

Auckland Light Rail

Process and confidentiality guidance

Contains confidential information

8 August 2019

Version 1

Purpose

Background

- The City Centre to Māngere Light Rail Project (CC2M Project) forms the first priority construction of the mass transit network in Auckland, with future expansion planned for the Northwest and the North.
- In June 2019 Cabinet agreed to running two parallel workstreams (the parallel process) to help it decide an optimal way to fund, finance and construct light rail in Auckland.
- There are a number of different inputs that the Ministry requires from the Transport Agency to enable it to do its work.
- The **PURPOSE** of this document is to outline the different roles that individuals in the Transport Agency will play in relation to the parallel process and sets out guidance that must be strictly followed to support a robust, fair and transparent process.
- Particular care is required around the CC2M Project and the parallel process because of its strategic importance for Auckland and the country and because the process to develop proposals is novel, complex and will be subject to enhanced scrutiny.

Agency Roles

High level guidance on governance and information controls

CC2M Project Team

Responsible for the development of NZTA's response to the Ministry's process.
This team is entirely ring-fenced and will be subject to strict confidentiality protocols.
Governance and oversight is provided by the Board and the CEO.

ALR Advisory Group

The Transport Agency will provide one representative to the Advisory Group.
This individual, the Agency's Senior Manager, Risk and Audit, is entirely ring-fenced.
No information provided to this individual about the overall parallel process can be shared with the Transport Agency, without the Ministry's consent
Guidance may be sought from the CEO and/ or Board Chair.

Provision of information to Ministry and to NZ Infra

From time to time, the Ministry may request information from the Transport Agency that will be made available to NZ Infra. This may include requesting that individuals with specialist expertise are available to speak with NZ Infra.
The Transport Agency has agreed to provide generic information and to make resources available.
Individuals must not share specific information about the CC2M Project with the Ministry or NZ Infra. They must not share the details of the information requests or any conversations with the Ministry or NZ Infra with the CC2M Project Team.
Requests for information or meetings will come via the Senior Manager, Government or nominee.

Funding the parallel process

The CFO is the only person in this role.
Information provided to him in this role is entirely ring-fenced.
This role will not preclude the CFO and his team providing advice to the CC2M Project Team.

Management of confidentiality

CC2M Project Team

- People in the CC2M Project Team should treat the proposal development process as a competitive tender. As such all the usual disciplines the Agency expects from bidders in such a process will apply to the Agency, with the Ministry playing the role the Agency usually would.
- The CC2M Project Team will include secondees from Auckland Transport and professional advisers who will be subject to the same rules.
- The **General Counsel Light Rail** or nominee will keep a list of people employed by the Transport Agency and suppliers who are on the CC2M Project Team (CC2M Project Team List).
- Additions to (and removal from) the CC2M Project Team List can only be approved by the **Head of Light Rail**.
- When people are added to (or removed from) the CC2M Project Team List, all those on the list will be notified. If a person is removed, their obligations of confidentiality will continue.
- Project specific details should only be shared with those on the CC2M Project Team List.
- Confidential or sensitive information should be clearly identified when sent to those on the CC2M Project Team List so it is clear which information is restricted.
- Being on the CC2M Project Team List does not mean that everyone needs access to everything – a “need to know” approach may still be used as appropriate.
- Those on the CC2M Project Team List may draw on input or information from others in the Transport Agency, but must take care to (i) let those others know the capacity in which they are asking and that the purpose of the request relates to CC2M Project Team work and (ii) ensure that they do not pass on any confidential material.
- The only person authorised to communicate (or approve communications that are to be made) outside the CC2M Project Team is the **Head of Light Rail**.
- Members of the CC2M Project Team may be asked to sign acknowledgements regarding their obligations of confidentiality and other agreed protocols and also to disclose any conflicts of interest that may have (or be perceived by others to have).

Management of confidentiality

Provision of information/ access to resources

- Requests for information or meetings will come via the **Senior Manager, Government**, who will keep a register of all such requests.
- Specific guidance will be given to those asked to share information/ talk to the Ministry or NZ Infra, including where those individuals are part of the CC2M Project Team.
- No CC2M specific information can be shared with the Ministry or NZ Infra except by those in the CC2M Project Team.
- Detail of conversations with the Ministry or NZ Infra cannot be shared with the CC2M Project Team.
- Other individuals from within the Transport Agency may be required to provide information/ talk to the CC2M Project Team as well. In most cases, they will not be provided with confidential information by the CC2M Project Team. If it is necessary for confidential information to be shared with others in the Transport Agency, they will need to go on the CC2M Project Team list.

Stakeholders

Constraints and controls

- There are a number of stakeholders with an interest in the CC2M Project, including (but not limited to):
 - The Ministry
 - Auckland Transport
 - Auckland Council,
 - Treasury
 - Other government agencies
 - Public and iwi
- Communications with the Ministry will be channelled through:
 - **Head of Light Rail** for the CC2M Project Team and will be dealt with in accordance with the requirements in the Response Requirements Document.
 - **Senior Manager, Government** for anything else to do with the parallel process, including information requests and requests for access to individuals.
- It is not expected that there will be any public consultation, including with iwi, during the period of the parallel process and public communications will be managed with the agreement of the Ministry.
- Communications with other stakeholders about the parallel process or the Agency's CC2M proposal will be as agreed with the Ministry from time to time.