



Resource Management Amendment Bill and draft LEG paper

Date Submitted:	15 March 2019	Tracking #: 2019-B-05379	
Security Level	In-Confidence	MfE Priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Agreement to not consult on attachments	18 March 2019

Actions for Minister's Office Staff	Return the signed report to MfE.
Number of appendices 3	<ol style="list-style-type: none"> Draft LEG paper: Resource Management Amendment Bill - Approval for Introduction Resource Management Amendment Bill Departmental disclosure statement
Note any feedback on the quality of the report	

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
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Resource Management Amendment Bill and draft LEG paper


Key Messages

1. The purpose of this briefing is to provide you with a revised draft LEG paper (Appendix 1), Resource Management Amendment Bill (the Bill, Appendix 2), and departmental disclosure statement (Appendix 3), for your information.
2. On 28 February 2019, we provided you a previous draft LEG paper for the Bill [2019-B-05321]. We have responded to your earlier feedback, and feedback from agencies, in this revised version (Appendix 1).
3. You previously indicated your intention to take the paper to the Cabinet Legislation Committee (LEG) on 9 April 2019 and to Cabinet on 15 April. To achieve this, pre-Cabinet consultation would have been necessary with Ministers from 18-22 March, and political parties from 25-29 March, in advance of lodgement on 4 April.
4. The attachments do not include a potential new proposal to undertake plan change processes to implement the National Policy Statement for Freshwater Management by 2025. As requested, we will provide you with advice on options regarding this.
5. We recommend you do not consult Ministers or political parties on the attached LEG paper or Bill at this stage. Our upcoming advice on the potential new proposal will include timing implications.

Consultation with agencies

6. We sought comments from the following agencies on the draft LEG paper, Bill and updated RIS: Te Puni Kōkiri, the Ministry for Culture and Heritage, the Department of Conservation (DOC), the Department of Internal Affairs (DIA), the Department of Prime Minister and Cabinet, Te Arawhiti, the Ministry of Justice, the Ministry of Transport, the Ministry of Health, Land Information New Zealand, the Ministry of Primary Industries, the Ministry of Business, Innovation and Employment, the Ministry of Housing and Urban Development (HUD), the Treasury, the New Zealand Defence Force (NZDF), the Ministry of Education, and the Department of Corrections.
7. Some agencies had minor suggestions to improve the clarity of the draft LEG paper. Four agencies also had more substantive feedback on policy matters. These matters are not included in the Bill (Appendix 2) as they are beyond the scope of existing Cabinet and Ministerial decisions.

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8. The Privacy Commissioner was consulted on the proposal to empower the EPA to undertake enforcement action under the Privacy Act 1993 (in accordance with chapter 8 of the Legislation Guidelines 2018) and did not raise any concerns.
9. We have included text in paragraph 55 of the LEG Paper (Appendix 1) to reflect this consultation.

Future steps

10. Parliamentary Counsel Office (PCO) is finalising drafting of the previously agreed provisions in the Bill. We will provide you with advice in the next week on the potential new proposal to undertake plan change processes to implement the National Policy Statement for Freshwater Management by 2025, whether this can be included in the Bill, and if so implications for timing.
11. Once Bill drafting is complete:
 - a. we will provide you with updated materials for pre-Cabinet consultation with Ministers and political parties
 - b. the Ministry of Justice will provide its Bill of Rights Act 1990 assessment to you in your capacity as Attorney-General approximately one week prior to the relevant Cabinet committee date.
12. To support the introduction of the Bill, we will provide:
 - a. a draft media release to your office
 - b. a draft first reading speech for your consideration, and speaking notes for other Ministers
 - c. the final departmental disclosure statement to the PCO for publication on the legislation website
 - d. the final RISs to the Treasury for publication on their website.

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Recommendations

13. We recommend that you:

- a. **Note** the revised draft LEG paper (Appendix 1), Resource Management Amendment Bill (Appendix 2) and departmental disclosure statement (Appendix 3) reflect previous feedback from yourself and agencies
- b. **Note** that Appendices 1-3 do not reflect a potential new proposal regarding plan changes to implement the National Policy Statement for Freshwater Management by 2025, which we will provide you with further advice on (including timeframe implications)
- c. **Note** you previously agreed to consult Ministers and political parties in advance of Cabinet Legislation Committee for 9 April
- d. **Agree** to not consult Ministers or political parties on the attached draft LEG paper or Bill
- e. **Agree** that this briefing will be released proactively on the Ministry for the Environment's website within the next eight weeks

Yes/No

Yes/No

Signature



Jo Gascoigne
Director, Natural & Built System

15/03/19

Hon David Parker
Minister for the Environment

Date