

19-D-01605

s 9(2)(a)

Dear s 9(2)(a)

Thank you for your email of 2 August 2019 requesting the following under the Official Information Act 1982 (the Act):

All information, correspondence and advice to the Minister (over the last five years) on the subject of water extraction for the purposes of bottling for retail sale.

In particular I am looking for advice on whether water bottling can be prohibited under the current provisions in the RMA and what changes to the RMA would have to be implemented to allow its prohibition.

I understand that we clarified with you on 7 August 2019 that:

Only the second part of the request applies, as you are only looking for advice (over the last five years) on whether water bottling can be prohibited under the current provisions in the RMA and what changes to the RMA would have to be implemented to allow its prohibition.

The Ministry for the Environment has identified two documents in scope of your request. An excerpt from each document is being released to you, as the remainder of both documents is out of scope.

The first document, a briefing headed "Royalty on exports of bottled water" and dated 7 February 2018, provides advice on the Labour and New Zealand First coalition agreement commitment to introduce a royalty on exports of bottled water. Please note the following paragraph appears in the briefing for information, not as part of advice on how to give effect to this commitment:

"Similarly, one of the reasons that Petition 2014/110 of Jennifer Ruth Branje sought a moratorium on water exports was because "the current system does not give the public a say about what happens with New Zealand's water." This petition also sought public notification of all water bottling consents. While this would increase transparency, which may ease public dissatisfaction with the system, given current requirements on councils it would be unlikely to change the outcome of resource consent applications. [Footnote text:] This is because councils are required to consider the environmental effects of applications. Water bottling has minimal effects compared to most other uses."

The second document, headed "Water Bottling Advice" and dated 27 July 2018, provides a list of talking points for officials rather than formal advice to a Minister. This document was prepared for Cheryl Barnes, Deputy Secretary Water, to support her attendance at one of a series of regular weekly Ministry officials'

meetings with the Minister for the Environment. The following is one of a series of talking points for a meeting that took place on Monday 30 July 2018:

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- Public concerns about water bottling could instead be partially dealt with by making all bottling consents a notified activity under the RMA to improve transparency when consent applications are lodged.
 - Our research indicates that the public often have felt 'blindsided' by non-notified consents being granted, which has catalysed groups like Bung the Bore to mount a challenge after the fact.
 - Does not deal with fairness issues raised by the public about foreign companies profiting from NZ's water resource.
 - Given the minimal environmental effects of water bottling that would be demonstrated through the RMA Schedule 4 Assessment of Environmental Effects, submissions against new water bottling consents are not likely to be successful.
 - Likely to require legislative change to the RMA"

You have the right to seek an investigation and review by the Office of 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 on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our website on our [OIA responses page](#) shortly after the response has been sent.

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

Yours sincerely



Katherine Meerman
Director, Water