



TE TAI ŌHANGA  
THE TREASURY

Reference: 20190592

1 October 2019

s9(2)(a)

Dear s9(2)(a)

Thank you for your Official Information Act request, received on 28 August 2019. You requested the following documents:

- *Aide Memoire T2019/1167: Publication of Infrastructure Pipeline, 18 April 2019;*
- *Treasury Report Y2018/3426: Process for List Official Information Requests, 10 January 2019;*
- *Treasury Report T2019/862: Publication of Infrastructure Pipeline, 8 April 2019; and*
- *Treasury Report T2019/515: The Appointment of the New Zealand Infrastructure Commission Board, Te Waihanga, 10 April 2019.*

### Information being released

Please find enclosed the following documents:

Item	Date	Document Description	Decision
1.	8 April 2019	Treasury Report: Publication of Infrastructure Pipeline	Release in part
2.	10 April 2019	Treasury Report: The Appointment of the New Zealand Infrastructure Commission Board, Te Waihanga	Release in part
3.	18 April 2019	Aide Memoire: Publication of Infrastructure Pipeline	Release in part
4.	10 January 2019	Treasury Report: Process for List Official Information Requests	Release in part

I have decided to release the documents listed above, subject to information being withheld under the following sections of the Official Information Act:

- personal contact details of officials, under section 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons

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- names and contact details of junior officials and certain sensitive advice, under section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions, 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.

The section on the New Zealand Transport Agency pipeline in document 1 illustrates a \$3.5 billion decrease in expenditure on state highway projects compared to the previous Government Policy Statement on land transport (GPS) 2015. The analysis was correct in stating that there has been a decrease in funding available through the state highway improvements activity class. However, I note that the amount of total transport investment has increased overall under the current GPS 2018.

I also note that the ITU has advised that it considers "market ready" as ready to engage with the market with an intent to procure all or part of the project via a competitive tender process ahead of selecting a preferred contractor and negotiating a contract, prior to construction commencing. Market ready may mean that an investment case has been approved, or is near being approved, the project has been consented, acquisition of land has commenced (where required), and details of the procurement method may be known.

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**

# 20190592

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## IN-CONFIDENCE



## Treasury Report: Publication of Infrastructure Pipeline

<b>Date:</b>	8 April 2019	<b>Report No:</b>	T2019/862
		<b>File Number:</b>	SH-17-1-1

### Action Sought

	Action Sought	Deadline
Minister of Finance (Hon Grant Robertson)	<b>Note</b> the intention to publish a market facing pipeline of the government infrastructure projects on 16 April 2019 following the launch of the Government's Construction Industry Accord.	Friday 12 April 2019
Minister for Infrastructure (Hon Shane Jones)	<b>Note</b> the intention to publish a market facing pipeline of the government infrastructure projects on 16 April 2019 following the launch of the Government's Construction Industry Accord.  <b>Refer</b> this report to the Ministers of Health, Education, Transport, Corrections and Defence by 9 April 2019.	Friday 12 April 2019

### Contact for Telephone Discussion (if required)

Name	Position	Telephone		1st Contact
Karen Mitchell	Interim Head, Infrastructure Transactions Unit	s9(2)(k) (wk)	s9(2)(a) (mob)	✓
Chris White	Establishment Director, Infrastructure Commission	s9(2)(k) (wk)	s9(2)(a) (mob)	

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

**Return** the signed report to the Treasury.

If the Ministers' agree, refer a copy of this report to the Ministers of Health, Education, Transport, Corrections and Defence by 12 April 2019, noting that the Treasury intends to publish the pipeline on 16 April 2019.

Note any feedback on the quality of the report

**Enclosure:** YES Data for publication (draft as at 24 March 2019) and screen-shots of test website showing how data will appear when published (tabular and timeline views).

**IN-CONFIDENCE****Treasury Report: Publication of Infrastructure Pipeline**

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**Purpose of Report**

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1. This report provides you with detail on the intended publication of a market-facing pipeline of government infrastructure projects (the Infrastructure Pipeline). This first iteration, developed by the Treasury's Infrastructure Transactions Unit (ITU) in the lead-up to the establishment of the New Zealand Infrastructure Commission, Te Waihanga (the Commission), presents certain and committed projects identified by the five capital intensive government agencies: Ministry of Health, Ministry of Education, New Zealand Defence Force (NZDF), New Zealand Transport Agency (NZTA) and the Department of Corrections.
2. The intention is to publish this first iteration on the Treasury's website on 16 April 2019.

**Background**

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3. In December 2018, representatives from Infrastructure New Zealand (INZ) and the construction industry met with the Minister for Infrastructure to express their concern at the lack of a certain and coordinated infrastructure pipeline.
4. This concern had previously been highlighted in a report entitled, *Creating Value Through Procurement: A report into public sector procurement of major infrastructure projects, August 2018*, prepared for INZ, the Construction Strategy Group and Civil Contractors New Zealand (referred to as the Entwine Report). The Entwine Report identified a number of key challenges:
  - an uncertain and uncoordinated infrastructure pipeline is leading to boom and bust cycles in the construction industry
  - changes in government policy have created pipeline uncertainty and delays in projects coming to market, and
  - opportunities to bundle projects and leverage investment across central government agencies are being missed.
5. The creation of a more certain, visible and better coordinated pipeline of infrastructure projects is one of the priority work areas identified for Government as set out in the draft Construction Industry Accord (due to be launched 14 April 2019). It is also one of the key functions of the Commission.
6. Ahead of the establishment of the Commission, we have been working with industry representatives and government agencies to better understand pipeline concerns, review existing pipeline publications, and develop a *prototype online tool* that brings together data from the five capital intensive government agencies.
7. Building a New Zealand pipeline that spans multiple sectors, regions, and covers central and local government as well as the private sector is a challenging proposition. The decision to focus initially on the five capital intensive central government agencies reflects the complexity of building and shaping the process and protocols required to gather data across agencies.

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8. The prototype Infrastructure Pipeline includes the ability to filter and sort infrastructure project data by a range of variables, including by sector, region, project stage and value range. Publishing the prototype will allow us to gather industry and agency feedback on this functionality and approach, before proceeding to future iterations of the tool, involving all central government agencies as well as local government, and eventually private sector projects.

### Importance of the pipeline to industry

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9. Both the Entwine Report and the draft Construction Industry Accord highlight that the public sector is the single largest procurer of physical infrastructure in New Zealand. However, an uncertain and uncoordinated infrastructure pipeline is leading to a lack of industry investment in machinery, plant and equipment, and staff. Skilled people are leaving New Zealand for more certain projects overseas.
10. Boom and bust cycles of work impact directly on construction workers. They create perverse incentives whereby contractors aggressively price projects – impacting risk and sub-contractor margins, in order to ensure a continuous pipeline of work. This behaviour is contributing to poor industry performance, lack of resilience and potentially some receiverships.
11. Industry has identified that the biggest challenge currently facing it is the lack of certainty and transparency regarding what infrastructure projects the Government, as its biggest client, is committed to and/or has under consideration, particularly in the short-term (i.e. within the next three years). Construction companies need to understand when infrastructure projects are likely to be “shovel ready” so that they can plan for investment and for their workforce.

### Market facing pipeline requires reliable investment data

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12. The ability to present a committed infrastructure pipeline is reliant on robust investment data and the willingness or ability of agencies to share project information ahead of final approvals, i.e. while in the business case stage. Crown entities that are less reliant on Ministerial and Cabinet approvals have historically been able to provide greater certainty regarding when projects will come to market, for example, NZTA.
13. The Treasury’s 2018 capital pipeline analysis for the Government Investment Portfolio (GIP) shows growth in investment intentions that will put increasing pressure on capital allowances. However, in its reporting to Ministers [T2018/3609], the Treasury identified that this data should be interpreted with caution <sup>s9(2)(g)(i)</sup> [REDACTED]  
<sup>s9(2)(g)(i)</sup> [REDACTED]  
<sup>s9(2)(g)(i)</sup> [REDACTED] Many agencies have poor information regarding the current state of their infrastructure and when it will need to be renewed or replaced and fall short of the standard<sup>1</sup> expected for the delivery of infrastructure investment.
14. In order to deliver the prototype Infrastructure Pipeline, we gathered information directly from the five capital intensive agencies: Ministry of Health, Ministry of Education, NZDF, NZTA and Department of Corrections. These agencies identified a total of 154 infrastructure projects they are committed to bringing to market over the next five years. For a number of projects, agencies were unable or unwilling to provide details

<sup>1</sup> Investment-intensive agencies are subject to Investor Confidence Ratings (ICR) assessments of capability and performance (GOV-18-MIN-0075 refers).

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of when projects were likely to be “shovel ready” or provide project values. However, we have arrived at an estimate for the total value of the pipeline of around \$4.5 billion<sup>2</sup>.

15. Each of the five agencies provided information in the knowledge that it would be made publicly available. We excluded a small number of projects due to lack of data.

### Pipeline in the context of wider government capital spend

16. Compared to the data gathered for our Infrastructure Pipeline, the GIP identifies 1,039 investments by all government agencies, of which 595 are planned or intended, and 304 have known future capital requirements. The new Crown capital required for these investments was estimated at \$31.4 billion. The Infrastructure Pipeline is a subset of this investment, but while the Pipeline is focused on committed projects coming to market, the scope of the GIP is much wider.
17. The 2018 Half Year Economic and Fiscal Update (HYEFU) identifies that the Government is forecast to spend \$41.6 billion on net capital spending over the next five years. Again this is not equivalent to the value of infrastructure projects coming to market. This amount includes investments wider than just infrastructure (for example, investments in financial assets), infrastructure investments that are already underway, and funding set aside for undecided projects.
18. A summary of the current government capital spend is presented in Table 1.

*Table 1 – Government Capital Spend*

	Infrastructure Pipeline	GIP	2018 HYEFU
Value	\$4.5 billion	\$31.4 billion	\$41.6 billion
Projects	154	1039	N/A
Agencies	Five capital intensive agencies only (at this stage)	All <sup>3</sup>	Various <sup>4</sup>
Timeframe	5 years	10 years	5 years
Notes	New infrastructure projects to the market	Existing projects, asset maintenance and non-infrastructure	Core Crown capital spending

<sup>2</sup> Where project values were not provided, estimates were based on internal Treasury data, or the mid-point of a value range, or already publically announced information.

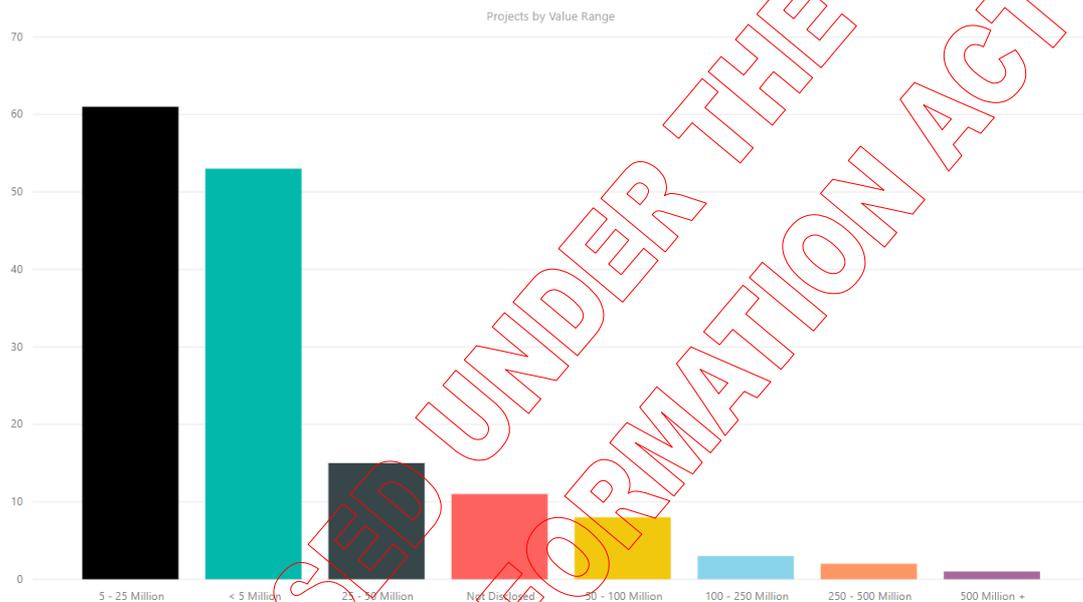
<sup>3</sup> Comprises of all significant investments planned across government agencies (as per CO (15)5). Crown entities currently included are Accident Compensation Corporation, District Health Boards, NZTA, NZ Antarctic Institute, Callaghan Innovation, AgResearch, New Zealand Qualifications Authority, and Housing New Zealand Corporation.

<sup>4</sup> Including Education, Defence, Corrections, Health, Provincial Growth Fund, Inland Revenue, NZTA, City Rail Link, DHBs, Crown Infrastructure Partners, KiwiRail

**IN-CONFIDENCE****Overall pipeline picture**

19. Most projects in the Infrastructure Pipeline are valued at less than \$50 million as shown below in Figure 1.

*Figure 1 – Overall Infrastructure Pipeline Project Value Range*



20. The top five Infrastructure Pipeline projects by value as reported by the five capital intensive agencies are detailed in Table 2.

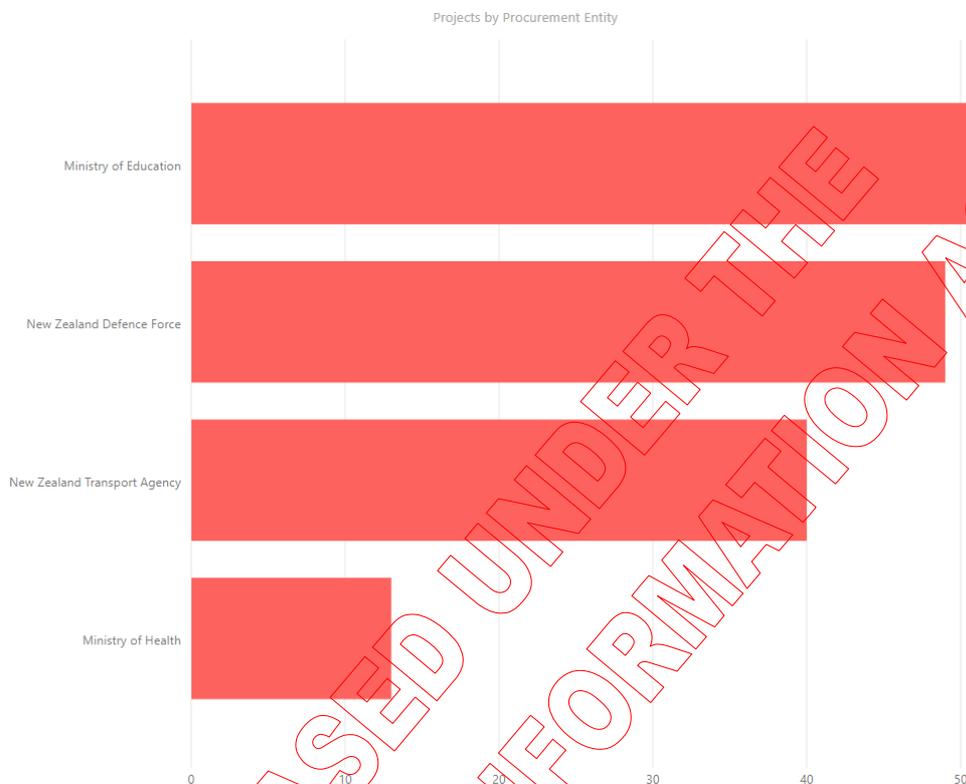
*Table 2 – Top Five Infrastructure Pipeline Projects by Value*

Agency	Project Name	Project Phase	Phase Start Date	Project Completion	Region	Project Value Range
Ministry of Health	New Dunedin Hospital – Acute Services Block	Business Case	26-Jul-17	03-Nov-28	Otago	Over 500 Million
NZTA	SH1 Papakura to Bombay	Business Case	01-Feb-20	19-Jul-25	Auckland	250 - 500 Million
NZTA	Te Ahu a Turanga Manawatu Tararua Highway	Business Case	01-Feb-20	19-Jul-25	Manawatu - Wanganui	250 - 500 Million
Ministry of Health	Auckland City Hospital and Greenlane Clinical Centre Facilities Infrastructure Remediation Programme - Tranche 1	Construction	01-Jan-19	30-Jun-22	Auckland	100 - 250 Million
Ministry of Health	New Dunedin Hospital - ASC (Stage 1 & 2)	Business Case	26-Jul-17	03-Nov-28	Otago	100 - 250 Million

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21. The number of projects by agency is shown in Figure 2.

*Figure 2 – Projects by Agency*



### Ministry of Health pipeline

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22. Within the GIP, the health sector is an outlier in terms of the scale of its investment intentions, representing 38.4% of the capital pipeline. If fully funded, the health sector alone would exhaust the capital allowance. To help manage this, the Ministry of Health is putting in place improved project prioritisation as well as addressing its poor Investor Confidence Rating<sup>5</sup> performance, compared with other agencies. Previous advice has been provided on the establishment of a Health Infrastructure Unit (T2019/326 refers), which we support.
23. The Ministry of Health identified 13 projects for inclusion in the Infrastructure Pipeline, although they account for 44% of the total estimated value of the pipeline. This does not yet include projects endorsed for business case progression for Budget 19 and 20. The highest value project in the Infrastructure Pipeline is the Dunedin Public Hospital rebuild valued at \$1.4 billion<sup>6</sup>. The remaining projects are valued at less than 250 million, with 7 projects with a value less than 50 million.

<sup>5</sup> Investment-intensive agencies are subject to Investor Confidence Ratings (ICR) assessments of capability and performance (GOV-18-MIN-0075 refers)

<sup>6</sup> Note the NZTA did not provide a value for the Auckland Light Rail Project for inclusion in the Infrastructure Pipeline. It is likely that this project would in fact be the highest value project in the pipeline.

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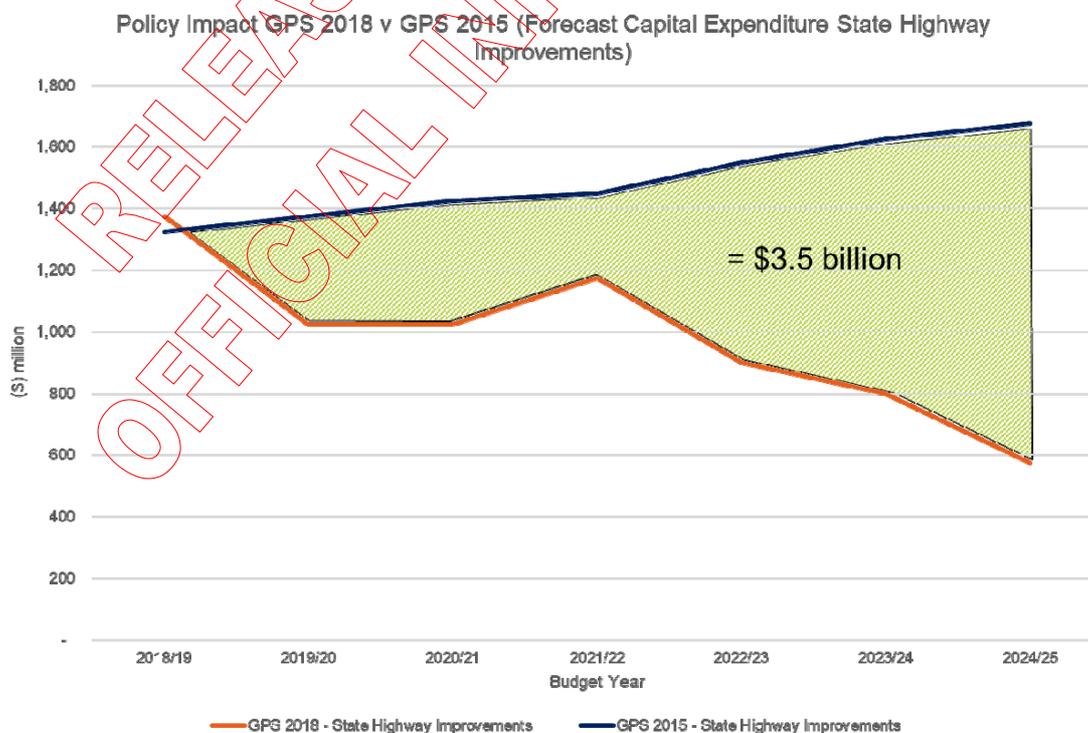
**New Zealand Transport Agency pipeline**

24. The NZTA has historically been able to commit to and coordinate an infrastructure pipeline better than most agencies due to its Investment Assessment Framework that prioritises projects for inclusion in the National Land Transport Programme (NLTP). Industry values this transparent and forward looking programme, but has recently raised concerns regarding the impact of changes to the Government Policy Statement on land transport (GPS) 2018, including:

- a 12 to 18 month hiatus in bringing projects to market as GPS 2015 was revised
- a downturn in major roading projects, including the re-evaluation of 12 state highway projects<sup>7</sup>, many of them “market ready”, which are no longer included in the pipeline or have reduced scope
- greater impacts for certain regions such as in the Waikato and Bay of Plenty where major projects have now been deferred
- around \$4.8 billion of major projects under construction and due to be completed within the next two years, but only around \$1 billion worth due to start, resulting in limited opportunity for a specialist workforce to move to the “next major project”, and
- increased uncertainty for local authority projects supported via the NLTP.

25. Figure 3 below illustrates the impact of recent policy changes on state highway projects.

*Figure 3 – Impact of Policy Changes on State Highway Projects*



<sup>7</sup> SH1 Whangarei to Te Hana, East West Link, SH2 Pokeno to Mangatarata, SH2 Waihi to Omokoroa, SH2 Katikati Urban, SH2 Omokoroa to Te Puna, SH2 Tauranga Northern Link, SH29 Tauriko Western Corridor, SH1 Cambridge to Piarere, SH29 Piarere to Tauriko, SH1 Otaki to north of Levin, Petone to Grenada.

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- 26. GPS 2015 forecast spending of 40% of NLTF revenue on state highway improvements, whereas GPS 2018 now forecasts spending of 13%. The NZTA is undertaking a review of the current programme for state highway improvements including forecast project cost estimates, cash-flows, and project contingencies. It is exploring a range of options that may create headroom to include re-evaluated projects in the 2018-21 NLTP.
- 27. There are opportunities for industry beyond major state highway projects. GPS 2018 includes increased spending in state highway maintenance and local road improvements, as well as in public transport (including rapid transit), walking and cycling, and safety. A change in the scale and nature of projects will likely mean that some in industry will need to change their approach.
- 28. The NZTA has identified 41 projects for inclusion in the Infrastructure Pipeline valued at an estimated \$1.4bn (excluding the Auckland Light Rail Project<sup>8</sup>). The majority of projects are valued at less than \$50 million, with only four projects expected to be over \$100 million. However, due to the recent hiatus, only four projects, totalling \$23 million are anticipated to begin construction in 2019.
- 29. Aware of industry concerns regarding the pipeline, the NZTA is considering the possibility of bundling smaller projects for procurement or implementing performance-based contracting, where constructors are guaranteed a pipeline of projects if they deliver well.

**Ministry of Education pipeline**

- 30. The school property portfolio is the second largest publicly owned portfolio with a replacement value of \$28.7 billion as at 30 June 2018<sup>9</sup>. Figure 4 below illustrates the school property portfolio capital intentions (pre-Budget 19) through to 2031. Auckland and Canterbury schools represent almost two thirds of the forecast expenditure.

*Figure 4 – School Property Portfolio Capital Intentions*



<sup>8</sup> The NZTA did not provide values or project phasing detail for the Auckland Light Rail Project for inclusion within the published Infrastructure Pipeline

<sup>9</sup> Education Infrastructure Services, The New Zealand School Property Strategy 2030, Draft T2019/862 : Treasury Report: Publication of Infrastructure Pipeline

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31. The Ministry of Education identified 52 projects for inclusion in the Infrastructure Pipeline valued at an estimated \$332 million. Over half of these projects are valued at below \$5 million, with no projects valued at over \$25 million. All the education projects included in the Infrastructure Pipeline are managed by the Ministry, and the Ministry is the client and buyer. The Infrastructure Pipeline does not include projects led by schools, where services are engaged by a Board of Trustees and managed by an external Project Manager appointed by the school.
32. The Ministry of Education and individual schools together advertise approximately 1000 open tenders on the Government Electronic Tender Service (GETS) each year, representing almost a third of the total number of GETS tenders. The Ministry of Education's spend on construction is dominated by a small number of contractors. In 2017/18, more than 77% of expenditure over \$50,000 was with 20 contractors (\$351 million). The last 10% of expenditure was delivered through over 150 contractors.
33. Industry representatives have questioned whether, given its high volume of lower value projects, there are opportunities to bundle projects to increase innovation, improve productivity, and reduce procurement cost. s9(2)(g)(i)  
s9(2)(g)(i)
34. The Ministry of Education has drafted a Construction Category Procurement Strategy (CCPS) with the aim of improving its approach to procuring and delivering infrastructure investment, including the bundling of projects of various sizes, work types and values.
35. We will work with the Ministry of Education to identify what further support it requires in responding to industry concerns.

**New Zealand Defence Force**

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36. The NZDF has identified 49 projects for the Infrastructure Pipeline with most projects valued at below \$25 million. Only 8 projects are valued at above \$25 million.
37. We understand infrastructure investment through the NZDF Regeneration Programme will focus on projects in Auckland, Manawatu and Christchurch.

**Department of Corrections**

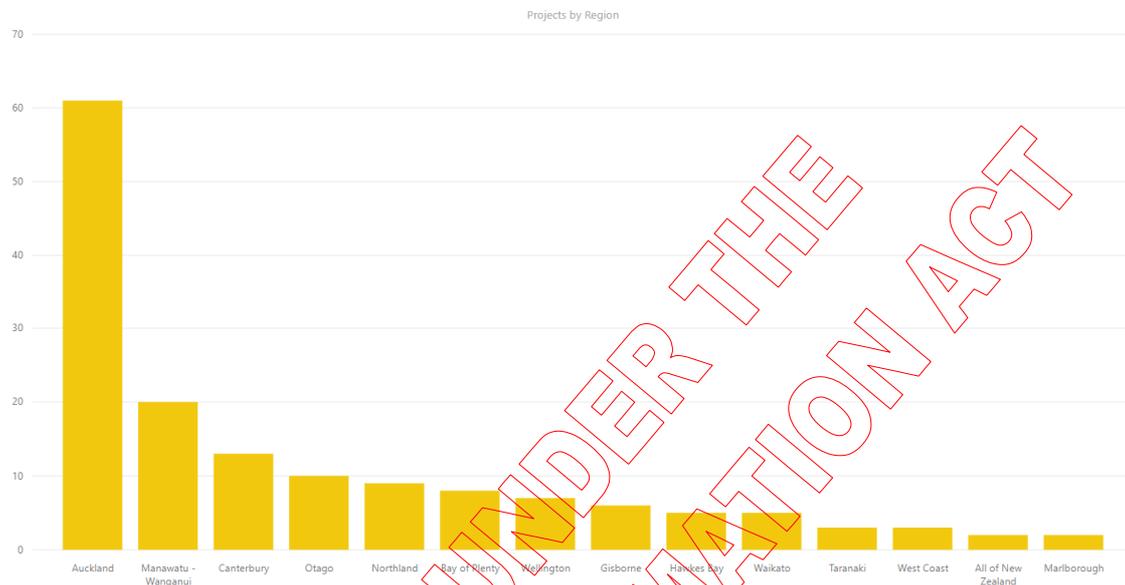
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38. As at the date of this report, the Department of Corrections has not yet identified any projects for inclusion in the Infrastructure Pipeline however we understand that an update may be forthcoming prior to the pipeline publication data.

**Regional pipeline initiatives**

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39. The majority of the Infrastructure Pipeline projects are in Auckland (61 projects). Reflecting the NZDF focus, the Manawatu region represents the second largest number of projects (20 projects) followed by Christchurch with 13 projects. The balance of projects is spread among the remaining regions as shown below:

**IN-CONFIDENCE***Figure 5 – Regional Spread of Infrastructure Pipeline Projects*

40. We are also aware of various regional initiatives involving central and local government agencies coming together to build a picture of local infrastructure projects with the aim of identifying opportunities to better leverage investment. A picture of local projects and their sequencing also helps to identify where and when there are likely to be pressures on the local construction market.
41. We recently attended a Manawatu forum involving Palmerston North City Council, Ministry of Education, Massey University, the NZDF, NZTA, Department of Corrections, KiwiRail, Powerco, Central Economic Development Agency, Manawatu District Council, and Mid Central District Health Board. Together, these agencies are planning over \$3 billion of infrastructure investment over the next 10 years.
42. The Mayor of Palmerston North City has asked us to assist in pulling together a pipeline of this investment for inclusion in the next iteration of the Infrastructure Pipeline.

### Communications Implications

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43. We intend to publish the first iteration of the Infrastructure Pipeline on the Treasury website on 16 April 2019. This may result in questions about industry capacity to deliver, and also potentially the sequencing and prioritisation of projects, along with more general questions around government infrastructure spending. We will work with your offices to prepare reactive responses to the questions that may be raised.
44. There is a need to manage expectations around the publication of the Infrastructure Pipeline – this is the first iteration only. We will engage with key stakeholders to make them aware of the Infrastructure Pipeline, and seek their feedback for consideration in future iterations. In particular, we will work with INZ to workshop possible future refinements with their members. Over time the information will become richer and more useful.

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45. We will provide the Minister for Infrastructure with a draft media release to announce the publication of the prototype Infrastructure Pipeline.

**Next steps**

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46. We will update the Infrastructure Pipeline data after 30 May 2019 to take into account any changes resulting from Budget 19.
47. For the next iteration of the Infrastructure Pipeline, we hope to include infrastructure projects from:
- further relevant central government agencies to align with Budget 19
  - KiwiRail
  - Crown Infrastructure Partners
  - local authorities in high growth areas
  - Manawatu agencies pipeline, and
  - Transpower.
48. Interest in being included has also been received from Auckland Transport. It is possible that further agencies will express interest once the Infrastructure Pipeline is published. We will identify what is possible given the necessity to maintain the integrity of the pipeline for the next and subsequent iterations (as a minimum quarterly).
49. We will work with relevant agencies to improve data integrity where necessary. We will also seek feedback from agencies and industry on use of the Infrastructure Pipeline tool and opportunities for improvement.

**Recommended Action**

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We recommend that you:

- a **note** the contents of this report, and
- b **refer** a copy of this report to the Ministers of Health, Education, Transport, Corrections and Defence as the Ministers responsible for the five capital intensive government agencies who have contributed to the Infrastructure Pipeline, noting that we intend to publish the first iteration on 16 April 2019.

*Agree/disagree*  
Minister for Infrastructure

Karen Mitchell  
**Interim Head of the Infrastructure Transactions Unit**

Hon Shane Jones  
**Minister for Infrastructure**

## IN-CONFIDENCE



**Treasury Report:** The Appointment of the Chair Designate of the Board of the New Zealand Infrastructure Commission, Te Waihangā

<b>Date:</b>	10 April 2019	<b>Report No:</b>	T2019/515
		<b>File Number:</b>	SH-11-5-10-0

**Action Sought**

	<b>Action Sought</b>	<b>Deadline</b>
Minister of Finance (Hon Grant Robertson)	<b>Note</b> the contents of this report	None
Minister for Infrastructure (Hon Shane Jones)	<p><b>Note</b> the contents of this report</p> <p><b>Agree</b> to the recommendations regarding the process to appoint designate members of the board ahead of the establishment of the Commission.</p> <p><b>Agree</b> to the total number of board members and staggered terms of the board members of the Commission</p> <p><b>Agree</b> the names of the candidates to be interviewed for the position of chair designate</p> <p><b>Agree</b> for the interview panel to undertake the interviews and report back on their recommendations</p>	Wednesday 17 April 2019

**Contact for Telephone Discussion** (if required)

<b>Name</b>	<b>Position</b>	<b>Telephone</b>		<b>1st Contact</b>
Fiona Stokes	Senior Analyst, National Infrastructure Unit	s9(2)(k)	s9(2)(a) (mob)	✓
David Taylor	Manager, National Infrastructure Unit		N/A	

**Actions for the Minister's Office Staff**

**Return** the signed report to Treasury.

**Enclosure: YES (attached)**

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## **Treasury Report: The Appointment of the Chair Designate of the Board of the New Zealand Infrastructure Commission, Te Waihanga**

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### **Executive Summary**

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This report seeks your approval to commence the process to establish the board for the New Zealand Infrastructure Commission, Te Waihanga (the Commission).

We are seeking your agreement to appoint designate members of the board ahead of the establishment of the entity, and for those designate board members to form the establishment board to accelerate the implementation of the Commission. This will enable critical tasks to be completed and ensure the Commission is operational by the end of 2019.

It is proposed that the chair designate and two board members designate will be appointed before June 2019, and that these appointees will act as an establishment board ahead of establishment of the Commission. It is proposed that further directors will be appointed by October 2019.

We are seeking your approval to proceed to due diligence interviews with the chair designate candidates put forward in this report, or any candidate/s that you consider should be included for these roles. We will provide you with information on board members designate candidates in a later report.

It is proposed that due diligence processes and interviews are undertaken by a three-person panel comprising either s9(2)(a) ; and an agreed senior chair currently serving on a State Owned Enterprise.

### **Recommended Action**

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We recommend that you:

- a **note** that Cabinet agreed to establish the New Zealand Infrastructure Commission, Te Waihanga on 18 February 2019, and that the Minister for Infrastructure was directed to report back to Cabinet on the appointment of a chair designate and board member designates who will initially operate as an establishment board ahead of the formal establishment of the Commission
- b **agree** to the process to establish the board for the New Zealand Infrastructure Commission, Te Waihanga and that a chair designate and two board members designate will be appointed before the end of June 2019, and the remaining board members will be appointed by the end of October 2019

*Agree/disagree*

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- c **agree** that the board should operate with a minimum of five and a maximum of seven members

*Agree/disagree*

- d **note** that the board appointments will be staggered, with some board members appointed for two-years and others for three-year terms

- e **agree** that each board member is appointed for a term of up to three years and is eligible to be reappointed

*Agree/disagree*

**Chair designate candidates**

- f **agree** to proceed to due diligence with the chair designate candidates listed below (as jointly recommended by the Expert Review Panel and the Treasury), or add any candidate/s that you consider should be included

-  *Agree/disagree*
-  *Agree/disagree*
-  *Agree/disagree*
- \_\_\_\_\_ (Please specify)

- g **agree** to proceed to due diligence with the additional chair designate candidates listed below (as recommended by the Treasury), or add any candidate/s that you consider should be included

-  *Agree/disagree*
-  *Agree/disagree*
-  *Agree/disagree*
- \_\_\_\_\_ (Please specify)

- h **agree** that any candidate/s noted as being chair designate candidates may also be considered for board members designate roles

*Agree/disagree*

- i **agree** that the approved chair designate candidates will be interviewed by a three-person panel comprising either  ; and an agreed senior Chair currently serving on a State Owned Enterprise

*Agree/disagree*

- j **note** that the interviews with the approved chair designate candidates are planned for mid-April, and

- k **note** once meetings have been completed with candidates, we will report back to you with our recommendations of candidates. If you approve those recommendations, a

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consultation can commence with coalition partners before the proposed candidates are presented to the Cabinet Appointments and Honours Committee (APH) on Wednesday 22 May.

David Taylor  
**Manager, National Infrastructure Unit**

Hon Shane Jones  
**Minister for Infrastructure**

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

**IN-CONFIDENCE**

## **Treasury Report: The Appointment of the Chair Designate of the Board of the New Zealand Infrastructure Commission, Te Waihanga**

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### **Purpose of report**

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1. This report seeks your approval to commence the process to establish the board for the New Zealand Infrastructure Commission, Te Waihanga (the Commission) and to identify and appoint the Chair designate.

### **Background – The New Zealand Infrastructure Commission, Te Waihanga board**

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#### *Proposed board numbers and their appointment term*

2. We are seeking your agreement that the board of the New Zealand Infrastructure Commission, Te Waihanga should operate with between five and seven members (the draft legislation stipulates that it must be between three and seven members).
3. We note your preference for a small board and think that five members is the minimum size that will enable the board to function effectively. Our preference is for a board of at least six. This will enable diversity to govern an organisation with two distinct functions – strategy and planning, and delivery support – which require quite different skills and experience.
4. A board of this size will increase the diversity of perspectives and improve the likelihood of well-founded decisions, and decrease the likelihood of binary decisions.
5. Under the Crown Entities Act 2004, the terms of office for an autonomous Crown entity is three years or any shorter period stated in the notice of appointment.
6. We are seeking your agreement that some board members are appointed for three years and others for two years to ensure that not all board terms expire at the same time and have included a table in the appendix illustrating how varying terms could work.

#### *Process to establish the proposed New Zealand Infrastructure Commission, Te Waihanga board*

7. We consider that there are three options that you could consider in regards to the process to establish the board. These are:
  - Option (i) The Minister appoints a chair designate only by June 2019, and a full board by October 2019.
  - Option (ii) The Minister appoints a chair designate and two other board member designates by June 2019. The Minister then appoints the full board by October 2019 (preferred option).
  - Option (iii) The Minister appoints a full board that includes a chair designate and up to six board members designate by June 2019.

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8. In each of these options the Chair and the members designate will act as an establishment board ahead of legal establishment of the Commission.
9. We recommend Option (ii) that the Minister appoints a chair designate and two other board members designate by June 2019. The Minister then appoints the remaining members by October 2019.
10. We recommend this option as:
  - The proposed appointment of a small establishment board will enable critical tasks to be completed ahead of establishment and ensure the Commission is operational by the end of 2019.
  - This recommendation is based on the limited timeframe in which to appoint the establishment board.
  - It takes time to find suitable board candidates, and for these candidates to go through the appointment process. It would be difficult to get a full board appointed by you by June 2019.
  - When the board is undertaking tasks as part of the establishment phase of the Commission, a serious time commitment will be required of the Chair and the board members, and it may be difficult to get a full board to agree to this level of availability and time commitment. For example, the board may have to meet more frequently than a traditional monthly cycle.
  - The scale and scope of the work that will be required to establish the Commission will be time consuming. It will be difficult for the board to undertake this work if the board is comprised of only a chair.
  - The board will require a variety of skills to undertake its functions during the Commission establishment phase. It will be difficult to gain this variety and depth of diversity if the board is comprised of only a chair.

*Proposed tasks and functions of the establishment board for the Commission*

11. Ahead of establishment of the Commission in October 2019, the functions of the establishment board will include governance, strategic and operational tasks.
  - Governance tasks include appointing the Chief Executive Officer (CEO), taking an active role in leading stakeholder engagement, and championing the Commission.
  - Strategic tasks include undertaking strategic planning and the work plan for strategy, including identifying potential deep dive(s). They will also lead the development of the Commission's strategic documents, particularly the drafting of the Statement of Intent.
  - Operational tasks include identification of office premises for the Commission; decisions regarding back office functions including IT support; decisions regarding branding and marketing; workforce planning, staff and human resources; decisions regarding managing the process of transferring staff and assets into the Commission; and reporting, evaluation and monitoring functions.
12. The Treasury will support the establishment board in a secretariat role during this process.

**IN-CONFIDENCE****Appointments process**

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13. We are seeking your agreement to establish the board of the New Zealand Infrastructure Commission, Te Waihangā ahead of the establishment of the entity to accelerate the implementation of the Commission. This will enable critical tasks to be completed and ensure the Commission is operational by the end of 2019.
14. It is proposed that the Chair designate and two board members designate will be appointed before June 2019, and that these appointees will act as an establishment board ahead of establishment of the Commission. It is proposed that further directors will be appointed by October 2019.
15. We are seeking your approval to proceed to due diligence interviews with the Chair designate candidates put forward in this report, or any candidate/s that you consider should be included for these roles. We have not ascertained the interest of all of the designate candidates put forward in this report.
16. It is proposed that due diligence processes and interviews are undertaken by a three-person panel comprising either s9(2)(a) [redacted] s9(2)(a) [redacted]; and an agreed senior Chair currently serving on a State Owned Enterprise.
17. The meetings will have a dual purpose. Firstly, as an interview to inform our recommendation to you of the best candidates for appointment; and secondly as part of a due diligence process for the candidates to gain as much knowledge as possible regarding the scope and purpose of the Commission, and their role in the Commission.
18. The Treasury has allocated time in mid-April for interviews with the chair designate candidates.
19. Once meetings have been completed with candidates, reference and background checks will be undertaken. We will then report back to you with a due diligence report with our recommendations by the end of the first week in May.
20. If you approve that recommendation, a consultation process can commence with coalition partners before the proposed candidates are presented to the Cabinet Appointments and Honours Committee (APH). A week is usually allowed for this consultation.
21. We will prepare the APH documentation on the approved Chair designate candidates and send these to you for lodging on Thursday 16 May before APH on Wednesday 22 May.

**Skills**

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22. To assist with the identification of appropriate candidates, the Treasury developed a skills matrix for the establishment board of the Commission (attached as Appendix A).

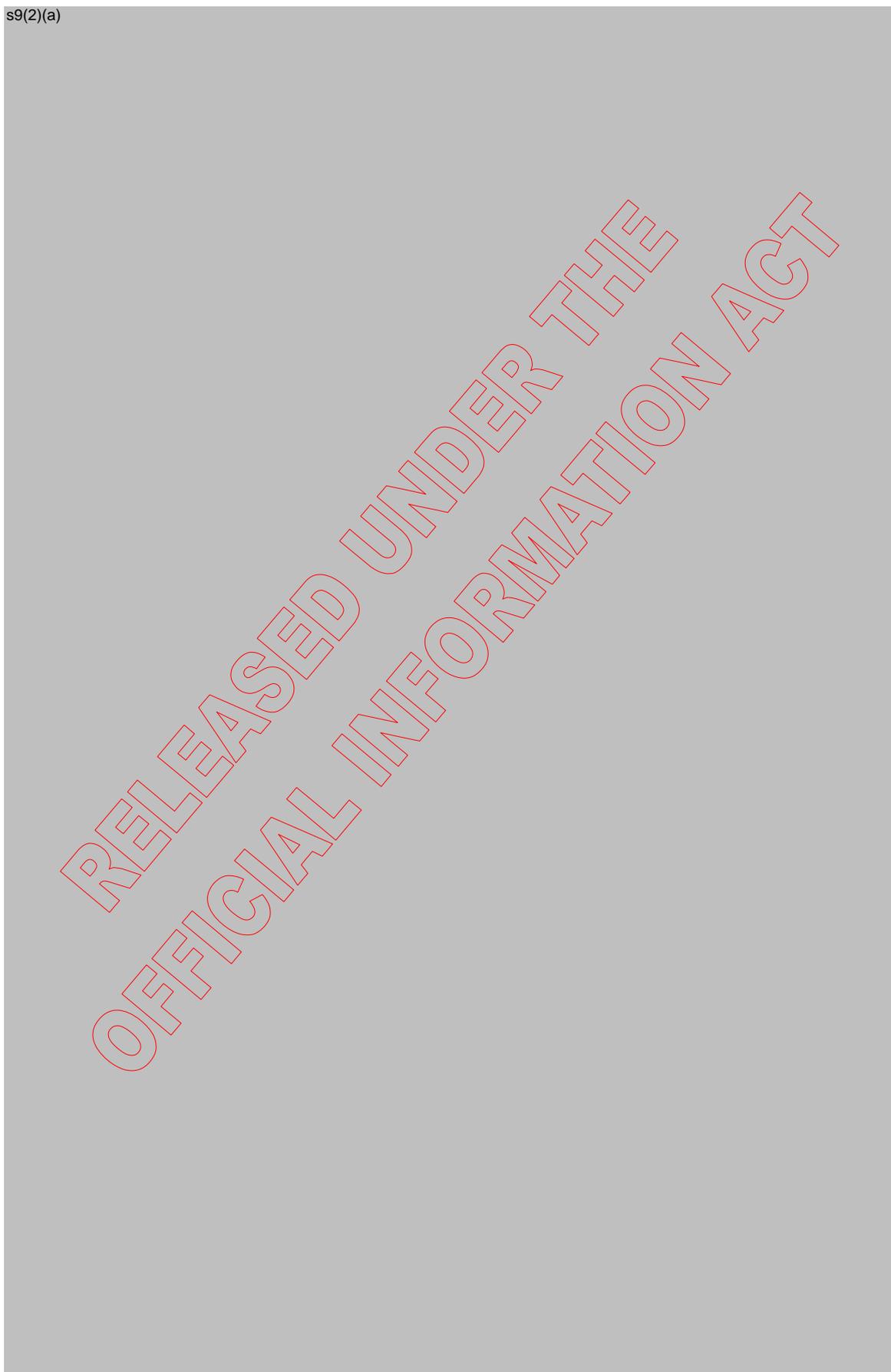
**Potential chair designate candidates**

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23. The chair designate candidates listed below are jointly recommended by the Expert Review Panel and the Treasury.

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s9(2)(a)



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s9(2)(a)

31. Please note that all of the candidates included in this section as suitable for the chair designate role could also be considered as a potential board members designate, either in this first stage of the process, or as part of the board appointments process throughout 2019.

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**IN-CONFIDENCE****Appendix A: Skills Matrix for Establishment Board Chair Designate**

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1. The establishment of the Commission represents a significant step change in strategic infrastructure advice. The Commission will require a chair that is a transformational leader who is able to proactively engage with the infrastructure sector, and take the sector with them on this journey, and through the change process.
2. To assist with the identification of appropriate candidates who are recognised leaders with a well-respected public voice, we are seeking your agreement on the proposed skills, experiences and knowledge of the proposed chair designate across the following areas:
  - Leadership
  - Strategy, planning and coordination skills, preferably in infrastructure
  - Investment capability and commercial acumen
  - Organisational establishment and management
  - Stakeholder management, political awareness and consensus building.
3. **Leadership** – Recognised leader with a well-respected public voice. A leader who is credible, transparent and able to achieve consensus across the public and private sector. Is able to challenge the public and private sector in order to influence decision-making towards optimal infrastructure outcomes. Experience in advising CEOs and senior leadership to provide insights and guidance on key areas such as change management, strategy and culture. Represents the organisation and the sector nationally and internationally. Leads collaboration across the public and private sector, and is committed to implementing the shared organisation vision.
4. **Strategy, planning and coordination skills, preferably in infrastructure** - Expertise in strategic management including project management, preferably of infrastructure projects, and the ability to forward plan and make decisions. Experience in providing advice and guidance on strategic documents, including identifying barriers and providing input on secondary opportunities and wider benefits. Big picture thinker who can see how strategy fits with current direction and future needs of government policy. Has networks and credibility within the private sector, including a track record of managing assets and/or delivering projects on time, to budget, and within scope.
5. **Investment capability and commercial acumen** - Expertise in understanding complex financial instruments and concepts, long-term financing models, and overseeing financial reporting and internal controls. Expertise in asset management and risk management, including an understanding of the financial, commercial, and risk position of a large-scale infrastructure project. Understanding of the wider economic benefits that are associated with investment decisions, and the qualitative and quantitative impact of these decisions particularly in regards to future generations.
6. **Organisational establishment and management** - Experience in establishing an entity and creating protocols, charters, delegations, decision frameworks, work programmes, organisational structures and organisational cultures. Able to create an entity that is well respected, and well-resourced with the right people. Expertise in monitoring, motivating and evaluating the performance of entities and their management.
7. **Stakeholder management, political awareness and consensus building** - Experience in attracting, motivating and retaining skilled personnel in the context of a planning organisation with long-term objectives. Supports strong board and

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management accountability, transparency and execution of a mandate. Experience in understanding governance in a public context, in light of government priorities and stakeholder management in a complex environment. Listens, debates and demonstrates the use of independent thought, and has credibility with the public and private sector. Able to work with a wide range of decision-makers and asset owners across central government, local government, communities and the private sector.

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**IN-CONFIDENCE****Appendix B: Appointment terms for the Commission board members**

1. As noted earlier, we recommend that the appointment process is staggered, with the chair designate and one of the board members designate appointed for three year terms and the second board members designate appointed for a two year term.
2. The table below illustrates the appointment terms of the chair designate and two board member designates as three and two years respectively. This allows their skills, knowledge and expertise to be incorporated into the full board.
3. The table also illustrates how board members can be appointed from June and October.

**Table 1: Appointment terms**

	Year 1 June 2019	Year 1 October 2019	Year 2 June 2020	Year 2 October 2020	Year 3 June 2021	Year 3 October 2021	Year 4 June 2022	Year 4 October 2022
Chair designate								
Board member designate								
Board member designate								
Board member 4								
Board member 5								
Board member 6								
Board member 7								

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Reference: T2019/1167

SH-17-6

Date: 18 April 2019

To: Minister of Finance (Hon Grant Robertson)  
Minister for Infrastructure (Hon Shane Jones)

## Aide Memoire: Publication of Infrastructure Pipeline

### Purpose

Further to our advice regarding the publication of the first iteration of the New Zealand Infrastructure Pipeline (the Pipeline) (T2019/862), the Aide Memoire updates you on last minute changes requested by the contributing agencies: Ministry of Health, Ministry of Education, New Zealand Defence Force (NZDF), New Zealand Transport Agency (NZTA) and the Department of Corrections.

### Key Messages

- The Treasury is planning to publish the Pipeline by the 26 April 2019.
- Three of the five contributing agencies have submitted last minute revisions to their data.
- One the last minute revisions was submitted by the Ministry of Health, correcting dates for the Dunedin Public Hospital rebuild.
- The NZTA has reduced the number of projects that it wishes to include in the Pipeline at this time from 41 to 8. The NZTA is currently reviewing its own pipeline, based on available funding and is hoping to provide a further update in May.
- The latest revisions mean that the total number of projects on the Pipeline has reduced from 154 with an estimated value of \$4.5bn to 142 with an estimated value of \$4.7bn.

### Updates

#### *Ministry of Health*

The timeframes for the Dunedin Public Hospital have been updated to reflect new information from the Ministry of Health. The commencement date has been moved forward to 2020 to reflect the fact that site clearance and early works will commence next year.

#### *NZTA*

The first internal iteration of the Pipeline included 41 projects, with a total value of around \$1.4 billion. NZTA has now advised that it is only comfortable including 8 projects in the Pipeline, valued at \$131 million, at this time. The 33 projects removed from the Pipeline include the two largest NZTA projects; SH1 Papakura to Bombay and

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the Manawatu Tararua Highway. These projects were each valued at between \$250-500 million.

The NZTA is currently reviewing its own pipeline, based on available funding. It will provide us with a further update in due course (possibly in May), which we will incorporate at that time. The table appended to the Aide Memoire highlights the main changes.

**Department of Corrections**

Subsequent to our earlier advice, the Department of Corrections has now supplied details of 16 projects for inclusion in the Pipeline. Previously it had not identified any projects for inclusion.

**Next Steps**

- Note the intention to publish the Pipeline with the data revisions outlined in this report on 26 April 2019.
- You may wish to circulate this Aide Memoire to the Ministers of Health, Corrections and Transport given the changes relevant to their portfolios.
- A draft media release has been prepared for the Minister of Infrastructure (attached).

**Guy Finny**, Advisor, Infrastructure Transactions Unit, s9(2)(k)

**Karen Mitchell**, Interim Head of the Infrastructure Transactions Unit, s9(2)(a)

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## Appendix: NZTA Changes

Funded Projects	Region	Project Value (\$m)
SH16: Brigham Creek to Waimauku	Auckland	70
SH26 Kirikiri Stream Bridge Replacement	Waikato	20
SH5: Wairakei to Mihi to SH38 - Stage 2	Waikato	11
SH10 Waipapa Corridor Improvements	Northland	9
Hamilton to Cambridge Cycle Connection	Waikato	8
SH3: Awakino to Mt Messenger Corridor - Stage 3	Taranaki	7
Katiki Coast Enhanced Resilience Stage 2	Otago	4
Waimak Bluffs Rock protection	Canterbury	2
Removed Projects	Region	Project Value Range (\$m)
SH1 Papakura to Bombay	Auckland	250 – 500
Te Ahu a Turanga Manawatu Tararua Highway	Manawatu - Wanganui	250 - 500
SH2: Waihi to Omokoroa (Trig Road to Omokoroa)	Bay of Plenty	50 – 100
W2HV Link Programme: N2P section	Wellington	50 – 100
W2HV Link Programme: P2M section	Wellington	25 – 50
SH1: Dome Valley Safety Improvements	Auckland	25 – 50
SH88 Cycling and Pedestrian Facilities including Port Chalmers Safety Improvements	Otago	25 - 50
SH3 Awakino Tunnel Bypass	Waikato	25 – 50
Old Mangere Bridge replacement - Manukau Harbour	Auckland	25 – 50
SH2: Waihi to Omokoroa (Waihi to Trig Road)	Bay of Plenty	5 – 25
SH5 Wairakei to Mihi to SH38 - Stage 2	Waikato	5 - 25
SH18 Squadron Drive Imps - Enabling Works	Auckland	5 - 25
SH30 Eastern Corridor Connect Rotorua (Phase 2)	Bay of Plenty	5 - 25
SH60 Takaka Hill	Nelson	5 - 25
SH7 Ahaura River Bridge Replacement	Canterbury	5 - 25
Loop Rd Nth to Smeatons Hill SI	Northland	5 - 25
SH8 Beaumont Bridge replacement	Otago	5 - 25
SH30 Kopaki Bridge Replacement	Waikato	5 - 25
SH6A Corridor Improvements	Otago	5 - 25
HPMV T2 West Coast connections (Contract 2)	West Coast	< 5
Visiting Driver Signature Project Otago	Otago	< 5
Woodend Corridor Safety Improvements	Canterbury	< 5

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Removed Projects	Region	Project Value Range (\$m)
HPMV T2 GIS HNO Napier Port to Gis	Gisborne	< 5
SH30A Urban Revitalisation Connect Rotorua	Bay of Plenty	Not Disclosed
Waikare Gorge	Hawkes bay	Not Disclosed
SH11 Kawakawa to SH10	Northland	Not Disclosed
SH12 Rawene to Waipoua	Northland	Not Disclosed
SH35 and connecting routes - resilience	Gisborne	Not Disclosed
SH35 and connecting routes - passing opportunities	Gisborne	Not Disclosed
SH35 Makoomuka Realignment	Gisborne	Not Disclosed
SH43 Forgotten Highway	Taranaki	Not Disclosed
Passing and overtaking opportunities	Northland	Not Disclosed
Accessing Central New Zealand SH3 Napier	Manawatu - Wanganui	Not Disclosed

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**IN-CONFIDENCE****Appendix: Draft Media Release**

Date TBC

Draft Media Release

**Prototype Infrastructure Pipeline Published**

The Government has published a prototype Infrastructure Pipeline, to show what infrastructure projects it expects to be delivered by five central government agencies over the next five years, Infrastructure Minister Shane Jones announced today.

“The Government is the construction industry’s biggest client, but one of the biggest challenges the industry has identified is the lack of certainty and transparency over what infrastructure projects the Government is committed to or has under consideration.

“When it is fully developed, the Infrastructure Pipeline tool will help give the infrastructure market greater confidence about the timing, sequencing and scale of future credible and committed infrastructure projects greater certainty about future infrastructure projects, so it can gear-up capacity and capability to deliver.”

The prototype includes data from five capital-intensive central government agencies: The Ministries of Education and Health, the New Zealand Transport Agency, the New Zealand Defence Force and the Department of Corrections

“This prototype is the first step, and will give us a solid base to build on. Publishing it will allow us to gather industry and agency feedback on this functionality and approach, before proceeding to future iterations of the tool, involving all central government agencies as well as local government, and eventually private sector projects.”

The tool includes the ability to filter and sort this data by a range of variables, including by sector, region, project stage and value range. Additional information is available for each project, including links to find more online information from the responsible agency. The information will also be available open data formats for download.

Creating a more certain, visible and better coordinated pipeline of infrastructure projects is one of the priority work areas identified for Government as set out in the draft Construction Industry Accord, launched recently.

It is also one of the key functions of the New Zealand Infrastructure Commission, Te Waihanga, which is being established to improve how New Zealand coordinates and plan our infrastructure.

“By shining a light on the credible, committed projects expected over a five-year horizon, the pipeline will help with aligning those projects with New Zealand’s longer-term infrastructure plans, and inform the Commission’s thinking as it develops a 30-year strategy to deliver the infrastructure New Zealand needs, where and when we need it.”

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The Infrastructure Pipeline has been developed by the Treasury's Infrastructure Transactions Unit (ITU) in the lead-up to the establishment of the Infrastructure Commission.

Data will be updated at least quarterly. The next update is planned after 30 May 2019, to incorporate any changes resulting from Budget 2019.

**Note to Editors** The Infrastructure Pipeline Tool is available on the Treasury's website at ....(insert URL)

**For more information contact.....**

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**Treasury Report:** Treasury Report: Process for Official Information Act List Requests

<b>Date:</b>	[Date Sent]	<b>Report No:</b>	T2018/3426
		<b>File Number:</b>	MS-4

**Action Sought**

	Action Sought	Deadline
Minister of Finance (Hon Grant Robertson)	Agree to a change in approach to responding to list OIA requests	17 January 2019

**Contact for Telephone Discussion (if required)**

Name	Position	Telephone	1st Contact
Liam McCabe	Ministerial Advisor	s9(2)(k) (wk)	N/A (mob) ✓
David Hammond	Acting Team Leader, Ministerial Advisory Service	s9(2)(k) (wk)	N/A (mob)

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

Return the signed report to Treasury.

Note any feedback on the quality of the report

**Enclosure:** No.

**IN-CONFIDENCE****Treasury Report: Treasury Report: Process for List Official Information Act Requests**

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**Executive Summary**

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As Minister of Finance you receive regular requests under the Official Information Act (OIA) for a list of document titles received by you during a specified timeframe. This report proposes a revised approach to dealing with these requests that will reduce the amount of time compiling the responses while ensuring you meet your OIA obligations. The proposal has two main parts:

- a) Consolidating how the requests are interpreted.
- b) Proactively publishing titles on the Treasury website.

**Recommended Action**

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We recommend that you:

- a) **agree** to how these list request are interpreted  
*Agree/disagree.*
- b) **agree** to proactively release a list of documents you have received  
*Agree/disagree.*

David Hammond  
**Acting Team leader**  
**Ministerial Advisory Service**

Hon Grant Robertson  
**Minister of Finance**

**IN-CONFIDENCE****Treasury Report: Treasury Report: Process for Official Information Act List Requests**

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- 1) Due to the number of reports you receive as Minister of Finance from other Ministers collating answers to these list requests requires extensive consultation across various government agencies and has led to delays in providing final responses.
- 2) This revised approach to dealing with these list requests involves:
  - a) Interpreting the requests, as requests for titles of reports received from agencies that are your portfolio responsibility. You have used this approach to these types of requests previously, namely from the journalist <sup>s9(2)(a)</sup> [REDACTED]
  - b) Proactive publication of these document titles on the Treasury website. This would cover documents provided to the Minister of Finance by:
    - The Treasury
    - Reserve Bank of New Zealand
    - Inland Revenue
- 3) The list would be published on the Treasury website and would include documents the Minister of Finance has received over a two month timeframe. The list would be compiled by the Treasury at the start of the third month.
- 4) Once the list has been compiled, it would be sent across to your office, in the form of a Treasury report (following a similar format to the TOIA inform report ), as part of the 'no surprises' approach (ideally the list would be sent across before to your office by approximately the 10<sup>th</sup> of the month).
- 5) At which point you and your office would have an opportunity to provide feedback in much the same way that currently happens under the OIA process. With the final decision of what is released resting with The Treasury and the other respective agencies (this aspect is important to maintain the integrity of the process regarding the OIA with the Office of the Ombudsman).
- 6) Approximately, one week before publication at the end of the month the list should be finalised by you and your office (in consultation with The Treasury), and the Treasury Report returned and signed by you.
- 7) The final list would then be published by The Treasury at the end of the month.
- 8) As with requests made under the OIA document titles may be withheld. However, for practical purposes Treasury would maintain a record of which documents have been withheld, so that if there are follow up requests for the titles of withheld papers, they are readily accessible, and decisions made on whether or not document titles still need to be withheld.
- 9) This would mean the OIA requests themselves would be refused under section 18 (d) because the information is publicly available or soon will be.