

OC230415

9 June 2023

Jay Thompson

fyi-request-22760-c56a8cb3@requests.fyi.org.nz

Tēnā koe Jay

I refer to your two emails dated 11 May 2023 and 14 May 2023, requesting the following under the Official Information Act 1982 (the Act):

- “OC230143, *Air New Zealand Kiwi Shareholder*
- *OC230010 New Zealand - Solomon Islands Air Services Negotiations*
- *OC230196 Meeting with the Civil Aviation Authority Chief Executive and Chair - 3 April 2023*
- *OC230170 Air Navigation System Review*
- *OC230193 Sustainable Aviation Aotearoa 2023*
- *OC230272 Meeting with the Civil Aviation Authority Chief Executive and Chair - 3 April 2023”*

On 14 May 2023, you requested these documents again with one extra briefing which is:

- *OC230128 - Te Manatū Waka Ministry of Transport protocol for Official Information Act responses and proactive releases involving Ministers*

Out of seven documents requested:

- six are released with some information withheld
- one is withheld in full.

Certain information, and one full document, is withheld under the following sections of the Act:

- 9(2)(a) to protect the privacy of natural persons
- 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
- 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
- 9(2)(j) to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

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

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

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

Nāku noa, nā



Hilary Penman
Manager, Ministerial Services

Annex 1 - Document Schedule

Doc #	Reference	Document	Decision on release
1	OC230128	Te Manatū Waka Ministry of Transport Protocol for Official Information Act Responses and Proactive Releases Involving Ministers	Released with some information withheld under Section 9(2)(a).
2	OC230143	Air New Zealand Kiwi Shareholder	Released with some information withheld under Section 9(2)(a).
3	OC230010	New Zealand - Solomon Islands Air Services Negotiations	Withheld in full under Section 9(2)(j)
4	OC230196	Meeting with the Civil Aviation Authority Chief Executive and Chair – 15 March 2023	Released with some information withheld under Sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i).
5	OC230170	Air Navigation System Review	Released with some information withheld under Section 9(2)(a). The briefing refers to the Air Navigation System Review Phase 2 Report which has been published on the Ministry's website https://www.transport.govt.nz/assets/Uploads/Air-Navigation-System-Review-phase-two-report-May-2023.pdf
6	OC230193	Sustainable Aviation Aotearoa 2023	Released with some information withheld under Section 9(2)(a).
7	OC230272	Meeting with the Civil Aviation Authority Chief Executive and Chair - 3 April 2023"	Released with some information withheld under Sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i)..



Document 1

1 March 2023

OC230128

Hon Michael Wood

Action required by:

Minister of Transport

Wednesday, 22 March 2023

TE MANATŪ WAKA MINISTRY OF TRANSPORT PROTOCOL FOR OFFICIAL INFORMATION ACT RESPONSES AND PROACTIVE RELEASES INVOLVING MINISTERS

Purpose

Seek your approval to sign the attached protocol document.

Key points

- In his report 'OIA Compliance and Practice in the Ministry of Transport', published October 2021, the Ombudsman recommended Te Manatū Waka Ministry of Transport (the Ministry) adopt a protocol to govern interactions with Ministers' Offices.
- The Ministry has prepared the attached protocol [Ministry Protocol for OIA Responses and Proactive Releases Involving Ministers] to provide guidance on both Official Information Act responses and proactive releases.
- It is based on the Ombudsman's draft protocol and draws heavily on the protocol you have already signed with Waka Kotahi New Zealand Transport Agency (signed 24 September 2021).
- Your Office was consulted on an earlier version of this protocol and that feedback was incorporated, particularly as it relates to the proactive release of information.
- The protocol provides both the Ministry and your Office with a framework to guide any discussions relating to Official Information Act responses and provides guidance around timings related to proactive release.
- Following your signature, the Ministry will provide a copy to the Associate Minister of Transport with the recommendation that she also signs it.
- In line with the recommendation of the Ombudsman, the Ministry will publish the signed protocol on the Ministry's website as part of its commitment to proactive release.

Recommendations

We recommend you:

- 1 **Sign** the attached protocol document
- 2 **Note** the Ministry will publish the signed protocol on its website in accordance with the recommendation from the Ombudsman

HAR
Hilary Penman
Manager, Ministerial Services
....1. / ...3... / ..2023....

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

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

Comments

Contacts

Name	Telephone	First contact
Hilary Penman, Manager, Ministerial Services	s 9(2)(a)	✓
Megan Shields, Team Leader, Official Correspondence		

Te Manatū Waka Ministry of
Transport protocol on dealing with
Official Information Act requests
involving the Minister of Transport
and the proactive release of
information

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Background and purpose

The parties to this protocol are Te Manatū Waka Ministry of Transport (the Ministry) and the Minister of Transport (the Minister).

This protocol is effective from the date signed. It expires when the present Minister of Transport no longer holds that position.

The purpose of this protocol is to set out how the Ministry and the Minister (as well as the Minister's office on the Minister's behalf) will engage on Official Information Act (OIA) requests involving the Minister made to the Ministry, and the proactive release of information.

The Ministry intends to publish the operative version of this protocol on its website.

Part One: OIA requests

OIA requests involving the Minister are ones where there is the potential for the Minister to be affected by the release of the requested information because:

- it relates to their functions or activities as a Minister;
- the Minister may be required to prepare for the possibility of public or political commentary.

1 Context and principles

- 1.1 The Ministry and the Minister acknowledge the principle of availability that underpins the Official Information Act (the Act), which means that official information must be made available on request unless there is good reason, in terms of the Act, for withholding it.¹
- 1.2 The Ministry, the Minister, and the Minister's office, will apply this protocol in a way that does not interfere with statutory obligations to make and communicate decisions on OIA requests as soon as reasonably practicable and within 20 working days² (subject to extension only where necessary),³ and to release official information without undue delay.⁴
- 1.3 The Minister recognises that the Ministry is responsible for making decisions on OIA requests it receives, unless those requests are required to be transferred to the Minister (or other appropriate organisations) in accordance with [section 14](#) of the Act.
- 1.4 The Ministry recognises that the Minister may need to make, be involved in, or know about decisions on OIA requests involving the Minister.

¹ See [s 5](#) OIA.

² See [s 15\(1\)](#) OIA.

³ See [s 15A](#) OIA.

⁴ See [s 28\(5\)](#) OIA.

- 1.5 The Ministry will work with the office of the Minister to identify OIA requests involving the Minister and decide the appropriate mechanism for dealing with them, which may include:
- transfer;
 - consultation;
 - notification of the decision;
- 1.6 The Ministry and the Minister acknowledge that this is a decision to be made on the facts of each request, and in accordance with the law, and not pursuant to any general policy or directive.

2 Notification of requests

- 2.1 The Ministry will notify the office of the Minister of receipt of any OIA requests involving the Minister including, but not limited to where the requested information:
- relates to the Minister's functions or activities;
 - could impact on the Minister's functions or activities;
 - was generated by or on behalf of the Minister;
 - is sensitive or controversial;
 - is likely to be published in the news media⁵ or debated in the House.
- 2.2 Notification of receipt of OIA requests will be carried out through a weekly list supplied to the Minister's office from the Ministry's Official Correspondence Unit.

3 Transfer

- 3.1 The Ministry will transfer all or part of an OIA request to the Minister when that is required under [section 14](#) of the Act—that is when the requested information is:
- not held by the Ministry but is believed by the person dealing with the request to be held by the Minister;
 - believed by the person dealing with the request to be more closely connected with the functions of the Minister.
- 3.2 The need for transfer will be determined on the facts of the particular request, with regard to the specific information at issue and the functions of the Minister, and in consultation with the office of the Minister.
- 3.3 The Minister will likewise transfer all or part of an OIA request to the Ministry when that is required under [section 14](#) of the Act.

⁵ Following the definition in [s 68\(5\) of the Evidence Act 2006](#), 'news media' is media for the dissemination to the public or a section of the public of news and observations on news. Following the judgment of the High Court in *Slater v Blomfield* [2014] NZHC 2221, this can include a blogger who regularly disseminates news (ie, new information about recent events or events of interest to the public), or observations on news, to a significant body of the public.

4 Consultation

- 4.1 The Ministry will work with the office of the Minister to identify requests requiring consultation.
- 4.2 Consultation may be required with the Minister where, for example:
- the Minister supplied the information;
 - it is about, or relates to, the functions or activities of the Minister;
 - release could affect the Minister's functions or activities or legitimate interests.
- 4.3 The Ministry will provide the Minister with all information necessary for informed consultation, including the request, the information at issue, and the decision the Ministry proposes to take. The Ministry will allow a minimum of five working days for consultation to take place, unless the circumstances of the particular request demand a shorter period of time.
- 4.4 The office of the Minister will respond to all consultations as expeditiously as possible. The office of the Minister will let the Ministry know if more time is required so that the Ministry can consider whether it is necessary to extend the maximum 20 working days for making a decision on the request.
- 4.5 The office of the Minister will provide appropriate input in response to the Ministry requests for consultation. Appropriate input means comments and suggestions regarding the:
- proper application of the withholding grounds and the public interest test;
 - knowledge or release of additional information, including additional explanatory material to place the information that is being released in its proper context;
 - proactive release of the same information to others, provided there is no undue delay in providing that information to the requester.
- 4.6 Inappropriate input includes matters such as raising irrelevant considerations (like political embarrassment), or asking or instructing the Ministry to act in a way that would be contrary to the requirements of the Act, including withholding or delaying the release of official information without any proper statutory basis.
- 4.7 The Minister acknowledges that final responsibility for deciding on Ministry requests rests with the Ministry.
- 4.8 The Ministry will consider the input of the Minister's office on an OIA request in good faith and with an open mind, before deciding whether that input provides a reasonable basis for changing its proposed decision on the request. The Ministry may proceed to make a decision on an OIA request if the Minister's office does not respond to the consultation or advise that further time is required.

5 Notification of the decision

- 5.1 The Ministry will work with the office of the Minister to identify decisions on OIA requests requiring notification. Notification may be required where the requested information:

- is sensitive or controversial in nature;
 - relates to a matter of significance within his portfolio responsibilities;
 - relates to where the Minister has been previously briefed on a matter, to ensure they are kept up-to-date;
 - is likely to be published in the news media or debated in the House.
- 5.2 The Ministry will provide the Minister with all information necessary for notification, including the request, the information at issue, and the decision the Ministry is taking.
- 5.3 Notification to the Minister will be provided on the working day before the decision is communicated to the requester, unless the circumstances of the particular request demand it to be carried out on the same day. It will be for the Minister's information only and no feedback is sought.

6 Sending a copy of a sent response for information

- 6.1 The Ministry will work with the office of the Minister to identify responses where it is appropriate that a copy of a sent response be shared with the Minister for his information only.
- 6.2 The Ministry will provide the Minister with all the information provided to the requester. A copy of the response will be sent to the office of the Minister only after the response has been sent to the requester.

7 Record keeping

- 7.1 The Ministry and the Minister will keep full and accurate records of interactions in relation to OIA requests, in accordance with normal prudent business practice, as required by [section 17\(1\)](#) of the Public Records Act 2005.

8 Assistance

- 8.1 The Office of the Ombudsman offers an advisory service on the operation of the Act. They can be contacted by email info@ombudsman.parliament.nz or freephone 0800 802 602. The Office should be contacted as early as possible to ensure it can answer any queries without delaying the response to an OIA request.

Part Two: Proactive release of information

9 Background

- 9.1 Cabinet Office Circular CO18(4) mandates that Cabinet papers and associated minutes be proactively released within 30 business days of decisions being made by Cabinet unless it is indicated it is not for publishing, or only partial material is to be published.

- 9.2 In addition to this, Cabinet agreed that government agencies should increase the breadth and depth of information proactively released by agencies (ref CAB-22-MIN-0168.01).
- 9.3 Material covered by this protocol includes Cabinet papers and associated minutes, briefings including the Weekly Report, and titles of briefings.

10 Preparing documents for release

- 10.1 Documents will be prepared for release by the Ministry, withholding information consistent with the grounds in the Official Information Act 1982.
- 10.2 The Office and the Ministry both acknowledge that Section 48 of the Act, which protects Ministers and agencies from civil or criminal liability where information is released under the Act, does not apply to information that is proactively released.

11 Process

- 11.1 All Cabinet papers and minutes marked as suitable for proactive release will be prepared for release by the Ministry. The Ministry will then seek the Minister's approval to publish the documents via a formal briefing. Once the Minister's approval is given, documents will be published on the Ministry's website.
- 11.2 Documents, including the Weekly Report, and titles of briefings suitable for proactive release will be prepared for release by the Ministry. Depending on the document, it may or may not require the Minister's approval. The Ministry will liaise with the Office to determine which documents can be approved for release by the Office, and which need the Minister's written approval.

12 Timing

- 12.1 The Office and the Ministry both acknowledge that there are time sensitivities around when information needs to be published.

Cabinet Papers

- 12.2 As stated above, unless otherwise noted, Cabinet material should be released within 30 business days of decisions being made.
- 12.3 To ensure Cabinet material is released within the 30 day timeframe mandated by Cabinet, if it is part of a larger proactive release including additional background documents the Ministry will provide the Cabinet material separately to enable the Office to prioritise it.
- 12.4 The Ministry will provide the Office a minimum of five days for review of material proposed for release.

Briefing Papers and Weekly Reports

- 12.5 In many cases there is a time imperative for briefings to be released.
- 12.6 Documents are requested under the OIA and can be refused under Section 18(d), if they will soon be publicly available. The Office of the Ombudsman states that

where this ground is used, information must be made publicly available within six to eight weeks of the refusal.

- 12.7 The Ministry will provide the Office a minimum of five days for review of material proposed for release.
- 12.8 In cases where a substantial amount of information is being released, the Ministry will advise the Office ahead of time.
- 12.9 The Office accepts they will respond within the stated timeframes to ensure statutory deadlines are met.

13 Disputes

- 13.1 Where disputes arise between the parties regarding the proper application of the Act, the proactive release of information, or this protocol, these should be referred to the Ministry's Deputy Chief Executive, Corporate Services, and the Ministerial Advisor in the Office of the Minister of Transport.

Signed by:



Date:

Date: 5 April 2023

Hon Michael Wood
Minister of Transport

Robyn Smith
**Pou Turuki, Te Kāhui Tangata
Deputy Chief Executive, Corporate Services**

On behalf of:

Tumu Whakarae, Te Manatū Waka
Chief Executive, Ministry of Transport

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Document 2

1 March 2023

OC230143

Hon Kiri Allan
Associate Minister of Transport

Action required by:
Monday, 20 March 2023

cc Hon Michael Wood
Minister of Transport

AIR NEW ZEALAND KIWI SHAREHOLDER

Purpose

Advise you of the steps necessary for you to take over the rights and responsibilities of the Kiwi Shareholder in Air New Zealand.

Key points

- The Kiwi Share is a special rights convertible preference share issued by Air New Zealand to the Crown.
- It confers certain rights and responsibilities on the holder. Its primary intent is to protect Air New Zealand's access to other countries under inter-government air services agreements, by ensuring that "substantial ownership and effective control" of the airline remains in New Zealand hands.
- Among other things, the consent of the Kiwi Shareholder is required for certain changes in the ownership of Air New Zealand.
- At present, Hon Phil Twyford, the previous Minister of Transport, is the Kiwi Shareholder. s 9(2)(a) [REDACTED]
- The attached letter to the Prime Minister proposes that you be assigned the responsibility of Kiwi Shareholder.

Recommendations

We recommend you:

- 1 **sign** the attached letter to the Prime Minister which proposes that you, as Associate Minister of Transport, be the person entitled to exercise the rights and powers of the Kiwi Shareholder in accordance with Article 3.5 of Air New Zealand Limited's constitution; Yes / No
- 2 and, if the Prime Minister agrees with the above proposal,

3 **sign** the attached letter to Air New Zealand, notifying the company that you are the person entitled to exercise the rights and powers of the Kiwi Shareholder. Yes / No



Tom Forster
Manager, Economic Regulation

1 March 2023

Hon Kiri Allan
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
Bronwyn Turley, Deputy Chief Executive, System & Regulatory Design	s 9(2)(a)	✓
Tom Forster, Manager, Economic Regulation		


RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

AIR NEW ZEALAND KIWI SHAREHOLDER

The Kiwi Shareholder is a mechanism to protect Air New Zealand's rights as a New Zealand airline

- 1 The Kiwi Share is a single \$1 special rights convertible preference share issued by Air New Zealand to the Crown. It confers certain rights and responsibilities on the holder.
- 2 The primary intent is to protect Air New Zealand's access to other countries by ensuring that "substantial ownership and effective control" of the airline remains in New Zealand hands. This is a requirement of many of the air services agreements under which Air New Zealand operates.
- 3 Air New Zealand's constitution sets out the rights and powers of the Kiwi Share and the Kiwi Shareholder.
- 4 Among other things, the written consent of the Kiwi Shareholder is required for any amendment, removal, or alteration in effect of specified provisions in the constitution. These include the name of the company, its place of incorporation, its principal place of business, the location of its head office and the nationality of its directors. In addition, the rights attaching to the Kiwi Share itself are entrenched and cannot be changed without the consent of the Kiwi Shareholder.
- 5 The consent of the Kiwi Shareholder is also required in relation to specified circumstances or events, including:
 - a) for an owner or operator of an airline business to hold or have an interest in an equity security in the company; and
 - b) for a non-New Zealand national to hold or have an interest in shares that confer 10 per cent or more of the total voting rights in the company.
- 6 The Kiwi Shareholder's role is separate from the ownership rights exercised by the Minister of Finance. The Minister of Finance holds 51 per cent of the ordinary shares in Air New Zealand on behalf of the Crown.

We propose that you become the Kiwi Shareholder

- 7 Air New Zealand's constitution provides that any Minister may give written notice to the Company Secretary of the person who can exercise the rights and powers of the Kiwi Shareholder.
- 8 Long-standing practice has been for the Minister of Transport to be assigned the rights and responsibilities of the Kiwi Shareholder in accordance with Air New Zealand's constitution, provided they held no personal shareholding in the airline.
- 9 At present, MP Phil Twyford, the previous Minister of Transport, is the named person.
s 9(2)(a)


- 10 We propose that you take on the role of Kiwi Shareholder. It fits closely with your delegated function as the airline's licensing authority under the Civil Aviation Act 1990. It relates to the grounds under which other countries could deny access to New Zealand airlines under air services agreements negotiated with those countries.

Next Steps

- 11 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.
- 12 If the Prime Minister agrees to the proposal, we have prepared a letter for your signature. The letter advises Air New Zealand, in accordance with Article 3.5(a) of the company's constitution, that you are the person entitled to exercise the rights and powers of the Kiwi Shareholder.
- 13 We will provide you with a briefing if Air New Zealand proposes an amendment to its constitution requiring your consent, or a specified event occurs that triggers the requirement for the consent of the Kiwi Shareholder. This may necessitate seeking external legal advice. Applications for consent have, in the past, been very infrequent.

Consultation

- 14 We consulted The Treasury, which supports our recommendation that you become the Kiwi Shareholder.

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Rt Hon Chris Hipkins
Prime Minister
Level 9
EXECUTIVE WING

Dear Chris

I have been advised that arrangements need to be made to reassign Ministerial responsibility for the Kiwi Share in Air New Zealand Limited.

The Kiwi Share in Air New Zealand is a single \$1 special rights convertible preference share issued to the Crown. It is primarily intended to give the Government the ability to maintain "substantial ownership and effective control" of the airline in New Zealand.

The Air New Zealand Constitution provides that any Minister may from time to time give written notice to the Company Secretary of the name of the person who may exercise the rights and powers of the Kiwi Shareholder. At present that person is MP Phil Twyford, the previous Minister of Transport.

Since 1990, the normal practice has been for the Minister of Transport to be the person assigned the rights and responsibilities of the Kiwi Shareholder. ^{s 9(2)(a)}

As you know, my delegated responsibilities as Associate Minister of Transport include aviation. Accordingly, and if you agree to me undertaking the role of Kiwi Shareholder, I will write to Air New Zealand informing them of the same.

Yours sincerely

Hon Kiri Allan
Associate Minister of Transport

UNCLASSIFIED

Hon Kiri Allan
Associate Minister of Transport
Executive Offices
Parliament Buildings
WELLINGTON

Dear Kiri

By letter of March 2023, you sought my agreement to your assuming the function of Kiwi Shareholder in Air New Zealand Limited.

I agree to you assuming the function of Kiwi Shareholder in Air New Zealand Limited and to you advising the airline's Company Secretary accordingly.

Yours sincerely

Rt Hon Chris Hipkins
Prime Minister

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UNCLASSIFIED

Ms Jennifer Page
Company Secretary
Air New Zealand Limited
Private Bag 92007
AUCKLAND

Dear Ms Page

With reference to Article 3.5(a) of the Constitution of Air New Zealand Limited, notice is hereby given that I, Kiri Allan, Associate Minister of Transport, am henceforth the person entitled to exercise the rights and powers of the Kiwi Shareholder in Air New Zealand Limited on behalf of the Crown.

Yours sincerely

Hon Kiri Allan
Associate Minister of Transport

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13 March 2023

OC230196

Hon Kiri Allan
Associate Minister of Transport

This meeting was later cancelled

MEETING WITH THE CIVIL AVIATION AUTHORITY CHIEF EXECUTIVE – 15 MARCH 2023

Snapshot

You are meeting with the Civil Aviation Authority (the Authority) Chief Executive on 10 March 2023 to discuss next steps for the Authority's funding review. This briefing has been prepared in consultation with the Authority.

To support you in your meeting, Te Manatū Waka has provided suggested talking points in Annex 1.

Time and date	4.45pm – 5.15pm, 10 March 2023
Venue	Executive Wing, 5.3R
Attendees	Janice Fredric, CAA Chair Keith Manch, CAA Chief Executive
Officials attending	Brent Johnston, Deputy Chief Executive - System Performance & Governance Sarah Polaschek, Manager, Governance
Agenda	1. Funding review
Talking points	Suggested talking points are in Annex 1.

Contacts

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

MEETING WITH THE CIVIL AVIATION AUTHORITY CHIEF EXECUTIVE – 15 MARCH 2023

Key points

- You are meeting with Janice Fredric (Chair) and Keith Manch (Chief Executive) of the Civil Aviation Authority (the Authority) on 10 March 2023.
- The advice for this meeting has been drafted in consultation with the Authority.
- This is the first of your regular meetings with the Authority’s Chair and Chief Executive since you took up your delegation. s 9(2)(g)(i)
[REDACTED]
- The Authority requests the opportunity to further discuss with you:
 - its current financial position, and that of the sector;
 - the funding options for CAA and AvSec that it seeks to consult with the public on;
 - s 9(2)(f)(iv)
[REDACTED]
 - [REDACTED]
- Suggested talking points are provided for your consideration in **Annex 1**.

The Chair may also wish to discuss reappointments to the Board

- The terms of the Chair and Board member, Charles Spillane, expired on 2 December 2022. Both have confirmed their interest in being reappointed and have accepted a request to stay on the Board until their reappointment is confirmed or a successor has been found.
- We suggest that you do not confirm reappointment decisions at this meeting, but note that you have recently taken up the delegation and will consider Board reappointments shortly.

Item one: Funding review

Funding reviews usually operate on a three-year funding cycle with 'mid-point' reviews alternating with more fundamental reviews every six years

1. In response to COVID-19, Cabinet issued a moratorium on border transport agency funding reviews (CVD-20-MIN-0010 refers), which was lifted in 2021 (DEV-21-MIN-0192 refers).
2. Prior to this, the most recent funding review had been completed by CAA (the Authority's regulatory function) in 2016, and Aviation Security Service (AvSec its security function) in 2019. The Authority had completed a review and was in the process of recommending changes to fees, charges, and levies in early 2020 when the moratorium was introduced.
3. Since the last funding review, significant additional activity has been required. In part this is in response to the impacts of COVID-19, but also in relation to changes to the operational / regulatory environment such as emerging technologies, and changing risks in the aviation systems that were not contemplated in 2016 or 2020. Further, inflation has compounded the issues generated by changes in the aviation system.
4. Since 2020, the Authority has been dependent on Crown funding – through the *Protection of Transport Sector Agency Core Functions* appropriation (known as the 'liquidity facility') – to bridge the gap between forecast levy revenue and actual revenue.
5. The liquidity facility has enabled the delivery of core services that were no-longer able to be cost-recovered from third parties (CAB-20-MIN-0148 refers). This funding was intended to continue until the sector recovered from COVID-19 and/or the Authority was able to complete its funding review and return to a financially sustainable position.
6. The liquidity facility was extended through Budget 2021, and again in Budget 2022 until 30 June 2023. An extension to 30 June 2024 is currently being considered under Budget 2023, to coincide with the anticipated return to full cost recovery through this funding review.
7. The Authority has been undertaking its funding review on the understanding that it would need to return to full cost recovery by 1 July 2024, a deadline set by Hon Michael Wood (OC220817 refers) i.e., the Authority seeks Crown funding to support delivery of its core functions in 2023/24, until it is able to cost recover its activities from the sector using a new funding model in 2024/25.

s 9(2)(g)(i)

8. s 9(2)(f)(iv)

s 9(2)(f)(iv)

10. s 9(2)(f)(iv) the statutory requirements of Crown entity boards to operate in a financially responsible manner under section 51 of the Crown Entities Act.
11. In the past, the Ministers of Transport and Finance have provided *letters of support* to the Authority. These have provided some acknowledgement that the Government may need to provide support until the Authority is able to return to financial sustainability. A copy of the most recent letter of support is included for your information at **Annex 2**.

Talking points for your meeting

12. The Authority requests the opportunity to further discuss with you:
- 12.1 its current financial position, and that of the sector;
 - 12.2 the funding options for CAA and AvSec that it seeks to consult with the public on;
 - 12.3 s 9(2)(f)(iv)
 - 12.4
13. *Talking points* to enable this discussion are outlined in **Annex 1**.

Annex 1: Suggested Talking Points

Item	Talking Points
<p>Response to this briefing paper</p>	<p>We suggest that you use your meeting with the CAA Chair and Chief Executive to invite representatives to discuss:</p> <ul style="list-style-type: none"> • the Authority’s current financial position, and that of the sector • the funding options for CAA and AvSec that it seeks to consult with the public on <p>In response to the funding options, you may wish to ask:</p> <ul style="list-style-type: none"> ➤ s 9(2)(f)(iv) ➤ ➤ ➤ <p>We suggest you ask:</p> <ul style="list-style-type: none"> • s 9(2)(f)(iv) •
<p>Additional Crown funding</p>	<p>We recommend that you ask the Authority s 9(2)(f)(iv)</p> <p>This could include some combination of:</p> <ul style="list-style-type: none"> • s 9(2)(f)(iv) • • • <p>You may wish to ask Authority for its views on the options available for s 9(2)(f)(iv) .</p> <p>This discussion can be kept relatively high-level as any additional Crown funding would need to be approved through the official channels before a commitment is made.</p>

Item	Talking Points
<p>Letters of Support /</p> <p>s 9(2)(f) (iv)</p>	<p>We expect the Authority to request a letter of support that acknowledges Government support until it is able to return to financial sustainability, noting that this approach was taken in 2021/22 and 2022/23.</p> <p>s 9(2)(f)(iv)</p> <p>If you intend to discuss the need for Letters of Support with Cabinet in the coming weeks, you could mention this. This process could be progressed with the input of Te Manatū Waka and Treasury.</p>
<p>Ongoing use of the liquidity facility</p>	<p>You may wish to note that, subject to approval from the Ministers of Finance and Transport, the scope of the liquidity facility could be clarified to allow it to be used to address unavoidable changes in operational activity, and unforeseen shocks, if they arise in 2023/24.</p> <p>Officials will be able to advise the Authority of the outcome of this, through the Budget 2023 process.</p>

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Hon Michael Wood

MP for Mt Roskill

Minister of Immigration

Minister of Transport

Minister for Workplace Relations and Safety



8 September 2022

Janice Fredric
Chair
Civil Aviation Authority

s 9(2)(a)

Tēnā koe Janice

LETTER OF SUPPORT FOR THE 2022/23 AND 2023/24 FINANCIAL YEARS

This Letter of Support is provided to enable the Board of the Civil Aviation Authority (the Authority) to determine whether it is appropriate for it to continue to operate on a going concern basis.

The Government acknowledges that support may be required until the Authority returns to financial sustainability. Cabinet agreed that it will provide such support until the sector recovers and/or the Authority achieves a pathway back to financial sustainability through the upcoming funding review (DEV-21-MIN-0192 refers).

We expect ongoing transparency and discipline around such financial support. The Board has a critical role in monitoring financial performance which includes continuing to identify opportunities to find cost savings and maximise available capability to meet core statutory and regulatory commitments.

The Government is committed to working with the Board over the medium-term in its endeavour to return the Authority to financial sustainability. We expect the Authority to work collaboratively with Te Manatu Waka to complete the current funding review by 30 June 2024 and encourage the Authority to seek any additional financial support required for 2023/24 through Budget 2023.

As part of Budget 2022, Cabinet agreed to provide up to \$109.3 million during the 2022/23 financial year to maintain the provision of the Authority's core functions via an extension of the "Protection of Transport Sector Agency Core Functions" multi-year appropriation (also known as the liquidity facility). The actual funding provided to the Authority will be the difference between actual expenditure on core functions (up to the amount budgeted in the 2022/23 SPE) and the actual revenue received in 2022/23, up to \$109.3 million.

Cabinet also agreed that, to the extent that actual revenue performs better than expected and/or costs are lower than budgeted in 2021/22 and 2022/23, any surplus Crown funding may be made available to fund core functions in 2023/24.

This letter is provided for the above purposes only, is not a guarantee or indemnity, and is not otherwise intended to create any legal liability on the part of the Crown or any other person.

Nā māua nei, nā



Hon Michael Wood
Minister of Transport



Hon Grant Robertson
Minister of Finance

Copy to: Keith Manch, Chief Executive, Civil Aviation Authority
Bryn Gandy, Acting Chief Executive, Te Manatu Waka

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Document 5

15 March 2023

OC230170

Hon Kiri Allan

Action required by:

Associate Minister of Transport

Wednesday, 29 March 2023

AIR NAVIGATION SYSTEM REVIEW

Purpose

Update you on the Air Navigation System Review and advise you on related meeting invitations

Key points

- The Government commissioned an independent panel to undertake the Air Navigation System Review (the review).
- The air navigation system comprises the infrastructure, information and services required for safe flight. As well as larger passenger flights, the system enables access to essential public services including healthcare via air ambulance services in emergencies, and routine patient transfers. It is also critical for civil defence and emergency responses across the nation.
- The panel's phase 1 report concluded that while the current system is safe and well regarded, existing policy and regulatory, funding, and institutional settings are not fit for the future. Transformational change is required.
- We anticipate the phase 2 report, which will be delivered next month, will recommend that structures are needed to facilitate more collaboration and strategic thinking across the system.
- We consider that the recommendations are sound and should be developed further with a view to implementation. We will report to you in more detail at an appropriate time.
- Panel chair, Debbie Francis, met with the previous Associate Minister of Transport prior to Cabinet considering the phase 1 report, and would welcome an opportunity to meet with you to present the report.
- Separately, you have been invited by Airways New Zealand to speak at the Airways New Zealand Safety Forum in Christchurch on 24 May 2023.

Recommendations

We recommend you:

- 1 **indicate** if you wish to meet with Debbie Francis, chair of the independent panel undertaking the Air Navigation System Review to discuss the panel's phase 2 report Yes / No
- 2 **agree** to meet with Ministry officials to discuss the outcome of the review and the way forward Yes / No
- 3 **agree** that the phase 2 report be released to stakeholders after it has been presented to you Yes/No
- 4 **indicate** whether you wish to speak at the Airways New Zealand Safety Forum on 24 May 2023 Yes / No



Tom Forster
Manager, Economic Regulation
 15 March 2023

Hon Kiri Allan
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
Bronwyn Turley, Deputy Chief Executive, Strategy & Regulatory Design	s 9(2)(a)	✓
Tom Forster, Manager, Economic Regulation		

AIR NAVIGATION SYSTEM REVIEW

The Air Navigation System is a key part of New Zealand's infrastructure

- 1 The air navigation system comprises the infrastructure, information and services required for safe flight. The system is complex, delivered by a range of agencies, authorised according to domestic and international standards, and used to guide and manage aircraft ranging from small recreational drones to international cargo aircraft and rockets.
- 2 The system works as an integrated whole, providing the information and infrastructure for aircraft from the start to the end of a flight. Annex 1 details the core system components. Annex 2 shows how the core components fit into the wider system.
- 3 A modern and responsive air navigation system is critical to keeping New Zealand safe, connected, growing, resilient, and secure. New Zealanders derive significant value from the system – both direct and indirect. Air transport, trade and tourism contribute significantly to our society and economy. The direct contribution from air transport alone in 2019 was valued by the International Air Transport Association at USD\$3.7 billion. Ninety-nine percent of visitors to New Zealand arrive by air.
- 4 The system enables access to essential public services including healthcare via air ambulance services in emergencies, and routine patient transfers. It is also critical for civil defence and emergency responses across the nation and the wider South Pacific region.
- 5 The aviation system is innovative, productive and growing. Airspace and aircraft innovation is expanding the potential for future business activity, foreign direct investment and productivity growth in New Zealand.
- 6 A number of challenges and opportunities have arisen with the current air navigation services. These include:
 - 6.1 new technologies: airframe materials, autonomous and remotely piloted aircraft, artificial intelligence, digitalisation, alternative fuels, and new propulsion systems
 - 6.2 drives for the decarbonisation of aviation
 - 6.3 demands for different design and use of airspace, including low altitude and urban airspace, and providing for aircraft and launch vehicles transiting to and from space
 - 6.4 emergence of new business models and alternative providers for some components of the air navigation system
 - 6.5 emerging threats and risks around cyber security and security of physical infrastructure
 - 6.6 ongoing globalisation of system components
 - 6.7 new international standards and regulations
 - 6.8 movement to performance-based regulation and other regulatory responses to rapidly changing technology.

- 7 Given all of the issues above around the regulatory settings, new technologies, funding of the system, and integration of air space, most stakeholders, the Ministry recommended to the Minister of Transport that a first principles review of the system be undertaken.

The Minister of Transport initiated a review of the system

- 8 In February 2021, the Minister of Transport initiated a high level, first principles review of the air navigation system. Cabinet commissioned an independent panel to undertake a two phase Air Navigation System Review (the review).
- 9 On 16 May 2022 Cabinet confirmed the review's terms of reference [CAB-22- MIN-0177 refers]. The review was asked to define the principles and objectives that describe what New Zealand needs and wants from the system now and into the future, and to assess the suitability of the policy and regulatory, institutional, and funding settings for the system to deliver those outcomes.
- 10 The Minister of Transport subsequently appointed an independent panel to conduct the review. The panel comprises Debbie Francis as Chair, with Howard Fancy, Ed Sims, and Danny Tuato'o as fellow panel members [APH-22-MIN-0066 refers]. The independent panel approach was adopted to ensure the review provides an objective assessment of long-standing government agency and stakeholder concerns with the system's existing settings.

The panel's phase 1 report concluded the system is not fit for the future

- 11 The panel delivered its phase 1 report in September 2022. Cabinet considered the report on 26 October 2022 and endorsed it as a basis for phase 2 [DEV-22-MIN-0247 refers].
- 12 The report argued that while the system has served us well to date, it is not fit for the future. The rate of change in aviation and air navigation requires transformational change now and over the long term. With the advent of new technologies and entrants into the aviation system, the challenge has now become centred on achieving the twin benefits of greater innovation and improved safety.
- 13 The report identifies an absence of vision, leadership, and stewardship, resulting in incremental, single agency responses to what are urgent system-wide challenges.
- 14 Other states have developed high-level visions and are working with industry to seize the opportunities of new and emerging technologies, and build the capacity and capabilities in the system to safely deliver future benefits. New Zealand risks being left behind.
- 15 Other important findings in the report include:
- 15.1 There are voices missing from the system. Māori aspirations, te ao Māori perspectives and partnership with Māori to give effect to Te Tiriti o Waitangi are absent.
 - 15.2 The regulatory settings need to enable safe integration of new technologies while maintaining system safety. The panel reports a need to boost regulatory agility and capability to these ends.

- 15.3 A more deliberate and planned investment in the future system will be required. While the user-pays model will continue, there is also a need to consider more transparent, sustainable and equitable funding, and charging approaches.

You will receive the phase 2 report next month

- 16 The panel is finalising its phase 2 report which it is due to present to you next month. Based on information shared with an industry reference group in a series of workshops, we anticipate recommendations along the following lines:
1. Implement a national air navigation system strategy to set priorities and drive action
 2. Establish a Governance Council to steer system-wide transformation
 3. Develop a shared set of system-level performance metrics to hold leaders to account
 4. Invest in critical system components to preserve and enhance national security and resilience
 5. Maintain user-pays for current operations and explore new funding and investment streams for R & D and innovation
 6. Develop robust international partnerships for economies of scale and innovation
 7. Identify Māori rights and interests and opportunities for Māori-Crown partnership
 8. Accelerate the transition to a more anticipatory and performance-based regulatory framework.

The chair of the panel would welcome the opportunity to present the report to you

- 17 Debbie Francis, the chair of the panel, met with the previous Associate Minister of Transport to present the phase 1 report. She would welcome the opportunity to meet with you to present and discuss the phase 2 report.

We consider that the recommendations merit further investigation

- 18 Subject to any changes in the final report, we consider that all the panel's recommendations merit further investigation with a view to implementation.
- 19 There is no current statement of direction for the system. The most recent national policy statement on aviation is the National Airspace Policy of New Zealand, published in 2012. Without that foundation, it is difficult to determine if the system meets our current and future needs.
- 20 The recommendations have, in general, been well received by the stakeholder reference group. Industry also gave feedback to the panel about the importance of a focus on workplace issues.

- 21 Some industry participants will take the view that the recommendations do not go far enough in that the panel will not recommend a change to the State Owned Enterprises form of Airways. The panel has clearly communicated this view to stakeholders in the phase 1 report and during discussions in phase 2.
- 22 We consider that a strategic, system-wide, approach to the future will achieve more lasting results than tweaking the corporate form of any one participant.
- 23 Recommendations 1 and 2 are foundational actions, from which the understanding necessary to implement the other actions will follow. Other actions will need to draw both on thinking that emerges from a strategy and on work already underway.
- 24 We would expect, for example, that an advisory group and those drawing up a strategy would draw on work being done by the Department of Prime Minister and Cabinet and the National Emergency Management Agency in understanding what critical and resilient infrastructure looks like, and work in the context of the Regulatory Framework Review Programme (Trifecta).

Cabinet approval will be necessary to implement some recommendations

- 25 While all participants in the system will need to buy in to any future direction, the government has a crucial role to play as policy maker, regulator, funder, and owner.
- 26 Any substantive response to the review will therefore require further Cabinet decisions. Some of the changes required will be medium and long-term projects that will draw on resources from a number of government agencies. A more coherent view about which components of the system are public goods which cannot be maintained through user pays is a strategic decision, which could have funding implications. The panel's call for collaborative action will be strengthened by support from the range of Ministers with portfolio interests in the system, and the sectors that depend on and/or benefit from it.
- 27 There are stakeholder expectations that Cabinet will consider the phase 2 report in May 2023, soon after it is presented. Given government priorities and departmental resources, we consider that this timeframe is not feasible. Fully developing the strategy would require additional resources which could be the subject of a future Budget bid.
- 28 We propose undertaking work in consultation with other government agencies on scoping an initial response to the recommendations. We will report to you in more detail on potential steps to advance the foundation actions in particular, towards the end of the year.

We recommend you release the report

- 29 Once the Panel has presented its report to you we suggest releasing it to stakeholders to recognise the high degree of stakeholder interest and involvement in the review.
- 30 In releasing the report you could advise stakeholders that you have asked the Ministry of Transport for advice on advancing the recommendations for later in the year.

You have also received a speaking invitation from Airways New Zealand

- 31 Airways has invited you to be a keynote speaker at the 2023 Airways New Zealand Safety Forum being held in Christchurch on Wednesday, 24 May 2023.

- 32 The Forum could provide a valuable opportunity for you to hear from the sector ahead of making any decisions. However, as you will not have anything substantive to announce, and given other matters you are focussing on, we consider attendance is low to medium priority.

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ANNEX 1: AIR NAVIGATION SYSTEM COMPONENTS

CNS – communication, navigation, and surveillance

Communication refers to communication between two or more aircraft, the exchange of data or verbal information between aircraft and air traffic control and the ground-based communication infrastructure of the air traffic management network. Navigation is the planning, recording, and controlling the movement of an aircraft from one place to another by providing accurate, reliable, and seamless position determination capability. Navigation includes the use of dedicated ground and satellite technology and performance-based navigation (PBN). Surveillance systems are used by air traffic control to determine the position of aircraft. Systems on the ground communicate with equipment on board the aircraft to determine the position and other details of each aircraft.

ATM – Air traffic management

ATM is the integrated management of air traffic and airspace. ATM comprises the following components: air traffic services (ATS), airspace management (ASM) and air traffic flow management (ATFM).

Meteorological services for air navigation

System providers internationally provide aviation weather services through the distribution of aviation weather reports and forecasts for route planning and for use by controllers. MetService is the primary provider of aviation forecasting in New Zealand.

Aeronautical information services/Aeronautical information management

AIS/AIM is the integrated management of aeronautical information services through the provision and exchange of quality-assured digital aeronautical data. This provision and exchange of data ensures the flow of information necessary for the safety, regularity, and efficiency of international air navigation.

Aerodromes and ground aids (AGA)

Aerodrome infrastructure is a key component that influences air traffic flows and system capacity. AGA includes the following elements: aerodrome certification, visual aids for prevention of runway incursions, visual aids for denoting wind turbines, advanced aircraft docking systems to improve apron safety, rescue and firefighting provisions, wildlife strike hazard reduction, and heliports.

Airspace design

Aotearoa New Zealand includes airspace design as part of the domestic system for planning purposes. Technological developments, including those in the core system, require airspace design and designations to be continuously reviewed to accommodate increasing traffic, new types of aircraft and more direct and efficient flight paths.

ANNEX 2: WIDER SYSTEM MAP



23 March 2023

Document 6
OC230193

Hon Kiri Allan
Associate Minister of Transport

cc Hon Michael Wood

Minister of Transport

SUSTAINABLE AVIATION AOTEAROA 2023

Snapshot

- At the officials' meeting on 14 March 2023, you agreed to host the upcoming second quarterly Sustainable Aviation Aotearoa (SAA) hui at Parliament on 4 April 2023 and provide opening remarks. You also requested a package of background reading. This briefing provides:
 - Relevant context about SAA and an outline of Te Manatū Waka's proposed approach to the group in 2023 (main briefing)
 - Speaking notes for your opening remarks (Annex 1)
 - A draft agenda for the meeting and list of members of the SAA leadership body (Annex 2)
 - Background reading as requested (Annex 3)
- The establishment of SAA (a public-private leadership body to decarbonise aviation) is an Emissions Reduction Plan (ERP) action and a cornerstone of the Ministry's sustainable aviation work.
- Your presence at the first hui of 2023 will emphasise the importance of the group to the Government and help to set the tone for the year ahead. Please see Annex 1 for suggested speaking notes.
- You are not expected to attend SAA hui on a regular basis, but we think meeting the group soon after your appointment as Associate Minister is a good opportunity to for you to meet key representatives of the aviation industry and familiarise yourself with some of the key challenges and opportunities with aviation decarbonisation. You are however welcome to attend the group's future meetings at any time.
- In future, we will update you about the work of SAA via the weekly report or in longer briefings as necessary.

SAA Meeting, 4 April 2023

Time and date	9.00am-11.00am, 4 April 2023	
Venue	Ministerial Meeting Room 2.1, level 2, Executive Wing, the Beehive	
Attendees	20-30 Chief Executive or Deputy Chief Executive-level representatives from the aviation sector are expected to attend. See Annex 2 for full member list (noting that attendance is still TBC)	
Officials attending	Audrey Sonerson, Chief Executive, Te Manatū Waka Bryn Gandy, Deputy Chief Executive, Te Manatū Waka Holly Walker, Manager, Environment and Emissions Strategy, Te Manatū Waka Alessandro Aduso, Principal Advisor, International, Te Manatū Waka Lucy Patterson, Advisor, Environment and Emissions Strategy, Te Manatū Waka Relevant MBIE officials may also attend (TBC)	
Run sheet	9.00am	Tea and coffee
	9.10am	Meeting commences – Welcome and opening karakia from Audrey Sonerson, Secretary of Transport
	9.15am	Proposed focus for SAA in 2023/24
	9.30am	Opening remarks from Minister
Media	At this stage we do not plan to invite media. A press release may be issued follow the meeting if there is substantive progress to report.	
Speaking notes	See Annex 1	

Contacts

Name	Telephone	First contact
Holly Walker, Manager, Environment and Emissions Strategy	s 9(2)(a)	✓
Lucy Patterson, Advisor, Environment and Emissions Strategy		

SUSTAINABLE AVIATION AOTEAROA 2023

Context

- 1 In November 2022, Te Manatū Waka (the Ministry) convened the inaugural SAA hui. Ministers McAnulty (your predecessor) and Verrall (Research, Science, and Innovation) attended, along with airline, airport and pilots' association executives and relevant officials. Minister Woods (Energy and Resources) was to attend but gave apologies due to another commitment.
- 2 The inaugural SAA hui focused on introductions, reaching agreement on the Terms of Reference (ToR) for the group, agreeing on the establishment and focus areas for three working groups, and suggestions for additional membership.
- 1 The following three working groups were agreed upon at the first SAA meeting:
 - Sustainable Aviation Fuel (SAF), with a particular focus on exploring the policy settings for a SAF mandate, cost, importation, and production
 - Zero-Emissions Aviation, including hydrogen and electric aircraft and its enabling infrastructure
 - Strategic policy, which will consider the ERP action to establish domestic emissions reductions targets, update the New Zealand State Action Plan for aviation, and assist the CCC with their consideration of including international aviation emissions within our domestic targets.
- 3 According to the ToR, SAA meetings will occur quarterly. The second meeting was due to be held in February 2023 but was postponed while we awaited clarity on Ministerial delegations.
- 4 Since the inaugural hui, we have continued regular informal discussions with members of the group, including Air New Zealand who are strong advocates of sustainable aviation and supportive of SAA, and with our counterparts at MBIE.
- 5 Two new SAA members have been added since the first meeting: Airways and Airbus. We have also extended an invitation to Boeing but are yet to receive confirmation of whether or not they will take this up.

Relationship of SAA to the ERP and our international obligations

- 6 The first Emissions Reduction Plan (ERP) established three key actions for decarbonising aviation:
 - Establish a public-private leadership body focused on decarbonising aviation, including operational efficiencies, infrastructure improvements, and frameworks to encourage research, development and innovation in sustainable aviation (this has now been actioned with the establishment of SAA).

- Develop and set specific targets for decarbonising domestic aviation in line with our 2050 targets.
 - Implement a SAF mandate.
- 7 New Zealand is also a member state of the International Civil Aviation Organisation (ICAO), which has had an increasing focus on aviation decarbonisation in recent years.
- 8 ICAO member states are invited to submit State Action Plans (SAPs) and update them every three years. SAPs are designed to help Member States establish a long-term strategy on climate change for the international aviation sector, involving all interested parties at national level.
- 9 ICAO encourages these parties to work together to define a quantified baseline scenario, select appropriate emissions mitigation measures, and calculate the expected results of implementing those measures.
- 10 New Zealand submitted its first SAP in 2016. We are currently overdue to provide an updated version.
- 11 In line with ICAO's guidance to Member States to work with aviation stakeholders to progress decarbonisation, officials plan to propose at the 4 April meeting that SAA focuses its 2023 agenda on developing and agreeing content for New Zealand's next ICAO SAP, with each of the three proposed SAA working groups contributing to relevant sections.
- 2 Making the SAP the focal point for SAA in 2023 serves multiple functions:
- Advancing all the aviation actions in the ERP
 - Developing an evidence base and supporting material to inform the Climate Change Commission's upcoming advice on whether to include international aviation emissions in our domestic emissions budgets
 - Flagging potential emerging challenges and opportunities with aviation decarbonisation, including tourism and trade implications.
 - Enhancing New Zealand's international reputation as a high-ambition country in the aviation decarbonisation space (since the SAP is an internationally recognised document and 136 states are members of ICAO).
 - Ensuring key parties are involved in framing up a plan that will have strategic importance to both the aviation sector and government for at least three years
 - Building a strong case for the critical role of aviation from an "NZ Inc" perspective i.e., not only as a standalone sector but highlighting its vital role as a facilitator and connector for trade and the tourism sector for a small, remote country like ours.
- 3 We discussed this proposal with officials from MBIE's Innovative Partnerships team as well as with Air New Zealand. Both are both strongly supportive.

- 4 As part of that conversation, Air New Zealand raised the importance of linking the work of SAA with broader policy programmes such as feeding outputs from the SAP into the second Emissions Reduction Plan (2026 – 2030) and other related policy decisions. We agree that this will be important.

To get work on the SAP underway, we propose establishing the SAA working groups late April/early May

- 5 Standing up the three working groups could involve asking for nominees from the core leadership body at the upcoming hui. We want to clearly articulate the need for dedicated resource to these working groups, so membership will likely be conditional based on a certain level of compulsory attendance across the year.

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ANNEX 1: Speaking Notes

SUSTAINABLE AVIATION AOTEAROA HUI APRIL 4 2023

Welcome

- Greet all attendees as appropriate.
- I am thrilled to be here today to open the first Sustainable Aviation Aotearoa hui of 2023.

Aviation plays a critical role in connecting Aotearoa both inter-regionally and across the globe

- As a country, we rely on aviation as an enabler of:
 - timely carriage of our high-value goods to access key markets and contribute sizeably to our GDP, carrying about 16 percent of our exports and 22 percent of our imports by dollar value
 - travel, whether for leisure/tourism, business or to connect whanau across the country and the world.
- Due to our relative isolation as a country, aviation plays a particularly critical and irreplaceable role in the transport system and will continue to for many years to come.

We know that there are rising global and local pressures that present both significant challenges, but also great opportunities for improving the way we approach aviation in Aotearoa

- The impacts of climate change are already very real, as evidenced by the recent historic weather events in Aotearoa.
- Such events demand a kind of resilience and tenacity at a scale that we have rarely seen but will increasingly witness in the coming years.
- I want to acknowledge the incredible mahi of yourselves and your organisations during what was a hugely challenging and unprecedented time.
- Even through such events, there is a dedication to upholding high standards across the sector, and mucking in when needed, and I see this translating into passion and commitment towards climate action.

Decarbonising aviation is key to ensuring Aotearoa continues to have access to the world for years to come

- Last year, New Zealand successfully pushed for the 41st ICAO Assembly to adopt a long-term global aspirational goal for international aviation of net-zero carbon emissions by 2050 in support of the UNFCCC Paris Agreement's temperature goal.

Reflective of the need to take this journey together, some of you were in Montreal to witness this historic agreement.

- Within the SAA group, we are not short on ambition.
 - For example, Air New Zealand has set a 2030 interim science-based target, validated by the Science Based Targets initiative, to reduce carbon intensity by 28.9% by 2030, from a 2019 baseline.
 - Air NZ and Qantas both have an ambitious and major goal of reaching 10% SAF use by 2030. I was pleased to hear that, to his end, Air NZ procured its first SAF shipment last year.
- However, ambition alone will not carry us. I can't understate the importance of collaboration to deliver. No one of us can go it alone. We need to pull our sleeves up and work together now to make net zero a reality.

Final thoughts

- The challenges ahead are daunting, but I am encouraged by the collaborative approach SAA endeavours to take.
- I thank my fellow Ministers, Hon Drs, Woods and Verrall for jointly sponsoring this important work and reminding us that this is not just about aviation, but about how it fits into the broader New Zealand and global context.
- And I thank you all for showing up and playing your part.
- Thank and conclude remarks as appropriate.

ENDS

ANNEX 2: Draft agenda – SAA April hui

9.00am-11.00am, Tuesday 4 April 2023

Ministerial Meeting Room 2.1, Level 2, Executive Wing (the Beehive) or via Zoom

Time	Item	Lead
9:00am	1 Tea and coffee	
9:10am	2 Meeting begins – Welcome and opening karakia	Audrey Sonerson, Secretary of Transport
9:15am	3 Proposed focus for SAA in 2023/24 - ICAO State Action Plan	Bryn Gandy, Chair
9:30am-9:35am	4 Opening remarks from Hon Kiritapu Allan	Hon Kiritapu Allan, Associate Minister of Transport
9:35am	5 Feedback on working groups <ul style="list-style-type: none"> • Working group terms of reference <ul style="list-style-type: none"> ○ Scope ○ Frequency of meeting ○ Membership: <ul style="list-style-type: none"> ▪ Criteria ▪ Nominations ▪ Size • Phasing 	Bryn Gandy, Chair
10:20am	6 Morning tea	
10:30am	7 General discussion/updates/any other business	All
10:50am	8 Final comments and next steps	Bryn Gandy, Chair
10:55am	9 Closing karakia	Audrey Sonerson
11:00am	10 Meeting concludes	

Attendees

TBC

Full list of SAA leadership body members:

Name	Title	Organisation
Bryn Gandy (Chair)	DCE	Te Manatū Waka
<i>Airlines</i>		
Andrew Crawford	CEO	Sounds Air
Andrew David	CEO	Qantas
Kiri Hannifin	Chief Sustainability Officer	Air New Zealand
Niels Meinderts	Regulatory Affair Manager	Air New Zealand
Rhyan Wardman	Chair and Director	Sounds Air
<i>Airports</i>		
Andrea Marshall (stand-in)	Head of Master planning	Auckland Airport
Billie Moore	Chief Executive	New Zealand Airports Association
Carrie Hurihanganui	Chief Executive	Auckland Airport
Claire Waghorn	Sustainability Transition Leader	Christchurch Airport
Clodagh O'Connor-McKenna (stand-in)	Government Relations Manager	Auckland Airport
Jenna Raeburn	General Manager	Wellington Airport
Malcolm Johns	CEO	Christchurch Airport
Mark Thompson	CEO	Nelson Airport
Steve Riden	Sector Development Manager and Decarbonisation Lead	NZ Airports Association
<i>Air navigation service provider</i>		
James Young	Chief Executive	Airways
Jamie Gray	Manager Deputy Chief Executive	Airways
<i>Pilots</i>		
Andrew Ridling	CEO	New Zealand Pilots Association
Lisa-Marie Richardson	Government, Regulatory and Public Affairs	New Zealand Air Line Pilots' Association
<i>Manufacturers</i>		
Mark Rocket	CEO	Kea Aerospace
Stephen Forshaw	Chief Representative of Australia, New Zealand and the Pacific	Airbus
<i>Māori/Iwi</i>		

Name	Title	Organisation
Ben Bateman	Chief Operating Officer	Te Rūnanga o Ngāi Tahu
Parekawhia McLean	Representative, Director	Waikato-Tainui, Transpower
<i>Government/Crown entities</i>		
Audrey Sonerson	Chief Executive	Te Manatū Waka
Keith Manch	CEO	Civil Aviation Authority
Leah Murphy	Principal Adviser	Ministry of Business, Innovation and Employment
Lisa Daniell (stand-in)	Executive Director	Climate Change Chief Executives Board
Peter Bartlett	Director - Sector Engagement, Energy and Resource Markets	Ministry of Business, Innovation and Employment
Vicky Robertson	CEO	Ministry for the Environment

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ANNEX 3: Background information

Sustainable Aviation Aotearoa (SAA) gives effect to an action in the Emissions Reduction Plan (ERP)

SAA heads the ERP action to establish a public-private leadership body focused on decarbonising aviation

- 1 Establishing a public-private leadership body "focused on decarbonising aviation, including operational efficiencies, infrastructure improvements and frameworks to encourage research, development and innovation in sustainable aviation", was included in the ERP under Action 10.3.3.
- 2 The ERP also includes actions to implement a sustainable aviation fuel (SAF) mandate, and to set domestic emissions reductions targets for aviation. The Climate Change Commission (CCC) is to review the inclusion of international aviation emissions in our domestic targets by 2024, as directed by the Climate Change Response Act 2002. It will be important to work with industry on these actions.
- 3 The SAA leadership body comprises Chief Executive or Deputy Chief Executive-level representatives to provide governance and strategic direction, and influence actions within their own organisation.
- 4 Acknowledging the energy sector implications of sustainable aviation, and significant need for technological and innovative advancements, SAA is jointly endorsed by the Associate Minister of Transport, Minister of Research, Science and Innovation, and the Minister for Energy.
- 5 See Annex 2 for a list of current members.

SAA: Roles and responsibilities

<p>Sponsoring Ministers</p> <p>Associate Minister of Transport, Minister of Energy and Resources, Minister for Research, Science and Innovation Role: to champion SAA and attend leadership body hui for key milestones or items where necessary Ministers can commission specific advice from officials and ask that it is considered by the SAA.</p>
<p>Leadership Body</p> <p>Chief Executive and Deputy Chief Executive level members from aviation sector, iwi and government agencies Role: meet quarterly with the aim to identify cross-government work on aviation to avoid duplication, create synergies, and make better use of limited resources</p>
<p>Working Groups (to be established)</p> <p>Subject matter experts from industry and agencies Role: meet more frequently than the leadership body and draft papers to feed up to the leadership body</p>

SAA provides advice on the government and the sector's ambitions for low-and zero-emission aviation

- 6 SAA aims to identify cross-government work on aviation to avoid duplication, create synergies, and make better use of limited resources. In part, this will be achieved through SAA establishing working groups to accelerate progress on decarbonising Aotearoa's aviation sector.
- 7 The leadership body does not have any decision-making powers; these lie with the SAA sponsoring Ministers as relevant to their respective portfolio responsibilities. The core body is a policy reference group that reports to officials, who then pass on information or recommendations to Ministers as needed.
- 8 The Ministry Deputy Chief Executive Bryn Gandy chairs the SAA Leadership Body, which convenes quarterly.
- 9 At the inaugural SAA hui in November 2022, the following three working groups were agreed upon:
 - SAF, with a particular focus on exploring a SAF mandate, cost, importation, and production
 - Zero-Emissions Aviation, including hydrogen and electric aircraft and its enabling infrastructure
 - Strategic policy, which will consider the ERP action to establish domestic emissions reductions targets, update the New Zealand State Action Plan for aviation, and assist the CCC with their consideration of including international aviation emissions within our domestic targets.
- 10 More broadly, SAA links to the ambitions outlined in the draft national aerospace strategy. In September 2022, your predecessor, Minister McAnulty jointly released consultation document on a national aerospace strategy with the Minister for Economic and Regional Development and the Minister for Research, Science and Innovation. Goal one of that strategy is to “build a sustainable air passenger journey” by 2030.

Despite SAA's relative infancy, there is already significant buy-in from key agencies and industry players

- 11 In establishing SAA, the Ministry considered what options were available in consultation with the Ministry for Business, Innovation and Employment (MBIE) and Air New Zealand - who advocated for the establishment of the SAA and provided proposals to Ministers and officials.
- 12 Air New Zealand has expressed and reiterated support of the SAA initiative. They see SAA as playing a critical role in breaking down silos, both at the interagency level, but also between industry players, and government.
- 13 Since the inaugural hui, Airways and Airbus contacted the Ministry under their own volition to request membership in the SAA leadership body.

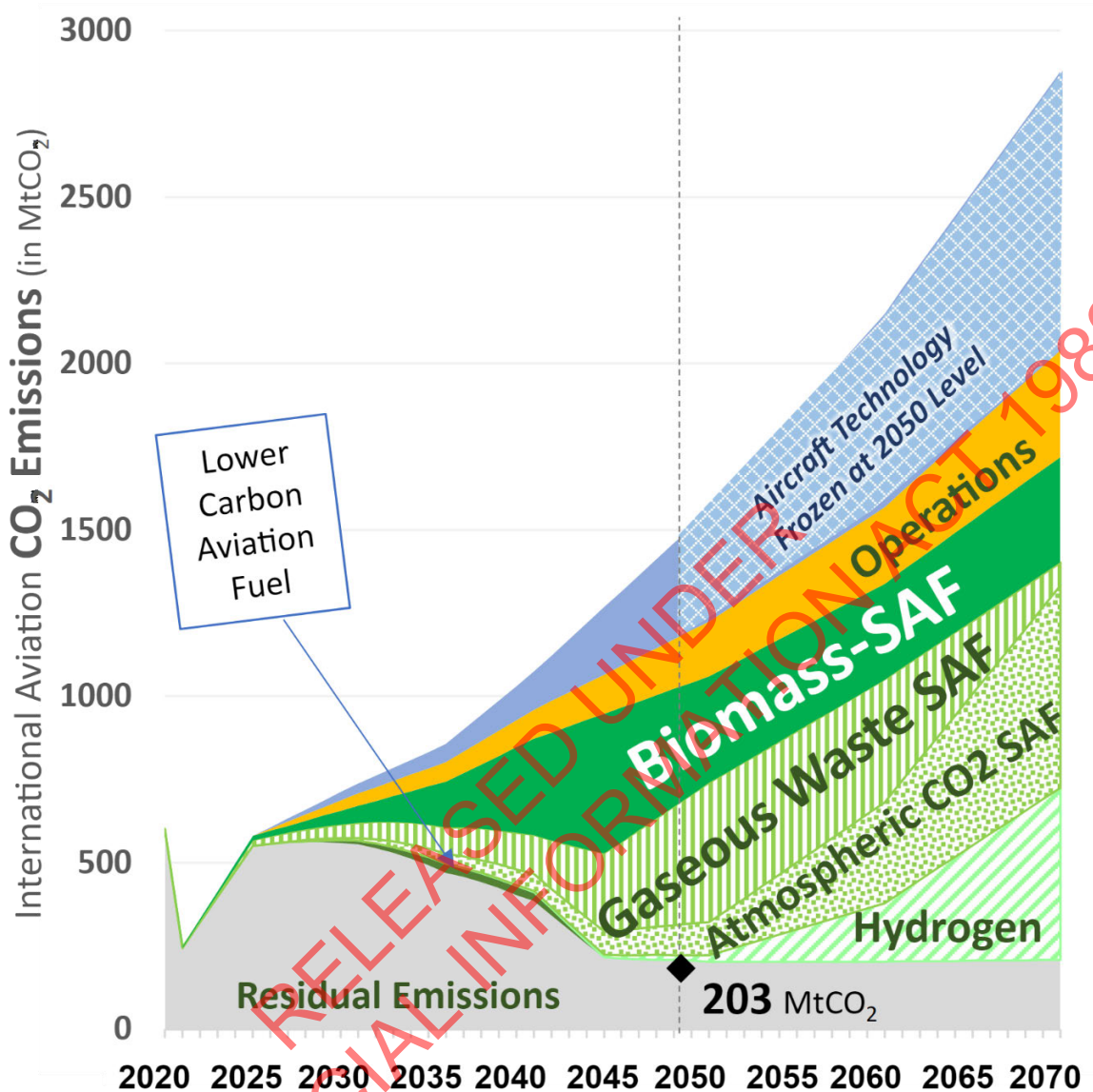
Internationally, there are other examples of Government led sustainable aviation groups

- 14 New Zealand aviation industry participants regularly refer to international examples of successful, private-public aviation decarbonisation partnerships, which the New Zealand SAA can learn from. These are listed below, for your reference:
- United Kingdom's Jet Zero Council is a forum bringing together government, industry, and academia to speed up the aviation green transition. The Council was established in 2020, to work with the aviation industry towards achieving net zero in aviation and developing sustainable aviation fuels (SAF) facilities in the UK.
 - Singapore's International Advisory Panel (IAP) on a Sustainable Air Hub was formed in February 2022 and brings together industry, technology, and knowledge partners from Singapore and around the world to discuss how international aviation can be made more sustainable and accessible for all, and how Singapore can contribute to this international effort.
 - Australia's Jet Zero-style Council is part of the Federal Government's efforts to collaborate with the industry to achieve a sustainable aviation sector that supports emission reduction targets en-route to net zero by 2050. In February 2023, representatives from various sectors of the aviation industry attended an Industry Roundtable, to discuss the establishment and objectives of the Council.

Key international aviation trends and emerging issues

- 15 Aviation accounts for over 2 percent of global energy-related CO2 emissions, having grown faster in recent decades than road, rail, or shipping.
- 16 Over the next 20-30 years, interim solutions are needed until more advanced technologies (such as hydrogen aircraft - that are truly net-zero), have reached maturation, if we are to reach to net-zero aviation by 2050.
- 17 ICAO outlines a basket of measures necessary to decarbonise aviation:
- Aircraft technologies
 - Operational improvements
 - Sustainable aviation fuels
 - Carbon offsetting

18 The following ICAO chart depicts the relative makeup and phasing of decarbonisation measures:



19 The chart highlights sustainable aviation fuel (SAF) as the most viable solution for long haul aviation for the next 20-30 years. However, there are significant challenges with the procurement, production, and cost of SAF, as demand grossly outstrips supply.

- From the perspective of the purchaser (i.e., airlines such as Air New Zealand) SAF poses sizeable operational costs, with estimates putting SAF at anywhere between 2-10 times the cost of existing jet fuel.
- Beyond pricing issues, there are other broader considerations regarding the sustainability and ethics behind the different feedstocks.

20 Another interim decarbonisation measure is the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA). CORSIA complements the other elements of the basket of measures by offsetting the amount of CO₂ emissions that cannot be reduced through technological improvements, operational improvements, and sustainable aviation fuels with emissions units from the carbon market.

- 21 With current understanding of technology, electric aircraft may only be able service short-haul flights and hydrogen aircraft (for longer distances) are unlikely to be viable until the second half of the century. However, in Aotearoa, Air New Zealand is investigating hydrogen and electric aircraft options for short-haul flights on their journey to start replacing their short-haul fleet by 2035.
- 22 Given New Zealand's relative isolation, and currently limited scope to produce commercial quantities of SAF or develop electric/hydrogen aircraft, working with our international counterparts is critical to reaching our net-zero ambitions.

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29 March 2023

OC230272

Hon Kiri Allan
 Associate Minister of Transport

MEETING WITH THE CIVIL AVIATION AUTHORITY CHIEF EXECUTIVE AND CHAIR - 3 APRIL 2023

Snapshot

You are meeting with the Civil Aviation Authority (the Authority) Chair and Chief Executive on 3 April 2023. To support you in your meeting, Te Manatū Waka has provided suggested talking points in **Annex 1**.

Time and date	5.00pm – 5.30pm, 3 April 2023
Venue	Executive Wing, 5.3R
Attendees	Janice Fredric, CAA Chair Keith Manch, CAA Chief Executive
Officials attending	Brent Johnston, Deputy Chief Executive - System Performance & Governance Sarah Polaschek, Manager, Governance
Agenda	1. Outlining the planning assumptions for the Funding Review 2. Implementation of the Civil Aviation Bill
Talking points	Suggested talking points are in Annex 1

Contacts

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

MEETING WITH THE CIVIL AVIATION AUTHORITY CHIEF EXECUTIVE AND CHAIR - 3 APRIL 2023

Key points

- You are meeting with Janice Fredric (Chair) and Keith Manch (Chief Executive) of the Civil Aviation Authority (the Authority) on 3 April 2023.
- This is the first of your regular meetings with the Authority's Chair and Chief Executive since you took up your delegation. As this is your first time meeting the CAA Chair, we have provided, for your reference, *Ms Fredric's biography* on **page 5**.
- The Authority provided its meeting advice to your office on 28 March 2023, which sets out two proposed agenda items: *outlining the planning assumptions for the funding review* and the *implementation of the Civil Aviation Bill*. Context for these topics is provided on **pages 3 – 4**.

We recommend that you set your expectations and priorities for the Authority in 2023/24

- The Authority has not yet received a Letter of Expectations for 2023/24, but continues to prepare a draft Statement of Performance Expectations (SPE) to meet the 30 April 2023 statutory deadline i.e., the date when the draft must be provided for your feedback.
- Officials have advised the Authority to prepare the SPE as though all its Budget 2023 initiatives were successful, with the aim of seeking decisions from you (through the SPE approval process) on the expectations and priorities that should be progressed in the next financial year if the Authority's bid, or aspects of the bid, are unsuccessful.
- We suggest that you use your meeting to set expectations and priorities for the Authority in 2023/24. This will enable the Authority to reflect your views in the draft SPE, and to begin work to identify options that would enable Ministerial expectations to be met - while delivering the Authority's core safety and security functions - if its Budget bid is unsuccessful.

You may also wish to discuss Board reappointments with the Chair

- The terms of the **Chair** and Board member, **Charles Spillane**, expired on 2 December 2022. Both have confirmed their interest in being reappointed and have accepted a request to stay on the Board until their reappointment is confirmed or a successor has been found. In addition, **Hon Harry Duynhoven's** term will expire on 30 June 2023, and he has confirmed his interest in being reappointed.
- As noted in the weekly report for the week ending 31 March 2023, officials have reviewed the findings from the Authority's recent board evaluation, which found the Board is performing satisfactorily and has a good understanding of its strengths, areas to improve and priorities over the coming year.
- Strengths were identified as Board culture, performance (organisational, regulatory, and financial), and the Board's constructive relationship with the Chief Executive. However, there were opportunities for the Board to:

- continue refining the focus, quality and volume of information reported to the Board;
- continue focusing at a strategic governance level, as opposed to an operational management level;
- undertake long-term strategic planning, depending on funding.
- The results also showed the Board is satisfied with the Chair's performance overall and appreciate her positive relationships with members, the Chief Executive, and stakeholders.
- We suggest that you do not confirm reappointment decisions at this meeting, but note that you have recently taken up the delegation and will consider Board reappointments shortly. However, you may wish to seek the Chair's view on the reappointments of the two members, in light of the board evaluation's findings.
- We note that often reappointment discussions are held privately, between the responsible Minister and Chair, to enable a free and frank discussion on the performance of the Board, and Board members.
- Suggested talking points for Board reappointments, and the two agenda items, are provided for your consideration in **Annex 1**.

Item one: Outlining the planning assumptions for the funding review

1. s 9(2)(f)(iv) [REDACTED]
2. The liquidity facility has been in use since 2020 and bridges the gap between forecast levy revenue and actual revenue. Subject to Budget 2023 outcomes, funding through the liquidity facility may be extended into 2023/24, but (at present) there is no guarantee of Crown funding beyond this financial year.
3. Additional Crown funding is required to enable delivery of the Authority's core safety and security functions, as current levy rates are unable to recover the cost of the services provided.
4. The Authority is aware that Te Manatū Waka is preparing a paper for Cabinet's consideration in May 2023, regarding s 9(2)(f)(iv), and expected out-turns for future financial years. It is expected that a draft of this paper will be provided to you for feedback on 31 March 2023, with the view that the finalised paper is considered by Cabinet on 3 May 2023.
5. In consideration of the points above, and the Authority's meeting advice which notes its concern around s 9(2)(g)(i), you may wish to use this meeting to:
 - 5.1 note your comfort providing a letter of support to the Authority, s 9(2)(f)(iv)
 - 5.2 s 9(2)(f)(iv)

s 9(2)(f)(iv)

5.3

5.4

6. The Authority's meeting advice also notes that re-instating operational reserves is an area of concern. In OC230082 you agreed that the Authority may:

6.1 use the liquidity facility in 2023/24 to address unforeseen shocks and unavoidable changes in operational activity, subject to the Ministers of Finance and Transport's approval of financial recommendations for Budget 2023; and

6.2 partially restore its reserves from 1 July 2024 using surplus liquidity facility funding from 2023/24.

7. s 9(2)(f)(iv)

Item two: Implementation of the Civil Aviation Bill (CAB)

8. Officials are broadly supportive of the advice provided by the Authority on this item.
9. Although the Authority's meeting advice suggests that no decisions are sought on CAB during your meeting, we consider that the context provided is helpful in advance of the decisions that will be required from you in the short-term.
10. You may wish to use this meeting to understand what decisions will be required from you in the short-term as well as the timelines for those decisions; and to note your requirements when being asked to make decisions such as the level of detail in the Authority's advice.
11. Te Manatū Waka will provide you with advice on the implementation of the Bill, and decisions that you be asked to make, following CAB's progression through the Committee of Whole House and Third Reading.

Biography



Janice Fredric

Janice is a professional director with over 20 years governance experience. She has a broad portfolio of current and past directorships with significant experience in commercial, public sector and not-for-profit sectors. In addition to her role as CAA Board Chair, she is currently a director of Mainpower NZ Limited, NIWA, Mt Cass Windfarm, Unity Credit Union, Ministerial Appointee to the Lincoln University Council, an independent member of the Timaru District Council Audit and Risk Committee, and a trustee of the NZ Shipwreck Welfare Trust.

An experienced leader with strong commercial and financial acumen, Janice has governance experience as both a regulator and a regulated party.

Janice has held senior executive positions in the finance and banking sectors and professional services both in New Zealand and internationally.

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Annex 1: Talking Points

Item	Talking Points
<p>Outlining the planning assumptions for the funding review</p>	<p>We suggest you:</p> <ul style="list-style-type: none"> • note that officials are preparing a paper for Cabinet's consideration on 3 May that seeks agreement to s 9(2)(f)(iv) • acknowledge the importance for the Authority to operate as s 9(2)(f)(iv) • note your comfort providing a letter of support, s 9(2)(f)(iv) • s 9(2)(f)(iv) • •
<p>Reserves</p>	<p>You may wish to note that:</p> <ul style="list-style-type: none"> • subject to approval from the Ministers of Finance and Transport, the liquidity facility could be used to address unavoidable changes in operational activity, and unforeseen shocks, if they arise in 2023/24. • officials will work through the impacts (if any) of the Crown funding options on reserves restoration, but this will not be confirmed until Cabinet has made its decision in May.
<p>Implementation of the Civil Aviation Bill (CAB)</p>	<p>You may wish to:</p> <ul style="list-style-type: none"> • ask what decisions will be required from you in the short-term and the timelines for those decisions. • note your requirements when being asked to make decisions such as the level of detail in the Authority's advice.

Item	Talking Points
<p>Board reappointments</p>	<p>We suggest that you do not confirm reappointment decisions at this meeting, but note that you have recently taken up the delegation and will consider Board reappointments shortly.</p> <p>You may wish to seek the Chair’s view on the reappointments of members Charles Spillane and Hon Harry Duynhoven.</p> <p>We note that often reappointment discussions are held privately, between the responsible Minister and Chair, to enable a free and frank discussion on the performance of the Board, and Board members.</p>
<p>2023/24 Letter of Expectations</p>	<p>You may wish to set your expectations and priorities for the Authority in 2023/24 should its Budget 2023 bid, or components of its bid, be unsuccessful.</p>

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