



5 July 2024

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 10 April 2024 requesting the following under the Official Information Act 1982 (the Act):

I would like to request the following under the Official Information Act.

- 1. All advice, briefings and reports (including summaries of oral advice) on two proposed bills for RMA reform, which are known internally as 'Bill 1' and 'Bill 2'.*
- 2. All advice, briefings and reports (including summaries of oral advice) on proposed changes to National Policy Statements on Freshwater Management and Indigenous Biodiversity*
- 3. All advice, briefings and reports (including summaries of oral advice) on changes to RMA that would allow consenting pathways for mining activity on Significant Natural Areas and wetlands.*
- 4. All communications (ie emails and internal messages) that discuss Minister's wishes regarding Bill 1 and Bill 2*
- 5. All communications (ie emails and internal messages) that discuss mining proposals for Bill 1 and Bill 2*

The timeframe for the above should be from March 1st, 2024 to April 10, 2024.

We understand that the Ministry of Business, Innovation and Employment (MBIE) has received the same request from you. As point 3 of your request relates more closely to the work undertaken by that agency, MBIE has addressed that point of your request.

On 1 May 2024, the Ministry for the Environment (the Ministry) contacted you to clarify the scope of points 4 and 5 your request as these were broad, and we wanted to assist you with finding the information you were seeking. On 9 May 2024, you clarified that you were seeking the following information:

- 4. All communications that contain instructions (either directly or via officials) from the Minister regarding what he would like to see in Bill 1 and Bill 2.*
- 5. All communications (ie emails and internal messages) that discuss mining proposals for Bill 1 and Bill 2, since 1 March 2024.*

On 21 June 2024, the Ministry contacted you to notify you that we had identified six documents in scope of your request, but that there were further documents in scope of your request, and that it would take us some time to finalise assessment of the remaining information.

The Ministry has identified 11 documents in scope of your request.

One document is being released to you in full.

The Ministry has collated 24 pieces of legally privileged correspondence in-scope of your request, which are being withheld in full under section 9(2)(h) of the Act, to maintain legal professional privilege.

Seven documents are being released to you in part, with some information withheld under the following sections of the Act:

- 9(2)(a) to protect the privacy of natural persons.
- 9(2)(ba)(i) to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.
- 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and official.
- 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation.
- 9(2)(h) to maintain legal professional privilege.

Two documents are refused in full under section 18(d) of the Act, as the information is publicly available. Two of these documents are available, here: <https://environment.govt.nz/acts-and-regulations/acts/resource-management-freshwater-and-other-matters-amendment-bill/>

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 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 publishes responses to requests for official information 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 Ministerial Services team: ministerials@mfe.govt.nz.

Yours sincerely

Electronically approved by Hayden Johnston

Hayden Johnston

General Manager – Natural Environment Policy
Ministry for the Environment | Manatū Mō Te Taiao

Document schedule

Document no.	Document date	Content	Decision s	OIA sections applied
1.	27/03/2024	BRF 4541 Amendments to Stock Exclusion and Intensive Winter Grazing Regulation through the first RMA Amendment Bill	Release d in full	n/a
2.	4/03/2024	BRF 4420 Cover briefing for Draft Cabinet Paper for Amendments to Stock Exclusion and Intensive Winter Grazing Regulations through the First RMA Amendment Bill	Release d in part	9(2)(f)(iv) 9(2)(h)
3.	4/03/2024	CAB 407 Amendments to Stock Exclusion and Intensive Winter Grazing Regulation through the First RMA Amendment Bill	Refused in full	18(d)
4.	8/03/2024	BRF 4323 Briefing Note - Draft cabinet paper for First Resource Management Act 1991 Amendment Bill	Release d in part	9(2)(h)
5.	9/03/2024	BRF 4588 Talking Points for Cabinet paper	Release d in part	9(2)(a) 9(2)(f)(iv) 9(2)(g)(i) 9(2)(h)
6.		Correspondence relating to Point 4	Release d in part	9(2)(a) 9(2)(f)(iv) 9(2)(g)(i) 9(2)(h)
7.		Correspondence relating to Point 5	Release d in part	9(2)(a) 9(2)(ba)(i) 9(2)(f)(iv) 9(2)(g)(i) 9(2)(h)
8.		Legally privileged correspondence relating to request	Withheld in full	9(2)(h)
9.	26/03/2024	BRF-4460 Aide memoire progressing changes to the freshwater management system	Release in part	9(2)(h) 9(2)(g)(i)
10.	10/4/2024	BRF-4442 RMA Amendment bill 2 – Initial advice on proposed amendments and legislative process	Release in part	9(2)(f)(iv) 9(2)(a)
11.	10/4/2024	CAB-395 First Resource Management Act Amendment Bill to address a small number of time critical changes	Refuse in full	18(d)