

Reference: 20160004

12 February 2016



Thank you for your Official Information Act request, received on 6 January 2016. You requested the following:

“Specifically can you provide the following information;

(a) What advice was given to MfE in respect to their decision that NO Regulatory Impact Statement was necessary.

We refer to ; “Recommendations paragraph 9” of the paper;

Note that no Regulatory Impact Statement has been prepared for the proposal, but officials consider the paper adequately considers the impacts of the proposal on existing users.

(b) What advice was given, if any, to the final draft of the paper.

In providing the information it would be helpful where full transcripts are NOT provided that the date and title of the substantive document were supplied. Should truncated or edited material be supplied could this similarly apply.

The reason for seeking this information is that it is a requirement under the guidelines provided in the RIS Handbook that an impact statement is necessary when new legislation is intended. This issue is the nexus of this enquiry.”

Information Being Released

Please find enclosed the following documents:

Item	Date	Document Description	Decision
1.	8 September 2015	Email to MfE: RE CONFIDENTIAL: paper for review	Release in part
2.	9 September 2015	Email to MfE: RIS Requirements	Release in part

I have decided to release the documents listed above, subject to information being withheld under the following sections of the Official Information Act:

- section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Treasury website.

This fully covers the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

Libby Masterton
Manager, Natural Resources

Information Being Released

TOIA 20160004

Doc 1	Page 1
Doc 2	Page 3

From: Ben Parker [TSY]
Sent: Tuesday, 8 September 2015 7:36 a.m.
To: [Withheld under s9(2)(g)(i)]
Subject: RE: CONFIDENTIAL: paper for review
Sensitivity: Confidential

[UNCLASSIFIED]

Hi [Withheld under s9(2)(g)(i)]

Only comment from me is that on your recommendation 7 I think you're looking to delegate these decisions to certain Ministers? Might just want to be clearer about that.

Thanks,

Ben

Ben Parker | Senior Analyst | The Treasury

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From: [Withheld under s9(2)(g)(i)]
Sent: Monday, 7 September 2015 6:23 p.m.
To: Ben Parker [TSY]
Subject: CONFIDENTIAL: paper for review
Importance: High
Sensitivity: Confidential

Hi. This is the final draft of the Cabinet paper that the Minister is planning to lodge on Thursday. Could you please have a look tomorrow and get back to me with any comments you have?

Sorry for the tight turn-around

Regards

[Withheld under s9(2)(g)(i)]

[Withheld under s9(2)(g)(i)]

Ministry for the Environment – Manatu Mo Te Taiao

[Withheld under s9(2)(g)(i)] Website: www.mfe.govt.nz

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RELEASED UNDER THE
OFFICIAL INFORMATION ACT

From: Ben Parker [TSY]
Sent: Wednesday, 9 September 2015 9:47 a.m.
To: Glenn Wigley
Cc: [Withheld under s9(2)(g)(i)]
Subject: RIS requirements

[UNCLASSIFIED]

Both,

Glenn, thanks for your call on this, your way forward sounds good. I had mentioned to [Withheld under s9(2)(g)(i)] that we might have a bit more to say on the RIS section. The paper will need to include the following text:

The regulatory impact analysis (RIA) requirements apply to this paper but a RIS has not been provided. On that basis, Cabinet's requirements and the quality assurance criteria for regulatory proposals have not been met.

Let me know if you need anything more.

Ben

Ben Parker | Senior Analyst | The Treasury

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