

25 August 2023

James Kirk

Email: c/-fyi-request-23626-38e2fe8f@requests.fyi.org.nz

Dear Mr Kirk,

OFFICIAL INFORMATION ACT 1982 (OIA) – REQUEST FOR INFORMATION - CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED (CIAL)

1. We write further to our email of 2 August 2023, acknowledging receipt of your email of 28 July 2023 (via the third party public platform fyi.org.nz) in which you requested the following information pursuant to the OIA:

*a copy of the procurement plan for all consultants, advisers and contractors working on any aspect of the proposed Tarras airport - including selection criteria, allocated budget and any social procurement criteria (the **Request**).*

2. CIAL will provide you with the requested information where it is able. However, you will note within this letter that it is occasionally unable to release requested information if it would prejudice or disadvantage CIAL's commercial activities. Before we answer your specific query, it may be helpful to provide some context to this.
3. The OIA permits an organisation to refuse to release requested information it holds if the withholding of such information is necessary to enable the organisation to carry out its commercial activities or negotiations without prejudice or disadvantage (s 9(2)(i) and s9(2)(j) OIA) provided that such withholding is not outweighed in the circumstances by the public interest in making the specific information available. For example, while it may be in the public interest to understand that CIAL is investigating the feasibility of establishing an airport in Central Otago that does not mean CIAL must share every detail of its plans, analysis, work or negotiations within specific work streams.
4. At present, CIAL is under no legal obligation to consult in relation to the proposed Central Otago airport project ("the **Project**"). To assist public understanding of the context of the Project and CIAL's decisions, CIAL has committed to, and does, proactively publish information as it completes pieces of work which is likely to be in the public interest to receive on its dedicated Project web-site at <https://www.centralotagoairport.co.nz/>.
5. As you may be aware, CIAL is a council-controlled trading organisation that has been specifically established to operate and manage its business as an independent commercial undertaking for the purposes of making a profit, and to follow generally accepted commercial practices and disciplines. CIAL is not a public body collecting and spending public funds. It operates as a wholly commercial, standalone entity. Due to the size and scale of those activities it is one of only three major airports in New Zealand regulated under Part 4 of the Commerce Act 1986.

6. As an airport, CIAL has a further overriding obligation under the Airport Authorities Act 1966, and reinforced by the Civil Aviation Act 2023, to act as a commercial undertaking. It does so in a commercially competitive environment both domestically and internationally, where its competitors are not under corresponding disclosure requirements. The proposed Central Otago airport Project is a complex commercial activity, acknowledged as being in competition with the interests of other airports within New Zealand.
7. In relation to your Request, the Project is currently in the validation and planning phase which, in and of itself, is a complex commercial activity. The disclosure of CIAL's procurement plan/strategy/approach for all consultants, advisers and contractors working on any aspect of the Project (including selection criteria, allocated budget and any social procurement criteria) is information that may impact on CIAL's ability to carry out its commercial activities in relation to the Project without disadvantage. Accordingly, this information is withheld under section 9(2)(i) of the OIA.
8. However, we note that CIAL's approach to procurement for the Project recognises "*...a key outcome that can be achieved while undertaking the procurement activity in support of [the Project] will be creating (where possible) opportunities to support and develop the local community of Tarras, and the wider Central Otago region*". The requirements and approach to procurement will be continually assessed during each phase of the Project and future procurement strategies will consider these opportunities where possible.
9. We trust we have answered your requests for information. If you require any further information or we have in some way misinterpreted your requests, please let us know.
10. You have the right to seek an investigation and review by the Ombudsman of the decisions contained in this letter. Information about how to contact the Ombudsman or make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

CIAL LEGAL TEAM

Email: legal@cial.co.nz