



OIAD-547

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 10 February 2023 requesting the following under the Official Information Act 1982 (the Act):

*Please provide all technical reports and advice, and copies of correspondence between officials (including with other Government departments) on the formulation of clause 558(2) of the Natural and Build Environments Bill. For completeness, the relevant clause is set out*

The Ministry for the Environment (the Ministry) has identified nine documents in scope of your request, as listed in the attached document schedule. Some information within these documents has been removed as out of scope of your request and withholdings have been made under the following sections of the Act:

- 9(2)(a) to protect the privacy of natural persons
- 9(2)(f)(iv) maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials;
- 9(2)(g)(i) the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty

Note that some information within these documents has also been removed, as it is out of scope of your request. Where applicable, excerpts of documents have been provided to you in line with section 16(e) of the Act.

Two documents have been withheld in full under section 9(2)(f)(iv) of the Act, to maintain 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 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](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry 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](mailto:ministerials@mfe.govt.nz).

Yours sincerely



Rebecca Scannell  
**Project Lead – Resource Management Reform**

Document no.	Date	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding
1	14 July 2022	Email: RM Reform - DD for feedback_ BRF-1559 RM Reform 196 – Delegated decisions for section 6 replacement provisions (including criteria for biodiversity and highly vulnerable biodiversity)_	Released in part	9(2)(a)	Protect the privacy of natural persons, including that of deceased natural persons
2	20 <sup>th</sup> June 2022	BRF- 1559 RM Reform 196 Delegated decisions for section 6 replacement provisions (including criteria for biodiversity and highly vulnerable biodiversity)	Released in part	9(2)(a) 9(2)(g)(i) 16(e)	<p>Protect the privacy of natural persons, including that of deceased natural persons;</p> <p>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.</p> <p>Where the information requested by any person is comprised in a document, that information may be made available by giving an excerpt of the contents</p>

Docu ment no.	Date	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding
3	19 August 2022	Briefing note: BRF-1964 RM Reform 225 - Advice on Ministerial consultation about BRF-1559 RM Reform 196 - Delegated decisions for section 6 replacement provisions (including criteria for biodiversity and highly vulnerable biodiversity)	Released in part	9(2)(a) 9(2)(g)(i) 16(e)	<p>Protect the privacy of natural persons, including that of deceased natural persons;</p> <p>To protect the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.</p> <p>Out of scope material has been removed</p> <p>Where the information requested by any person is comprised in a document, that information may be made available by giving an excerpt of the contents.</p>
4	23 June 2022	Email: DoC response to MPI	Released in part	9(2)(a)	<p>Protect the privacy of natural persons, including that of deceased natural persons;</p> <p>Out of scope material has been removed</p>
5	19 April 2022	Email: BRF-1474 RM Reform – Agency comments on Ministerial Oversight Group Meeting #17 papers	Released in part	9(2)(a) 9(2)(f)(iv)	<p>Protect the privacy of natural persons, including that of deceased natural persons;</p> <p>To maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by</p>

Document no.	Date	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding
					Ministers of the Crown and officials; Out of scope material has been removed
6	29 June 2022	Email: Confirming the Minister's decision around policy 11	Released in part	9(2)(a) S9(2)(g)(ii)	Protect the privacy of natural persons, including that of deceased natural persons;  To protect the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty Out of Scope material has been removed
7	28 July 2022	Email: MPI biodiv in NBA feedback	Released in part	9(2)(a)	Out of Scope material within documents  Protect the privacy of natural persons, including that of deceased natural persons;
8	9 July 2022	Marine RM Biodiversity Criteria Workshop	Withheld in full	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 officials;

Docu ment no.	Date	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding
9	10 July 2022	Discussion regarding exemptions needed for S6 replacement mechanism for biodiversity	Withheld in full	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 officials;