



4 September 2024

OIAD-1205

9(2)(a)

Tēnā koe 9(2)(a)

On 7 August 2024, the Ministry for the Environment (the Ministry) was partially transferred your request for the following information under section 14 of the Official Information Act 1982 (the Act):

- 1) *A list of all legal advice referring or relating to the Fast Track Approvals Bill that has been sought, obtained or considered by Government Ministers;*
- 2) *A list of all legal advice referring or relating to the review of the Public Works Act 1981 that was announced on 18 June 2024 which has been sought, obtained or considered by Government Ministers;*
- 3) *A copy of the legal advice identified above;*
- 4) *A list of steps that the Government has taken to provide every citizen equally with all and/or part of any legal advice identified above;*
- 5) *A list of the names of people, excluding Members of Parliament and any employees of a Government department, to whom the Government has disclosed any of the legal advice identified above.*

We have interpreted your request as being for information provided to the current Government, which was sworn in on 27 November 2023.

The Public Works Act 1981 is administered by Land Information New Zealand (LINZ), and therefore part 2 of your request is more closely related to the functions of LINZ. Ordinarily, we would be required by section 14 to transfer this part of the request to LINZ, however, since we are aware LINZ has already been transferred the request by Hon Paul Goldsmith, Acting Attorney-General, we have not transferred in this case.

#### *Decision on your request*

The 36 documents identified containing information within the scope of parts 1 and 3 of your request are being withheld in full under section 9(2)(h) of the Act to maintain legal professional privilege. In making this decision, I have considered the public interest in releasing the information, as required by section 9(1) of the Act. I am satisfied that, in this case, the reasons for withholding the information outweigh any public interest in its release.

The information you are seeking in part 4 of your request is not held by the Ministry and would need to be created to respond to your request. The Act enables people to request information from Ministers and agencies, including the Ministry. However, the Act only applies to information that is already held by the Ministry. There is no obligation on the Ministry to create information in order to respond to a request.

I am therefore refusing this part of your request under section 18(g) of the Act, because the Ministry does not hold the information requested.

The Ministry has shared legal advice on a confidential basis with a Crown Entity. In this case, I am withholding details under section 9(2)(h) of the Act, to maintain legal professional privilege.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decisions 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](http://www.ombudsman.parliament.nz).

Nāku noa, nā

A handwritten signature in black ink, consisting of a stylized 'P' followed by a large 'A' and a trailing flourish.

**Phirak Appleton**  
General Manager, Legal and Risk  
Ministry for the Environment | Manatū Mō Te Taiao