



8 August 2025

OIAD-1681

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 14 July 2025 requesting the following under the Official Information Act 1982 (the Act) of the Ministry for the Environment (the Ministry):

Kia ora: I refer to these stories: <https://newsroom.co.nz/2025/03/17/top-mfe-official-played-down-water-urgency-lawyer-says/> <https://newsroom.co.nz/2025/03/17/chief-water-adviser-warns-over-clean-up-disruption/> They refer to evidence given in court by Martin Workman and Bryan Smith related to freshwater.

Can MfE please release: Advice/briefings/suggestions/changes by Messrs Workman and Smith regarding freshwater policy planning regarding reconsideration of the NPS-FM. The period of my request is from October 29, 2024 (when Cabinet agreed the scope of freshwater policy proposals) to May 29, 2025 (when the discussion document was released). This information should cover substantive advice/suggestions/changes rather than iterative/administrative. It should include, but not be limited to, input into pre-consultation material, the finalised discussion document, and advice to senior management and ministers. This could be done via correspondence (and attachments), aide-memoires, and tracked changes. Please provide the material in an electronically searchable form.

I have identified one document in scope of your request, titled *Freshwater briefing note - Freshwater in New Zealand - past present and a possible future*. I am releasing this document to you in part, with some information withheld under 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.

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 Office of the Ombudsman of my decision relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work, the Ministry publishes responses to requests for official information shortly after the response has been sent on our website at: <https://environment.govt.nz/about-us/official-information-act-requests/>. If you have any queries about this, please feel free to contact our Ministerial Services team at: ministerials@mfe.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Nik Andic', written over a horizontal line.

Nik Andic

Manager – Freshwater

Ministry for the Environment | Manatū Mō Te Taiao