



CABINET OFFICE

14 November 2024

[REDACTED]
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Ref: OIA OIA-2024/25-0365

Tēnā koe [REDACTED]

Official Information Act request: [REDACTED] Conflicts of interest in fast track approval projects

Thank you for your Official Information Act (the Act) request that was transferred to the Department of the Prime Minister and Cabinet on 21 October 2024. In the parts transferred to us, you requested:

“1. Can you please provide the documents that detail exactly how the conflicts of interest process was managed with regard to the 149 projects that were included in the fast track approvals list - <https://www.beehive.govt.nz/release/fast-track-projects-released>

3. Can you please identify which ministers declared a conflict of interest in which particular fast track project, and that each Minister 'left the room' for each project?

4. Can you further clarify what it means that each Minister 'left the room' for the discussions? Does this mean that each Minister left the Cabinet meeting where the final list was approved? Or does it mean that there was a different meeting or meetings prior to Cabinet where each Minister 'left the room' who declared a conflict of interest, and if so what was that separate meeting or meetings and when did they take place?”

The Cabinet Office, on behalf of the Prime Minister, supported Ministers in identifying and managing conflicts of interest that may arise in relation to the Fast -track Approvals Bill (the Bill). It therefore holds information referred to in your request.

Details regarding conflicts of interest disclosed to the Cabinet Office are not generally released, in order to ensure the confidentiality of Cabinet proceedings, to maintain the effective conduct of public affairs and, in some cases, to protect personal privacy. This has been the approach taken by successive administrations over many years because it is in the public interest that the Cabinet Office can obtain and assess information about conflicts of interest and provide advice to Ministers on how to resolve them on a confidential basis.

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However, I have decided to provide you with some publicly available information regarding the management of Ministers' conflicts of interest in relation to the Bill, which is set out below. I also answer your question 4.

Attorney-General Hon Judith Collins

Hon Judith Collins declared a potential conflict between a personal interest regarding the fast-track consenting legislation and her law officer functions as Attorney-General. Hon Paul Goldsmith was therefore appointed as Acting Attorney-General on 28 February 2024 for the purpose of exercising all law officer functions of the Attorney-General (including reporting to the House of Representatives on the consistency of any proposed legislation under s 7 of the New Zealand Bill of Rights Act 1990 and advising on rule of law considerations) in relation to matters concerning the proposed fast-track consenting legislation both before and after enactment.

The following management actions were put in place as a consequence of the appointment of the Acting Attorney-General:

- (1) officials would report directly to Hon Goldsmith in relation to the Bill;
- (2) any information relating to the Bill received by Hon Collins' office would be referred to Hon Goldsmith;
- (3) Hon Collins would not receive Cabinet papers or other official papers or reports on the Bill; and
- (4) if the Bill was discussed at Cabinet (or other relevant meetings), Hon Collins would declare her interest and withdraw from the meeting (or seek the agreement of colleagues to continue to take part).

Ministers with decision-making responsibilities in relation to the inclusion of specific projects

Ministers who had decision-making responsibilities delegated to them in relation to decisions on which projects to include in the schedule to the Bill (being Hon Bishop, Hon Brown and Hon Jones) had an arrangement agreed by the Prime Minister such that, where one Minister identified a conflict of interest with a project, that Minister took no part in the consideration of that project and instead transferred their Ministerial responsibilities relating to that project to another Minister in accordance with section 7 of the Constitution Act 1986.

The arrangements for the transfer were that conflicted Ministers would not take part in decisions about whether to include the relevant projects in the Bill. Officials would report directly to the transferee Minister on matters connected to the decision, and any information relating to the decisions on the relevant project would be referred to the transferee Minister. The transferring (conflicted) Minister would not receive relevant parts of Cabinet papers or official papers or reports relating to the relevant projects from the time the conflict was identified. Where a relevant project was discussed at Cabinet committee or Cabinet meetings, the conflicted Minister would declare his interest and withdraw from that part of the relevant meeting.

The arrangements for managing conflicts of interest for the Bill are set out in more detail in the press release issued by Hon Chris Bishop available here: [Government releases more Fast-track detail | Beehive.govt.nz](#). This includes details of projects in relation to which Hon Jones and Hon Bishop identified conflicts of interest and put transfers of responsibility in place.

Ministers attending Cabinet and Cabinet Committee meetings

Once delegated Ministers had made decisions, the final list of projects was considered by Cabinet Committee and Cabinet. Ahead of those meetings, Ministers who would be attending the meetings reviewed their interests, and declared any conflicts of interest in relation to any of the listed projects at the meetings where they were to be discussed. Ministers who declared an interest with a particular project left the room for any discussion at Cabinet Committee or Cabinet relating to that project.

Additional information withheld

There is additional information covered by your request that I have decided to withhold. The Cabinet Office holds other information about Ministers' conflict of interest identification and management in relation to the Bill. The grounds for withholding this information under the Act are:

1. section 9(2)(a), to protect the privacy of individuals
2. section 9(2)(ba)(i), to protect information which is subject to an obligation of confidence in order to prevent prejudice to the supply of information in the future
3. section 9(2)(f)(ii), to maintain collective and individual ministerial responsibility
4. section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
5. section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion.

In making my decision, in accordance with section 9(1) of the Act I have considered whether the public interest in disclosure outweighs the need to withhold the information, and I have concluded that it does not.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Rachel Hayward
Secretary of the Cabinet