



OIAD-98

29 September 2021

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 4 August 2021 requesting the following under the Official Information Act 1982 (the Act):

*all briefings, notes, reports, aides memoire and other written material relating to the Poroti Springs proceedings. Please note I am not requesting information which is legally privileged.*

*Please provide all reports in an electronically searchable format and include all attachments.*

The Ministry for the Environment has identified four documents in scope of your request, as listed in the attached document schedule. Some information within these documents is withheld under section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials. Out of Scope information has been redacted.

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 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](mailto:ministerials@mfe.govt.nz).

Yours sincerely

Electronically signed

Hayden Johnston  
**Director - Water and Land Use Policy**

### Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1	1 Jun 2021	BRF-69: In-Principle Expense Transfers request (excluding Climate Change related appropriations)	Released in Part  Out of Scope information has been redacted	9(2)(f)(iv)
2	May 2021	Freshwater litigation against the Crown – hot topic (May 2021)	Out of Scope information has been redacted	n/a
3	25 Feb 2021	Hot Topics Annual Review 2019-20	Out of Scope information has been redacted	n/a
4	24 Jun 2021	Hot Topics Estimates 2021-22	Out of Scope information has been redacted	n/a


**In-Principle Expense Transfers request (excluding Climate Change related appropriations)**

Date Submitted:	1 June 2021	Tracking #: : BRF-69	
Security Level		MfE Priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
To Hon David PARKER, Minister for the Environment	Agree/Approve, Sign attachment	By 1 pm on Tuesday 8 June 2021

Out of Scope

**Ministry for the Environment contacts**

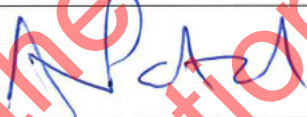
Position	Name	Cell phone	1st contact
Principal Author	Mukesh Vakharia	022 4930548	
Responsible Manager	Gregory Simpson	022 093 2073	✓
Director	Arun Patel	022 0132948	

Released under the provisions of the Official Information Act 1982

## Recommendations

Out of Scope

## Signature

Arun Patel	
Director - Finance and Performance	

Hon David PARKER, <b>Minister for the Environment</b>	
Date:	

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the Official Information Act 1982

Out of Scope

Crown Response to Water Rights Litigation:

9(2)(f)(iv)

There has been delay in the Court process and hearings, specifically for the Poroti Springs case **Out of Scope**. The Maori Land court is yet to determine whether it will hear the Poroti Springs case **Out of Scope**. **Out of Scope**. This delay meant the work has now been extended to the 2021/22 financial year.

Out of Scope

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**Appendix 1: In-Principle Expense Transfers request (excluding Climate Change related appropriations)**

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the Official Information Act 1982

Hon Grant Robertson  
Minister of Finance  
PARLIAMENT BUILDINGS

Dear Grant

**In Principle Expense Transfers request (excluding Climate Change related appropriations)**

Out of Scope

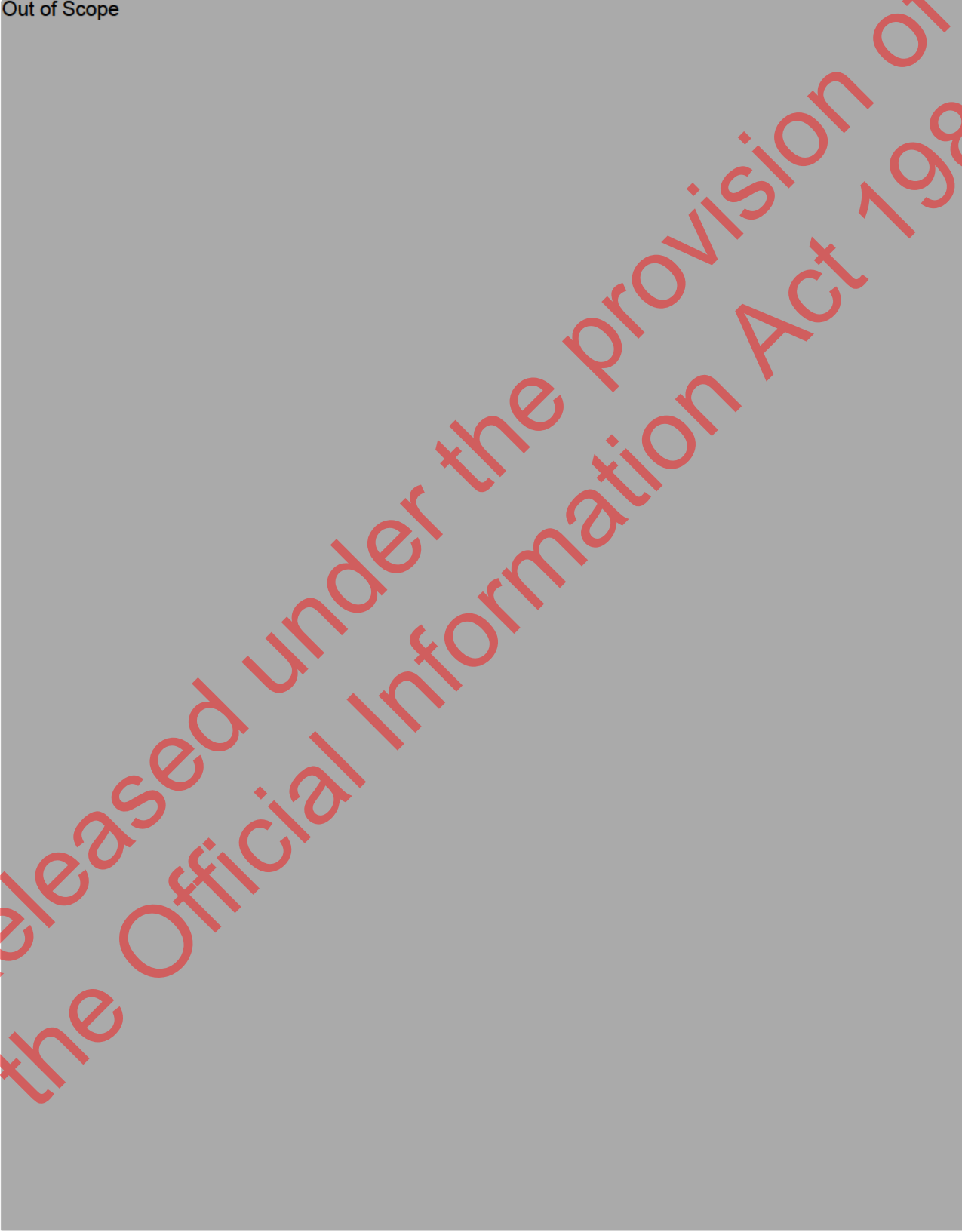


	\$ in Millions
Out of Scope	

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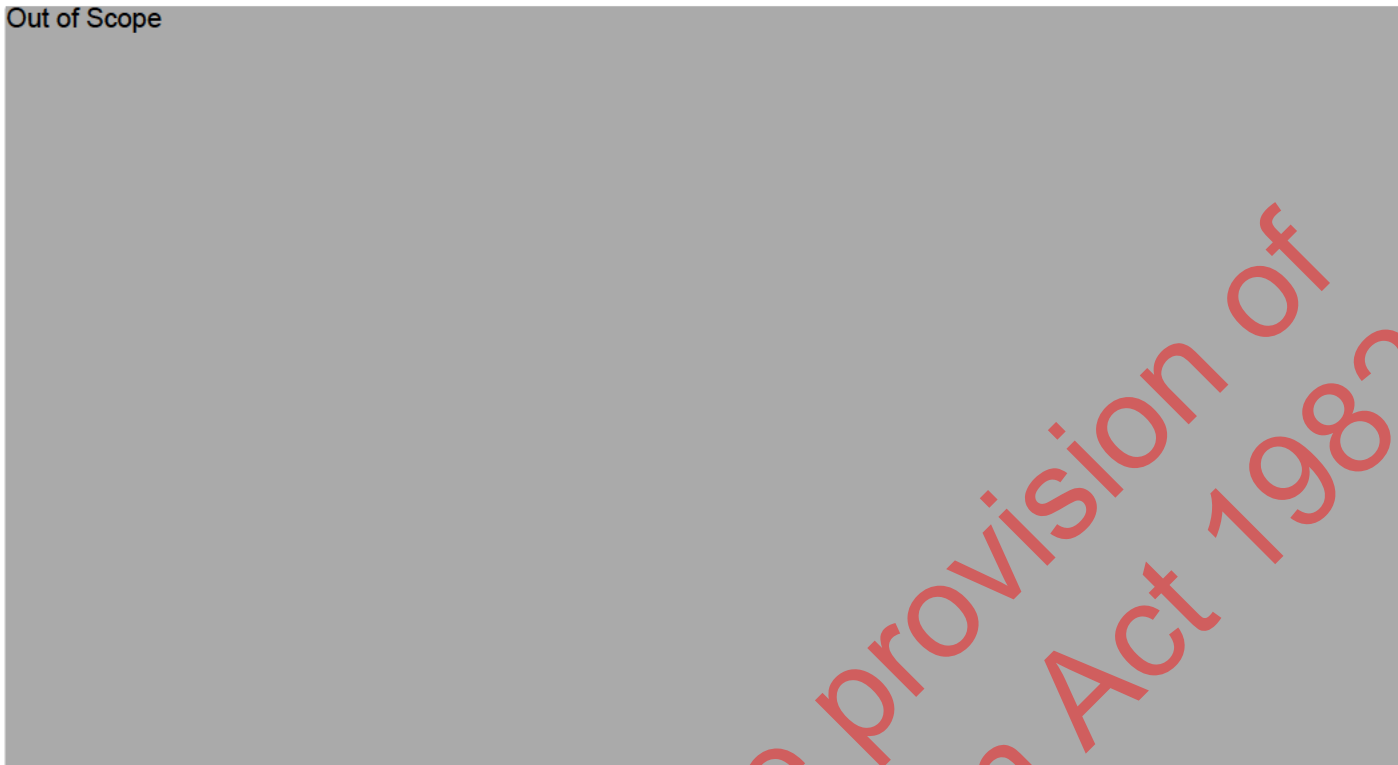
<p>Crown Response to Water Rights Litigation:</p> <p>There has been delay in the Court process and hearings, specifically for the Poroti Springs case <b>Out of Scope</b>. The Maori Land court is yet to determine whether it will hear the Poroti Springs case <b>Out of Scope</b>. This delay meant the work has now been extended to the 2021/22 financial year.</p>	9(2)(f)(iv)
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Out of Scope



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the Official Information Act 1982

Out of Scope



Yours sincerely

Hon David Parker  
**Minister for the Environment**

Hon Grant Robertson  
**Minister of Finance**

APPROVED / NOT APPROVED  
(Please circle as appropriate)

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the Official Information Act 1982



## Freshwater litigation against the Crown – hot topic (May 2021)

### Key messages:

- Out of Scope [redacted], the Crown is involved in two other proceedings concerning freshwater: Out of Scope [redacted] and a Māori Land Court claim concerning customary rights to Poroti Springs.
- Both proceedings are at an early stage.
- Given both proceedings are currently before the Courts, they are now a matter for the Judiciary and I am unable to comment on them in detail.

### Supporting messages / potential Q and A:

#### How is the Ministry supporting the proceedings?

- The Ministry continues to work closely with Crown Law and other agencies on these proceedings.

#### How long are these proceedings likely to take?

- Both cases are in their early procedural stages, so it is too early to speculate about how long they may take to resolve.

#### Aren't these proceedings really about ownership of water? Why aren't you considering that?

- As these issues are currently before the Courts it would be inappropriate for me to talk further about the nature and merits of the claims.

Out of Scope [redacted]

Released Under the Official Information Act 1982

# **HOT TOPICS**

# **Annual Review**

# **2019-20**

Hearing date 25 February 2021

Released under the provision of  
the Official Information Act 1982

# Contents

Out of Scope

## Section 2: Water

12

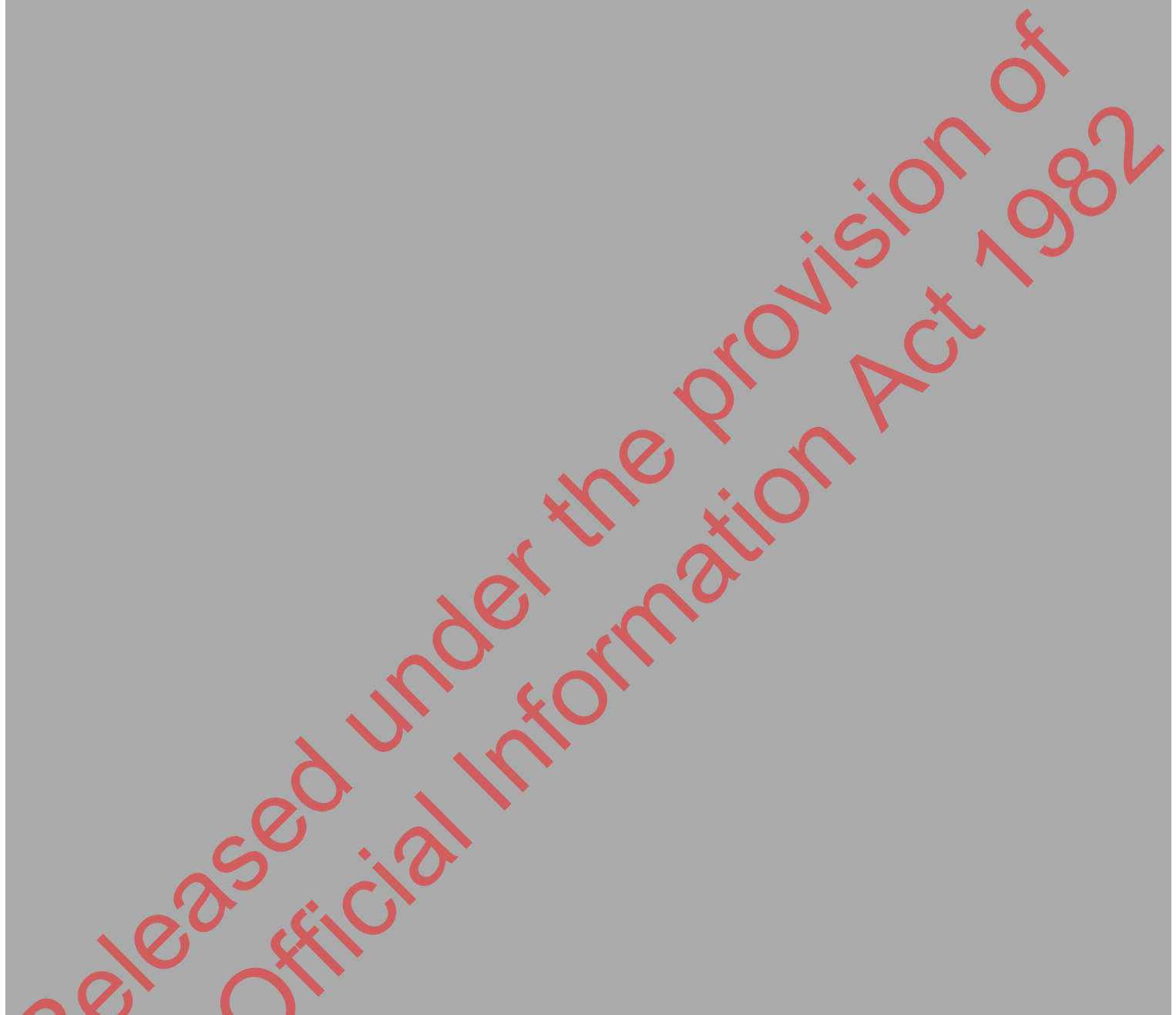
Out of Scope

## Other litigation against the Crown – Freshwater

21

Out of Scope

Out of Scope



### Other litigation against the Crown – Freshwater

#### *Key messages:*

- The Crown is participating in two additional proceedings concerning freshwater: Out of Scope and a Māori Land Court claim concerning customary rights to Poroti Springs.
- Given both proceedings are currently before the Courts, they are now a matter for the Judiciary and the Ministry is unable to comment on the proceedings.

*Supporting messages / potential Q and A:*

- Out of Scope

- On 8 December, the Whatitiri Māori Reserve Trustees and the New Zealand Māori Council filed a claim in the Māori Land Court concerning customary title to Poroti Springs, which are situated on a block of land held on trust by the Trustees, and includes a claim for damages (\$100,000).

**How long are these proceedings likely to take?**

- Both cases are in their early procedural stages, so it is too early to speculate about how long they may take to resolve.
- Other cases involving complex questions of mana whenua and rights and interests, such as *Wakatū v Attorney-General* and *Ngāti Whatua Ōrākei Trust v Attorney-General*, have run for many years.

**Aren't these proceedings really about ownership of water? Why aren't you considering that?**

- The proceedings are complex and assert a range of rights in respect of water. As these issues are currently before the Courts it would be inappropriate for me to talk further about the nature and merits of the claims.
- The Government has signalled that it wishes to look at the issue of water allocation and work is underway to begin considering this issue.

Out of Scope

# HOT TOPICS

## Estimates

### 2021-22

Hearing date 24 June 2021

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# Contents

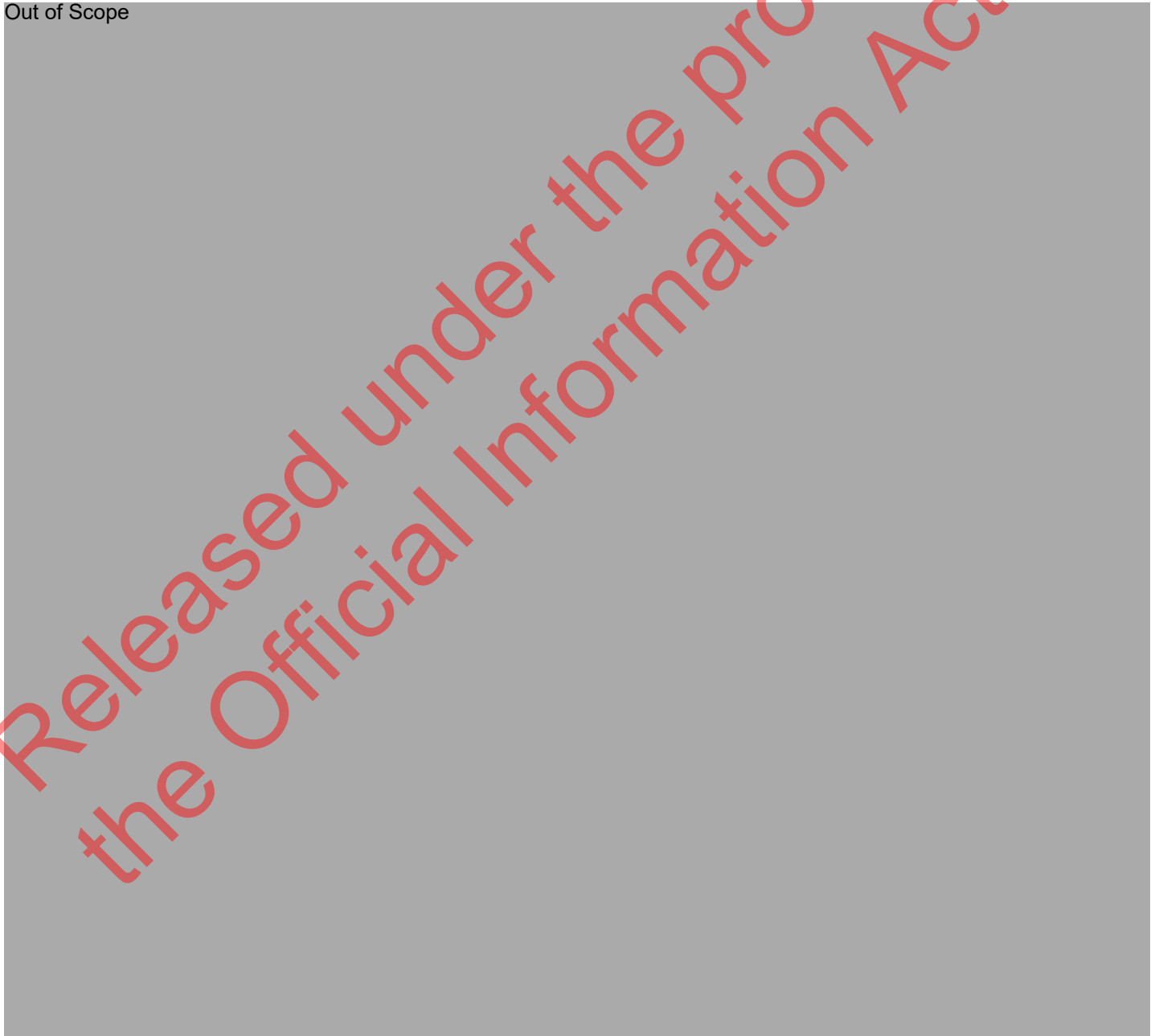
Out of Scope



Litigation against the Crown

20

Out of Scope



Released under the provision of the Official Information Act 1982

Out of Scope

### Litigation against the Crown

#### Key messages:

- Out of Scope the Crown is involved in two other proceedings concerning freshwater: Out of Scope and a Māori Land Court claim concerning customary rights to Poroti Springs.
- Both proceedings are at an early stage.
- Given both proceedings are currently before the Courts, they are now a matter for the Judiciary and I am unable to comment on them in detail.

#### Potential Questions and Answers:

##### How is the Ministry supporting the proceedings?

- The Ministry continues to work closely with Crown Law and other agencies on these proceedings.

##### How long are these proceedings likely to take?

- Both cases are in their early procedural stages, so it is too early to speculate about how long they may take to resolve.

**Aren't these proceedings really about ownership of water? Why aren't you considering that?**

- As these issues are currently before the Courts it would be inappropriate for me to talk further about the nature and merits of the claims.

Out of Scope

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