


OC241280

13 November 2024

Tēnā koe 

I refer to your email dated 31 October 2024, requesting the following briefings under the Official Information Act 1982 (the Act):

*“OC231130 2/2/2024 Nelson Airport Limited: Kiwi Shareholder
OC240128 27/2/2024 Air Navigation System Review and the Interim Aviation Council”*

Briefing OC231130 is released with some information withheld under section 9(2)(a) of the Act to protect the privacy of natural persons.

Briefing OC240128 is published on the Ministry’s website and is available from page 42 of this link: <https://www.transport.govt.nz/assets/Uploads/8BriefingsfromFebruary2024.pdf> I am therefore refusing this part of your request under section 18(d) of the Act as the information is publicly available.

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

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman’s website www.ombudsman.parliament.nz

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā



Hilary Penman
Manager, Accountability & Correspondence



2 February 2024

OC231130

Hon Simeon Brown
Minister of Transport

Action required by:
Friday, 23 February 2024

NELSON AIRPORT LIMITED: KIWI SHAREHOLDER

PURPOSE

Advise you of the steps necessary for you, in your role as Minister of Transport, to take over the rights and responsibilities of the Kiwi Shareholder in Nelson Airport Limited.

Key points

- The Kiwi Share is a single redeemable preference share issued by Nelson Airport to the Crown.
- It confers certain rights and responsibilities on the holder. Its primary intent is to require the consent of the Kiwi Shareholder before certain land acquisitions can be made.
- At present, the Kiwi Share is not assigned.

Recommendations

We recommend you:

- | | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1 | <p>sign the attached letter to the Prime Minister which proposes that you be the person entitled to exercise the rights and powers of the Kiwi Shareholder in accordance with Article 3.1 of the First Schedule to the constitution of Nelson Airport Limited</p> <p>and, subject to the Prime Minister's agreement to the above proposal,</p> | Yes / No |
| 2 | <p>sign the attached letter to Nelson Airport Limited, notifying the company that you are the person entitled to exercise the rights and powers of the Kiwi Shareholder.</p> | Yes / No |

Bronwyn Turley
Deputy Chief Executive – Regulatory Group

02 / 02 / 2024

Hon Simeon Brown
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
Bronwyn Turley, Deputy Chief Executive – Regulatory Group	s 9(2)(a)	✓
Ken Hopper, Senior Licensing Adviser		

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OFFICIAL INFORMATION ACT 1982

NELSON AIRPORT LIMITED: KIWI SHAREHOLDER

The Kiwi Share pertains to certain land acquisitions

- 1 The Kiwi Share is a single redeemable preference share issued by Nelson Airport to the Crown. It confers certain rights and responsibilities on the holder. The primary intent is to require the consent of the Kiwi Shareholder before certain land acquisitions can be made.
- 2 Nelson Airport's constitution sets out the rights and powers of the Kiwi Share and the Kiwi Shareholder.
- 3 The written consent of the Kiwi Shareholder is required before Nelson Airport can enter into any transactions for the acquisition of certain specified land in the vicinity of the airport.
- 4 The written consent of the Kiwi Shareholder is also required for any amendment, removal, or alteration in effect of specified provisions in the constitution. These include the name of the company and clauses specific to the Kiwi Shareholder. In addition, the rights attaching to the Kiwi Share itself are entrenched and cannot be changed without the consent of the Kiwi Shareholder.
- 5 Nelson Airport is the only airport that has a Kiwi Share.

We propose that you become the Kiwi Shareholder

- 6 Nelson Airport's constitution provides that any Minister may give written notice to the company of the person who can exercise the rights and powers of the Kiwi Shareholder. At present, the Kiwi Share is not assigned.
- 7 Similar to the long-standing practice that sees the Minister of Transport assigned the rights and responsibilities of the Kiwi Shareholder in Air New Zealand, provided they have no personal shareholding in the airline, we propose that you, in your role as Minister of Transport, take on the role of Kiwi Shareholder in Nelson Airport.

Next Steps

- 8 If you agree to the proposal, please sign the attached letter to the Prime Minister proposing that you be assigned the responsibility of Kiwi Shareholder.
- 9 If the Prime Minister agrees to the proposal, we have prepared a further letter for your signature. This letter advises Nelson Airport, in accordance with Article 3.1 of the First Schedule to the company's constitution, that you are the person entitled to exercise the rights and powers of the Kiwi Shareholder.
- 10 We will provide you with a briefing if a Nelson Airport land acquisition is proposed requiring your consent, or a specified event occurs that triggers the requirement for the consent of the Kiwi Shareholder.

Rt Hon Christopher Luxon
Prime Minister
Level 9, Executive Wing
Parliament Buildings
WELLINGTON

Dear Prime Minister

I have been advised that arrangements need to be made to assign Ministerial responsibility for the Kiwi Share in Nelson Airport Limited.

The Kiwi Share is a single redeemable preference share issued by Nelson Airport to the Crown. It confers certain rights and responsibilities on the holder. The primary intent is to require the consent of the Kiwi Shareholder before certain land acquisitions can be made. Nelson Airport's constitution sets out the rights and powers of the Kiwi Share and the Kiwi Shareholder.

The written consent of the Kiwi Shareholder is required before Nelson Airport can enter into any transactions for the acquisition of certain specified land in the vicinity of the airport.

The written consent of the Kiwi Shareholder is also required for any amendment, removal, or alteration in effect of specified provisions in the constitution. These include the name of the company and clauses specific to the Kiwi Shareholder. In addition, the rights attaching to the Kiwi Share itself are entrenched and cannot be changed without the consent of the Kiwi Shareholder.

The Kiwi Share in Nelson Airport Limited is not currently assigned. As ministerial oversight of airports is a function of the Transport portfolio, I recommend that you agree that I, as Minister of Transport, be the person assigned the rights and responsibilities of the Kiwi Shareholder. Accordingly, and if you agree to me undertaking the role of Kiwi Shareholder, I will write to Nelson Airport Limited informing it of the same.

I am advised that Nelson Airport is the only airport that has a Kiwi Share.

Yours sincerely

Hon Simeon Brown
Minister of Transport

Hon Simeon Brown
Minister of Transport
Executive Wing
Parliament Buildings
WELLINGTON

Dear Simeon

I refer to your letter advising that arrangements need to be made to assign Ministerial responsibility for the Kiwi Share in Nelson Airport Limited.

I agree to you taking responsibility as the Kiwi Shareholder in Nelson Airport Limited, and to you advising the Airport accordingly.

Yours sincerely,

Rt Hon Christopher Luxon
Prime Minister

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OFFICIAL INFORMATION ACT 1982

Mr Quinton Hall
Chair
Nelson Airport Limited
Nelson Airport Management Offices
Trent Drive
NELSON 7011

Dear Mr Hall

With reference to Article 3.1 of the First Schedule to the Constitution of Nelson Airport Limited, notice is hereby given that I, Simeon Brown, Minister of Transport, am henceforth the person entitled to exercise the rights and powers of the Kiwi Shareholder in Nelson Airport Limited on behalf of the Crown.

Yours sincerely

Hon Simeon Brown
Minister of Transport

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