



9(2)a

Tēnā koe 9(2)a ,

Thank you for your email of 19 December 2023 to the Ministry for the Environment (the Ministry) requesting the following under the Official Information Act 1982 (the Act):

*All advice to the Minister for the Environment regarding the lawfulness of the Te Mana o te Wai hierarchy of priorities in the National Policy Statement for Freshwater Management 2020, including, inter alia, from:*

- *The Hearings Panel that heard submissions on this Policy Statement, including their report and oral advice.*
- *Crown Law Office*
- *Your Office*
- *Ministry for Primary Industries*
- *Other government departments and agencies.*

On 9 January 2024, the Ministry sought clarification on whether your request related to advice regarding the creation of the National Policy Statement for Freshwater Management 2020, or advice following its creation. You confirmed that your request was for advice during both periods.

On 10 January 2024, the Ministry advised that the collation and research required to identify the information in scope of your request would have significant and unreasonable impact on our agency's ability to carry out its other obligations. The Ministry noted that we may need to refuse the request as it was worded under section 18(f) of the Act, as the information requested could not be made available without substantial collation or research.

On 11 January 2024, you agreed to refine the scope of your request to "All advice to the Minister for the Environment regarding the lawfulness of the Te Mana o te Wai hierarchy of priorities in the National Policy Statement for Freshwater Management 2020 from The Hearings Panel that heard submissions on this Policy Statement, including their report and oral advice".

The Ministry has identified two documents in scope of your request, both of which are publicly available:

- The briefing that accompanied the Independent Advisory Panel (IAP) report: [Essential Freshwater 83 Policy decisions following consultation | Ministry for the Environment](#); and
- The IAP report: [Essential Freshwater Report of the Freshwater Independent Advisory Panel | Ministry for the Environment](#).

You have the right to seek an investigation and review by the Office of the Ombudsman of my decisions 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 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](mailto:ministerials@mfe.govt.nz).

Ngā mihi,



**Hayden Johnston**

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