



OIAD-1091

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 15 May 2024 requesting the following under the Official Information Act 1982 (the Act):

Please provide the full list of projects submitted to the Ministry of the Environment for inclusion in the Fast Track Approvals Bill, during the one month-long period that ended on May 3.

The Government has committed to introducing a permanent approvals regime to deliver a range of regionally and nationally significant housing, infrastructure, renewable energy and development projects.

The Fast-track Approvals Bill is part of the Government's wider resource management reform programme.

Public submissions on the Fast-track Approvals Bill closed on 19 April 2024. The Select Committee will report back to the House with a revision tracked version of the Bill later in the year. Progress on the Bill can be followed on the Environment Select Committee page at: bills.parliament.nz/v/Bill/083f0a7b-f182-41d5-0897-08dc3e31559c

At this stage, I am withholding the 'list of applicants' in full under section 9(2)(f)(iv) of the Act. I make this decision to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

Decisions on applications for inclusion in the Fast-track Approvals Bill are yet to be made by Ministers. Releasing the list of applicants at this time would impact the orderly and effective conduct of executive government decision-making processes. I consider that the release of the list of applicants will result in extensive lobbying, even campaigning, both for and against applications ahead of Cabinet consideration. Attempts would likely be made to influence Cabinet Ministers outside of the prescribed process and without the benefit of the full information and advice that Ministers will receive.

There has been significant public interest in Fast-track project applications and the Fast-track Approvals Bill more generally. However, in terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest. Official information regimes globally and the Chief Ombudsman's guidance, recognise that the Government and Ministers need to be able to take advice and to deliberate on it, in private, and without fear of premature disclosure.

For the reasons already articulated, I consider that it is likely that releasing the list of applicants at this time would impact the orderly and effective conduct of executive government decision making processes.

I invite you to review the material we have proactively released on the Fast-track Approvals Bill on the Ministry's website at: environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/fast-track-approvals-bill/.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal stroke that tapers to a point on the right.

Ilana Miller

Programme Director – Fast Track Approvals
Ministry for the Environment | Manatū Mō Te Taiao