

[REDACTED]

From: Conor Roberts
Sent: Tuesday, 3 March 2020 3:21 PM
To: [REDACTED]
Subject: FW: Formal complaint regarding story on Guardians' of NZ Superannuation and CDPQ Infra's Auckland Light Rail proposal

FYI

From: Conor Roberts
Sent: Tuesday, 3 March 2020 3:14 PM
To: patrick.crewdson@stuff.co.nz
Cc: janine.fenwick@stuff.co.nz
Subject: Formal complaint regarding story on Guardians' of NZ Superannuation and CDPQ Infra's Auckland Light Rail proposal

Dear Mr Crewdson,

The Guardians of NZ Superannuation ("Guardians") wishes to lodge a formal complaint with regard to a story run by Stuff online and in various print publications titled "*Government splits three ways on light rail as more details emerge of dramatic super fund plan*".

The story was written by Thomas Coughlan and ran online on 2 March 2020 and was syndicated across several print publications the following day. It related to the Guardians' and CDPQ Infra's proposal to partner with the Government to design, build, own and operate the Auckland Light Rail line.

We believe this story breached several of the Media Council's principles as outlined below.

Background

Our communications team was first contacted by the journalist on 27 February who invited us to respond to the following four claims about our proposal from an anonymous source:

1. *The PPP is based on a 50 year concession.*
2. *The Canadian partner controls 70 per cent of the JV with NZ Super as junior partner controlling 30 per cent.*
3. *There will not be competitive tendering on components.*
4. *Land development will be controlled by NZ Infra.*

We responded that afternoon stating that the four points were incorrect. No follow up was received from the journalist.

Stuff then chose to publish the story anyway based on the first two claims. Subsequent to that, we immediately contacted the journalist, Political Editor Luke Malpass and you, seeking to correct factually inaccurate statements.

Our complaint

1. Accuracy, Fairness and Balance

- We pointed out that the published anonymous claim that the ownership structure of the joint venture is tilted 70/30 in favour of our Canadian was incorrect (noting Companies Office records show it is a 50/50 structure) and asked that it be removed. While the story was updated to clarify the ownership structure, further incorrect claims from an anonymous source were added to the story stating funding/returns could be split 70/30 in favour of our Canadian partner. These were not put to us before entering the

public arena. Failing to give us the chance to respond to the additional erroneous claims from an anonymous source goes against journalistic standards of accuracy, fairness and balance.

- The story also contains a claim from an anonymous source that cost estimates for the project are now as high as \$20 billion. This figure was never put to us before it entered the public arena. In our subsequent correspondence with you, we stated while we will not comment on the commercial parameters of our proposal, had your journalist put that figure to us, we would have said also it was incorrect. Your journalist invited us to then comment on the anonymous cost estimate, which we did, yet you failed to update the story and continue to use the incorrect 70/30 return split and incorrect cost estimate to make false claims about returns to our Canadian partner.

2. Comment and Fact

- Therefore, in addition to our complaint that your story fails the principle of accuracy, balance and fairness, it also fails to draw a distinction between comment and fact, and even it were to be considered the opinion of an anonymous source or your journalist as to what could be in our proposal, the story fails to base that opinion on material facts.

3. Headline

- Our complaint also relates to the headline of the story (*Government splits three ways on light rail as more details emerge of dramatic super fund plan*), which fails to accurately or fairly convey the substance or a key element of the report. The headline leads the reader to believe that the story will include accurate details of our proposal, yet the story is based off erroneous anonymous claims. This is neither accurate nor fair.

4. Corrections

- Finally, you have failed to correct or update the story with regard to our responses that the 70/30 funding/return claim and the cost estimate anonymous claims are incorrect.

We believe the story was irresponsible and ought to be removed or substantially amended to take out all incorrect claims from the anonymous source and suggest Stuff stop allowing this person to pursue his or her negative agenda with regard to our proposal.

We also request Stuff publish an apology for the way it has managed this story, given the detrimental impact it has had on the reputation of the NZ Super Fund and our Canadian partner.

Yours sincerely,

Conor

Conor Roberts

Senior Communications Strategist

DDI: +64 9 366 4924
Mobile: +64 21 124 6004
Email: croberts@nzsuperfund.co.nz

PO Box 106 607, Auckland 1143, New Zealand
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From: Conor Roberts
Sent: Wednesday, 4 March 2020 11:43 AM
To: Tom James
Subject: Fwd: Super Fund FEC appearance + media stand up
Attachments: FEC MW media stand up.m4a

FYI

Conor Roberts
 NZ Super Fund
 Senior Communications Strategist
 +64 21 124 6004

From: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Sent: Wednesday, March 4, 2020 11:42:10 AM
To: alrmedia@transport.govt.nz <alrmedia@transport.govt.nz>
Cc: Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>; [Redacted]
Subject: Super Fund FEC appearance + media stand up

Hello,

As you will be aware we were in front of the Finance and Expenditure Select Committee for our annual review today.

Our CEO fielded several questions on light rail. You can listen to these here (approx 30 min in)

https://www.facebook.com/FESCNZ/videos/507060029978618/?_tn_=%2CdkC-R&eid=ARCLXosY4zTlr-kulWrHDdwRub7WnCxtuViqroYxW5aJIs8MhDXUTVxyHk4664tSdRlmlaYNo4d6vgDr&hc_ref=ARTgNNQ-1CAAa6JX5bMjGwlUCa6KSZmP5retOt9kDIUM4X5U6hKoF7ai5RCz4j9mA9g

Following the committee he did a stand up with several journalists (including Stuff, Newsroom and Newshub), which also covered light rail. I have attached a recording of the Q&A.

Please let me know if you have any questions.

Conor

Conor Roberts
 NZ Super Fund
 Senior Communications Strategist
 +64 21 124 6004

[REDACTED]

From: Conor Roberts
Sent: Friday, 15 May 2020 3:25 PM
To: [REDACTED]
Subject: FW: Auckland Light Rail

Categories: In eDOCS, #2970885

FYI

Hope you are going well mate

C

From: Bernard Orsman <Bernard.Orsman@nzme.co.nz>
Sent: Friday, 15 May 2020 2:19 PM
To: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Subject: Re: Auckland Light Rail

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Yep, it's an add to a story going online about cost rises and delays to the Puhoi to Warkworth highway.

Bernard Orsman
Super City Reporter
New Zealand Herald
Tel: (09) 373-6008 (021) 681-647

From: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Sent: Friday, May 15, 2020 2:16 PM
To: Bernard Orsman <Bernard.Orsman@nzme.co.nz>
Subject: RE: Auckland Light Rail

No worries. You putting anything together on it?

From: Bernard Orsman <Bernard.Orsman@nzme.co.nz>
Sent: Friday, 15 May 2020 2:13 PM
To: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Subject: Re: Auckland Light Rail

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Thanks Conor.

Bernard Orsman
Super City Reporter
New Zealand Herald
Tel: (09) 373-6008 (021) 681-647

From: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Sent: Friday, May 15, 2020 2:01 PM
To: Bernard Orsman <Bernard.Orsman@nzme.co.nz>
Subject: Auckland Light Rail

Hi Bernard,

Thanks for the call this morning. Further to that, here’s our official response that you’re welcome to attribute to a spokesman for NZ Infra:

“We understand and accept the Government has been rightly focused on responding to the Covid crisis. We expect it will consider its response to our proposal in due course and stand ready to take the project forward if we're selected do so.

“We’ve been in touch with the Ministry of Transport who confirm the preferred delivery partner will be considered by cabinet once it has the bandwidth to do so.



“We remain committed to Auckland Light Rail. It has the potential to both transform how Aucklanders get around their city and contribute to the country’s economic recovery. Given the size of the project, the preparatory phase alone requires significant resources.”

Thanks,

Conor
Conor Roberts
Senior Communications Strategist
DDI: +64 9 366 4924
Mobile: +64 21 124 6004
Email: croberts@nzsuperfund.co.nz

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[REDACTED]

From: Conor Roberts
Sent: Friday, 29 May 2020 9:23 AM
To: Tom James
Subject: Fwd: light rail hold up

Here's where we go to with that Herald enquiry. Derek is going to write it up today I think

Hope you are well

C

Conor Roberts
NZ Super Fund
Senior Communications Strategist
+64 21 124 6004

From: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Sent: Friday, May 29, 2020 8:49 AM
To: Suzanne Cookson; Catherine Etheredge
Cc: [REDACTED] Steph Ward; ALR Queries
Subject: RE: light rail hold up

Hello all,

Thanks for your help with this yesterday. Strong messaging I think. Hopefully the story is a positive one.

For the records, here's what went over to the Herald:

Director of NZ Infra Will Goodwin says:

"We understand and accept Government has been totally focused on its response to the Covid crisis. The Prime Minister has said the project remains on the Government's agenda and we understand cabinet will consider it shortly.

"NZ Infra remains committed to delivering light rail from the city centre to Māngere and the airport.

"We've also seen speculation of costings blowing out to as much as \$10 billion. While we cannot get into specifics about what the cost of our proposal will be, we've previously said this speculation is substantially wide of the mark.

"Costs incurred to date are commercially sensitive and confidential."

The Ministry of Transport has provided the following comments:

The preferred delivery partner, when chosen, will run a procurement process to select those it will partner with in building and operating the project. The preferred delivery partner will also be required to run a comprehensive public consultation and consenting process.

Given the size of the project, the initial preparatory phases alone require investing significant resources and will help with the country's economic recovery, even before construction starts.

The project will revolutionise transport in Auckland and represents a substantial investment in future-proofing the region's growth and sustainably increasing productivity."

From: Conor Roberts

Sent: Thursday, 28 May 2020 10:31 AM

To: 'Suzanne Cookson' [REDACTED] Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>

Cc: [REDACTED] Steph Ward [REDACTED] ALR Queries <ALRqueries@transport.govt.nz>

Subject: FW: light rail hold up

Hello all,

I received a media enquiry from Derek Cheng at the Herald following the comments by the Deputy Prime Minister and questions in the House to Minister Twyford over light rail.

Cheng is interested in speculation about cost blow outs and progress of the project. I called him to ask about deadlines and he is happy with something today. He also asked about cost we have incurred, if we'd be going back to the market (likely following the question line from Bishop in the house), and how shovel ready it is.

I would like to offer him substantive responses based off existing messaging. I have reiterated the comments from the PM about the project still being on the gov't's agenda and the Minister about Cabinet timing.

As you know, we have had correspondence with stakeholders about the postponement of the project – so I have reiterated our commitment to it and its importance to Auckland. I've also included the line we agreed last time about resource investment in the preparatory phases to respond to the shovel ready question.

The line about cost blow outs and costings is the same as the one we gave at the time of our select committee appearance, and it is important to reiterate it so the public retains confidence in the project. I've emphasised the project will be subject to open procurement and consultative processes – again so as to retain public confidence. We won't provide detail to the cost incurred question (the response is from the Q&A).

Please let me know if this is ok.

Thanks,

Conor

"We understand and accept Government has been totally focused on its response to the Covid crisis. The Prime Minister has said the project remains on the Government's agenda and we understand cabinet will consider it shortly.

"NZ Infra remains committed to delivering light rail from the city centre to Māngere and the airport. The project will revolutionise transport in Auckland and represents a substantial investment in future-proofing the region's growth and sustainably increasing productivity.

"Given the size of the project, the initial preparatory phases alone require investing significant resources and will

help with the country's economic recovery, even before we commence construction.

"We've also seen speculation of costings blowing out to as much as \$10 billion. While we cannot get into specifics about what the cost of our proposal will be, we've previously said this speculation is substantially wide of the mark.

"Our proposal included a robust, competitive and realistic costing which will form part of the negotiations with the government should we be chosen as preferred delivery partner. If we're successful, we'll run a comprehensive public consultation and consenting process and open the project up to the market with a transparent and fair tendering process to select those who will partner with us in building and operating the network.

"NZ Infra put in an innovative and substantial proposal that will help to transform Auckland. Costs incurred to date are commercially sensitive and confidential."

From: Derek Cheng <derek.cheng@nzme.co.nz>
Sent: Wednesday, 27 May 2020 4:38 PM
To: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Subject: light rail hold up

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Hi Conor

Is NZ Infra saying anything about the light rail hold up and Winston Peters' comments about cost blow outs, no progress in the immediate future, and his party's preference for heavy rail?

I note the PM has said the issue is still alive and will be considered by Cabinet in due course.

Derek Cheng
New Zealand Herald
Parliamentary Press Gallery
04 817 9151
027 242 4395

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[REDACTED]

From: Conor Roberts
Sent: Friday, 12 June 2020 7:53 AM
To: [REDACTED]
Subject: FW: RNZ this morning

FYI

From: Conor Roberts
Sent: Friday, 12 June 2020 7:49 AM
To: Suzanne Cookson [REDACTED]; Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>
Cc: [REDACTED]; Steph Ward [REDACTED]; ALR Queries <ALRqueries@transport.govt.nz>
Subject: FW: RNZ this morning

Hi team,

I had a follow up to RNZ's story about the letter from NZ First to Twyford. I've provided the following response. I think it is important to point out the letter from NZ First was sent on 29 Feb and the govt has been pretty clear since then it remains under consideration, and to set out what the next steps of the process would be.

I'll let you know if we have any additional enquiries.

Thanks,

Conor

From: Conor Roberts
Sent: Friday, 12 June 2020 7:39 AM
To: 'Derek Cheng' <derek.cheng@nzme.co.nz>
Subject: RE: RNZ this morning

Hi Derek,

It is important to note, the letter RNZ is referring to is dated 29 February.

Subsequent to that the PM confirmed the project is still on the government's agenda and the Minister has said it will be considered by cabinet in due course.

We remain committed to delivering light rail from the city centre to Māngere and the airport. Should we be chosen as the preferred delivery partner, NZ Infra will then enter into a period of commercial negotiations with government on the project.

If commercial agreement can be reached, there will be a comprehensive public consultation and consenting process, and we will undertake an open procurement process to select partners for building and operating the project.

The last time you and I communicated about this the Ministry of Transport said:

"Given the size of the project, the initial preparatory phases alone require investing significant resources and will help with the country's economic recovery, even before construction starts.

The project will revolutionise transport in Auckland and represents a substantial investment in future-proofing the region's growth and sustainably increasing productivity."

Hope this helps.

Let me know if you need anything else.

Kind regards,

Conor

From: Derek Cheng <derek.cheng@nzme.co.nz>
Sent: Friday, 12 June 2020 7:14 AM
To: Conor Roberts <CRoberts@nzsuperfund.co.nz>
Subject: RNZ this morning

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Reporting nzf not supporting light rail before the election

Please let me know any response

Cheers

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From: Tom James [REDACTED]
Sent: Wednesday, 24 June 2020 11:22 AM
Subject: PR: Phil Twyford - Auckland Light Rail process ended

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Hon Phil Twyford

Minister of Transport
MP for Te Atatū

24 June 2020



**PĀNUI PĀPĀHO
MEDIA STATEMENT**

Auckland Light Rail process ended

Cabinet has agreed to end the twin track Auckland Light Rail process and refer the project to the Ministry of Transport for further work, Transport Minister Phil Twyford says.

Despite extensive cross-party consultation, Government parties were unable to reach agreement on a preferred proposal. The future of the project will now be decided by the government following September's general election.

Phil Twyford says two credible and deliverable proposals were received.

"I'd like to thank NZ Infra and Waka Kotahi NZ Transport Agency for their work and innovative proposals.

"Either would have created hundreds of jobs and resulted in an Auckland metro that offered Aucklanders a 30 minute trip from the CBD to the Airport."

Auckland Light Rail remains a project in the Auckland Transport Alignment Project (ATAP), he said.

"The Ministry of Transport and the Treasury will report back after the general election on the best option for this project to be delivered by the public sector. The Ministry of Transport and the Treasury will also engage with NZ Infra and Waka Kotahi about how work done on this project can support the next phase.

"The Government remains committed to fixing congestion in Auckland and boosting jobs through building infrastructure. We've made good progress on ATAP with construction starting this term on the Eastern Busway, Matakana Link Road, SH20B upgrades, the Puhinui Interchange, Karangahape Road Cycleway, and the Constellation Bus Station upgrade, to name a few.

"Auckland Light Rail will be New Zealand's most complex infrastructure project in decades and it's vital we get it right for future generations," Phil Twyford said.

Notes to editors:

- Work on the Auckland Light Rail was part of the confidence and supply agreement between Labour and the Greens. This work continues with the Ministry of Transport.

- The Ministry of Transport and the Treasury will work with both Auckland Council and Auckland Transport, as well as other agencies including the Ministry of Housing and Urban Development to prepare options for the new government to consider.
- They will also address the policy and system changes needed to help build rapid transit projects of this scale in our largest cities.

Media contacts: Tom James 027 308 6010

Danya Levy 021 996 010

Tom James | Press Secretary

Office of Hon. Phil Twyford

Minister for Urban Development

Minister of Transport

Minister for Economic Development

Authorised by Jacinda Ardern MP, Parliament Buildings, Wellington



From: Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>
Sent: Tuesday, 3 March 2020 1:23 PM
To: Emma Kean [Redacted]
Cc: [Redacted] Will Goodwin; Conor Roberts; [Redacted]
Subject: Meeting with Minister of Transport

Categories: In eDOCS Sent for filing

Dear Emma,

We are writing to request a meeting between your Minister and senior leadership from the NZ Super Fund and CDPQI (collectively NZ Infra). As you will know, NZ Infra has developed a proposal to finance build and operate the CC2M project through a light metro model (ALM).

We realise that such a meeting would be inappropriate during the Cabinet decision-making process to select a preferred delivery provider (PDP). We believe, however, that once a PDP is selected (and if that partner is NZ Infra), and prior to any announcement being made, such a meeting would be both appropriate and invaluable.

CC2M is increasingly, and will remain, a controversial project, the victim of significant misinformation. This is, unfortunately, a reality to be expected when dealing with large scale infrastructure investment as transformational as ALM will be. In light of this, tight, joined up and compelling messaging is essential. To advance this, we believe it is crucial that the Minister and the leadership of NZ Infra have an opportunity to discuss and develop an clear understanding of each other’s thinking, vision and imperatives.

In addition, CDPQI’s parent, CDPQ, recently appointed a new Chief Executive. Given that, it would be timely and valuable for our Canadian partner to have an opportunity to reemphasise their commitment and interest in the New Zealand infrastructure market and, importantly, the strategy behind that commitment.

We are making this request now due to the pressures and demands undoubtedly on the Minister’s time, alongside the need for participants from our side to travel from Canada and Australia. We informed the Ministry of Transport of our intention to make this request and have discussed it briefly with your Ministerial Advisor. Please call me if you want to discuss this in more detail, otherwise we look forward to hearing from you.

Kind regards
 Catherine

Catherine Etheredge
 Head of Communications

DDI: +64 9 366 4905
 Mobile: +64 27 4777 501
 Email: cetheredge@nzsuperfund.co.nz

PO Box 106 607, Auckland 1143, New Zealand
 Level 12, 21 Queen Street, Auckland, New Zealand
 Office: +64 9 300 6980 | Fax: +64 9 300 6981 | Web: www.nzsuperfund.nz



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[REDACTED]

From: Emma Kean [REDACTED]
Sent: Tuesday, 3 March 2020 1:36 PM
To: 'Catherine Etheredge'
Cc: [REDACTED] Will Goodwin; Conor Roberts; [REDACTED]
Subject: RE: Meeting with Minister of Transport

Categories: In eDOCS Sent for filing

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Good afternoon Catherine,

Thank you for your email.

We appreciate you contacting us to arrange a meeting. We agree that a meeting would beneficially and I will be in touch in due course to arrange something.

Kind regards,

Emma

Emma Kean
Senior Private Secretary

Office of Hon Phil Twyford
Minister of Transport | Minister of Urban Development | Minister for Economic Development

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

[REDACTED]

Authorised by Hon Phil Twyford, Parliament Buildings, Wellington

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[REDACTED]

From: Conor Roberts
Sent: Tuesday, 3 March 2020 1:59 PM
To: [REDACTED]
Subject: FW: Meeting with Minister of Transport

From: Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>
Sent: Tuesday, 3 March 2020 1:55 PM
To: Emma Kean [REDACTED]
Cc: [REDACTED] Will Goodwin <WGoodwin@nzsuperfund.co.nz>; Conor Roberts <CRoberts@nzsuperfund.co.nz>; [REDACTED]
Subject: RE: Meeting with Minister of Transport

Thank you, Emma.
Catherine

From: Emma Kean [REDACTED]
Sent: Tuesday, 3 March 2020 1:36 PM
To: Catherine Etheredge <CEtheredge@nzsuperfund.co.nz>
Cc: [REDACTED] Will Goodwin <WGoodwin@nzsuperfund.co.nz>; Conor Roberts <CRoberts@nzsuperfund.co.nz>; [REDACTED]
Subject: RE: Meeting with Minister of Transport

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Kind regards,

Emma

Emma Kean
Senior Private Secretary

Office of Hon Phil Twyford
Minister of Transport | Minister of Urban Development | Minister for Economic Development
Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

[REDACTED]
Authorised by Hon Phil Twyford, Parliament Buildings, Wellington

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From: Catherine Etheredge [mailto:CEtheredge@nzsuperfund.co.nz]
Sent: Tuesday, 3 March 2020 1:23 PM
To: Emma Kean [REDACTED]
Cc: [REDACTED] Will Goodwin <WGoodwin@nzsuperfund.co.nz>; Conor Roberts <CRoberts@nzsuperfund.co.nz>; [REDACTED]
Subject: Meeting with Minister of Transport

Dear Emma,

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We realise that such a meeting would be inappropriate during the Cabinet decision-making process to select a preferred delivery provider (PDP). We believe, however, that once a PDP is selected (and if that partner is NZ Infra), and prior to any announcement being made, such a meeting would be both appropriate and invaluable.

CC2M is increasingly, and will remain, a controversial project, the victim of significant misinformation. This is, unfortunately, a reality to be expected when dealing with large scale infrastructure investment as transformational as ALM will be. In light of this, tight, joined up and compelling messaging is essential. To advance this, we believe it is crucial that the Minister and the leadership of NZ Infra have an opportunity to discuss and develop an clear understanding of each other's thinking, vision and imperatives.

In addition, CDPQI's parent, CDPQ, recently appointed a new Chief Executive. Given that, it would be timely and valuable for our Canadian partner to have an opportunity to reemphasise their commitment and interest in the New Zealand infrastructure market and, importantly, the strategy behind that commitment.

We are making this request now due to the pressures and demands undoubtedly on the Minister's time, alongside the need for participants from our side to travel from Canada and Australia. We informed the Ministry of Transport of our intention to make this request and have discussed it briefly with your Ministerial Advisor. Please call me if you want to discuss this in more detail, otherwise we look forward to hearing from you.

Kind regards
Catherine