
MINUTE 3 OF THE EXPERT PANEL

Memorandum of Counsel for the Applicant dated 26 June 2026

Auckland Prison Capacity Increase Expert Panel

FTAA-2603-1179

6 July 2026

[1] On 26 June 2026, a memorandum of counsel was filed on behalf of the Applicant. The memorandum addressed two matters:

- (a) The provision of the Te Rūnanga o Ngāti Whātua Cultural Values Assessment for the Auckland Prison Capacity Increase Proposal (**CVA**); and
- (b) The proposed additional designation conditions (DES50 – DES52) proposed by Department of Corrections (**Corrections**) in response to the matters raised in the CVA and during consultation with iwi/mana whenua.

[2] The Applicant noted that the CVA contained sensitive information and asked that it not be made publicly available.

[3] The Expert Panel (**Panel**) has considered the Applicant's request for the CVA not to be made publicly available due to the sensitivity of information contained within that report.

[4] Section 11 of the Fast Track Approvals Act 2024 (**FTAA**) incorporates section 42 of the Resource Management Act 1992 (with necessary modifications) in relation to the protection of sensitive information. Those sections allow the Panel to make an order prohibiting or restricting the publication or

communication of any information supplied to it, or obtained by it, in the course of any proceedings, whether or not the information may be material to any proposal, application, or requirement. However, an order may only be made if it is necessary:

- (a) to avoid serious offence to tikanga Maori or to avoid the disclosure of the location of waahi tapu; or
- (b) to avoid the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information,—

and, in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available.

[5] The Panel currently has insufficient information on which it is able to make an order restricting the publication of the CVA.

[6] The Panel apprehends that such information may exist and invites the Applicant to provide further information as to the legal basis on which it seeks an order restricting publication of the CVA

[7] Any such information is to be provided by **4pm, Wednesday 8 July 2026**.

[8] The EPA is directed not to upload the CVA to the Fast-track website at this time.

[9] However, the EPA is directed to upload the memorandum of counsel dated 26 June 2026 to the Fast-track website.

A handwritten signature in blue ink, appearing to read "P. Maw". The signature is written in a cursive, flowing style.

Philip Maw

Auckland Prison Capacity Increase Expert Panel Chair