

Hon Scott Simpson - MP for Coromandel

[scott.simpson@parliament.govt.nz](mailto:scott.simpson@parliament.govt.nz) and,  
[nationaloia@parliament.govt.nz](mailto:nationaloia@parliament.govt.nz).

Dear Mr Simpson

On 19 September, you made an Official Information Act 1982 (OIA) request to me, in my role as Chief Executive for:

- *All correspondence, briefings, emails, texts, electronic communications, advice and reports she has received or initiated relating to the Thames-Coromandel District Council and Hauraki District Council Mangrove Management Bill (the Bill).*

On 4 October, officials contacted your office to confirm the scope as it was understood that some of the documents were already held by you due to your involvement in the Governance and Administration Select Committee hearing the Bill. After confirming with you, your office sent through the following revised request:

- *Excluding any information provided to Select committee, all correspondence, emails, texts, and electronic communications, she has received or initiated relating to the Thames-Coromandel District Council and Hauraki District Council Mangrove Management Bill.*

Your request has been interpreted to include any material listed above, received or requested by me in my role as Chief Executive. As confirmed in the conversation with your office, your request does not cover material received or initiated by the Ministry more broadly.

As also discussed with your office, much of the material is being withheld under section 18(c)(ii). The reason being, that as the Bill is still before the Select Committee making this information available would constitute contempt of the House of Representatives, notwithstanding your access to some of that information through your attendance on the Committee.

I note that a request made through the Select Committee would be treated differently to one made under the OIA.

You also sought that where any information is withheld the reason for refusal and the grounds in support of that reason are provided, as required by section 19(a)(i) and (ii) of the OIA. As noted above, portions of the information in scope of your request have been withheld under section 18(c)(ii) as the information would reveal the substance of the Ministry's advice to the Committee, or the Committee's requests for information from the Ministry




This information was withheld on the grounds that the Bill is still before the Select Committee, and as such advice to, and requests for advice from the Committee remain subject to parliamentary privilege until reported back to the House. All other information within the scope of your request has been released.

If you wish to discuss this decision with us, please feel free to contact Robert McClean at [robert.mcclean@mfe.govt.nz](mailto:robert.mcclean@mfe.govt.nz)

I would also like to inform you that this response may be published on the Ministry for the Environment website: [www.mfe.govt.nz/about-us/official-information-act-requests](http://www.mfe.govt.nz/about-us/official-information-act-requests)

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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

  
Sincerely  
Vicky Robertson  
Secretary for the Environment

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the Official Information Act 1982

**List of documents**

Document no.	Document date	Content	Decisions	OIA sections applied
1	14 September 2018	Memo – Mangroves-Table of Changes	Released in part	18(c)(ii)
2	14 September 2018	Memo – Salient Points	Released in part	18(c)(ii)
3	14 September 2018	Memo – Background and advisors role in Select Committee	Released in part	18(c)(ii)

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**WHY WE THINK THE BILL** 18(c)(ii)

- Mangrove spread is influenced by land use practices 18(c)(ii)
- A Statement of Intent signed by Waikato Regional Council and Thames Coromandel District Council CE's in 2016 shows council staff are resolve to work together on mangroves for beneficial community outcomes (Note the Bill was promoted by the TCDC Mayor).
- 18(c)(ii)

**TABLE OF CHANGES RECOMMENDED**

Clause in Bill	Change Recommended	Rational	Council suggestion?
18(c)(ii)	18(c)(ii)	18(c)(ii)	18(c)(ii)
	18(c)(ii)	18(c)(ii)	
	18(c)(ii)	18(c)(ii)	18(c)(ii)
	18(c)(ii)	18(c)(ii)	
	18(c)(ii)	18(c)(ii)	18(c)(ii)
	18(c)(ii)	18(c)(ii)	
18(c)(ii)	18(c)(ii)	18(c)(ii)	
18(c)(ii)	18(c)(ii)	18(c)(ii)	
	18(c)(ii)	18(c)(ii)	18(c)
	18(c)(ii)	18(c)(ii)	18(c)

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	18(c)(ii) [REDACTED] [REDACTED] [REDACTED]	18(c)(ii) [REDACTED]	18(c) [REDACTED]
	18(c)(ii) [REDACTED] [REDACTED] [REDACTED] [REDACTED]	18(c)(ii) [REDACTED] [REDACTED]	18(c)(ii) [REDACTED]
	18(c)(ii) [REDACTED] [REDACTED]	18(c)(ii) [REDACTED] [REDACTED]	18(c) [REDACTED]
	18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
	18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED] [REDACTED]	
	18(c)(ii) [REDACTED] [REDACTED]	18(c)(ii) [REDACTED] [REDACTED]	
	18(c)(ii) [REDACTED] [REDACTED] [REDACTED]	18(c)(ii) [REDACTED] [REDACTED]	18(c) [REDACTED]
	18(c)(ii) [REDACTED] [REDACTED]	18(c)(ii) [REDACTED]	
18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED] [REDACTED]	18(c)(ii) [REDACTED]	
	18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED] [REDACTED] [REDACTED] [REDACTED]	18(c)(ii) [REDACTED] [REDACTED] [REDACTED]
	18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED]	
	18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED] [REDACTED]	18(c) [REDACTED]
	18(c)(ii) [REDACTED] [REDACTED] [REDACTED] [REDACTED]	18(c)(ii) [REDACTED] [REDACTED] [REDACTED] [REDACTED]	18(c)(ii) [REDACTED] [REDACTED] [REDACTED] 18(c)(ii) [REDACTED]
18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED] [REDACTED] [REDACTED]	18(c)(ii) [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
	18(c)(ii) [REDACTED] [REDACTED] [REDACTED]	18(c)(ii) [REDACTED] [REDACTED] [REDACTED]	18(c) [REDACTED]
18(c)(ii) [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	18(c)(ii) [REDACTED] [REDACTED] [REDACTED] [REDACTED]	

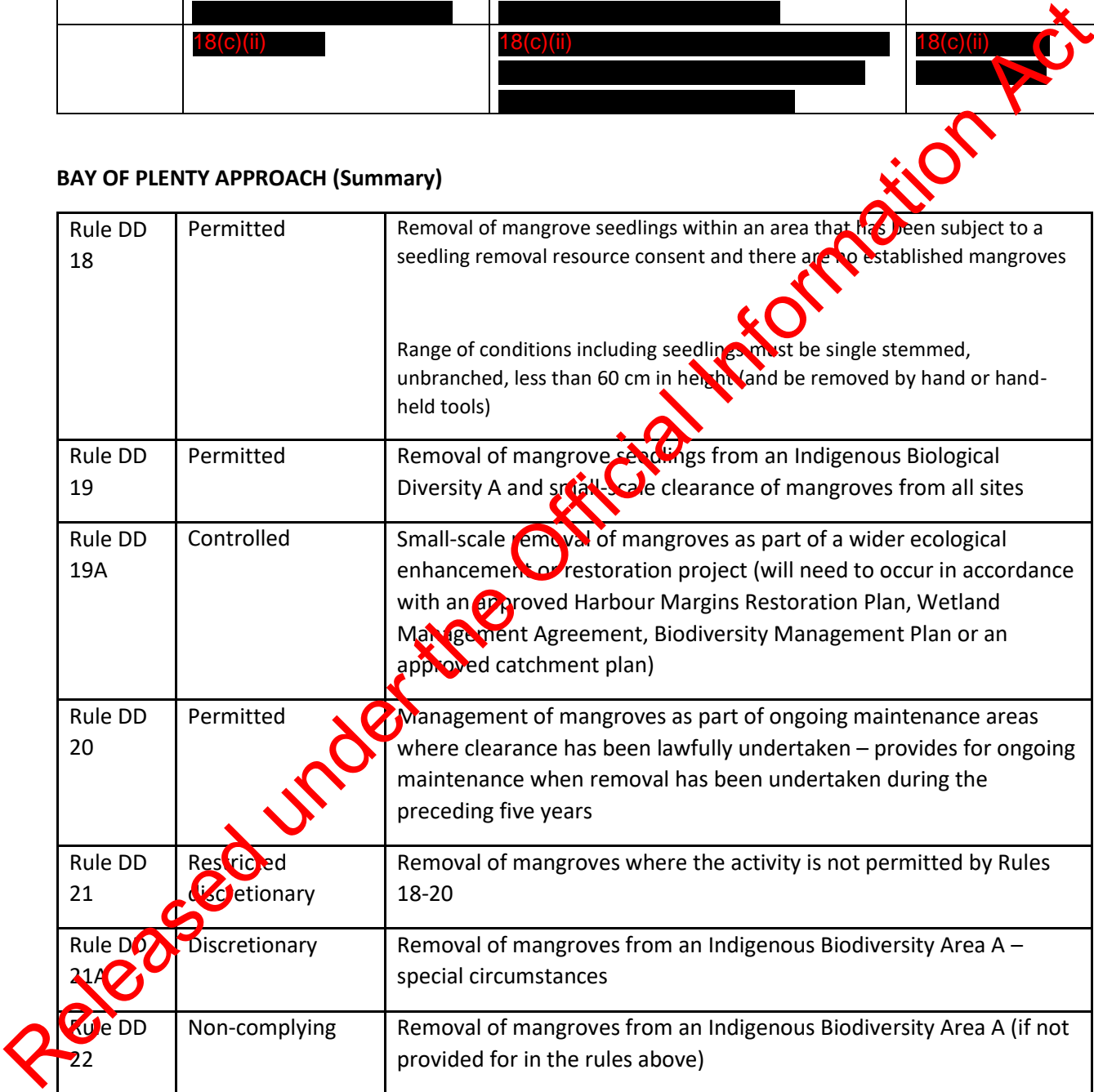
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	18(c)(ii) [REDACTED]		
	18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED]	
	18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED]	
	18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED]	
	18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED]	18(c)(ii) [REDACTED]

**BAY OF PLENTY APPROACH (Summary)**

Rule DD 18	Permitted	Removal of mangrove seedlings within an area that has been subject to a seedling removal resource consent and there are no established mangroves  Range of conditions including seedlings must be single stemmed, unbranched, less than 60 cm in height (and be removed by hand or hand-held tools)
Rule DD 19	Permitted	Removal of mangrove seedlings from an Indigenous Biological Diversity A and small-scale clearance of mangroves from all sites
Rule DD 19A	Controlled	Small-scale removal of mangroves as part of a wider ecological enhancement or restoration project (will need to occur in accordance with an approved Harbour Margins Restoration Plan, Wetland Management Agreement, Biodiversity Management Plan or an approved catchment plan)
Rule DD 20	Permitted	Management of mangroves as part of ongoing maintenance areas where clearance has been lawfully undertaken – provides for ongoing maintenance when removal has been undertaken during the preceding five years
Rule DD 21	Restricted Discretionary	Removal of mangroves where the activity is not permitted by Rules 18-20
Rule DD 21A	Discretionary	Removal of mangroves from an Indigenous Biodiversity Area A – special circumstances
Rule DD 22	Non-complying	Removal of mangroves from an Indigenous Biodiversity Area A (if not provided for in the rules above)

18(c)(ii) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



Why the Mangrove Management Plan 18(c)(ii) [REDACTED]

- 18(c)(ii) [REDACTED]  
[REDACTED]
- 18(c)(ii) [REDACTED]
- 18(c)(ii) [REDACTED]
- 18(c)(ii) [REDACTED]  
[REDACTED]  
[REDACTED]
- 18(c)(ii) [REDACTED]  
[REDACTED]

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# Thames-Coromandel District Council and Hauraki District Council Mangrove Management Bill

<p><b>Issue</b></p>	<p>MfE and DIA (joint advisors) have prepared a Departmental Report on the Thames-Coromandel District Council and Hauraki District Council Mangrove Management Bill (a Local Bill) . A copy has been sent to the Minister and the Associate Ministers for their information.</p> <p>18(c)(ii) [Redacted]</p> <p>18(c)(ii) [Redacted]</p> <p>18(c)(ii) [Redacted]</p>
<p><b>Background</b></p>	<ul style="list-style-type: none"> <li>• The Bill provides for a mangrove management plan to be prepared by a committee with an iwi representative under the Local Government Act.</li> <li>• The Bill disapplies the RMA and any other legislation.</li> <li>• 18(c)(ii) [Redacted]</li> </ul>
<p><b>Key reasons for the Bill</b></p> <p>18(c)(ii) [Redacted]</p>	<ul style="list-style-type: none"> <li>• 18(c)(ii) [Redacted]</li> <li>■ [Redacted]</li> <li>■ [Redacted]</li> <li>■ [Redacted]</li> <li>■ [Redacted]</li> <li>■ [Redacted]</li> <li>■ [Redacted]</li> <li>■ [Redacted]</li> </ul>
<p><b>Next Steps</b></p>	<p>We are due back with the Governance and Administration Select Committee Wednesday 19 September</p>

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Our Position on the Bill:

18(c)(ii)

- We are *independent* advisors to the Committee, given leave by Minister Parker in January 2018 to assist the Committee, who were due to report back on 29 March 2018.
- Select Committees are able to request the help of officials with local bills subject to Ministerial agreement but we are expected to clarify with Ministers the Government's policy toward the legislation.
- We have briefed Ministers Parker, Mahuta (LG) and Sage (Conservation) twice. Firstly on the content of the Bill and secondly on our proposed (primary and secondary recommendation), approach to the Departmental Report.
- Ministers indicated 18(c)(ii)

Possible statements from the Chair:

• 18(c)(ii)

• 18(c)(ii)

• 18(c)(ii)

• 18(c)(ii)

Committee Guidelines and standing orders

- Standing orders provide direction to select Committees on conduct. There is nothing under Standing Orders that prevents the Committee from asking officials to reconsider a recommendation. However, the Clerk of the committee has advised us that officials are entitled to stand by their advice.
- The State Services Commission and parliamentary guidelines for advisors to Select Committees do not provide specific assistance or direction on how situations such as these should be managed as those guidance documents are more general in nature.
- To the best of our knowledge, it is extremely unusual for a Committee to challenge officials' independent advice.
- We would not change our advice as:
  1. We have provided free and frank advice and stand by that advice
  2. The committee is able to use or discard our advice as they require
  3. We must reflect the position of the Government of the day
  4. We have an obligation to submitters to reflect their views
  5. We are stewards of the RMA, and must consider this in the provision of our advice.