

Reference: 20190066

19 March 2019



Dear 

Thank you for your Official Information Act request, received on 15 February 2019.  
You requested:

*“Copy of T2018/3590 [withheld]- received 14 December 2018”*

### Information Being Released

Please find enclosed the following documents:

Item	Date	Document Description	Decision
1.	12 December 2018	Treasury Report: Independent Infrastructure Body: Draft Cabinet Paper	Release in part

I have decided to release the document listed above, subject to information being withheld under one or more of the following sections of the Official Information Act, as applicable:

- personal contact details of officials, under section 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons, and
- direct dial phone numbers of officials, under section 9(2)(k) – to prevent the disclosure of information for improper gain or improper advantage.

Direct dial phone numbers of officials have been redacted under section 9(2)(k) in order to reduce the possibility of staff being exposed to phishing and other scams. This is because information released under the OIA may end up in the public domain, for example, on websites including Treasury’s website.

Please note the attachment has not been released to you as the final version of the Cabinet Paper was proactively released, see below.

## Information Publicly Available

The following information is also covered by your request and is publicly available on the Treasury website:

Item	Date	Document Description	Website Address
2.	8 February 2019	Cabinet Paper: Establishing a New Independent Infrastructure Body	<a href="https://treasury.govt.nz/publications/information-release/cab-paper-establishing-new-independent-infrastructure-body">https://treasury.govt.nz/publications/information-release/cab-paper-establishing-new-independent-infrastructure-body</a>

Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the Official Information Act:

- the information requested is or will soon be publicly available.

Some relevant information has been removed from documents listed in the above table and should continue to be withheld under the Official Information Act, on the grounds described in the documents.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act.

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Treasury website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

David Taylor  
Manager, National Infrastructure Unit

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1.	<a href="#">Treasury Report: Independent Infrastructure Body: Draft Cabinet Paper</a>	1
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## Treasury Report: Independent Infrastructure Body: Draft Cabinet Paper

<b>Date:</b>	12 December 2018	<b>Report No:</b>	T2018/3590
		<b>File Number:</b>	SH-11-5-16-1-6-2

### Action Sought

	Action Sought	Deadline
Minister of Finance (Hon Grant Robertson)	<b>Note</b> the contents of this Report <b>Provide</b> comments on the attached Cabinet paper	<b>10 January 2019</b>
Minister for Infrastructure (Hon Shane Jones)	<b>Note</b> the contents of this Report <b>Refer</b> this report to the Minister of State Services and, the Minister of Transport and Housing and Urban Development <b>Provide</b> comments on the attached Cabinet paper	<b>19 December 2018</b>  <b>10 January 2019</b>
Minister of Transport and Housing and Urban Development (Hon Phil Twyford)	Once referred, <b>provide</b> comments on the attached Cabinet paper	<b>10 January 2019</b>
Minister of State Services (Hon Chris Hipkins)	Once referred, <b>provide</b> comments on the attached Cabinet paper	<b>10 January 2019</b>

### Contact for Telephone Discussion (if required)

Name	Position	Telephone	1st Contact
Morgan Dryburgh	Senior Analyst, National Infrastructure Unit	s9(2)(k)	s9(2)(a) ✓
David Taylor	Manager, National Infrastructure Unit	s9(2)(k)	N/A

### Actions for the Minister's Office Staff (if required)

**Return** the signed report to Treasury.

**Refer** this report to the Minister of State Services and the Minister of Transport and Housing and Urban Development

**Enclosure:** Yes (attached)

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## **Treasury Report: Independent Infrastructure Body: Draft Cabinet Paper**

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### **Purpose of Report**

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1. This report provides you with a draft Cabinet paper seeking policy decisions on a new, independent infrastructure body, for your consideration.

### **Content of the Cabinet paper**

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2. The content of the attached Cabinet paper is in line with the recommendations made in our previous Treasury Report on the functions and form of the new independent infrastructure body [T2018/3083 refers].
3. The key recommendations outlined in our previous Treasury Report [T2018/3083] include:
  - a The infrastructure body is advisory only and therefore there will be no changes to decision-making powers or accountability for Ministers or departments.
  - b We expect that the purpose of the infrastructure body will be refined through the legislative drafting process however, we recommend it be similar to this:

*The purpose of the infrastructure body is to promote infrastructure that improves the wellbeing of all New Zealanders, by:*

- *developing a broad consensus on long-term strategy*
  - *enabling coordination of infrastructure planning, and*
  - *providing advice and best practise support to infrastructure initiatives*
- c There are eight proposed functions that can be broadly split into two groups:
    - *strategy and planning, and*
    - *procurement and delivery support.*
  - d We recommend that the infrastructure body produce the long-term strategy at a frequency determined by legislation. The infrastructure body will develop the draft strategy in collaboration with central government, local government and private sector infrastructure owners, and would then provide the draft strategy to Ministers and consider any comments prior to publication. The infrastructure body would publish the final strategy and the responsible Minister would table it in parliament. The Government would be required to respond to the strategy and choose whether to adopt all or parts of the strategy or its recommendations.
  - e We recommend that the infrastructure body has independence from Ministers to perform its strategy and planning functions but operates on a 'no surprises' basis with Ministers.
  - f Ministers will decide which projects the infrastructure body should support however, we recommend that the procurement and delivery support functions are carried out independently from Ministers but on a 'no surprises' basis.

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- g The infrastructure body will be advisory only and is not intended to duplicate functions of Ministers or departments/ agencies. There are three limited instances of duplication which can be easily managed.
  - h Based on the functions performed, we recommend that the infrastructure body be established as an Autonomous Crown entity governed by a board of directors. As a Crown Entity, we note that the infrastructure body will require enabling legislation.
4. In additions to the recommendations made in T2018/3083, the attached Cabinet paper makes the following recommendations:
- a we recommend that the long-term infrastructure strategy developed by the infrastructure body at least every 5 years and covers a 30-year period
  - b we recommend that the board of directors that governs the infrastructure body have between five and seven members, and
  - c we recommend that the infrastructure body be reviewed by the Treasury, 5 years after establishment.

**Next steps**

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- 5. The Treasury is seeking comments from you on the draft Cabinet paper attached. The Treasury will then revise the attached Cabinet paper, taking into account Ministers' comments.
- 6. A revised Cabinet paper, based on your comments, will be provided to you on 14 January 2019, for your agreement by 21 January.
- 7. On 14 January, the Treasury will also begin agency consultation on the revised paper.
- 8. Following all four Ministers' agreement to the content of the Cabinet paper, the Minister of Infrastructure will undertake Ministerial consultation.
- 9. Consultation will conclude prior to 7 February 2019, when the final Cabinet paper will be lodged with the Cabinet Office.
- 10. The final Cabinet paper will then be considered by the Cabinet Economic Development Committee on 13 February 2019.
- 11. You are requesting the Attorney-General's permission to begin the drafting of legislation prior to Cabinet's policy decisions on the basis that the major policy matters will be agreed by the relevant Ministers. However, there are a series of additional minor and technical policy decisions which will need to be made. This Cabinet paper seeks authority for the Minister for Infrastructure, Minister of Finance, the Minister of State Services and the Minister of Transport and Housing and Urban Development (collectively, the Responsible Ministers) to make subsequent policy decisions.
- 12. The Treasury will provide the Responsible Ministers with advice on these further policy decisions so that decisions can be made as soon as possible after Cabinet has considered the Cabinet paper.

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**Recommended Action**

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We recommend that you:

- a **note** that the Cabinet paper attached is consistent with our previous Treasury advice on the functions and form for a new independent infrastructure body, contained in T2018/3083.
- b **note** that in addition to the advice provided in T2018/3083, the attached Cabinet paper seeks agreement to these policy matters:
- the infrastructure body will develop a long-term strategy at least every 5 years covering a 30-year period
  - the board of directors governing the infrastructure body will have between 5 and 7 members, and
  - the Treasury will review the form and functions of the infrastructure body 5 years after its establishment.
- c **refer** a copy of this report to the Minister of Transport & Housing & Urban Development, and Minister for State Services by 19 December 2019.
- refer/not referred*  
Minister for Infrastructure
- d **provide** any feedback on the attached Cabinet paper by the 10 January 2019.
- e **note** on 14 January, the Treasury will, following Ministerial feedback, begin agency consultation on the revised paper.

David Taylor  
**Manager, National Infrastructure Unit**

Hon Shane Jones  
**Minister for Infrastructure**