

Request for draft ‘Alternatives Paper’ prepared by consultants on CBD rail link

Legislation	Local Government Official Information and Meetings Act 1987, s 7(2)(f)(i)
Agency	Auckland Transport
Ombudsman	Dame Beverley Wakem
Case number(s)	326782
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Release would inhibit exchange of drafts and views between staff and consultants, which would undermine the drafting process—s 7(2)(f)(i) applied—public interest met by the release of the final report and the peer reviews by relevant agencies

Auckland Transport (AT) withheld a draft ‘Alternatives Paper’ prepared by a consortium of external consultants in relation to the CBD rail link under section 7(2)(f)(i) of the LGOIMA, and the requester complained to the Ombudsman.

AT explained that the paper at issue was a preliminary draft distributed for discussion purposes between the clients and the consultant group. The paper, and an associated workshop at which it was discussed, were part of the alternatives assessment and drafting process, which were still very much underway at the point the draft was distributed. The final report, which had been peer reviewed by the Ministry of Transport, Treasury and the New Zealand Transport Agency was available on AT’s website.

AT argued that release of the draft would inhibit ‘*individuals and consultant organisations in the future [from] properly recording and sharing with Auckland Transport evolving thinking, processes, assessments and discussion in the form of draft documents*’, and that ‘*sharing such information and the ability to discuss this in a free and frank manner is a critical part of good decision making*’.

The Chief Ombudsman concluded that section 7(2)(f)(i) provided good reason to withhold the draft paper. Officials and consultants would become reluctant to be candid or to openly express their initial thoughts in writing if information such as this were to be released. The

effective conduct of public affairs is promoted when discussions can take place to accept and/or reject particular approaches in a free and frank manner, without being concerned that preliminary opinions and ideas could be made publicly available. The public interest had been met by the release of the final report and the peer reviews by relevant agencies.

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