

The Treasury

Budget 2013 Information Release

Release Document

July 2013

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Key to sections of the Official Information Act 1982 under which information has been withheld.

Certain information in this document has been withheld under one or more of the following sections of the Official Information Act, as applicable:

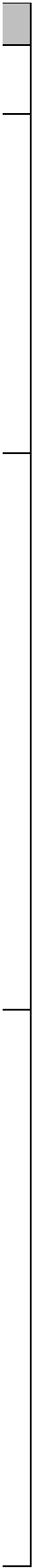
- [1] 6(a) - to prevent prejudice to the security or defence of New Zealand or the international relations of the government
- [2] 6(c) - to prevent prejudice to the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
- [3] 9(2)(a) - to protect the privacy of natural persons, including deceased people
- [4] 9(2)(b)(ii) - to protect the commercial position of the person who supplied the information or who is the subject of the information
- [5] 9(2)(d) - to avoid prejudice to the substantial economic interests of New Zealand
- [6] 9(2)(f)(iv) - to maintain the current constitutional conventions protecting the confidentiality of advice tendered by ministers and officials
- [7] 9(2)(g)(i) - to maintain the effective conduct of public affairs through the free and frank expression of opinions
- [8] 9(2)(h) - to maintain legal professional privilege
- [9] 9(2)(i) - to enable the Crown to carry out commercial activities without disadvantage or prejudice
- [10] 9(2)(j) - to enable the Crown to negotiate without disadvantage or prejudice
- [11] 9(2)(k) - to prevent the disclosure of official information for improper gain or improper advantage
- [12] Not in scope
- [13] 7(b) - to prevent prejudice to relations between any of the Governments of New Zealand, the Cook Islands or Niue
- [14] 9(2)(ba)(i) - to prevent prejudice to 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.

Where information has been withheld, a numbered reference to the applicable section of the Official Information Act has been made, as listed above. For example, an [4] appearing where information has been withheld in a release document refers to section 9(2)(b)(ii).

In preparing this Information Release, the Treasury has considered the public interest considerations in section 9(1) of the Official Information Act.

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Title	Description and analysis	Fiscal implications	Treasury recommendation
[12]			
<p>Item 14: Addressing Housing Supply and Affordability through Housing Accords and Special Housing Areas</p>	<p>This paper seeks Cabinet agreement to establish more permissive resource consenting powers in areas with significant housing affordability issues. Local councils will be empowered to exercise these powers via housing accords with the Government. Where accords are not able to be reached despite the 'best endeavours' of the Government, MBIE will have the ability to exercise these powers. We do not recommend that the Crown imposes a 'best endeavours' clause on itself in legislation as case law suggests this would be a very high bar for the Crown to meet and would pose a high risk of litigation.</p> <p>In addition, the paper includes a recommendation (Rec 26) stating that where there is any inconsistency between the purpose of the new housing Act and the RMA, the purpose of the housing Act will prevail, potentially undermining sustainable management. We have not had time to consider detailed alternatives to this wording but recommend you raise it with your colleagues.</p>	<p>Total of \$7.2 million operating over the next four years.</p> <p>(Note that this is included in the Budget 2013 package, rather than being sought in this paper).</p>	<p>Support The latest version of the paper that we have seen reflects our understanding of Ministers' desired approach i.e. working with councils in the first instance, with MBIE exercising the powers only if an accord cannot be reached.</p> <p>Discuss whether Ministers are comfortable with recommendation 26.</p> <p>However, may wish to raise with your Cabinet colleagues the fact that the term 'best endeavours' would hold the Crown to a very high standard in terms of the lengths it would need to go to in accord negotiations, and that more specific terminology should be developed as part of the legislative drafting process.</p>

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