

06 August 2019

Catherine Hutton  
Radio New Zealand  
Catherine.Hutton@rnz.co.nz

OIA-5358

Dear Catherine

**Request made under the Official Information Act 1982**

Thank you for your email of 25 June requesting the following information under the Official Information Act 1982 (the Act):

1. *Copies of all advice, documents and reports prepared by NZTA officials on the issue of whether or not to toll the new Transmission Gully highway and the implications of tolling the new road.*
2. *Copies of all advice prepared for the Transport Minister, Phil Twyford, on whether to toll Transmission Gully.*

You refined your request on 12 July 2019 to a timeframe beginning with the construction of Transmission Gully. This date has been determined as the date on which the Private/Public Partnership Project Agreement was signed on 29 July 2014.

In regard to point 1 of your request, a number of documents fall within the scope and are released to you under the terms of the Act. They are listed in the attached document schedule.

Please note, contact details such as direct dial or mobile phone numbers have been withheld from the documents under section 9(2)(a) of the Act. This section allows for the withholding of information to protect the privacy of natural persons, including that of deceased natural persons. In order to maintain legal professional privilege, information regarding legal advice tendered to the NZ Transport Agency has also been withheld under section 9(2)(h) of the Act.

The final decision regarding the possibility of tolling Transmission Gully has not yet been reached. In order to maintain the effective conduct of public affairs for the time being, information has been withheld from all documents under section 9(2)(g)(i) of the Act. This section allows for the withholding of information containing the free and frank expression of opinions between members of an organisation in the course of their duty.

While the Transport Agency is aware of the public interest in a decision regarding the possibility of placing a toll on Transmission Gully, it must also ensure that any commercial activities or negotiations are able to be carried out without prejudice or disadvantage. As such, certain information has also been withheld from Document 3, 4, 5 and 8 under sections 9(2)(i) and 9(2)(j) of the Act.

In order not to unreasonably prejudice the commercial position of those who are the subject of information contained in Document 5, certain details have also been withheld under section 9(2)(b)(ii) of the Act.

Much of the information contained within the Chief Executives report to the Board located under Document 7 has fallen outside the scope of your request. Of the information relating to Transmission Gully, this has been withheld under section 9(2)(g)(i) in order to maintain the effective conduct of public affairs by protecting the free and frank expression of opinion by members of the Transport Agency in the course of their duty. As such, Document 7 has been withheld in its entirety.

The attachments a, b, c and d mentioned in Document 9 have fallen outside the scope of your request and have been removed in their entirety.

In regard to point 2 of your request, one document titled BRI-1247 *Update on investigations into tolling of Transmission Gully* has fallen within scope of your request. This information can be located on pages 5 to 10 of Document 8.

Certain information has been withheld from the briefing under section 9(2)(a) of the Act in order to protect the privacy of natural persons, including that of deceased natural persons. Further information has been withheld to maintain the effective conduct of public affairs and constitutional conventions for the time being. As such, information relating to the free and frank expression of employees as well as the confidentiality of advice tendered by officials in the course of their duty have been withheld under sections 9(2)(g)(i) and 9(2)(f)(iv) respectively.

With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold this information. The contact details for the Ombudsman can be located at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

If you would like to discuss this reply with the Transport Agency, please contact Andy Knackstedt, Senior Manager, Media by email to [andrew.knackstedt@nzta.govt.nz](mailto:andrew.knackstedt@nzta.govt.nz).

Yours sincerely



**Charles Ronaldson**  
General Manager, Operations

**OIA-5358 Document Schedule**

Ref	Document	Date	Description
1.	EA to Board Insert	2 March 2017	Board paper outlining need for further investigation into tolling
2.	Email correspondence	7 December 2017	Talking points for Chief Executive update to the board regarding tolling of Transmission Gully
3.	Board paper	18 March 2019	Board paper detailing outcome of assessment
4.	Q&A's Transmission Gully	15 March 2019	Q&A prepared for Chief Executive in preparation for board meeting
5.	Memo	29 March 2019	Briefing to the Chief Executive in response to the action from the March Board meeting;
6.	Board paper	17 June 2019	
7.	Board paper – <i>Withheld in full</i>	May 2019	
8.	Memo	28 June 2019	Tolling of Transmission Gully: Background overview and Board options
9.	Briefing	28 June 2019	Briefing to the Chief Executive
10.	Discussion paper		Background and proposal for tolling Transmission Gully
11.	Update on tolling		Revised toll programme