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28 August 2023

Laurie Stephenson

Email: fyi-request-23653-2824ebfc@requests.fyi.org.nz

Tēnā koe Laurie,

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

1. We write further to our email of 2 August 2023, acknowledging receipt of your OIA request of 1 August 2023 seeking the following information (if held by CIAL) in relation to the proposed Central Otago airport project:

Request: Received 1 August – Board papers and minutes relating to Tarras Airport

“Could I please have an electronic copy of all board papers and minutes relating to the proposed development of Central Otago Airport”

2. With respect to your request, our Board papers and minutes are subject to the commercial activities provisions of the OIA (discussed in more detail below) and/or the free and frank expressions of opinions provisions of the OIA (s9(2)(g)(i)). Accordingly, we are refusing your request on this basis.
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(i) and s9(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 analysis, work or negotiations within specific work streams.
4. At present CIAL is under no legal obligation to consult in relation to 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/>. Until work is completed, it is not capable of being released. Over time this will see more information voluntarily released. In such instances the public interest test will have been considered and weighed up as part of the decision whether to release information or not. Equally,

each OIA query CIAL receives will be assessed on a case by case basis given the particular given facts and circumstances at play at that time.

5. 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.
6. As an airport CIAL has a further overriding obligation under the Airport Authorities Act 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. 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.
8. 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