



Communications package for Resource Management Amendment Bill

Date Submitted:	17 September 2019	Tracking #: 2019-B-06019	
Security Level	Unclassified	MfE Priority:	Urgent

	Action sought:	Response by:
Hon David Parker, Minister for the Environment	Agree to proactively release Cabinet papers and Minutes Agree to forward Appendix 4 to your Ministerial colleagues	19 September 2019

Actions for Minister's Office Staff	<p>Return the signed report to MfE</p> <p>Confirm timing for release of material with MfE once known</p> <p>Forward Appendix 4 to all Ministers for their information</p>
Number of appendices and attachments 5	<p>Titles of appendices:</p> <ol style="list-style-type: none"> 1. Cover note for proactive release of Cabinet material 2. List of briefing notes to be proactively released 3. Draft media release 4. Key points for other Ministers 5. Draft first reading speech
Note any feedback on the quality of the report	

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Oliver Sangster	9(2)(a)	✓
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Proactive release of Resource Management Amendment Bill Cabinet papers and Minutes

Purpose

1. This briefing:
 - seeks your agreement to proactively release two Cabinet papers, and associated appendices and minutes, when the Resource Management Amendment Bill (the Bill) is introduced, and
 - provides draft communications material to support Bill introduction and first reading.

Background

2. Cabinet Office Circular [CO (18) 4] requires all Cabinet and Cabinet committee papers lodged from 1 January 2019, and their associated minutes, attachments and appendices, to be proactively released within 30 business days of final decisions being taken by Cabinet, unless there is good reason not to, or to delay release.
3. The first Cabinet paper for the Resource Management Amendment Bill was released in November 2018, as part of your initial announcement of the Government's two-staged approach to resource management reform.
4. On 1 July 2019, Cabinet considered a second Cabinet paper for this Bill - *Proposed Resource Management Amendment Bill: A Specialised Planning Process for Freshwater, and Other Outstanding Policy Decisions*. Cabinet noted that the paper would not be proactively released before Bill introduction (ie, beyond the usual 30 business days) [CAB-19-MIN-0337.01, paragraph 62 refers].
5. On 17 September 2019, the Cabinet Legislation (LEG) Committee considered the LEG paper - *Resource Management Amendment Bill – Approval for introduction*. We seek your agreement to release the July Cabinet paper and LEG paper, and their associated appendices and minutes. These documents are listed in the attached proactive release cover note (Appendix 1), alongside associated departmental documents which we will also release.

Risk assessment

6. We have reviewed the documents subject to the provisions of the Official Information Act 1982. We do not consider there to be any grounds to withhold information, and that these documents should be released in full.
7. The July Cabinet paper, and associated ENV and CAB Minutes, includes information about certificates of compliance (CoCs).¹ There is a minor risk that the release of this information might lead some existing operators to seek CoCs for currently permitted activities, in advance of NES-FM controls coming into force in early 2020. However, as noted in our earlier advice [2019-B-05770 refers], we consider this risk to be low, as such CoC holders would need to apply for a resource consent for any regional activities that are to be regulated under the NES-FM, within six months of it coming into force.

Consultation

8. We consulted the Office for Maori Crown Relations – Te Arawhiti; Ministry of Justice and Te Puni Kōkiri, in regards to comments made by these agencies that were included in the July Cabinet paper. We also consulted New Zealand Defence Force regarding the Minister of Defence's comment in the LEG paper. These agencies did not raise any concerns regarding

¹ Paragraphs 36-37 and recommendations 32-34 of the Cabinet paper, and paragraphs 33-35 of both ENV-19-MIN-0337 and CAB-19-MIN-0337.01.

the release of this information.

Deadline

9. The usual deadline of 30 business days after Cabinet approval does not apply to the July Cabinet paper, as Cabinet noted that proactive release would be delayed until introduction. However, the 30 day deadline does apply to the LEG paper (which would be 30 October 2019 in this instance).
10. However, as these documents include policy information that potential submitters would find useful to inform their submissions on the Bill, we seek your agreement to proactively release these documents as quickly as possible once the Bill is introduced.

Next steps

11. If you agree, we will release the Cabinet paper material on our website. At the same time, we will publish the following departmental documents:
 - the regulatory impact analysis documents for the Bill (which will also be published on the Treasury website)
 - the departmental disclosure statement for the Bill (which will also be published on the Parliamentary Counsel Office website)
 - MfE briefing notes associated with the Bill (listed in Appendix 2), with particular material redacted under relevant OIA provisions.
12. We have prepared a draft media release for you to support introduction (Appendix 3). We will work with your office staff to coordinate release of material.
13. The Bill must be introduced by Monday 23 September if it is to have its first reading next week (on Thursday 26 September). We have attached key points for other Ministers to prepare for first reading (Appendix 4), and a draft first reading speech for you (Appendix 5).

Recommendations

14. We recommend that you:
 - a. **Agree** to proactively release the following documents as soon as possible after introduction of the Resource Management Amendment Bill:
 - i. Cabinet paper: A Specialised Planning Process for Freshwater, and Other Outstanding Policy Decisions (including Appendix 1 of that paper - Diagram) Yes/No
 - ii. Cabinet Environment Committee Minute: ENV-19-MIN-0037 Yes/No
 - iii. Cabinet Minute: CAB-19-MIN-0337.01 Yes/No
 - iv. LEG paper - Resource Management Amendment Bill - Approval for Introduction, following agreement from Cabinet (including Appendix 2 of that paper - proposed commencement provisions) Yes/No

v. Cabinet LEG Committee Minute for the paper referred to in (iv) above

Yes/No

b. **Note** we will also release associated departmental documents, listed in Appendices 1 and 2 below, when the Bill is introduced

c. **Note** the attached communications material to support Bill introduction and first reading:

a. draft media release (Appendix 3)

b. key points for your Ministerial colleagues (Appendix 4)

c. draft first reading speech (Appendix 5)

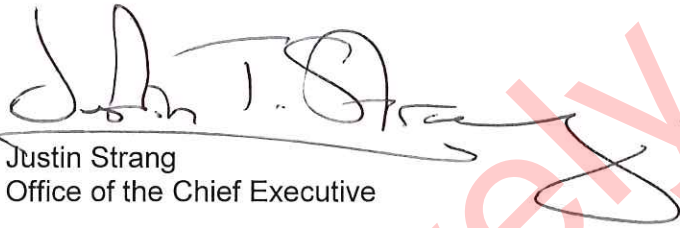
d. **Agree** to forward Appendix 4 to your Ministerial colleagues

Yes/No

e. **Agree** that this briefing (other than Appendices 3, 4 and 5) be released proactively on the Ministry for the Environment's website

Yes/No

Signature



Justin Strang
Office of the Chief Executive

Hon David Parker
Minister for the Environment

Date

Appendix 1: Proactive release cover note

Proactively released

PROACTIVE RELEASE COVERSHEET

Minister	Hon David Parker	Portfolio	Environment
Name of package	Resource Management Amendment Bill documents	Date of issue	23 September 2019

List of documents that have been proactively released

Date	Title	Author
19-Jun-19	Cabinet paper: Proposed Resource Management Amendment Bill: A specialised planning process for freshwater, and other outstanding policy decisions	Office of Minister for the Environment
19-Jun-19	Appendix 1: Diagram of the differences between the standard planning process and the proposed freshwater planning process, especially in relation to appeal rights	Office of Minister for the Environment
19-Jun-19	Appendix 2: Impact Statement – A new planning process for freshwater	Ministry for the Environment
19-Jun-19	Appendix 3: Impact Summary: Additional proposals for proposed bill to amend the Resource Management Act 1991	Ministry for the Environment
27-Jun-19	ENV-19-MIN-0037 Minute	Cabinet Office
1-Jul-19	CAB-19-MIN-0337.01 Minute	Cabinet Office
13-Sep-19	Cabinet paper: Resource Management Amendment Bill - Approval for Introduction	Office of Minister for the Environment
13-Sep-19	Appendix 2: Proposed commencement provisions for the Resource Management Amendment Bill	Office of Minister for the Environment
13-Sep-19	Appendix 3 – Updated Impact Summary: Proposed bill to amend the Resource Management Act 1991	Ministry for the Environment
13-Sep-19	Appendix 4 – Departmental Disclosure Statement	Ministry for the Environment
17-Sep-19	[TBC] LEG-19-MIN-XXXX	Cabinet Office

Appendix 2: Bill-related briefing notes for proactive release (subject to redactions under provisions of the Official Information Act 1982)

Date	ME number	Title
14-Feb-18	2018-B-04174	An integrated resource management work programme for 2018
29-Mar-18	2018-B-04343	Options for making changes to the Resource Management Act 1991
28-Apr-18	2018-B-04498	Proposed scope of a narrow Resource Management Act Amendment Bill 2018
15-Jun-18	2018-B-04556	2018 RMA Amendment Bill: Outstanding scope decisions
15-Jun-18	2018-B-04669	Financial and development contributions: letter from Western Bay of Plenty District Council
2-Jul-18	2018-B-04667	Proposed Resource Management Amendment Bill draft Cabinet Paper
4-Sep-18	2018-B-04764	Compliance Monitoring and Enforcement: approach and location
5-Sep-18	2018-B-04868	Final Cabinet paper and Regulatory Impact Statement for a proposed bill to amend the Resource Management Act 1991
19-Sep-18	2018-B-04909	Overview of updates to Cabinet paper: Proposed Resource Management Amendment Bill: Stage 1 of a resource management system review
10-Oct-18	2018-B-04987	Next steps for the resource management amendment bill
20-Nov-18	2018-B-05006	Further policy decisions on resource management amendment bill: Declarations on councils' notification decisions and other Environment Court matters
31-Jan-19	2018-B-05125	Resource Management Amendment Bill: commencement, transitional and savings provisions 9(2)(g)(i)
28-Feb-19	2019-B-05321	Resource Management Amendment Bill draft Cabinet Legislative Committee paper and decision required on the alternate Environment Judge matters
15-Mar-19	2019-B-05379	Resource Management Amendment Bill and draft LEG paper
17-May-19	2019-B-05570	Proposed Resource Management Amendment Bill: A new planning process for freshwater and outstanding policy decisions Cabinet paper
19-Jul-19	2019-B-05770	Resource Management Amendment Bill: Outstanding matters and timeframes
28-Aug-19	2019-B-05786	Draft Cabinet Legislation Committee (LEG) paper for Resource Management Amendment Bill 2019
6-Sep-19	2019-B-05971	Freshwater planning process: transitional arrangements and scope of matters
17-Sep-19	2019-B-06019	Communications package for Resource Management Amendment Bill