



Ministry for the  
**Environment**  
Manatū Mō Te Taiao

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Ministry for Primary Industries  
Manatū Ahu Mātua



To: Hon Amy Adams, Minister for the Environment  
Hon Nathan Guy, Minister for Primary Industries

**Water Reform: Cabinet paper on release of White Paper**

Other Dept Tracking Number:	B12-500	MfE Tracking Number:	13-B-00155
Date Submitted:	12 FEB 2013	MfE Priority:	Urgent
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Action Sought:	Sign attachment	Response/Signature Needed by:	Due for lodging on 14 Feb 2012

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<i>Withheld under section 9(2)(a)</i>			
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**Executive Summary**

1. This brief accompanies a Cabinet paper seeking approval to publicly release a White Paper on a proposed strategy for reforms to freshwater management in New Zealand.
2. This brief highlights key alterations to the water reform proposals from those agreed by Cabinet in December 2012 and seeks confirmation of these key matters in the White Paper that were not canvassed with Cabinet in late 2012.
3. The White Paper and the Cabinet paper are still being finalised. Comments from your colleagues and Iwi Advisers/Iwi Leaders will be incorporated as we are provided with them.

**Key changes to the Water Reform proposals**

4. There are several areas where the White Paper has new or additional detail compared to the Cabinet papers of late 2012.

**Governance and quality decision making**

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OF THE OIA.

7. The rationale for this addition is to provide a more consistent approach for the role of iwi engagement across both planning pathways where decisions are being made on water: the new collaborative process and the Schedule 1 process of the RMA. To restrict this step to only the collaborative planning option would be less effective in addressing the rights and interests of iwi in this area.
8. The White Paper provides more detail in the quality decision making section on the alternative planning process particularly on starting the process and appeal rights.

### ***Objective and limit setting***

9. The White Paper highlights that the National Objectives Framework would require councils to consider the implications of limits, including adjustment timeframes, when setting objectives. This was not explicit in the Cabinet papers or earlier drafts of the White Paper.

### ***Managing within water quantity and quality limits***

10. The White Paper contains some additional detail on how to give effect to the proposals on managing within limits presented to Cabinet in late 2012:
  - More detail on how proposals relating to accounting for all takes and sources of contaminants will be implemented, including:
    - amending the RMA to ensure that government can require councils to collect data on all sources of contaminants, and data from all water users; share data with the Government; use any standard accounting system developed; and adopt defined methods for estimating water takes and discharges
    - amending the National Policy Statement for Freshwater Management to ensure it is clear that councils must set allocation limits to identify the amount of water available for use
    - national regulation on accounting for all sources of contaminant
  - More detail on the sequencing of the foundation measures.

### **Changes in the most recent version of the White Paper**

11. The section on water quantity in the managing within limits section currently contains a relatively high level of detail on the medium and long term initiatives. If the White Paper needs to be shorter, some of this detail could be reduced. This would make this more consistent with other sections of the document.
12. Minister Adams previously requested that the table outlining the National Objectives Framework (NOF) should include the numeric values for each attribute.
13. We recommend against this approach, as it would introduce a much finer level of detail for this aspect than for any other aspect of the White Paper. This information is included in the National Objective Reference Group report, which will be released alongside the White Paper and so be available for those who wish to delve into detail.
14. There is a risk that if we include the NOF tables in the White Paper that submitters will focus on the detail of the numeric attributes rather than the overall proposal. At the moment, the framework is only partially populated, and so the engagement at this stage would be better targeted at the concept of a national framework, impact of the framework, and higher-level questions.

15. This risk particularly applies to LAWF members who will use this opportunity to have a wider ranging discussion on numeric values rather than the reform package as a whole. A number of LAWF members felt shut out of the NOF process, and will want to refocus on the detail if given the opportunity.
16. The NOF will be more fully populated (but not completely populated, which will take a few years as the science develops) by August. Subject to Ministerial approval, consultation on this fuller set of numeric attributes will occur as part of the NPS amendment consultation process. We are anticipating that this process could be underway in August to meet a time frame of delivering an amendment by the end of 2013.
17. Should you wish to include the additional NOF material in the White Paper at this stage (either in the body or as an appendix), we have attached (Appendix 1) a partial sample of the material that would be included to provide a minimum level of detail for the framework as currently populated.
18. Following discussions with Minister Adams, we propose the grey boxes in the White Paper containing implications for stakeholders be replaced with sections on implementation challenges. Alternatively, the grey boxes could be attached to the White Paper as an appendix.

## Supporting materials

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19. The current Cabinet paper proposes the release of that Cabinet paper, previous Cabinet papers and their minutes [CBC Min (12) 5/5, EGI Mins (12) 26/2, 26/3, 28/6-9, 29/7], and associated Regulatory Impact Statements following public announcements and subject to consideration of any information that would be withheld if the information had been requested under the Official Information Act 1982. The list of papers proposed for release is attached in Appendix 2.

## Risks and Mitigations

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20. The risks regarding the National Objectives Framework content of the White Paper are outlined above.

## Recommended Action

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### We recommend that you:

1. **Note** that we do not recommend inclusion of fully populated National Objectives Framework tables in the White Paper as this would more appropriately be the focus of further consultation on the National Objectives Framework in August.

2. **Agree** that

#### **EITHER**

- a. the White Paper not include fully populated National Objectives Framework tables

**Yes / No**

**OR**

- b. the National Objectives Framework tables be attached as an appendix to the White Paper

**Yes / No**

**OR**

- c. the National Objectives Framework tables be included in the body of the White Paper

**Yes / No**

**3. Agree that**

**EITHER**

- a. the grey boxes on implications for stakeholders included in a previous version of the White Paper be replaced with sections on implementation challenges

**Yes/No**

**OR**

- b. the grey boxes be attached to the White Paper as an appendix

**Yes / No**

**4. Note the list of past Cabinet papers, and their associated Minutes and RISs, proposed for release in the attached Cabinet paper (as listed in Appendix 2)**

**5. Confirm the following content in the White Paper, which is in addition to matters already covered in the Cabinet papers of late 2012:**

- a. the National Objectives Framework will require councils to consider the implications of limits, including adjustment timeframes, when setting objectives

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- c. amend the RMA to ensure that government can require councils to: collect data on all sources of contaminants, and data from all water users; share data with the Government, use any standard accounting system developed and adopt defined methods for estimating water takes and discharges

**Yes / No**

- d. amend the National Policy Statement for Freshwater Management to ensure it is clear that councils must set allocation limits to identify the amount of water available for use

**Yes / No**

- e. provide for national regulation on accounting for all sources of contaminant

**Yes / No**

- f. additional detail on the sequencing of the foundation measures of managing within limits

**Yes / No**

6. Refer the White Paper to Hon Bill English and Hon Steven Joyce for their information

Yes / No

Suzanne Doig  
Acting Director, Water Reform Directorate

Date

Hon Amy Adams  
Minister for the Environment

Date

Hon Nathan Guy  
Minister for Primary Industries

Date

Minister's feedback on quality of briefing note:	1	2	3	4	5
1 = Was not satisfactory 2 = Fell short of my expectations in some respects 3 = Met my expectations 4 = Met and sometimes exceeded my expectations 5 = Greatly exceeded my expectations					

All Appendices Withheld  
under Section 9(a)(f)(v)  
of the OIA