest to you, but Minister Wood continues to lead

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

Work has begun to develop the Government Policy Statement on Land Transport 2024

- 48 The Government Policy Statement (GPS) on Land Transport sets out the Government's strategic direction for the land transport system over the next 10 years and is updated every three years. It provides direction on how Waka Kotahi invests the National Land Transport Fund (NLTF). We are working with colleagues across the Te Manatū Waka to ensure that resilience and security are appropriately reflected in GPS 2024.
- 49 Recognising the finite resources within the NLTF, we will advocate for resilience and security to be considered as a prerequisite rather than a discretionary element in investment decisions. You might want to sharpen the focus on transport resilience in the regions given the increasing frequency and intensity of natural hazard events.

21 July 2022

OC220536

Hon Kieran McAnulty
Associate Minister of Transport

cc Hon Michael Wood
Minister of Transport

DELEGATED BOARD APPOINTMENTS - YOUR ROLE AS ASSOCIATE MINISTER

Purpose

To provide you with an overview of your role in making appointments to entities delegated to you by the Minister of Transport, decisions and action taken to date, and action required this year across all delegated appointments.

Key points

- This advice on board appointments follows your initial briefing on your delegated responsibilities as Associate Minister of Transport (OC220537 refers). It is a companion briefing to advice we will provide you on effective monitoring of your delegated Crown entities' performance (OC220575 refers).
- Board appointments are one of your key levers for improving the performance of your delegated Crown entities: the Civil Aviation Authority and Maritime New Zealand. To be effective, a board needs to have the right mix of skills, experience, and diversity. Crown entity board members in the Transport portfolio collectively require governance, financial, risk and assurance, regulatory, and relevant sector experience. Increasing diversity on boards and committees is also desirable across the portfolio.
- Appointments to the Oil Pollution Advisory Committee, Aviation Medical Conveners and Air Navigation System Review Panel are also within your delegated responsibilities.
- The Ministry will support you across the appointments process. This includes providing advice in advance of a member's term expiring, and facilitating the search, interview, and due diligence processes on your behalf. A summary of the appointments process is listed **at Appendix Two** for your reference.
- We would like to meet with you to discuss appointments further, including to understand your priorities and intentions. The most pressing action required is attending the Cabinet Appointments and Honours Committee (APH) meeting on 27 July 2022. At this meeting, APH will be asked to note the intention to appoint Alma Hong and reappoint Jill Hatchwell to the Civil Aviation Authority Board. We will liaise

with your office to submit the paperwork in time for this meeting (briefing OC220428 refers).

- The next priority is addressing the position of Aviation Medical Convener. Although their term expires in October, there is no provision for them to continue past their term if they are not reappointed or replaced.

Recommendations

We recommend you:

- 1 **indicate** if you want to discuss your delegated board appointments further with officials. Yes / No



Sarah Polaschek
Manager, Governance

21 / 07 / 2022

Hon Kieran McAnulty
Associate 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
Allan Prangnell, Deputy Chief Executive, System Performance & Governance	s 9(2)(a)	
Sarah Polaschek, Manager, Governance		✓
Wayne Church, Governance Advisor		

DELEGATED BOARD APPOINTMENTS - YOUR ROLE AS ASSOCIATE MINISTER

Determining who is on your delegated boards is one of your key levers to influence performance in the transport sector

- 1 As the Associate Minister of Transport with delegated responsibility for specific entities, your strongest influence towards shaping their governance direction is through setting expectations with those boards, ongoing engagement and monitoring, and through board appointments.
- 2 The extent of your appointing power is determined by either legislation or terms of reference. The different types of entities for which you have been delegated responsibility, and their appointment structures, are as follows:

- 2.1 **Crown Agents:** Sections 28 and 29 of the Crown Entities Act 2004 outline the roles and responsibilities of the Responsible Minister in relation to Crown entity appointments.

The Civil Aviation Authority (CAA) and Maritime New Zealand (MNZ) are two Crown agents for which you have been delegated responsibility. This includes appointing and (in exceptional circumstances) removing Crown agent board members, with the agreement of the Minister of Transport. Members may be appointed for terms of up to three years.

Crown agents have statutorily independent functions but must also give effect to government policy at your direction.

- 2.2 **Legislative and Technical Advisory Committees:** The Oil Pollution Advisory Committee (OPAC), Aviation Medical Conveners and Air Navigation System Review Panel are three bodies within the transport portfolio that fall within this remit. These groups exist to provide independent assurance or technical advice on a specific subject matter area.

2.2.1 **OPAC** advises MNZ's Board on New Zealand's Marine Oil Spill Response Strategy, the use of the Oil Pollution Fund, and other matters as directed by yourself or the Director of Maritime New Zealand. You have been delegated responsibility for both appointing and determining the terms and conditions of membership to OPAC under section 282 of the Maritime Transport Act 1994. OPAC is largely made up of industry representatives whose appointments are linked to their job.

2.2.2 The **Aviation Medical Convener** and Deputy Convener are appointed under section 27J of the Civil Aviation Act 1990 by the Responsible Minister to review medical certification decisions made by the Director of Civil Aviation. These roles are held by medical practitioners with knowledge in civil aviation and who can represent the public interest in aviation safety. The conveners can be appointed for up to three years at a time.

2.2.3 The **Air Navigation System Review Panel** was established in May 2022 by the Minister of Transport to undertake a high level, first principles review of New Zealand's air navigation system. Under the review's terms of reference, members are appointed by the Minister for the period of the review, which is expected to run until May 2023.

3 A full list of all members is attached in **Appendix One** for your reference.

You have a statutory obligation to appoint members with appropriate skills, knowledge, and experience to enable the Crown entity to perform effectively

- 4 Appointing highly capable and effective boards with the right mix of skills and experience helps ensure CAA and MNZ deliver on your policy intent, and that they perform to a high standard.
- 5 Section 29 of the Crown Entities Act requires that you only appoint, or recommend the appointment of, individuals you consider have *"the appropriate knowledge, skills, and experience to assist the statutory entity to achieve its objectives and perform its functions."* You are also required to *"take into account the desirability of promoting diversity"* through your appointments to CAA and MNZ. There are very few specific rules on the composition of appointments within transport legislation, but in general, the Ministry seeks to ensure all Crown entity boards possess the following competencies at a minimum:
- 5.1 **at least two directors with strong governance experience, with one of these directors ideally being the Chair:** ideally, these directors have public and private sector experience and possess the ability to ask the right questions of management, distinguish between governance and management, and understand and perform governance functions. They should also be able to build strong relationships with a wide range of stakeholders, develop and guide an entity's strategy, and deliver on Government policy and direction.
 - 5.2 **a director capable of chairing the Board's Audit and Risk Committee:** the Ministry considers audit and risk to be a core governance function of an entity, as strong risk and assurance functions ensure the Board can have confidence that an entity will deliver its core functions. The Ministry's preference is the Audit and Risk Committee Chair is not the Board Chair, to enable the Committee to have an independent perspective.
 - 5.3 **at least one director with strong financial capabilities:** this director will have a deep understanding and experience of funding mechanisms, including a strong understanding of how public sector funding works, and cost recovery.
 - 5.4 **at least one director with regulatory experience:** the Ministry considers this is a core competency for the boards of MNZ and CAA as these agencies are statutory regulators. Regulators ensure the safety and integrity of the transport system, and this director will have experience either in a regulated industry or as a regulator. They should also be able to understand the impacts of regulation on a sector. The importance of having this skillset on a board was emphasised in the reviews into the regulatory failure which occurred at Waka Kotahi.

- 5.5 **at least one director with relevant sector experience:** both the Civil Aviation Act 1990 and Maritime Transport Act 1994 require that you appoint individuals who you “consider will represent the public interest” in civil aviation or maritime matters. Both Acts also include requirements around seeking nominations from industry for a certain percentage of positions.
- 5.6 **various professional competencies expected or sought from directors depending on each agency’s statutory functions.**
- 5.7 **teamwork and critical thinking:** directors should be able to work well as part of a team, act in the best interests of the entity they are governing and possess a diverse range of perspectives and approaches to issues.

How the Ministry will assist you

- 6 The Ministry, as your monitoring agency, manages the search, due diligence and appointment process for members on your behalf and provides you with governance-related advice (particularly for the Crown entities) throughout the year. The Ministry also provides an induction for new Crown entity board members, ideally within three months of appointment. An overview of our standard appointments process is attached in **Appendix Two** for your information.
- 7 The Ministry completes the appointment process in close consultation with the Chairs of each entity (or in consultation with the Deputy Chair if the Chair’s position is under consideration). This relationship is critical as the Chair leads the performance of the entity, oversees board meetings and member performance, and is heavily involved in the processes for disclosing and managing conflicts of interest. We recommend you engage regularly with the Chairs of CAA and MNZ and that these meetings include opportunities to discuss board performance, appointments, current composition and gaps, development, succession planning and ideal candidates for future appointments.
- 8 The appointments process usually takes between six and nine months, depending on the nature of the appointment and search process agreed to. Reappointments take less time to complete as a search and interview process does not need to be conducted, and expedited appointments can occur at your discretion (generally speaking, this has occurred in exceptional or unexpected circumstances such as the resignation of a Chair). As a result, the Ministry will advise you well in advance of the end of a board member’s term about the process. **Appendix One** has the details of members’ terms for your delegated entities.
- 9 The Cabinet Manual enables you as an Associate Minister to submit appointment proposals for your delegated entities to the Cabinet Appointments and Honours (APH) Committee, with the agreement of the Minister of Transport. The Ministry will support you with the paperwork needed to submit appointment proposals to the APH Committee.
- 10 If an appointment process is not completed prior to the end of a term, most members can continue in their role until they are either reappointed or replaced. This is provided for in section 32(3) of the Crown Entities Act, or a committee’s terms of reference. The exception to this in your delegated entities are the Aviation Medical

Conveners, as the legislation for these roles do not allow them to continue in office following the expiry of their term.

Appointments can be scrutinised

- 11 Appointments, particularly those of Chairs, can be subjected to high levels of scrutiny. Information about decision-making can be also requested under the Official Information Act 1982. It is important that the appointment process is completed as openly and transparently as possible, with the necessary time being allocated for due diligence testing of new appointees. The Ministry follows the Public Service Commission's *Board Appointments and Inductions Guidelines* to ensure the appointment process reflects best practice.

You can act if you are dissatisfied with a member or a board's performance

- 12 It is recommended that you discuss any concerns about a member or entity's performance with the Ministry, Minister of Transport, and/or the Chair as soon as practicable, to determine what action can be taken. The Ministry will raise matters with you as soon as possible to meet the 'no surprises' principles outlined in the Cabinet Manual.
- 13 The Ministry engages regularly with Crown entities as part of our ongoing monitoring work. We seek to ensure that Crown entities continue to deliver their functions to a high standard. Our experience, particularly following the reviews into the regulatory failure at Waka Kotahi and the CAA organisational culture review, is that Crown entity boards need to:
- 13.1 exercise active leadership across all their entity's functions
 - 13.2 have all members aware of each of their entity's functions and have appointees with proven subject matter expertise and experience leading the oversight of those functions
 - 13.3 ensure that good organisational culture and practices are in place, including a zero-tolerance approach to bullying and harassment and an understanding about how an organisation's policies are translated into practice.
- 14 Those reviews also highlighted the importance of the Ministry's monitoring function and recommended our monitoring approach critically assesses whether the right information is being fed to the board so that they can discharge their governance functions effectively. As monitors, we need to ensure our work programme covers all entity functions and insight gained from our work is communicated to yourself and Chairs.
- 15 If, however, you consider that board members are not performing to expectations, as the delegated Responsible Minister you have the option not to reappoint them at the end of their term, with the agreement of the Minister of Transport.
- 16 In exceptional circumstances, you can remove a board member or the entire board. However, removing multiple board members or the entire board is generally undesirable because it results in a loss of continuity, institutional knowledge and can

create governance risks for an entity. Additionally, it may have negative reputational effects for the wider governance of Crown entities.

Appointments are needed for most of your delegated boards this year

17 Across your delegated boards, some appointment processes are more advanced than others, due to decisions already made by the Minister of Transport. **Appendix Three** summarises the current situation for each board's membership, the rationale behind decisions made, and the planned approach for the rest of this year. The steps highlighted in **bold** in Appendix Three is your expected involvement in each process.

18 In order of priority, the following decisions are required over the next month:

18.1 **CAA:** The Ministry has drafted a paper and talking points for the APH Committee meeting on 27 July 2022, proposing one member reappointment (Jill Hatchwell) and one new appointment of a sixth member (Alma Hong) to the CAA Board, which the Minister of Transport has agreed to. **We recommend you attend this APH meeting to speak to the proposal.**

s 9(2)(f)(iv)

18.3 **MNZ:** The Ministry will soon seek your agreement on a recommended shortlist for two member roles on the MNZ Board, once we receive the Chair's views on the candidates.

19 Later this year, we will provide you with advice on the CAA Board, particularly regarding the Chair and a member whose terms end on 2 December 2022.

s 9(2)(f)(iv)

20 We will also recommend appointments to OPAC before the end of 2022, once we receive nominations from participating organisations.

Further diversity is needed across the Transport portfolio

21 Governments in the last two parliamentary terms have sought to improve diversity on public sector boards and committees, particularly gender and ethnicity. The *2020 Stocktake on Gender, Māori, Pacific and Ethnic Diversity on Public Sector Boards and Committees* identified that women represent 50.9 percent of all appointees to public sector boards and committees, while the ethnic composition is at 71.4 percent European, 22.3 percent Māori, 5.4 percent Pacific and 4.0 percent Asian.

22 The Transport portfolio is currently under-represented in both gender and ethnicity, with 35.2 percent of members across all boards and committees being female. For the Transport Crown entities, City Rail Link Ltd and Auckland Light Rail Board, the proportion of women on these boards increases to 45.2 percent. 4.4 percent of all members identify as having a New Zealand European ethnicity. The Ministry is

endeavouring to improve these statistics, ensuring that diversity is carefully considered in each appointment process. We are also working with the Public Service Commission along with other appointing agencies on initiatives to identify and attract diverse candidates.

- 23 The Ministry is working with Chairs and other agencies to offer opportunities to talented individuals who aspire to serve on Crown boards, to increase the pool of suitable directors for roles across the public sector. The Chairs of CAA and MNZ have expressed interest in appointing Future Directors to their boards. These are non-voting positions, typically appointed for 12 or 18-month periods, which provide appointees with valuable experience participating on a governing board.

Remuneration for board and committee members will need to be reviewed next year

- 24 Fees for members of your delegated boards are set by the Cabinet Fees Framework (the Framework). Fee ranges in the Framework reflect the element of public service involved in being on these boards and committees.

24.1 For the CAA and MNZ boards, the Framework sets annual fee levels on the assumption that members spend around 30 days a year and a chair around 50 days a year on board matters.

Each entity's fees are currently set below or within the applicable fee range prescribe in the Framework and will need to be reviewed next year.

24.2 The Medical Convener is paid a daily fee, currently an exception outside the fee range in the Framework (briefing OC220494 will provide further detail).

24.3 Members of the Air Navigation Systems Review Panel are paid a daily fee.

24.4 Members of the Oil Pollution Advisory Committee are not paid any fees.

- 25 The Ministry was in the process of reviewing the fees for the transport sector Crown entities covered by the Framework prior to COVID-19, as many are out of step with comparable agencies and need to be increased. The current fees also do not adequately compensate board members for the increased responsibilities and accountabilities they are now subject to (for example, work in response to Ministerial reviews). The fees review was postponed due to the COVID-19 outbreak and the Ministry intends to revisit the matter at a more appropriate date next year.

Appendix One: Current Membership on Delegated Boards

CIVIL AVIATION AUTHORITY (CAA)

Members	Original appointment date	Expiry date of current term
Janice Fredric (C)	03/12/2019	02/12/2022
Steve Haszard (DC)	08/03/2021	29/02/2024
Hon Harry Duynhoven	29/05/2019	30/06/2023
Jill Hatchwell*	01/07/2019	30/06/2022
Charles Spillane	03/12/2019	02/12/2022
[Agreed vacancy]		

*Continuing in office under section 32(3) of the Crown Entities Act 2004.

MARITIME NEW ZEALAND (MNZ)

Members	Original appointment date	Expiry date of current term
Jo Brosnahan (C)	01/07/2018	30/06/2024
Belinda Vernon (DC)*	01/05/2013	30/04/2022
Denis O'Rourke*	01/05/2019	30/04/2022
Danny Tuato'o	1/08/2020	30/06/2024
Roy Weaver	21/02/2019	30/06/2024

*Continuing in office under section 32(3) of the Crown Entities Act 2004.

AVIATION MEDICAL CONVENER & DEPUTY CONVENER

Members	Original appointment date	Expiry date of current term
Dr Martin Peterson	24/04/2009	31/10/2022
Dr Martin Robb (Deputy)	04/10/2010	30/04/2024

AIR NAVIGATION SERVICES REVIEW PANEL

Member	Original appointment date	Expiry date of current term
Debbie Francis (Chair)	1/06/2022	28/04/2023
Howard Fancy	1/06/2022	28/04/2023
Ed Sims	1/06/2022	28/04/2023
Danny Tuato'o	1/06/2022	28/04/2023

OIL POLLUTION ADVISORY COMMITTEE (OPAC)

Member	Representation	Original appointment date*
Kirstie Hewlett (Chair)	Maritime New Zealand	01/12/2021
Captain Keith Brown	Shipping Industry Representative	01/05/2018
Nigel Clifford (Interim Chair)	Maritime New Zealand	01/10/2012
Shelley Tucker	Te Manatū Waka Ministry of Transport	01/05/2018
Richard Wells**	New Zealand fishing industry	6/07/2015
Fred McLay	Regional Council management	10/10/2016
Captain James (Jim) Dille	Regional Council Representative	11/08/2017
Professor Chris Battershill	Community Representative	12/08/2019
Carlton Bidois	Iwi Representative	12/08/2019
Leonard Bentley	International container shipping representative (held by Maersk)	22/03/2021
Dylan Reid	Oil and gas production industry representative (held by OMV)	01/12/2021
Rhys Wellbourn	Port Chief Executives Group	01/12/2021
Simon Lamping	Ministry for the Environment	01/12/2021
John Harbord	New Zealand Shipping Federation	18/05/2022
Kirstie Knowles	Department of Conservation	18/05/2022
Jessica Smith	Te Puni Kōkiri	18/05/2022
Captain Martin Burley	Z Energy Ltd	18/05/2022
Vacancy	New Zealand Association of Shipping Agents	N/A
Vacancy	Regional Council Representative	N/A
Vacancy	BP Oil Ltd	N/A
Observer Status on Committee		
Toby Stone	Australian Maritime Safety Authority	2010
Nick Quinn	Australian Marine Oil Spill Centre	14/02/2012

*Terms expire when member changes job or resigns.

**Leaving in December 2022.


KEY



Term ends	2022
Term ends	2023
Term ends	2024
C	Chair
DC	Deputy Chair



Appendix Two: Standard Appointments Process¹





































¹ This is an abbreviation of the Public Service Commission's *Board Appointment and Induction Guidelines* – available here: <https://www.publicservice.govt.nz/assets/SSC-Site-Assets/System-and-Agency-Performance/Board-Appointment-and-Induction-Guidelines.pdf>

Appendix Three: Planned Approach for 2022 Appointments

 Crown entity
 Other entity

 Current female member
 Current male member

 Female member proposed to be reappointed, or position filled by a new female member
 Position to be filled by a new member

Civil Aviation Authority (CAA)	Maritime New Zealand	Aviation Medical Convener and Deputy Convener (the Convener)	Oil Pollution Advisory Committee	Air Navigation Services Review Panel
      The Authority has 5 members (5 - 7 allowed) <ul style="list-style-type: none"> 2 members are women (1 is proposed for reappointment ). Another woman is proposed for appointment as the 6th member (). The terms of the Chair () and 1 member () expire in December 2022. s 9(2)(f)(iv) 	     The Board has 5 members (5 - 7 allowed) <ul style="list-style-type: none"> 2 members are women (1 is outgoing ). New appointments are needed to replace 2 members. 	  These are two positions (2 allowed) <ul style="list-style-type: none"> Both positions are held by men. The term of the Medical Convener expires at the end of October 2022. There is no provision for them to continue beyond the expiry of their term. 	              The Committee has 16 members (20 can be appointed) <ul style="list-style-type: none"> Four members are women. There are four vacancies for representatives from the NZ Association of Shipping Agents, Regional Councils, BP Oil, and NZ Fishing Industry. 	    The Panel has 4 members (no required number/limit) <ul style="list-style-type: none"> The Panel operates for the duration of the review and will disband in May 2023. The review is a high level, first principles review of New Zealand's air navigation system.
Decisions and action taken <ul style="list-style-type: none"> In May 2022, three candidates were interviewed for the 6th member position who had ICT expertise to oversee replacement of the CAA's regulatory technology platform. Minister Wood agreed to appoint Alma Hong to this role. She brings knowledge of ICT transformation in the public sector, understanding of emerging technologies, and ethnic diversity (Chinese New Zealander). Minister Wood has also agreed to reappoint Jill Hatchwell. 	Decisions and action taken <ul style="list-style-type: none"> In February 2022, Minister Wood decided not to reappoint Deputy Chair Belinda Vernon and member Denis O'Rourke. Their terms have expired, and they have agreed to continue until new appointments are made, which the Crown Entities Act 2004 allows. The Ministry advertised the two member positions and a Future Director (non-voting) role in May 2022. Competencies sought include financial and accounting, governance, regulatory/health and safety/maritime experience, and understanding of supply chains, climate change and Te Tiriti and Te Ao Māori. 50 applications and nominations were received. The Ministry has sought the Chair's views on a draft shortlist of nine candidates for the two member positions. 	Decisions and action taken s 9(2)(f)(iv) <div> <p>UNDER THE OFFICIAL INFORMATION ACT 1982</p> </div>	Decisions and action taken <ul style="list-style-type: none"> In April 2022, Cabinet confirmed Minister Wood's appointment of three new representative members to the Committee. 	Decisions and action taken <ul style="list-style-type: none"> In May 2022, Cabinet confirmed Minister Wood's appointment of four members to the Panel.
Planned Approach <ul style="list-style-type: none"> The Ministry has drafted a paper for the Cabinet APH meeting on 27 July 2022, proposing the appointment and reappointment. We recommend attending this APH meeting. If the APH Committee and Cabinet confirm the proposal, (re)appointment letters will be sent, and appointment gazetted. The Chair is currently recruiting for a Future Director (non-voting member) who can bring a Māori and/or Pasifika perspective to the CAA. s 9(2)(f)(iv) 	Planned Approach <ul style="list-style-type: none"> Once we have the Chair's views, we will seek your agreement on the shortlist for the member roles and arrange interviews in July. The Ministry will advise you of the outcome of the member interviews in August 2022 and seek your agreement on appointees. Following due diligence, we will provide you with an APH paper for consultation. If there are no issues, the Cabinet APH Committee could consider the proposed appointments in September 2022. If Cabinet confirms the proposal, appointment letters will be sent, and appointments gazetted. 	Planned Approach s 9(2)(f)(iv) <div> <p>UNDER THE OFFICIAL INFORMATION ACT 1982</p> </div>	Planned Approach <ul style="list-style-type: none"> The Ministry has been approaching relevant organisations for nominations for the remaining four representative positions on the Committee. Once enough nominations have been received, the Ministry will undertake interviews and other due diligence with the candidates. We will advise you of recommended appointments for these positions before the end of 2022. 	No further action needed in 2022

6 July 2022

OC220540

Hon Michael Wood
 Minister of Transport

Action required by:
 Wednesday, 13 July 2022

PROACTIVE RELEASE OF THE TRANSPORT EMISSIONS REDUCTION PLAN CABINET PAPER AND SUPPORTING MATERIAL

Purpose


Seeks your approval to proactively publish the transport emissions reduction plan (ERP) Cabinet paper and supporting material on Te Manatū Waka Ministry of Transport's (the Ministry) website.

Number of papers	One Cabinet paper, two supporting documents and the Cabinet Minute of Decision (please see Annexes 1, 2, 3 and 4).
Deadline	14 July 2022. Please note this deadline is based on the all-of-government approach to the proactive release of ERP documents.
Risks	This is the first-time draft ERP advice will be released and will likely be of interest in the public domain. Your office or the Ministry could receive follow up questions or information requests. If you receive media or other enquires, we can support your office with further information and a response on these matters.

Recommendations

We recommend you:

- | | |
|---|----------|
| <ol style="list-style-type: none"> 1 approve Te Manatū Waka Ministry of Transport (the Ministry) to publish the transport emissions reduction plan Cabinet paper, the associated material and Cabinet Minute of Decision on the Ministry's website (please see Annexes 1, 2, 3 and 4); 2 note other agencies are also proactively releasing key ERP cabinet papers on 14 July 2022. | Yes / No |
|---|----------|


 Ewan Delany
 Manager, Environment, Emissions and
 Adaptation

6 / 7 / 22

Hon Michael Wood
 Minister of Transport

..... / /

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

Name	Telephone	First contact
Ewan Delany, Manager, Environment, Emissions & Adaptation	s 9(2)(a)	✓
Joanna Pohatu, Principal Adviser, Environment, Emissions & Adaptation	s 9(2)(a)	
Michelle Palmer, Adviser, Environment, Emissions & Adaptation	s 9(2)(a)	

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PROACTIVE RELEASE OF THE TRANSPORT EMISSIONS REDUCTION PLAN CABINET PAPER AND SUPPORTING MATERIAL

Background

- 1 Cabinet agreed to the proactive release of the attached Cabinet paper [CAB-22-MIN-0080 refers] and it's associated material when it agreed to the transport content of the first emissions reduction plan (ERP).
- 2 Te Manatū Waka Ministry of Transport (the Ministry) is now seeking your approval to publish the transport emissions reduction plan Cabinet paper, the associated material and Cabinet Minute of Decision on the Ministry's website.

Review

- 3 The Ministry has reviewed the attached documents and determined that they can be proactively released with only minor redactions. The schedule below confirms this approach.

Ref	Date of document	Name of document	Details	Page #
1	Considered by Cabinet Economic Development Committee (DEV) on 16 March 2022	Cabinet paper – Transport content for the ERP	<ul style="list-style-type: none"> Some information relating to Budget and CERF withheld due to being under active consideration. 	13 and 17.
2	Considered by DEV on 16 March 2022	Transport chapter for the ERP	<ul style="list-style-type: none"> Some information relating to Budget and CERF withheld due to being under active consideration. 	5.
3	Considered by DEV on 16 March 2022	Transport content for appendix A of the ERP	<ul style="list-style-type: none"> Some information relating to action 'D: Avoid Aotearoa becoming a dumping ground for high-emitting vehicles' withheld due to being under active consideration. 	30 and 31.
4	16 March 2022	DEV-22-MIN-0047 Minute	<ul style="list-style-type: none"> Release in full. 	n/a

- 4 Note we have inserted a clarifying note on each of the attached documents explaining that since Cabinet decisions on this material were made the final ERP underwent several iterations and some policies have been subject to minor changes.

Consultations undertaken

- 5 We have consulted with the following agencies on the proactive release of the attached documents: Ministry for the Environment (MfE), Treasury; Ministry of Foreign Affairs and Trade; Ministry of Business, Innovation and Employment; Energy, Efficiency and Conservation Authority; Ministry of Social Development; Te Tūāpapa Kura Kainga - Ministry of Housing and Urban Development; Department of Prime Minister and Cabinet; Te Puni Kōkiri; Te Waihanga, Waka Kotahi, Kāinga Ora,

Maritime New Zealand, Department of Conservation, Department of Internal Affairs, and Te Arawhiti.

- 6 MfE have advised that it has generally withheld draft material and has decided to only publish final versions of documents where possible. As shown in the schedule above we have decided to proactively publish the transport chapter and transport appendix A which were also considered by DEV on 16 March 2022 but are now considered earlier iterations of the transport material.
- 7 The Ministry is comfortable with the release of the 16 March 2022 iterations of the transport content because:

7.1 The transport ERP material is not considerably different to the transport material published in the final ERP on 16 May 2022. Therefore, we see little risk with its release.

7.2 s 9(2)(g)(i)

7.3 Transparency now will be beneficial later on. We must proactively publish the Cabinet paper considered by DEV. If we do not publish the associated attachments, it is likely that Official Information Act 1982 (OIA) requests for this material will be made. Consequently, we will then have to consider this material under the OIA in the future.

- 8 The Ministry has informed MfE of our proposed approach to this proactive release. If you are concerned about consistency of approaches you may want to talk to your colleague the Hon James Shaw, Minister for Climate Change.

Risks and mitigations

- 9 This is the first-time draft ERP advice will be released and will likely be of interest in the public domain. Your office or the Ministry could receive follow up questions or information requests.
- 10 There is a risk that information withheld could be interrogated by the public. For example, the withheld funding amounts or CERF bids that didn't get approval in these documents could be interrogated and further information could be requested.
- 11 If you receive media or other enquires, we can support your office with further information and a response on these matters.

Next steps

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

ANNEX 1: CABINET PAPER – TRANSPORT CONTENT FOR THE EMISSIONS REDUCTION PLAN

This annex is refused under Section 18(d) and can be found here:
www.transport.govt.nz/area-of-interest/environment-and-climate-change/climate-change/

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

ANNEX 2: TRANSPORT CHAPTER FOR THE EMISSIONS REDUCTION PLAN

This annex is refused under Section 18(d) and can be found here:

www.transport.govt.nz/area-of-interest/environment-and-climate-change/climate-change/

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

ANNEX 3: TRANSPORT CONTENT FOR APPENDIX A OF THE EMISSIONS REDUCTION PLAN

This annex is refused under Section 18(d) and can be found here:
www.transport.govt.nz/area-of-interest/environment-and-climate-change/climate-change/

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

ANNEX 4: DEV-22-MIN-0047 MINUTE

This annex is refused under Section 18(d) and can be found here:

www.transport.govt.nz/area-of-interest/environment-and-climate-change/climate-change/

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982



OIA BRIEFING

19 July 2022

OC220545

Hon Michael Wood
Minister of Transport

Action required by:
Thursday, 28 July 2022

OFFICIAL INFORMATION ACT FROM s 9(2)(a) RE ACCESSIBLE STREETS

Purpose

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

Name of Requester	s 9(2)(a)
Request	<p><i>"1. Please provide a copy of the recommendations documents for Accessible Streets that were provided to the Minister for Cabinet Approval.</i></p> <p><i>2. What is holding up the approval of Accessible Streets by Cabinet? Please ensure this response is detailed.</i></p> <p><i>3. Why was it indicated in November 2021 that the Rule Changes would go before Cabinet in March 2022?</i></p> <p><i>4. Why did this not happen?</i></p> <p><i>5. Why was it then advised they would go before Cabinet in May 2022, and once again why did this not happen?</i></p> <p><i>6. Please include specific reasons for hold ups.</i></p> <p><i>7. Who is/are the person/people or departments holding up the Rule Changes?</i></p> <p><i>8. Once the Rule Changes are approved by Cabinet, what is the planned education campaign by Waka Kotahi?"</i></p>
Statutory deadline	Thursday, 28 July 2022
Risks	We do not have a timeline for Accessible Streets progressing.

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



Matthew Skinner
Acting Manager, Mobility and Safety

19 / 07 / 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
Matt Skinner, Acting Manager, Mobility and Safety	s 9(2)(a)	✓
Hugh Mazey, Senior Adviser, Mobility and Safety	s 9(2)(a)	

OFFICIAL INFORMATION ACT FROM s 9(2)(a) RE ACCESSIBLE STREETS

Seven documents fall within the scope of the request

- 1 **Table 1** below sets out the documents that fall in the scope of request and our proposed response.
- 2 We recommend that all of the documents are withheld in full under Section 9(2)(f)(iv) of the Act as the Accessible Streets package is yet to be considered by Cabinet.
- 3 We propose that the titles and date the documents were provided be withheld. This is consistent with the approach taken following consultation with your Office on the proactive briefing titles list, and a request for previous Weekly Reports (OC220276), where the Accessible Streets paper's title was withheld.

Table 1

Doc #	Date	Document	Decision on release	Previously released?
1	1 April 2022	s 9(2)(f)(iv)	Withheld in full under section 9(2)(f)(iv).	No
2	14 April 2022	s 9(2)(f)(iv)	Withheld in full under section 9(2)(f)(iv).	No
3	9 May 2022	s 9(2)(f)(iv)	Withheld in full under section 9(2)(f)(iv).	No
4	9 May 2022	s 9(2)(f)(iv)	Withheld in full under section 9(2)(f)(iv).	No
5	9 May 2022	s 9(2)(f)(iv)	Withheld in full under section 9(2)(f)(iv).	No
6	9 May 2022	s 9(2)(f)(iv)	Withheld in full under section 9(2)(f)(iv).	No
7	12 May 2022	s 9(2)(f)(iv)	Withheld in full under section 9(2)(f)(iv).	No

Questions two to seven of the request are seeking an update on Accessible Streets

- 4 The Act does not require Ministers or agencies to provide opinions or explanations in response to questions asked under the Act.
- 5 However, we recommend you address the questions in your response letter to the requester, including a high-level update on Accessible Streets. We have including wording in the letter that is similar to the update you recently provided verbally to Living Streets Aotearoa.
- 6 As part of this response, we recommend the response outlines some context around Accessible Streets and the complexity of the work. For example, that more work was required than initially anticipated, which pushed the timeline of the work out. Also, as with large complex proposals, it is not uncommon for them to not go to Cabinet on the initial indicated date.

Waka Kotahi has prepared a draft response to question eight

- 7 Question eight asks about the education campaign that Waka Kotahi will roll out. We have asked it for a proposed response to this question.
- 8 Waka Kotahi has advised that the intention is for there to be a delay between Cabinet decisions and the Rules coming in to force to allow Waka Kotahi to educate the public on the changes in the Rules.
- 9 We have not previously publicised the length of time that it will take to develop the campaign and implement the changes. We recommend you advise the requester that there will be a staggered implementation period, with more information available once final decisions have been taken.

We are starting to receive questions about the progress of Accessible Streets

- 10 Along with this request, Te Manatū Waka has also received a similar request under the Act asking for an update on Accessible Streets. We have also received a query from a stakeholder asking what the current status is of Accessible Streets.
- 11 We are proposing to take a very similar approach to our request as has been proposed in this response. In our response, the requester asked when we provided advice to Government on Accessible Streets, we advised the requester that this occurred in May 2022.
- 12 At this stage, we do not have an indicative timeframe for Cabinet considering the Accessible Streets package. There is a risk there will be an increase in requests from stakeholders regarding the progression of Accessible Streets.
- 13 We will continue to work with your Office to progress Accessible Streets and respond to queries that arise.

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 30 June 2022, requesting the following under the Official Information Act 1982 (the Act):

- “1. Please provide a copy of the recommendations documents for Accessible Streets that were provided to the Minister for Cabinet Approval.*
- 2. What is holding up the approval of Accessible Streets by Cabinet? Please ensure this response is detailed.*
- 3. Why was it indicated in November 2021 that the Rule Changes would go before Cabinet in March 2022?*
- 4. Why did this not happen?*
- 5. Why was it then advised they would go before Cabinet in May, 2022, and once again why did this not happen?*
- 6. Please include specific reasons for hold ups.*
- 7. Who is/are the person/people or departments holding up the Rule Changes?*
- 8. Once the Rule Changes are approved by Cabinet, what is the planned education campaign by Waka Kotahi?”*

Seven documents fall within the scope of your request. The documents have been withheld in full, including the titles and dates provided under the following section of the Act:

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

With regard to the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

Response to questions two to seven

The Act does not require Ministers to provide opinions or explanations in response to questions asked. However, I have provided some context below to address your questions and trust you will find this helpful.

It took Te Manatū Waka Ministry of Transport (Te Manatū Waka) and Waka Kotahi NZ Transport Agency (Waka Kotahi) longer than initially anticipated to provide advice to me on the package. This was due to factors including resourcing and other government priorities. As you will appreciate, Accessible Streets is a large and complex package of proposals.

It is also not uncommon for large complex policy proposals to not go to Cabinet on the initial anticipated date, for a variety of reasons. I can assure you I am still committed to progressing this important piece of work. I am currently taking time with officials to steer through the full suite of issues before making decisions.

Once decisions have been made, the relevant advice and documents will be proactively released on Te Manatū Waka website.

Response to Question 8

Waka Kotahi has advised me that to ensure safe implementation of the proposed Rule changes, it plans to support the implementation of Accessible Streets with a public information and education campaign. This process will largely follow the steps taken to inform the public of give way changes made in 2015 (the left-turn versus right-turn rule). This means that resources provided to the public about the proposed rule changes will include graphics, videos, radio announcements, and information provided in online and print form.

The implementation is expected to be staggered, with longer lead in times for more complex proposals, and shorter time frames for less complex proposals. Further information about what the campaign will look like in practice will be made available once decisions have been made on the package.

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

27 July 2022

OC220546

Hon Michael Wood
Minister of Transport**Action required by:**
Monday, 1 August 2022

TARGETED CONSULTATION ON CLEAN VEHICLE STANDARD REGULATIONS

Purpose

Seek permission to release draft Land Transport (Clean Vehicle Standard) Regulations 2022 (the Regulations) with vehicle industry organisations for the purpose of targeted consultation, and inform you of details in the Regulations.

Key points

- The Regulations must be in force on or before 1 December 2022 to support the implementation of the Clean Vehicle Standard (the Standard), set out in Part 13 of the Land Transport Act 1998 (the LTA).
- The Regulations will be made under section 167C of the LTA to provide the technical and administrative detail to support the operation of the Standard, including formulas for the vehicle weight adjustment of carbon emission targets, and the process and criteria for an importer to be approved to operate on an annual compliance basis (known as a Category 1 Light Vehicle Importer).
- Section 167C of the LTA does not require you to consult on the Regulations unless they prescribe future carbon dioxide (CO₂) emission targets (for 2028 and beyond). While the proposed Regulations do not include targets, we recommend that you consult with industry stakeholders to gain a technical review of the content and to identify any detailed concerns with the policy. The proposed list of stakeholders is provided in Appendix 1.
- Draft government legislation is subject to legal professional privilege and Ministerial approval must be sought before it may be released outside the Crown. The privilege in draft government legislation lies with the Attorney-General, who has agreed that his approval is not required in certain circumstances. One of these is where the draft legislation will be released to a small pre-determined group outside the Crown on an in-confidence basis and subject to legal professional privilege, and the Chief Legal Adviser of the department confirms the release will not create a legal risk for the Crown.
- The Chief Legal Adviser of Te Manatū Waka Ministry of Transport has confirmed he considers the proposed release to a select group of vehicle industry stakeholders will not create a legal risk to the Crown.

- In July 2021 you agreed to the weight adjustment slope for the Standard [OC210558 refers]. We recommend that this be used for 2023 and 2024, then be updated every second year using a process outlined by the Regulations. The industry is supportive of this approach.
- s 9(2)(f)(iv) [REDACTED]
- Next steps detail how the Regulations will be in force by 1 December 2022, with a draft Cabinet paper to you in late September and a Cabinet Legislation Committee paper in late October 2022.

Recommendations

We recommend you:

- agree** to release the draft Land Transport (Clean Vehicle Standard) Regulations 2022 (the Regulations) outside of the Crown for the purpose of targeted consultation with the stakeholders identified in Appendix 1; Yes / No
- note** the risks of releasing the draft Regulations outside the Crown described by this paper.



Jemima de Lacey
Policy Delivery Lead, Environment,
Emissions, and Adaptation

27 / 7 / 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
Jemima de Lacey, Policy Delivery Lead – Environment, Emissions and Adaptation	s 9(2)(a) [REDACTED]	✓
Sigurd Magnusson, Senior Adviser – Environment, Emissions and Adaptation	s 9(2)(a) [REDACTED]	

TARGETED CONSULTATION FOR MAKING CLEAN VEHICLE STANDARD REGULATIONS

Background

Regulations must be in place by 1 December 2022 for the implementation of the Clean Vehicle Standard (the Standard)

- 1 The Land Transport (Clean Vehicles) Amendment Act 2022 was passed in February 2022, inserting a new Part 13 into the Land Transport Act 1998 (the LTA) to establish the Standard. Regulations may be made under section 167C of the LTA to provide for the administrative and technical detail required to support the successful operation of the Standard. Section 185 of the LTA requires every light vehicle importer to hold a carbon dioxide (CO₂) account by 1 December 2022, and from that date no light vehicles may be certified for entry until the (CO₂) emissions of the vehicle have been recorded in an account (section 187 LTA).
- 2 The proposed Land Transport (Clean Vehicle Standard) Regulations 2022 (the Regulations) prescribe the matters necessary for the implementation of the Standard on 1 December 2022, including:
 - 2.1 formulas to calculate weight-adjusted targets and how they will be updated;
 - 2.2 entry and exit processes and criteria for different aspects of the Standard; and
 - 2.3 specifying the vehicle types excluded from the Standard.
- 3 The draft Regulations are technical. A working draft has been circulated with your office. Officials will provide you with an updated draft at the same time it goes to industry stakeholders for their review.

Purpose of regulations

The Regulations will prescribe formulas to determine weight-adjusted targets and how they will be updated

- 4 The (CO₂) emission targets for the Standard are set out in section 175 of the LTA. The targets ensure that small vehicles, which already have low average emissions, are given slightly stricter targets than heavier vehicles. This approach is modelled on the system used in the European Union.
- 5 The targets set out in section 175 of the LTA will provide the basis for calculating weight adjusted targets that will apply to each vehicle importer based on the specific mix of light vehicles they have imported in the obligation year. The weight adjusted targets will be calculated in accordance with the formulas set out in the Regulations. The formulas include a variable called 'the slope of the limit line' which will be determined by assessing the unladen weight and (CO₂) emissions of applicable light vehicles entering New Zealand over a certain period (called the 'reference period'). To prevent unreasonably strict or overly generous targets at the extremes, light vehicles below a 'floor' of 1200kg or above a 'ceiling' of 2000kg for passenger cars, and 2200kg for commercial vehicles, are treated as though they weigh those limits.

- 6 Last year, you agreed to use light vehicle data from 2019 and 2020 to set the initial weight-adjusted slope [OC210558 refers]. This information has been shared with the Motor Industry Association (MIA) and their members, who strongly desire these settings to be retained, because their vehicle orders for the next year are already locked in. The Regulations therefore reflect that the reference period, for 2023 and 2024, the first two years of the Standard, is based on vehicle data from 2019 and 2020.
- 7 The MIA has asked that the weight adjustment be updated, with notice, every two or more years. We consider two years to be a fair balance between accuracy and administration. We therefore recommend that light vehicle data from 2023 be used to determine the slope used in the 2025 and 2026 obligation years. And that light vehicle data from 2025 be used to determine the slope for the 2027 and 2028 obligation years. The process will continue on that basis every two years.
- 8 The Regulations will set out the reference period that must be used to determine the slope of the limit line for a particular obligation year. Using this formulation, the vehicle industry will receive at least one year's notice before the new 'slope' is set, which will ensure they have sufficient information to plan future vehicle imports. The slope of the limit line for the initial reference period will be contained in the Regulations. Future slopes will be approved by the Minister and published in the *Gazette* to provide industry with certainty.

The Regulations will prescribe the entry and exit processes and criteria for different aspects of the Standard

- 9 Under the LTA, every vehicle importer who imports a light vehicle on or after 1 December 2022 must hold a (CO₂) account with the Director of Land Transport. We recommend that the process and criteria for opening a (CO₂) account is straightforward. By default, importers will be *Category 2 light vehicle importers*, subject to a vehicle-by-vehicle compliance basis, meaning they must pay a financial charge on any vehicle above its CO₂ target before it can be certified for entry, unless preceding low emission vehicles have placed that importer into a credit position.
- 10 Some importers will seek approval to be a *Category 1 light vehicle importer*, which affords them special compliance benefits, including being assessed against their CO₂ emissions targets on an annual rather than per-vehicle basis, and having the ability to defer compliance until the following obligation year.
- 11 Because an annual compliance model could result in a higher risk of non-payment of any applicable charges, we recommend that the application process for approval as a Category 1 light vehicle importer should be more onerous, including:
- 11.1 being required, on an annual basis, to share projected vehicle sales information to show how the targets will be met, and being required to inform the Director where this is not going to plan;
 - 11.2 not being recently convicted of an offence under the Fair Trading Act 1986 or Motor Vehicle Sales Act 2003, a conviction of an offence involving dishonesty, or having been prohibited under Companies Act 1993 (and similar) from being a director or holding a management position;
 - 11.3 for used vehicle importers, that they've been in business for 5 years; and

11.4 the Director may impose further 'appropriate and reasonable' conditions in approving an application.

- 12 The Regulations will allow the Director to revoke an importer's Category 1 light vehicle importer status if they fail to maintain the conditions needed for approval, or where the importer fails to pay applicable charges or poses an unacceptable financial risk to the Crown. An importer whose status has been revoked will be entitled to comply as a Category 2 light vehicle importer (i.e. vehicle by vehicle compliance).

The Regulations will specify the light vehicle types excluded from the Standard

- 13 Cabinet has already agreed that the Standard will not apply to certain classes of vehicles [CAB-21-MIN-004 and CAB-21-MIN-0553 refers]:

13.1 agricultural vehicles;

13.2 special interest vehicles;

13.3 vehicles over 40 years old when imported;

13.4 military vehicles;

13.5 low volume scratch-built vehicles; and

13.6 motor sport vehicles.

- 14 The Regulations will include these vehicles as excluded vehicles for the purpose of the Standard.

We recommend a period of targeted consultation on the Regulations to test technical aspects

- 15 The Regulations include technical content including the formulas for determining weight-adjusted vehicle targets. This detail would benefit from input from the vehicle industry to test the technical accuracy and workability of these provisions. While the broad policy design has been consulted on over the past year, much of the operational detail in the Regulations is new. We think that testing the processes and criteria set out in the Regulations with targeted stakeholders will improve the quality of the final Regulations.

- 16 Draft government legislation is subject to legal professional privilege and Ministerial approval must be sought before it may be released outside the Crown. The privilege in draft government legislation lies with the Attorney-General, who has agreed that his approval is not required in certain circumstances. One of these is where the draft legislation will be released to a small pre-determined group outside the Crown on an in-confidence basis and subject to legal professional privilege and the Chief Legal Adviser of the department confirms the release will not create a legal risk for the Crown.

- 17 s 9(2)(h)
- 

s 9(2)(h)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

s 9(2)(h)

s 9(2)(f)(iv)

Overview of the timing

20 A brief overview of the timing for finalising the Regulations is provided in the table below:

Milestone	Date
Targeted consultation and regulations finalised	August/September 2022
Draft Cabinet paper to you for review and Ministerial consultation	Late September 2022
Paper submitted to Cabinet Legislation Committee and Cabinet	Late October 2022
Regulations in force	1 December 2022

Appendix 1: Proposed stakeholders to be consulted on the draft Regulations

- Drive Electric
- Financial Services Federation
- Imported Motor Vehicle Industry Association (VIA)
- Low Volume Vehicle Technical Association Incorporated
- Motor Industry Association of New Zealand Inc (MIA)
- Motor Trade Association Inc
- New Zealand Automobile Association
- Phill Haynes (*independent motor vehicle consultant*)
- Rental Vehicle Association
- SOC NZ (*business involved in sourcing emissions data on vehicles*)
- Special Interest Vehicle Association of New Zealand
- Tesla New Zealand (*not an MIA member*)
- The ICCT (*an NGO that can give independent advice on transport policy*)
- Vehicle Inspection New Zealand Ltd (VINZ)
- Vehicle Testing New Zealand Limited (VTNZ)



OIA BRIEFING

15 July 2022

OC220551

Hon Michael Wood
Minister of Transport

Action required by:
Friday, 22 July 2022

OFFICIAL INFORMATION ACT FROM s 9(2)(a) RE AUCKLAND LIGHT RAIL

Purpose

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

Name of Requester	s 9(2)(a)
Request	<p><i>"Under the Official Information Act 1982, I request a copy of the reports referenced in WQ 17522 (2022):</i></p> <p><i>ALR Sponsors meeting papers for the ALR Sponsors meeting on 16 May</i></p> <p><i>Auckland Light Rail - Reporting back on the detailed planning phase - Cabinet Paper and talking points – 16 May 2022</i></p> <p><i>Auckland Light Rail Board - Chair and Member Appointments - Cabinet paper and talking points – 16 May 2022</i></p> <p><i>Appointment letters to the new board chair and board members – 18 May 2022</i></p> <p><i>The two items whose titles were withheld"</i></p>
Statutory deadline	Friday, 22 July 2022
Risks	No risks have been identified

Recommendations

We recommend you:

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

Gareth Fairweather
Director Auckland Light Rail

15/07/2022

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
Gareth Fairweather, Director Auckland Light Rail	s 9(2)(a)	✓
Ana Clark, Graduate Adviser Economic Regulation		

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

OFFICIAL INFORMATION ACT FROM s 9(2)(a) RE AUCKLAND LIGHT RAIL

Background

1 On 23 June 2022 you received an Official Information Act 1982 (the Act) request from s 9(2)(a)

He requested:

"Under the Official Information Act 1982, I request a copy of the reports referenced in WQ 17522 (2022):

*ALR Sponsors meeting papers for the ALR Sponsors meeting on 16 May
Auckland Light Rail - Reporting back on the detailed planning phase - Cabinet Paper
and talking points – 16 May 2022
Auckland Light Rail Board - Chair and Member Appointments - Cabinet paper and
talking points – 16 May 2022
Appointment letters to the new board chair and board members – 18 May 2022
The two items whose titles were withheld"*

2 Your response is due to s 9(2)(a) no later than 22 July 2022.

3 There are six documents in scope of the request. They are:

- ALR Sponsors meeting papers for the ALR Sponsors meeting on 16 May
- Auckland Light Rail - Reporting back on the detailed planning phase - Cabinet Paper and talking points – 16 May 2022
- Auckland Light Rail Board - Chair and Member Appointments - Cabinet paper and talking points – 16 May 2022
- Appointment letters to the new board chair and board members – 18 May 2022
- OC220323 ALR Funding and Financing Policy Work Programme briefing – 18 May 2022
- OC220394 ALR Investment Management System briefing – 18 May 2022

4 We are currently working with other Auckland Light Rail (ALR) Sponsor agencies and the ALR Unit to prepare a substantive proactive release which includes the documents requested within this OIA request.

5 We note you previously decided to withhold the titles of briefings OC220323 and OC220394 in your response to WPQ 17522 (2022). We intend to release these briefings in the proactive release and see no reason why the titles of these briefings should be withheld at this time. Further information on this proactive release is provided below.

Proposed Response

- 6 We recommend you decline the request under section 18(d) of the Act as the documents will soon be publicly available. However, we recommend that in the interest of transparency, as there is no longer a reason to withhold the titles, these could be released.
- 7 We anticipate the proactive release will be published early August. The proposed letter sets out where s 9(2)(a) may find the information he seeks from this OIA once it is available.
- 8 The Ministry will send you a marked-up version of the proactive release and a briefing identifying any information we propose to withhold and any associated risks.

Risks

- 9 No risks have been identified with this proposed OIA response.
- 10 Any risks that are identified in the preparation and consultation for the proactive release of these documents will be included in a briefing to you prior to publishing.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Hon Michael Wood

MP for Mt Roskill

Minister of Immigration

Minister of Transport

Minister for Workplace Relations and Safety



15 July 2022

s 9(2)(a)

Dear s 9(2)(a)

I refer to your email dated 23 June 2022, requesting the following under the Official Information Act 1982 (the Act):

"Under the Official Information Act 1982, I request a copy of the reports referenced in WQ 17522 (2022):

*ALR Sponsors meeting papers for the ALR Sponsors meeting on 16 May
Auckland Light Rail - Reporting back on the detailed planning phase - Cabinet Paper
and talking points – 16 May 2022
Auckland Light Rail Board - Chair and Member Appointments - Cabinet paper and
talking points – 16 May 2022
Appointment letters to the new board chair and board members – 18 May 2022
The two items whose titles were withheld)."*

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

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

Te Manatū Waka – Ministry of Transport is currently working with other Auckland Light Rail (ALR) Sponsor agencies and the ALR Unit to prepare these documents for proactive release. The documents will be published on the Ministry's website (www.transport.govt.nz/).

For your reference, the two titles that were withheld in WPQ 17522 (2022) are the following:

- Auckland Light Rail Funding and Financing Policy Work Programme – 18 May 2022
- Auckland Light Rail - Investment Management System – 18 May 2022

These items will be published as part of the proactive release.

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

6 July 2022

OC220562

Hon Michael Wood
Minister of Transport**Action required by:**
Tuesday, 12 July 2022

2022/23 ESTIMATES POST HEARING QUESTIONS

Purpose

To provide you with draft responses to the post-hearing Estimates questions you received from the Transport and Infrastructure Committee.

Key points

- The Ministry has previously provided you with responses to the standard and supplementary Estimates questions.
- Draft responses are now attached for the post-hearing questions you received from the Transport and Infrastructure Committee.
- Please review the responses and provide feedback to the Ministry if changes are needed.
- The Ministry will work with your Office to make any amendments.
- Once you are satisfied with the responses, please sign the attached letter and send it, along with the responses, to the Transport and Infrastructure Committee.

Recommendations

We recommend you:

- 1 **Provide feedback** if any, on the draft responses to the Post Hearing Estimates questionnaire by 12 July 2022 Yes / No
- 2 **Sign** the attached letter to the Transport and Infrastructure Committee and submit the responses by 12pm 18 July 2022. Yes / No



Robyn Smith
Deputy Chief Executive
06 / 07 / 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
Robyn Smith, DCE Corporate Services	s 9(2)(a)	
Hilary Penman, Manager, Ministerial Services		✓
Prashila Dayal, Senior Adviser, Corporate Accountability		

2022/23 ESTIMATES POST HEARING QUESTIONS

This briefing provides you with draft responses to Select Committee questions

1. You have answered standard and supplementary Estimates questions for Vote Transport.
2. You received post hearing questions (386-441) on 17 June 2022, with a deadline for responses to the Committee by 12pm 18 July 2022.

3. Draft responses to questions 386-441 are attached to this briefing. We have also prepared a draft cover letter for you to send in hard copy and electronic form to:

Mary Drakeford

Clerk of Committee

Transport and Infrastructure Committee

Parliamentary Library, Room 1.010

Parliament Buildings

WELLINGTON

Transport.Infrastructure@parliament.govt.nz

4. The Committee has requested 10 hard copies of the questionnaire. We will provide these copies once the answers to the questionnaire are finalised.

These questions are new and cover areas of current interest

5. There are new questions about:
 - National Land and Transport Programme (questions 386-390)
 - NZ Upgrade Programme (questions 391-392)
 - City Rail Link (questions 393-396)
 - Auckland Light Rail (questions 397-399)
 - KiwiRail (questions 400-403)
 - Noting the decarbonisation imperative for the transport sector and the proposed funding for emissions reduction initiatives (questions 404-409)
 - Noting the uncertain funding environment for the Civil Aviation Authority and Maritime NZ (questions 410-414)
 - Noting the key leadership role of the Ministry (questions 415-419)
 - Follow up questions in regard to Estimates 2022/2023, Vote Transport - Supplementary Questions, Questions 174 - 385, June 2022 (questions 420-427)
 - Follow up questions in regard to the Transport and Infrastructure Estimates Hearing, 9 June 2022 (question 428-441).
6. Please review the responses and provide feedback to the Ministry if changes are needed. The Ministry will work with your Office to make any amendments.

Hon Michael Wood



Minister of Transport
Minister for Workplace Relations and Safety

Mary Drakeford
Clerk of the Committee
Transport and Infrastructure Committee
Parliamentary Library, Room 1.010
Parliament Buildings
WELLINGTON

Transport.Infrastructure@parliament.govt.nz

Kia ora Mary

Response to the Post Hearing Questions to the Estimates for Vote Transport 2022/23

Attached are my responses to the post hearing questionnaire in response to your email of 17 July 2022.

The departmental liaison officer for Committee staff to contact is Prashila Dayal, Senior Adviser Corporate Accountability, phone ^{s9(2)(a)} or email: P.dayal@transport.govt.nz.

Yours sincerely

Hon Michael Wood
Minister of Transport

15 July 2022

OC220569

Hon Michael Wood**Minister of Transport**

NORTH SHORE AIRPORT AUTHORITY STATUS DECISION - RISKS AND PROPOSED LETTER

Purpose

To support you in your decision on North Shore Airport's application for Airport Authority status. We have attached a letter to the applicant based on your consideration of their application.

Key points

- We have previously provided you Te Manatū Waka's advice on the North Shore application (OC210040 and OC210685 refer)
- Following a community engagement meeting at North Harbour Stadium on 14 May 2022, you have decided not to grant Airport Authority Status (AA status) to North Shore Airport (the Airport).
- We consider that as the decision maker, it is open to you to make the decision not to grant AA status, however this comes with associated legal risks.
- On your request, we have a drafted a letter of response (attached) to the Airport to notify them of your decision.

Recommendations

We recommend you:

- | | | |
|---|---|----------|
| 1 | note that the Ministry of Transport advises that the test in section 3(3) of the Airport Authorities Act 1966 does not prescribe any factors for you to consider before making a decision whether to consent to the exercise of airport authorities' powers by North Shore Airport | Yes / No |
| 2 | note that your discretionary power must be exercised for proper purposes which are consistent with the legislation and are based on factors that could be reasonably considered | Yes / No |

- 3 **note** that while it would be open to North Shore Airport to seek a judicial review of your decision, they would bear the onus of showing on balance that the decision was based on factors that were inappropriate

Yes / No



Tom Forster
Manager Economic Regulation
 15 July 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
Tom Forster, Manager Economic Regulation	s 9(2)(a)	✓
Ana Clark, Graduate Adviser Economic Regulation		

NORTH SHORE AIRPORT AUTHORITY STATUS DECISION - RISKS AND LETTER

Background

- 1 North Shore Airport (the Airport), wholly owned by North Shore Aero Club Incorporated, made an application to Te Manatū Waka - Ministry of Transport for Airport Authority status (AA status) on 23 June 2020. The powers and responsibilities the airport has under legislation will change should the application be granted.
- 2 The Airport is a small regional airport located at 270/284 Postman Road, Dairy Flat, and has been operating, in one form or another, for over 60 years. These days, the Airport is predominately used for private general aviation operations, flight training and light commercial airline services.
- 3 Te Manatū Waka consulted on the Airport's application from 1 October to 30 November 2020. We sent out over 1,700 letters seeking submissions from local residents, placed two advertisements in local newspapers and held a community town hall meeting which was attended by nearly 200 residents. As a result, we received just over 450 submissions.
- 4 The submissions were roughly divided in half between those supporting and those opposing granting airport authority status to the Airport and came from a range of stakeholders both within, and outside of the North Shore community.
- 5 We have provided you with advice on the application (OC210040 and OC210685 refer). Following discussions with you after receipt of the advice you indicated your desire to meet with the community to discuss the Airport's application.
- 6 On the 14 May 2022 you attended a community meeting at North Harbour Stadium to help inform your decision whether or not to grant AA status to the Airport.
- 7 We note the Airport Authorities Act 1966 (AA Act) does not provide any specific criteria to guide a decision on whether to grant AA status. Given this, you as the decision maker have broad discretion on whether to provide consent.
- 8 You have indicated concern about the following factors:
 - 8.1 Whether this is a helpful addition to the network or not; and
 - 8.2 What future infrastructure requirements could be were the airport to grow; and
 - 8.3 Whether there has been sufficient consultation with the community about the airport's future plans.

s 9(2)(h)

s 9(2)(h)

Other risks

- 14 The Civil Aviation Bill (the Bill) will replace the AA Act. Once the Bill comes into force, airports can apply to the Secretary of Transport to be registered, rather than the Minister.

s 9(2)(g)(i)

- 16 But we note that under the Bill, the Secretary is statutorily required to take into account a broader range of factors, including the transport outcomes framework.

Next steps

- 17 Should you confirm your decision to not grant AA status, the Ministry will provide support to communicate your decision to the applicant and interested stakeholders. This includes an email to everyone who made a submission during the public consultation phase, together with an update to sector stakeholders. We will also provide a brief update on the Ministry's website.
- 18 Should you wish to issue a media release, our communications team stands ready to support your office.

Hon Michael Wood

MP for Mt Roskill

Minister of Immigration

Minister of Transport

Minister for Workplace Relations and Safety



15 July 2022

Mr John Punshon
General Manager
North Shore Airport
Auckland

s 9(2)(a)

Dear John,

North Shore Airport: Application for Airport Authority Status

Thank you for North Shore Airport's application for Airport Authority status under the Airports Authorities Act 1966 (the Act) and for your cooperation throughout the decision-making process.

As you will be aware, and as I reiterated during the Town Hall meeting on 14 May, the Act does not provide any criteria to guide decision making. As Minister of Transport, I have discretion on the criteria I use to decide whether or not to grant Airport Authority status to any applicant.

I noted at the Town Hall meeting in May that my decision would be guided by some of the following criteria:

- the social and economic costs and benefits that may result
- how the proposal fits into efficient and effective transport
- the government policy statement on land transport
- the reductions in emissions across the transport system that may result
- stakeholder and community views

Guided by the above criteria, I have decided not to make a recommendation to the Governor General to grant Airport Authority status to North Shore Airport. More specifically, my decision has been driven by the following:

1. I am not convinced that granting Airport Authority status to the Airport would be a helpful addition to the transport network in general and the aviation network in particular; and
2. I believe there are unresolved questions about what future infrastructure requirements could be were the airport to grow; and
3. I do not consider that the Airport has undertaken sufficient consultation with the community about its future plans. In particular, I note that consultation on the Airport's Master Plan was not as widespread as recommended by the New Zealand

Airports Association Airport Master Planning Good Practice Guide.¹ The Guide notes that *“the airport operator should anticipate the need for regular and ongoing consultation with airport users, local authorities, and the neighbouring community to improve information sharing and strengthen planning and development outcomes”*.

I know you would be disappointed with this outcome. However, until the above is resolved, I am not able to support your application at this time.

Thank you again for your time throughout this process.

Yours sincerely

Hon Michael Wood
Minister of Transport

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

¹ Airport Master Planning Good Practice Guide, February 2017



OIA BRIEFING

26 July 2022

OC220574

Hon Michael Wood
Minister of Transport

Action required by:
Tuesday, 2 August 2022

OFFICIAL INFORMATION ACT REQUEST FROM s 9(2)(a)
REGARDING LET'S GET WELLINGTON MOVING PAPERS

Purpose

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

Name of Requester	s 9(2)(a)
Request	<p>"Under the Official Information Act 1982, I request a copy of "Let's Get Wellington Moving – Transformational Programme: Preferred Option Progress and Mass Rapid Transit Funding Principles", referenced in WQ 19900 (2022).</p> <p>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."</p>
Statutory deadline	Tuesday, 2 August 2022
Risks	None

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

Marian Willberg
Manager, Demand Management and Revenue

...25/07/2022....

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	s 9(2)(a)	✓
Rory Leonard, Senior Adviser Demand Management and Revenue	s 9(2)(a)	

OFFICIAL INFORMATION ACT REQUEST FROM s 9(2)(a) REGARDING LET'S GET WELLINGTON MOVING PAPERS

Two documents fall within the scope of the request

- 1 **Table 1** below sets out the documents that fall in the scope of request and our proposed response.
- 2 We do not anticipate any risks related to this response.

Table 1

Document	Description of information proposed to be withheld	Previously released?
Cabinet paper: Let's Get Wellington Moving - Transformational Programme: Preferred Option Progress and Mass Rapid Transit Funding Principles	Withhold in full under section 18(d) the information requested is or will soon be publicly available.	No
Climate Implications of Policy Assessment: Let's Get Wellington Moving - Transformational Programme: Preferred Option Progress and Mass Rapid Transit Funding Principles	Withhold in full under section 18(d) the information requested is or will soon be publicly available.	No

Consultation

- 3 We have consulted Waka Kotahi New Zealand Transport Agency, Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development and Te Tai Ōhanga the Treasury as part of the proactive release of the Let's Get Wellington Moving Cabinet paper as these agencies contributed to its development. These agencies are comfortable with our approach.
- 4 We have also consulted with Waka Kotahi and the Let's Get Wellington Moving programme on the associated Climate Implications of Policy Assessment (CIPA) document as these agencies contributed to its development. Both agencies are comfortable with our approach to publish the CIPA.

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 5 July 2022, requesting the following under the Official Information Act 1982 (the Act):

“Under the Official Information Act 1982, I request a copy of “Let’s Get Wellington Moving – Transformational Programme: Preferred Option Progress and Mass Rapid Transit Funding Principles”, referenced in WQ 19900 (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.”

I am refusing your request under Section 18(d) of the Act because the information requested is or will soon be publicly available. The document will be made available on the Ministry of Transport’s website.

The documents that fall within the scope of your request are:

- Let’s Get Wellington Moving - Transformational Programme: Preferred Option Progress and Mass Rapid Transit Funding Principles Cabinet paper
- Climate Implications of Policy Assessment - Let’s Get Wellington Moving - Transformational Programme: Preferred Option Progress and Mass Rapid Transit Funding Principles.

Both papers were taken to Cabinet on the 27th of June.

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

21 July 2022

OC220575

Hon Kieran McAnulty
Associate Minister of Transport

Action required by:
 Monday, 25 July 2022

cc Hon Michael Wood
 Minister of Transport

STRENGTHENING SYSTEM PERFORMANCE THROUGH EFFECTIVE CROWN MONITORING - YOUR GUIDE AS AN INCOMING ASSOCIATE MINISTER

Purpose

Provides an overview of your role and levers for overseeing the governance, direction, and performance of the Civil Aviation Authority (CAA) and Maritime New Zealand (MNZ) and supporting the Minister of Transport in his responsibilities.

This is one of two briefings that cover your oversight delegations for CAA and MNZ. The other briefing outlines the types of appointments you need to make, and the importance of appointment decisions for a highly effective transport sector (OC220536 refers).

Responsibilities at a Glance



MINISTER: Accountable to public and Parliament for entity's performance. Manages Crown's interest and relationship with entity. Responsible for appointing Board. Requires clear information about an entity's performance and early warning of issues.

• **Associate Minister:** Support Responsible Minister in their duties. Delegated responsibility for certain functions and will provide insights to the Responsible Minister through those functions.



MOT: Supports Responsible Minister (and Associates) to fulfil their role. Requires clear information to provide considered advice to Minister(s) and discharge monitoring duties. Expected to be 'eyes and ears' of Minister.



BOARD: Exercises the power and performs the functions of entity. Holds authority for operational decisions. Requires appropriate information and skills to govern effectively. Possesses individual and collective duties.

Key points

- You have an important role overseeing the governance, direction, and performance of the transport Crown entities as a Responsible Minister for CAA and MNZ, as well as supporting the Minister of Transport through your other delegations.
- The transport Crown entities are the primary way in which regulation and the implementation of policy, occurs within the transport system. You have specific roles and functions under the Crown Entities Act 2004 (section 27) for overseeing the transport Crown entities. Your functions primarily relate to:
 - making sure an effective board is in place to govern the entity through the appointment, reappointment, and removal of board members
 - participating in setting the strategic direction and annual expectations of Crown entities (which may include improving the alignment of multiple agencies in an area)
 - giving directions to entities in order to give effect to government policy
 - reviewing entity performance and results
- Strong governance, oversight and assurance of the transport Crown entities is critical to ensure they can deliver the Government's transport priorities effectively. Effective Crown monitoring must be in place so you can best assess the governance and performance of the entities. Monitoring assessments contribute to informing how delivery is tracking against your priorities, and contributes to the overall performance of the transport system.
- The Ministry, as your monitoring department, supports you to discharge your oversight responsibilities. The Ministry is responsible for overseeing the effectiveness of the boards and monitoring the overall capability and performance of the transport Crown entities on your behalf. Over the last few years, we have made significant investment in its Crown monitoring capability to provide effective oversight on behalf of Ministers.
- We will help ensure that your priorities and expectations for the transport Crown entities are delivered, and that the entities are appropriately managing risk on behalf of the Crown. We enable the appointment of high performing boards, assist in setting directions and expectations that deliver your priorities, and advise on issues that might impact on entity governance, delivery, and performance.
- The Ministry will work closely with you to understand your priorities that will guide our monitoring approach and activity. We will also supplement our regular briefings with reports on particular issues of urgency should they arise.
- For easy reference, summaries of the Crown accountability cycle and key reports you will receive across the year are listed from **paragraph 27** onwards. We have also included an A3 summary of key monitoring matters for both CAA and MNZ in **Appendix One**.

Recommendations

We recommend you:

- 1 **note** that you have important functions, under the Crown Entities Act 2004, to oversee the governance, direction, and performance of the transport Crown entities (particularly CAA and MNZ), which are the primary agents for implementing transport policy.
- 2 **note** that the Ministry, as your monitoring department, will work closely with you to confirm a monitoring programme for CAA and MNZ that is informed by your priorities and expectations
- 3 **note** that you will also be required to support the Minister of Transport in his oversight of Waka Kotahi NZ Transport Agency through your other delegated responsibilities
- 4 **note** that over the next six months your input will be required in:
 - reviewing the performance of CAA and MNZ for the 2021/22 financial year (Annual Report)
 - reviewing ongoing performance for CAA and MNZ
 - setting the 2023/24 transport Crown entity expectations – particularly through Letters of Expectations to CAA and MNZ; and
 - progressing upcoming appointments and reappointments to the transport Crown entity Boards, which are outlined in a companion briefing (OC220536 refers)



Sarah Polaschek
Manager, Governance

21 / 07 / 2022

Hon Kieran McNulty
Associate 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
Allan Prangnell, Deputy Chief Executive, System Performance & Governance	s 9(2)(a)	
Sarah Polaschek, Manager, Governance		✓
Jono Reid, Principal Adviser, Governance		

STRENGTHENING SYSTEM PERFORMANCE THROUGH EFFECTIVE CROWN MONITORING - YOUR GUIDE AS AN INCOMING ASSOCIATE MINISTER

As Minister, you have a critical role in overseeing the governance, delivery, and performance of the transport Crown entities

- 1 You have an important role in overseeing the governance, direction, and performance of the transport Crown entities,¹ both as a Responsible Minister and supporting Minister.
- 2 In the transport system, regulation is conducted, and policy is implemented, primarily by the transport Crown entities. Boards are accountable to their Responsible Minister, and you should expect them to engage constructively and professionally with you in discharging their functions.
- 3 As the Responsible Minister for CAA and MNZ, you have specific roles and functions under the Crown Entities Act 2004 (section 27) for overseeing the transport Crown entities on behalf of the Minister of Transport. These functions primarily relate to:
 - 3.1 making sure an effective board is in place to govern the entity through the appointment, reappointment, and removal of board members;
 - 3.2 participating in setting the strategic direction and annual expectations of Crown entities (which may include improving the alignment of multiple agencies in an area);
 - 3.3 giving directions to entities in order to give effect to government policy; and
 - 3.4 reviewing entity performance and results. Under section 132 of the Crown Entities Act 2004, you have specific powers to review the operation and performance of a Crown entity at any time.
- 4 The boards of the entities are accountable for their delivery and performance. The board governs the Crown entity, exercises its powers, carries out its functions and makes decisions about its operations (i.e., a governance role). It also makes decisions (either itself or through delegated powers) about the operation of the entity, and ensures that the entity's functions are performed efficiently and effectively.
- 5 Ultimately, however, Ministers are accountable to the House of Representatives for actions taken by Crown entities. This includes decisions made by their Board (or delegated from their Board to management), which is accountable to you as Responsible Minister.
- 6 The Ministry plays a critical role in ensuring that you have sufficiently high-quality information and insights to be confident that the boards are effectively performing their governance role. This is necessary because the CAA and MNZ boards are responsible for implementing your priorities and expectations.

¹ Crown entities are part of the State sector. The Crown Entities Act 2004 provides the framework for establishing, governing, and operating all categories of Crown entities. It also clarifies the roles, responsibilities and the accountability relationships between Crown entities and their boards, responsible Ministers, and their departments.

As your monitoring department, we will support you to oversee the performance of the transport Crown entities

- 7 As your monitoring department, you can expect us to:
- 7.1 help you set the direction and priorities for the Crown entities, primarily through an annual Letter of Expectations. Agencies are required to develop a Statement of Performance Expectations annually which details how they will deliver your priorities. Entities also develop a Statement of Intent setting out their four-year strategic direction;
 - 7.2 provide ongoing briefings on each Crown entity that identify emerging governance or performance issues that require your attention (generally on a quarterly and annual basis);
 - 7.3 manage all processes relating to board membership, including appointments, reappointments, setting some members' fees (Independent Crown Entity board fees are set by the Remuneration Authority), and the induction and training of new members; and
 - 7.4 provide the Minister of Transport with advice on organisational funding issues, such as Budget bids and funding reviews. It is expected that you will have a supporting role in his decision making for funding decisions relating to CAA and MNZ.

Regular engagement with the entities will be important to drive performance

- 8 One of the key points of engagement you have with the entities is through regular meetings with board Chairs and Chief Executives. The frequency of these depends on the size and nature of the issues facing each of the entities but is usually between quarterly and monthly. Your meetings with CA and MNZ are scheduled for the remainder of this calendar year. The Ministry will work with your Office to arrange meetings for 2023 and provide advice on key issues and risks, in advance of meetings, to help inform your engagement with the entities.
- 9 The Ministry also plans an annual transport board forum, expected to be in late 2022/early 2023. This forum brings together board members from across the transport Crown entities and State-Owned Enterprises. The forum provides a valuable opportunity for these boards to come together and engage on the key issues and challenges facing their entities and the wider transport system. The Ministry will work with your Office to confirm your interest in providing an address at this forum.
- 10 Sector engagement will also be important for triangulating feedback on entity performance. The perspectives of regulated and/or interested parties will be important for considering potential effects of Government policies, whether regulators are effectively addressing risks in the system, resourcing, as well as possible issues that may require your attention. The Ministry can support you and advise you on these engagements.

Recent reviews have highlighted the critical importance of effective governance and oversight

- 11 Over the last few years, the Ministry has made significant investment in strengthening its capability and approach to undertaking its Crown monitoring role. This recognises the important role of effective governance and oversight in assisting Ministers to support the delivery policy priorities and other core functions.
- 12 Since 2018, the Ministry has led two Ministerial reviews: one into the regulatory performance of Waka Kotahi and one into the organisational culture of CAA.
- 13 The review of Waka Kotahi highlighted a number of systemic issues that impacted how the Agency historically discharged its regulatory function. The primary contributing factors to this situation related to issues with governance, leadership, culture and risk and assurance within the Agency's regulatory function. The scale of these historic issues highlighted the importance of having effective oversight and assurance. Waka Kotahi has made good progress to strengthen the capability and performance of the Agency's regulatory function since the review.
- 14 The review of CAA's organisational culture was undertaken due to concerns about conduct and behaviour in the Authority, particularly in relation to bullying and sexual harassment. The overall finding of the review was that the past culture of CAA did not operate to support a safe and respectful workplace, and in a number of cases, resulted in the inappropriate management of bullying and harassment issues. CAA is now making progress to address these issues and strengthen its culture in response to the review.
- 15 The common issues identified across both reviews related to governance, leadership, culture, and assurance. As your monitoring agent, we will support you to engage with entities on their capability and performance across these areas.
- 16 In response to the Ministerial reviews, the Ministry has now implemented a more rigorous monitoring approach, which includes the following:
 - 16.1 a structured, proactive and risk-based monitoring programme that contains specific areas of focus;
 - 16.2 increased engagement with the transport Crown entity boards and management to assess risks and look for opportunities to improve entity and system performance;
 - 16.3 strengthened engagement with other agencies that have an assurance role in the system, such as the Treasury and the Office of the Auditor General; and
 - 16.4 accessing external expertise and advice to inform our monitoring analysis and assessments, where appropriate.
- 17 Under this approach, the Ministry will develop an annual monitoring programme for each of the transport Crown entities. For CAA and MNZ, this will be informed by your priorities and our assessment of risk.