

12 May 2023

s9(2)(a)

Tēnā koe s9(2)(a)

I refer to your request received on 20 April 2023, which has been considered under the Official Information Act 1982 (OIA), for the following information:

1. **Could the Ministry advise whether they have received a geotechnical report on the proposed Erebus memorial site since the recent flooding and cliff damage?**
2. **Will the Ministry share the report with the public at this point?**
3. **If the Ministry is withholding the report from immediate release to the public, what is the reason for that?**

The Ministry received a geotechnical report from ENGEEO Limited on Tuesday 11 April 2023.

Information publicly available

The following information is covered by your request and is publicly available on the Ministry's website:

| Item | Date | Document Description | Link |
|------|---------------|--|---|
| 1 | 11 April 2023 | Erebus Memorial – Updated Geotech Engineering Report 11 April 2023 | https://mch.govt.nz/sites/default/files/projects/Manatu-taonga-updated-geotech-engineering-report-11-april-2023.pdf |

Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the OIA – the information requested is or will soon be publicly available.

4. **Please advise the cost of the report and any associated costs / consultants etc?**

The total cost for this report has been withheld under section 9(2)(b)(ii) of the OIA – to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information.

5. **Would the Ministry consider an audit by the Auditor General of their expenses on this project given that there was clearly documented evidence that the site was liable to cliff collapse prior to the MCH project commencement?**

As previously advised, requests for opinion are not considered to be requests for information under the Official Information Act as per guidance from the office of the Ombudsman. The Office of the Ombudsman guidance notes that “Official information laws can’t be used to force agencies to engage in debate or to create justifications or explanations in relation to something a person might be interested in.” However, the Auditor-General is an Officer of Parliament with its own powers to undertake investigations. It is not up to the Ministry to consider an audit.

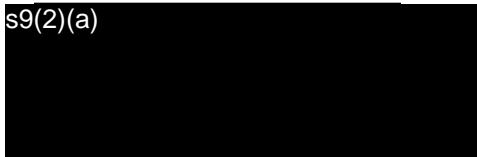
In making my decision, I have considered the public interest considerations in section 9(1) of the OIA.

If you wish to discuss this decision with us, please feel free to contact uia@mch.govt.nz

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

s9(2)(a)



Glenis Philip-Barbara
Pou Mataaho o Te Hua - Deputy Chief Executive, Delivery