

18-D-02508

s 9(2)(a)

Newsroom

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Dear s 9(2)(a)

Thank you for your email of 20 November 2018 requesting the following under the Official Information Act 1982 (the Act):

All briefings, reports, aides memoire, memos and other official advice produced or received by MFE in the last six months regarding the Labour-NZ First coalition agreement commitment to "introduce a royalty on exports of bottled water". This should include, but not be limited to, any official advice on alternative policy settings being considered as a result of legal or other difficulties in introducing a royalty.

We clarified with you on 27 November 2018 that the request should be read as "official advice to Ministers". On this basis, emails between officials that contributed to the development of advice to Ministers were excluded from the scope of the request.

We identified five documents in scope, as detailed in the attached table. The information within these documents has been withheld under the following sections of the Act:

- 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.
- 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.
- 9(2)(h) to maintain legal professional privilege.

Ministers are yet to make initial decisions on policy options to implement the Government's commitment to introduce a royalty on exports of bottled water. It is important for officials to be able to continue free and frank discussions with their colleagues and with Ministers to support the generation of innovative solutions and comprehensive exploration of the issues. Once initial decisions are made, information will be proactively released.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.



You have the right to seek an investigation and review by the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found at: www.ombudsman.parliament.nz.

If you have any queries, please feel free to contact our Executive Relations team.

A handwritten signature in blue ink, appearing to read 'M Workman'.

Yours sincerely
Martin Workman
Director, Water

Released under the provision of
the Official Information Act 1982

List of documents

Document no.	Document date	Content	Decisions	OIA sections applied
1	20 July 2018	Water bottling high level A3	Withheld in full.	S9(2)(g)(i)
2	14 September 2018	Briefing on Cabinet paper Options for a royalty on bottled water	Withheld in full.	S9(2)(f)(iv)
3	14 September 2018	Draft Cabinet paper: Options for a royalty on bottled water	Withheld in full.	S9(2)(f)(iv) S9(2)(h)
4	15 October 2018	Cover note on revised Cabinet paper Options for a royalty on bottled water	Withheld in full.	S9(2)(f)(iv)
5	15 October 2018	Revised draft Cabinet paper: Options for a royalty on bottled water	Withheld in full.	S9(2)(g)(i) S9(2)(h)

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