

20 February 2019

18-D-02573

s 9(2)(a)  
[redacted]@parliament.govt.nz

Dear s 9(2)(a)  
[redacted]

Thank you for your email of 3 December 2018 requesting information under the Official Information Act 1982 (the Act):

*A copy of all correspondence between yourself and your Minister since 26 October 2017.*

As noted in our notification of extension, we have interpreted your request to be for direct correspondence between myself in my capacity as Secretary for the Environment and Hon David Parker, Minister for the Environment.

We have conducted a search of emails and our records and have located three items of direct correspondence with an additional three attachments. The attached table lists the material within the scope of your request.

Some of the information from these documents has been withheld under the following grounds of the Act:

- Section 9(2)(g)(i) of the Act, 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.
- Section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

If you have any queries, please feel free to contact our Executive Relations team:  
[ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz)

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

Sincerely



Vicky Robertson  
Secretary for the Environment

### List of Documents:

Document no.	Document date	Content	Decisions	OIA sections applied
1	26 October 2017	Email Message from Vicky Robertson to Hon David Parker  Attachment: Memo for delegating responsibilities to an Associate Minister for EPA	Released in full	N/A
2	4 September 2018	Letter from Hon David Parker to Vicky Robertson titled <i>Free and frank advice</i>	Withheld in full	s 9(2)(g)(i)
3	7 September 2018	Letter from Vicky Robertson to Hon David Parker	Partially released	s 9(2)(g)(i)
4	7 September 2018	Attachment to letter of 7 September 2018  Briefing note 2018-B-04889: Zero Carbon Bill Economic Analysis	Withheld in full	s 9(2)(f)(iv)
5	7 September 2018	Attachment to letter of 7 September 2018  Briefing note 2018-B-04877: Additional advice on the economic, scientific and international considerations for target options within the Zero Carbon Bill	Withheld in full	s 9(2)(f)(iv)
6	7 September 2018	Attachment to letter of 7 September 2018  Draft Regulatory Impact Statement: Zero Carbon Bill	Withheld in full	s 9(2)(f)(iv)

Released under the Official Information Act 1982

# Document 1

**From:** Vicky Robertson  
**To:** [David.parker@parliament.govt.nz](mailto:David.parker@parliament.govt.nz)  
**Cc:** [esther.robinson@parliament.govt.nz](mailto:esther.robinson@parliament.govt.nz)  
**Subject:** Memo for delegating responsibilities to an Associate Minister for EPA  
**Date:** Thursday, 26 October 2017 5:56:12 PM  
**Attachments:** [Memo for delegating responsibilities to an Associate Minister for EPA.doc](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Dear Minister

Thank you for our meeting yesterday, it was very helpful in getting a sense of your priorities. I'm looking forward to working with you. Attached as requested is our advice on the possible delegation of responsibility for the EPA to the Associate Minister of Environment.

I understand you will soon have an SPS and we would like to work with them on the following:

- 1) Setting up an initial meeting with my senior team to discuss the BIM and your priorities
- 2) Agree your preference as to regular meetings with myself and the leadership team. This could be weekly pre cabinet.
- 3) Water discussion – 1 hour session within the next couple of weeks if possible.

Tomorrow I will send through some options for departmental private secretaries for you to consider and meet with.

Kind regards  
Vicky

**Vicky Robertson – Secretary for the Environment**  
Ministry for the Environment – Manatu Mo Te Taiao  
Mobile: 021409992 Website: [www.mfe.govt.nz](http://www.mfe.govt.nz)  
No.3 The Terrace, PO Box 10362, Wellington 6143



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# Memo

**To:** Hon David Parker

**From:** Vicky Robertson

**Date:** 26 October 2017

**Re:** Delegating EPA responsibilities to an Associate Minister for the Environment

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## Purpose

To advise on the implications of delegating EPA responsibilities to an Associate Minister for the Environment and next steps.

## Scope

This memo is limited to advice on delegating the Minister's functions as responsible Minister for the EPA to an Associate Minister. These functions are set out in the Crown Entities Act 2004 and Environmental Protection Authority Act 2011.

We have not considered delegating the Minister's functions and powers under other environmental legislation where the EPA has a prominent role (such as the Hazardous Substances and New Organisms Act 1996), nor have we considered assigning responsibility for administering those environmental Acts to an Associate Minister.

### ***Can the Minister delegate roles and responsibilities relating to the EPA?***

Yes. There appears to be no statutory restrictions on what roles and responsibilities relating to the EPA can be delegated to an Associate Minister. It is therefore a matter for Ministers to decide on what they would like to delegate. Any delegations to Associate Ministers should be clearly and formally defined. These delegations are published in a schedule of Associate Minister delegations held by the Cabinet Office. The schedule is also tabled in the House. Delegations can be amended.

### ***What are the key roles and responsibilities?***

The EPA operates at arms-length from the Government and does not typically require intense Ministerial involvement or control. Ministerial involvement is often high-level and strategic, with governance and day-to-day management handled by the Board and Chief Executive respectively. Further information is available in the accompanying EPA 101 notes. The Ministerial roles and responsibilities are:

- Appointing appropriate members to the EPA Board and setting their remuneration
- Directing the EPA to give effect to government policy that relates to its objective and functions

- Participating in setting the strategic direction of the EPA, performance expectations of it and how that will be measured
- Reviewing the operations and performance of the EPA and requesting the necessary information to achieve this

The Ministry is the monitoring department and can assist the Responsible Minister of the EPA with discharging any of these duties.

***Key Issue and Priorities***

- EPA Review and Budget for 2018/2019 – Sustainable baseline
- Letter of expectations 2018/2019
- Five appointments to Board including Chair by Sept 2018

***Advice on Proposed Delegations***

The Minister can delegate any of the above roles and responsibilities. We suggest the following:

- Appointment of members to the EPA Board can be made jointly by the Minister and Associate Minister. Proposals for appointees will still need referral to the Appointments and Honours Cabinet Committee for consideration and Cabinet agreement.
- The Associate Minister has responsibility for the day-to-day monitoring responsibilities, performance oversight, information requests and regular engagements with the EPA Board Chair and EPA Chief Executive. There are no major risks or issues to delegating these responsibilities.
- The Associate Minister is able by written notice to formally direct the EPA to give effect to Government policy.
- They can also set their annual Ministerial expectations of the EPA, which can significantly influence the EPA's strategic direction. The Minister may wish to retain these more significant responsibilities.
- Joint responsibility for setting of annual Ministerial expectations of the EPA.
- Oral questions relating to the EPA in the House can be directed to the Associate Minister.

***Appointing Boards of Inquiry and possible conflicts between roles of the Minister for the Environment and Minister of Conservation***

It should be noted that the Minister for the Environment is explicitly referred to in the RMA for appointing Boards of Inquiry (BoI) for Nationally Significant Proposals and similarly for publicly notified Marine Consents under the EEZ Act.

The appointments process is jointly run by the Ministry and the EPA, with decision-making by the Minister for the Environment and at times the Minister of Conservation. If this BoI responsibility is delegated, care should be taken to avoid conflicting roles. Eugenie Sage is currently the Minister of Conservation. It may be preferable for BoI processes to go to Associate Minister Mahuta, if they are to be delegated as well.

***Previous examples of how delegations are worded***

To use an example of how delegations are worded, the former Associate Minister of Justice Mark Mitchell had roles and responsibilities for *“Appointments to, and monitoring of, the following Crown entities: Human Rights Commission, Independent Police Conduct Authority, Privacy Commissioner, Public Trust, Electoral Commission, and the Real Estate Agents Authority;”*

Another example, for the former Associate Minister of Finance Amy Adams:

*“Day to day responsibilities, functions and powers in relation to the Minister of Finance’s role as a shareholder in all Crown entity companies (excluding Crown Research Institutes) and in companies listed in Schedule 4A of the Public Finance Act 1989 (excluding Research and Education Advanced Network New Zealand Limited).”*

**Next steps**

The Minister may want to start scoping the delegation of roles and responsibilities relating to the EPA to an Associate Minister. It may be preferable to use wording similar to that used for the former Associate Minister of Justice, which keeps the scope to appointments and monitoring responsibilities.

The agreed and finalised delegation will need to be relayed to Cabinet Office for publishing in The Schedule of Responsibilities Delegated to Associate Ministers.

<https://www.dPMC.govt.nz/our-business-units/cabinet-office/ministers-and-their-portfolios/delegations>

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the Official Information Act 1982

## Document 3

Hon David Parker  
Minister for the Environment  
Private Bag 18041  
Parliament Buildings  
Wellington 6160

Dear Minister Parker,

Thank you for your letter of 4 September, regarding the Ministry for the Environment's advice on the Zero Carbon Bill.

You raised a number of questions in respect of the economic analysis supporting the Ministry's advice on a new 2050 emissions reduction target for New Zealand.

Our work on the Zero Carbon Bill has been guided by the all-of-government framework Cabinet agreed to serve as the basis for climate change policy development and decision-making (*Framework for Climate Change Policy and Key Upcoming Decisions*, CAB-18-MIN-0218 refers). The framework is intended to help understand benefits and trade-offs of policy options, and is centred on three pillars:

- leadership at home and internationally
- a productive, sustainable and climate-resilient economy
- a just and inclusive society.

In developing our advice, we consulted the public on a range of credible "net zero" emissions reduction targets for New Zealand:

- net zero carbon dioxide emissions in 2050
- net zero long-lived and stabilised short-lived gas emissions in 2050
- net zero emissions of all greenhouse gases in 2050.

Officials, led by the Ministry for the Environment, have undertaken a thorough assessment of the economic implications of the range of target options. This work has informed our advice in relation to the second and third pillars.

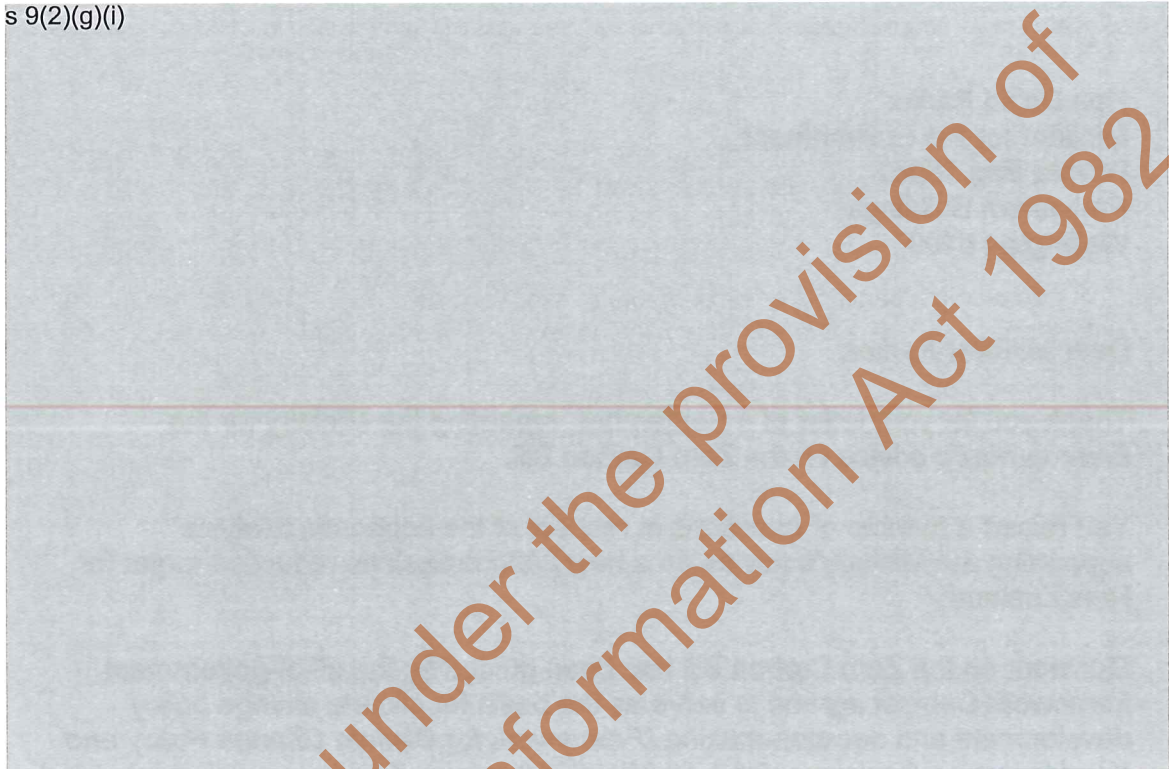
The economic analysis has explored:

- emissions prices required to achieve each target option
- economic growth and macro-economic impacts of each target option



- competitiveness challenges associated with a new emissions reduction target
- innovation opportunities associated with a new emissions reduction target
- wider co-benefits associated with a new emissions reduction target
- avoiding damages caused by climate change.

s 9(2)(g)(i)



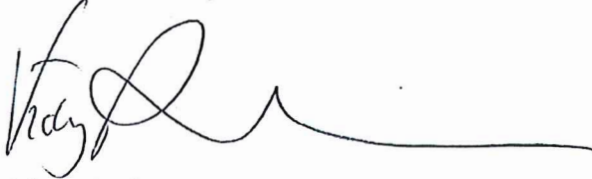
I attach three documents for your information:

1. A note outlining the economic modelling undertaken on the 2050 target options
2. A brief setting out further information on the economic, scientific, and international considerations for target options in the Zero Carbon Bill
3. The draft Regulatory Impact Statement for the Zero Carbon Bill, which includes the Ministry's preferred target option.

Together, these documents give a summary of the analysis officials have undertaken, and how it has led to our advice on the most appropriate target option for New Zealand. Note the draft status of the RIS – final advice is subject to the results of our second round of economic modelling, which will be finalised in the coming week.

I hope these documents address the concerns you raised. Officials are available to meet with you to discuss this work if you would find that useful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Vicky', followed by a long horizontal line extending to the right.

Vicky Robertson  
**Secretary for the Environment**

cc. Hon Grant Robertson, Minister of Finance

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the Official Information Act 1982