



28 October 2021

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 29 September 2021 requesting the following under the Official Information Act 1982 (the Act):

All information relating to the promulgation of the following regulations: The Exclusive Economic Zone and Continental Shelf (Environmental Effects—Discharge and Dumping) Regulations 2015

On 8 October 2021, we emailed you to clarify how we should interpret the use of the word 'promulgation' in your request but received no response. Therefore, we are interpreting 'promulgation' in the context of your request to refer to formally publishing notice of the making of a legislative instrument¹.

As stated on the Parliamentary Counsel Office's website (pco.govt.nz/notifying-legislative-instruments/), in relation to the promulgation of regulations:

"All Legislative instruments are published on the New Zealand Legislation website. In addition, the making of Legislative Instruments must be notified in the New Zealand Gazette (in a Notice Under the Legislation Act 2012) ... Some Legislative Instruments are signed by the Governor-General, and are approved by the Executive Council. This approval is notified to the Publications Unit on behalf of departments by the Cabinet Office. For these Legislative Instruments, the responsible department or body does not need to inform the Publications Unit."

In regard to the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Discharge and Dumping) Regulations 2015 (the Regulations), promulgation occurred on the following timeline:

28 September 2015

- At the Executive Council meeting, the Order in Council making the Regulations was approved.
- The Cabinet Office notified the Gazette Office by email of the approval of the Regulations.

1 October 2015

- Notice of the making of the Regulations was published in the Gazette ([Notice Under the Legislation Act 2012 - 2015-dl5860 - New Zealand Gazette](#))².

¹ Butterworths New Zealand Law Dictionary defines promulgation as "[t]he publication of a law already made".

² The Ministry for the Environment does not hold this notice.

31 October 2015

- The Regulations came into effect.


In addition to the promulgation, on 1 November 2015 the Minister for the Environment at the time, Hon Dr Nick Smith, issued a press release announcing the Regulations having coming into effect (beehive.govt.nz/release/new-regulations-protect-oceans).

I note the email from the Cabinet Office giving notification of the approval of the regulations does not provide any further information within scope of your request. As such, I have not partially transferred your request to the Department of the Prime Minister and Cabinet.

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 on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment 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



Fiona Newlove
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