

22 December 2023

Stephen Prendergast

**By email:** [fyi-request-24704-9f2c7db1@requests.fyi.org.nz](mailto:fyi-request-24704-9f2c7db1@requests.fyi.org.nz)

Tēnā koe Stephen

### **Request for Official Information: Information on Ruapehu Alpine Lifts Administration**

Thank you for your correspondence of 10 November 2023 requesting the following under the Official Information Act 1982 (OIA), for the period of 1 January 2023 – 10 November 2023:

1. Key documents and reports between Te Arawhiti staff regarding RAL Administration, liquidation and receivership.
2. Key documents and reports between Te Arawhiti and other government departments regarding the management of the concessions.
3. Key documents and reports between Te Arawhiti and the voluntary administrators (PwC) or Calibre Partners or Chapman Tripp.
4. Key documents and reports between Te Arawhiti and any other party regarding the transfer or issuing of concessions for Whakapapa and Turoa skifields.

On 21 November, we transferred part of your request for *key documents and reports between Te Arawhiti and other government departments regarding the management of the concessions*, to the Ministry of Business, Innovation and Employment under section 14(b)(ii) of the OIA.

On 5 December we notified you of an extension to our decision on this OIA under section 15A to allow time for consultations necessary to make a decision on the request.

### **Response**

We have considered your request under the OIA. I am refusing part 3 of your request, as listed above, under section 18(e) of the OIA as the information requested does not exist.

When considering the rest of your request, I have interpreted 'key documents and reports' to:

- include hui notes, reports to Ministers (including attachments), internal memoranda, and correspondence from and to non-government parties; but

- exclude emails, draft documents and reports, reviews of documents, administrative and planning documents, weekly status reports, and supporting material for officials and/or Ministers attending hui.

We have identified 23 documents either partially or entirely within scope of your request. A table of documents is attached as part of the draft response in **Appendix 1**. Where we have withheld documents in whole or information in part, the ground(s) on which we have relied are set out in the table.

We have considered, under section 9(1) of the OIA whether the withholding of these documents or this information is outweighed by other considerations which render it desirable, in the public interest, to make that information available. Te Arawhiti acknowledges that there is public interest in understanding the complex environment and interests relating to the status of RAL. The information released acknowledges that public interest. The information we have withheld primarily relates to confidential and frank engagement between the Crown and iwi with interests in and around Tongariro National Park. Engagement with iwi will continue to be relevant to the Crown's ongoing decision-making in respect of the status of RAL.

### **Proactive release**

When Te Arawhiti acknowledged receipt of your OIA request, we advised we may proactively release your OIA response on our website.

After considering our response to your request, we can advise that it will not be published on our website.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about this process is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or phone 0800 802 602.

Nāku noa, nā



Hui Kahu  
**Regional Director**

## Table of documents provided under the Official Information Act 1982

Document number	Date	Document description	Extent of information provided	Reason for withholding/refusing (refer to notes below table)	Page
1	12 June 2023	Hui notes, hui between Hon Kiri Allan, iwi and hapū representatives, and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba(i)) s 9(2)(g)(i)	-
2	17 June 2023	Hui notes, meeting between Crown officials prior to hui with iwi and hapū representatives	Withheld in full	s 9(2)(ba(i)) s 9(2)(g)(i)	-
3	17 June 2023	Hui notes, hui between Te Kotahitanga o Ngāti Tūwharetoa and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba(i)) s 9(2)(g)(i)	-
4	17 June 2023	Hui notes, hui between Patutokotoko and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba(i)) s 9(2)(g)(i)	-
5	17 June 2023	Hui notes, hui between Ngāti Hikairo and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba(i)) s 9(2)(g)(i)	-
6	18 June 2023	Hui notes, hui between Ngāti Rangī and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba(i)) s 9(2)(g)(i)	-
7	19 June 2023	Hui notes, hui between Ngāti Hāua and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba(i)) s 9(2)(g)(i)	-
8	19 June 2023	Hui notes, hui between Te Korowai o Wainuiārua and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba(i)) s 9(2)(g)(i)	-

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9	19 June 2023	Report, Tumu Whakarae Te Arawhiti to Hon Kiritapu Allan, Minister for Regional Development, Hon Andrew Little, Minister for Treaty of Waitangi Negotiations, Hon Willow-Jean Prime, Minister of Conservation, Cc: Hon Kelvin Davis, Minister for Māori Crown Relations: Te Arawhiti, 'Ruapehu Alpine Lifts Limited – Summary of iwi/hapū engagement and next steps'	Parts withheld	s 9(2)(a) s 9(2)(ba)(i) s 9(2)(g)(i) Out of scope	1-34
10	20 June 2023	Hui notes, hui between Tā Tumu te Heuheu and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba)(i) s 9(2)(g)(i)	-
11	20 June 2023	Report, Tumu Whakarae Te Arawhiti to Hon Kiritapu Allan, Minister for Regional Development, Hon Andrew Little, Minister for Treaty of Waitangi Negotiations, Hon Willow-Jean Prime, Minister of Conservation, Cc: Hon Kelvin Davis, Minister for Māori Crown Relations: Te Arawhiti, 'Ruapehu Alpine Lifts Limited – Summary of hui with Te Ariki Tā Tumu'	Parts withheld	s 9(2)(a) s 9(2)(b)(ii) s 9(2)(ba)(i) s 9(2)(j) Out of scope	35-44
12	27 June 2023	Hui minutes, hui between Te Korowai o Wainuiārua and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba)(i) s 9(2)(g)(i)	-
13	27 June 2023	Hui minutes, hui between Ngāti Hāua and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba)(i) s 9(2)(g)(i)	-
14	29 June 2023	Hui minutes, hui between Te Kotahitanga o Ngāti Tūwharetoa and Crown officials regarding Ruapehu Alpine Lifts	Withheld in full	s 9(2)(ba)(i) s 9(2)(g)(i)	-

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15	29 June 2023	Report, Tumu Whakarae Te Arawhiti to Hon Kiritapu Allan, Minister for Regional Development, Hon Andrew Little, Minister for Treaty of Waitangi Negotiations, Hon Willow-Jean Prime, Minister of Conservation, Cc: Hon Kelvin Davis, Minister for Māori Crown Relations: Te Arawhiti, 'Ruapehu Alpine Lifts Limited – Summary of iwi/hapū engagement and next steps'	Parts withheld	s 9(2)(a) s 9(2)(b)(ii) s 9(2)(ba)(i) s 9(2)(g)(i) Out of scope	45-67
16	31 August 2023	Letter, Tā Tumu Te Heuheu to Hon Andrew Little, Minister for Treaty of Waitangi Negotiations and Hon Kieran McAnulty, Minister of Regional Development, regarding Ruapehu Alpine Lifts	Parts withheld	s 9(2)(b)(ii) s 9(2)(j) Out of scope	68-72
17	7 September 2023	Report, Tumu Whakarae Te Arawhiti to Hon Andrew Little, Minister for Treaty of Waitangi Negotiations, 'Ruapehu Alpine Lifts Ltd (in liquidation) – Ngāti Tūwharetoa'	Parts withheld	s 9(2)(a) s 9(2)(ba)(i) s 9(2)(g)(i) s 9(2)(j) Out of scope	73-80
18	8 September 2023	Letter, Hon Andrew Little, Minister for Treaty of Waitangi Negotiations and Hon Kieran McAnulty, Minister of Regional Development to Tā Tumu Te Heuheu, regarding Ruapehu Alpine Lifts	Parts withheld	s 9(2)(a) s 9(2)(ba)(i) s 9(2)(j) Out of scope	81-82
19	26 September 2023	Memorandum, Chief Advisor to CE of Te Arawhiti, 'The RAL Cabinet paper and your hui with MBIE and DoC today'	Withheld in full	s 9(2)(g)(i)	-
20	28 September 2023	Report, Chief Advisor Te Arawhiti to Hon Kelvin Davis, Minister for Māori Crown Relations: Te Arawhiti and Hon Andrew Little, Minister for Treaty of Waitangi Negotiations, 'Te Arawhiti	Parts withheld	s 9(2)(a) s 9(2)(ba)(i) s 9(2)(g)(i) s 9(2)(i)	83-114

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		comment on the MBIE Cabinet paper: <i>Ruapehu Alpine Lifts Limited (In Liquidation) (RAL) – options for government support</i>		s 9(2)(j) Out of scope	
21	28 September 2023	Letter, Te Patūtokōtoko representative to Crown officials regarding Ruapehu Alpine Lifts	Parts withheld	s 9(2)(a)	115-116
22	30 September 2023	Te Patūtokōtokō position statement, sent to Crown officials regarding Ruapehu Alpine Lifts and Tongariro National Park negotiations	Parts withheld	Out of scope	117-125
23	12 October 2023	Letter, Hon Kieran McAnulty, Minister for Regional Development and Hon Andrew Little, Minister for Treaty of Waitangi Negotiations, to Graham Bell, Chair Ngāti Hāua Iwi Trust	Parts withheld	s 9(2)(b)(ii) Out of scope	126-127

### Reasons for withholding under section 9 of the Official Information Act 1982<sup>1</sup>

**s 9(2)(a)** – protect the privacy of natural persons, including the deceased.

**s 9(2)(b)** – protect information that would:

- (i) – disclose a trade secret;
- (ii) – unreasonably prejudice commercial position of subject.

**s 9(2)(ba)** – protect information where making it available would:

- (i) – prejudice the supply of similar information; or
- (ii) – likely otherwise damage the public interest.

**s 9(2)(c)** – prejudice to measures protecting health or safety of the public.

**s 9(2)(d)** – prejudice to substantial economic interests of New Zealand.

**s 9(2)(f)** – maintain the constitutional conventions which protect:

- (i) – communications by or with the Sovereign or their representative; or
- (ii) – collective and individual ministerial responsibility; or
- (iii) – the political neutrality of officials; or
- (iv) – the confidentiality of advice tendered by Ministers and Crown officials.

**s 9(2)(g)** – maintain the effective conduct of public affairs through:

- (i) – the free and frank expression of opinions;
- (ii) – the protection from improper pressure or harassment.

**s 9(2)(h)** – maintain legal professional privilege.

**s 9(2)(e)** – prejudice to measures that prevent or mitigate material loss to members of the public.

**s 9(2)(i)** – enable the Crown holding the information to carry out commercial activities.

**s 9(2)(j)** – negotiations sensitive.

**s 9(2)(k)** – prevent the disclosure of information for improper gain or advantage.

## Reasons for refusing information under section 18 of the Official Information Act 1982<sup>1</sup>

**s 18(a)** – good reasons by virtue of s 6, 7 or 9 of the Act:

**s 18(b)** – the department or Minister or organisation neither confirms nor denies the existence or non-existence of the information:

**s 18(c)** – making the information available would –

(i) – be contrary to a specified enactment; or

(ii) – constitute contempt of court or the House of Representatives:

**s 18(d)** – the information is, or will soon be, publicly available:

**s 18(da)** – the request is made by a defendant or person acting on behalf of a defendant and is –

(i) – information that could be sought under the Criminal Disclosures Act 2008; or

(ii) – information that could be sought under that Act and that has been disclosed or withheld under that Act:

**s 18(e)** – the information requested does not exist, or cannot be found:

**s 18(f)** – the information cannot be made available without substantial collation or research:

**s 18(g)** – the information is not held by the department or Minister of the Crown or organisation, and the person dealing with the request has no grounds for believing that it is:

(i) – held by another department, Minister of the Crown or organisation, or by a local authority; or

(ii) – connected more closely with the functions of another department or Minister of the Crown or organisation or local authority:

**s 18(h)** – the request is frivolous or vexatious or the information requested is trivial.

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<sup>1</sup> Please see the Official Information Act 1982 for full version of sections 9 and 18 of the Act.