

s 9(2)(a)

19-D-02323

Dear s 9(2)(a)

Thank you for your email of 28 September 2019 requesting the following under the Official Information Act 1982 (the Act):

- 1 ... how often each of the words 'property rights,' 'Magna Carta,' and 'Waitakere' were mentioned in documents created before publication of the Freshwater Strategy and or the Biodiversity Strategy and then forward to me by email and hardcopy the relevant extracts.
- 2 ... how many copies of Draft National Policy Statement for Freshwater Management, Proposed National Environmental Standards for Freshwater, and Draft Stock Exclusion Section 360 Regulations were printed and how many still remain undistributed. How can Farmers be expected to consult on the policies without hardcopy documents, given that many do not have printing facilities and internet of the same quality as Government Departments?

We apologise for the delay in acknowledging your request. The email addresses to which you sent your initial request do not exist, and your subsequent request was embedded within a public submission, of which we had at the time already received more than 2500. We are still in the process of reading these submissions.

In regards to part one of your request, the Biodiversity Strategy to which you refer is more closely connected with the functions of the Department of Conservation (DOC). Therefore, the part of your request about the use of the terms above within the Biodiversity Strategy has been transferred to DOC for response.

The Ministry for the Environment (the Ministry) does not hold a document or work programme entitled 'Freshwater Strategy.' We sought clarification from you about this in an email of 1 October. We did not receive a reply until 7 October, which provided no further detail. On 10 October, we also attempted to call you using the number provided in your submission on *Action for healthy waterways*, which reached an individual who informed us you did not live at that address. Several further emails went unanswered, while others received answers that provided no further clarification.

If 'Freshwater Strategy' is interpreted as the current *Action for healthy waterways* consultation, our electronic document management system returns results for more than 590 documents containing the term 'Magna Carta,' more than 53,000 documents containing the term 'property rights,' and more than 29,000 documents containing the name 'Waitakere' within the indefinite time period leading up to this consultation. Therefore, part one of your request is refused under section 18(f) of the Act as the information requested cannot be made available without substantial collation or research.

The Ministry considered whether charging or extending the timeframe for responding to your request would help, as required by section 18A of the Act. However, estimating one minute per file for an official to count each term in approximately 76,000 documents (accounting for documents containing

one or more terms), the time required to collate this information would be around 160 eight-hour days. In order to identify and collate the relevant extracts, which would require considerably more time per document, a team of several officials would require a year or more to complete this request.

While we cannot meet your exact request, we trust the information about the number of documents that mention 'Magna Carta,' 'property rights,' and 'Waitakere' partially satisfies your interest.

In response to part two of your request, the Ministry is seeking to minimise the use of resources by providing materials online. We did not commercially print hard copies of the Draft National Policy Statement for Freshwater Management (NPS-FM), the proposed National Environmental Standard for Freshwater Management (NES-FM), or the draft section 360 Regulations. The documents were available online. However where people contacted us to specifically ask for a hard copy of these regulations, we have printed it out and posted it. We have done this in response to six requests. This compares to the thousands of online views and downloads, as shown in the table below:

| Document | Views | Downloads (to read/print) |
|-------------------------------|-------|---------------------------|
| Draft NPS-FM | 7005 | 6418 |
| Proposed NES-FM | 5123 | 4977 |
| Draft Section 360 Regulations | 4,084 | 3112 |

Whilst the Ministry tries to make its information and public documents available to all New Zealanders, we appreciate your point that those in rural communities may not have fast or reliable internet connections. Digital connectivity falls within the portfolio of the Minister of Broadcasting, Communications, and Digital Media. This is connected with the functions of the Ministry for Business, Innovation and Employment – you may like to contact them for more information about future developments in rural digital connectivity.

Finally, regarding your request for copies of the draft NPS-FM, the proposed NES-FM, and the draft Section 360 Regulations, as per our email of 10 October, we have sent physical copies to you following clarification of your postal address.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the refusal of the information you have requested 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 Office of the Ombudsman (the Ombudsman) of my decision 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.

If you have any queries about this response, please contact our Executive Relations team at ministerials@mfe.govt.nz.

Yours sincerely



Martin Workman
Director, Water