

Reference: 20230044

13 February 2023

Dear [REDACTED]

Thank you for your Official Information Act 1982 (OIA) request, received on 31 January 2023. You requested:

- 1. Does the Treasury believe the Christchurch City Council's decision to invest an additional up to \$150 million to enable the Te Kaha project to continue as planned was lawful?*
- 2. Can the Treasury stop spending Crown funds if it believes the spending is unlawful?*
- 3. Has the Treasury stopped its funding of Te Kaha?*

Information being released

Christchurch City Council (the Council), via Canterbury Multi-Use Arena Delivery Ltd (a Council-Controlled Organisation), is responsible for the delivery of the Te Kaha project under the Canterbury Multi-Use Arena Funding Agreement (the Agreement) with the Crown. The Council's responsibility includes covering any cost increases above the budget, which are ultimately a decision for the Council to make in accordance with its processes.

I shall provide responses to each of your questions below.

- 1. Does the Treasury believe the Christchurch City Council's decision to invest an additional up to \$150 million to enable the Te Kaha project to continue as planned was lawful?*

An agency is not obliged to form an opinion or create information to answer an official information request.

For information to be 'held' means that the information must be in existence. With the exception of providing a response to a request for a statement of reasons regarding a decision affecting a specific individual, there is no obligation to create information in order to respond to a request.

2. Can the Treasury stop spending Crown funds if it believes the spending is unlawful?

The Crown is responsible for providing funding for the project in accordance with the Funding Agreement with the Council. As the Council is responsible for delivery of the project, the provision (or not) of Crown funding is limited to the conditions and matters outlined in the Funding Agreement.

3. Has the Treasury stopped its funding of Te Kaha?

No.

Please note that this letter (with your personal details removed) may be published on the Treasury website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Taylor', with a stylized flourish at the end.

David Taylor
Manager, National Infrastructure Unit