

20-D-00896

s 9(2)(a)

Dear s 9(2)(a)

On 7 May 2020, you made a request to the Department of Prime Minister and Cabinet (DPMC) under the Official Information Act 1982. On 20 May you confirmed with the DPMC that your request is in respect of the 18 month period prior to the enactment of the relevant legislation. On 2 June 2020, DPMC transferred the following part of your request to the Ministry for the Environment (the Ministry):

3. We seek all cabinet material including cabinet papers (and any attachments or appendices to those papers) and associated minutes and advice papers concerning the development of Treaty provisions/principles for the Acts listed below:

Resource Management Act 1991

Section 8

I apologise for the need to extend the timeframe for the Ministry's response to 11 August or earlier, however the request required a search through a large quantity of information. The Ministry has identified 23 documents in scope of your request, as listed in the attached document schedule. Some information within these documents has been removed as out of scope of your request.

Despite reasonable efforts, at least eight potentially relevant documents were unable to be located (eg, the documents were missing from Archives New Zealand). These have been noted in the table of documents as 'refused' in accordance with section 18(e) of the Act.

Acknowledging this, as it may be of help I include a link to the following 2001 Waitangi Tribunal publication *The Crown and flora and fauna. legislation, policies, and practices, 1983 – 98* by Robert McClean and Trecia Smith. Chapters 3.3 and 3.4 cite documents that may be of interest to you: https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_94844728/Crown%20and%20Flora%20and%20Fauna.pdf. The documents may be requested from Archives New Zealand if they are shown as publicly available on the online public 'Archway' website search tool: <https://www.archway.archives.govt.nz/>.

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.

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, feel free to contact our Executive Relations team: ministerials@mfe.govt.nz.

Yours sincerely



Lesley Baddon
Director Natural and Built Systems

Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1	18 July 90	Paper to Cabinet policy Committee from Chair, Select Committee on the Resource Management Bill (RMB):	Released in full Note, out of scope information has been removed	
2	ca. 30 July 90	CAB (90) M 25/7 Minutes Cabinet meeting 30 July RMB: Select Committee report back	Released in full	
2a	ca. 1 August 90	attachment: Cabinet memo from Minister for State-Owned Enterprises	Released in full Note, out of scope information has been removed	
2b	undated	attachment: page 19 of the RM Bill	Released in full	
3	ca. 3 August 90	POL (90) M 29/6 Minutes: Cabinet Cttee meeting 1 August. Resource Management Bill (RMB): Select Committee report back	Released in full Note, out of scope information has been removed	
3a	1 August 90	Attachment to POL (90) M29/6 Memo to Cabinet from Ministers of SOE, Commerce & Conservation RMB: Select Committee report back	Released in full Note, out of scope information has been removed	
4	ca. 13 August 90	CAB (90) M26/4b Minutes: Cabinet Meeting 6 August RMB: Select Committee report back	Released in full Note, out of scope information has been removed	
5	9 November 90	CAB (90) 865 Cabinet Paper RMB: Peer Group Review	Released in full Note, out of scope information has been removed	
5a	8 November 90	Attachment: Memo to Cabinet from Minister for the Environment	Released in full	

		RMB: Peer group Review	Note, out of scope information has been removed	
5b	8 November 90	Appendix to 5a Peer Group Review, including Terms of Reference	Released in full Note, out of scope information has been removed	
6	ca. 15 November 90	CAB (90) M 40/19 Minutes: Cabinet meeting 12 November RMB: Review Group.	Released in full Note, out of scope information has been removed	
7	ca. 22 February 91	CAB (91) M 6/4 Minutes: Cabinet meeting 18 February RMB: Review Group.	Released in full	
8	15 March 91	ENV (91) 4 Cabinet Cttee Paper RMB: Review Group's Recommendations	Released in full Note, out of scope information has been removed	
8a	14 March 91	Attachment: paper RMB: Review Group Recommendations	Released in full Note, out of scope information has been removed	
8b	14 March 91	Attachment: paper to Cabinet (ENV) Cttee from the Minister for the Environment Re: RMB	Released in full	
8c	15 March 91	Attachment: paper to Cabinet from the Minister for the Environment RMB: Report of the Review Group	Released in full	
9	ca. 21 March 91	ENV (91) M 3/1 Minutes: Cabinet Cttee meeting 19 March RMB: Review Group's Recommendations	Released in full Note, out of scope information has been removed	
10	22 March 91	ENV (91) 6 Cabinet ENV Cttee Paper RMB: Review Group's Recommendations	Released in full Note, out of scope information has been removed	
11	ca. 28 March 91	ENV (91) M 4/3 Minutes: Cabinet Cttee meeting 26 March RMB: Review Group's Recommendations	Released in full Note, out of scope information has been removed	

12	ca. 2 May 91	LEG (91) M 10/3 Minutes of Cabinet Cttee, 2 May Supplementary Order Paper(SOP): RMB	Released in full	
13	3 May 91	PCO 18/7 Cabinet paper SOP: RMB	Released in full	
13a	30 April 91	Attachment to PCO 18/7 Memo for Cabinet from the Minister for the Environment	Released in full	
13b	2 May 91	Attachment to PCO 18/7 draft SOP	Released in full Note, out of scope information has been removed	

Document no.	Document date	Content	Decisions	OIA sections applied
1	31 July 90	POL 14/1/1 Letter from Minister of Maori Affairs, Koro Wetere to Chairman, Cabinet legislation Committee, Manatu Maori	Refused	s.18(e) - despite reasonable efforts the document cannot be found
2	6 August 90	CAB (90) M26/6 Minutes, Cabinet memo (Cabinet agrees the Bill should include a reference to the Treaty)	Refused	s.18(e) - despite reasonable efforts the document cannot be found
3	18 February 91	CAB (91) 72 Resource Management Bill: Review Group	Refused	s.18(e) - despite reasonable efforts the document cannot be found
4	18 February 91	CAB (91) M 6/4 (appendix B) Resource Management Bill: Review Group	Refused	s.18(e) - despite reasonable efforts the document cannot be found
5	17 June 91	CAB (91) 464 Resource Management Bill: Policy Decisions Arising from SOP 22	Refused	s.18(e) - despite reasonable efforts the document cannot be found
6	17 June 91	CAB (91) M 23/34 Resource Management Bill: Policy Decisions Arising from SOP 22	Refused	s.18(e) - despite reasonable efforts the document cannot be found

7	24 June 91	CAB (91) M 24/48 Additional Item: Resource Management Bill: Policy Decisions Arising from Supplementary Order Paper 22	Refused	s.18(e) - despite reasonable efforts the document cannot be found
8+	1990-1991	ALG 1990-1991 register of documents	Refused	s.18(e) - despite reasonable efforts the document cannot be found

Released under the provision of
the Official Information Act 1982

18 July 1990

Cabinet Policy Committee

MAIN CHANGES TO RESOURCE MANAGEMENT BILL

1. Out of Scope

[Redacted]

[Redacted]

[Redacted]

2. Out of Scope

[Redacted]

[Redacted]

3. Out of Scope

[Redacted]

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2.

4. Out of Scope

Out of Scope

5. Treaty of Waitangi

At present the Bill requires decision makers "to consider" the Treaty of Waitangi. The committee has decided to strengthen this to require decision makers "to give effect to the special relationship between the Crown and te iwi Maori as embodied in the Treaty of Waitangi".

Out of Scope

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Philip Woollaston
Chair, Select Committee on the
Resource Management Bill



CABINET

RESTRICTED

CAB (90) M 25/7

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Minister for the Environment
Minister for State Owned Enterprises
Hon PTE Woollaston

Copies to:

Prime Minister
Deputy Prime Minister
Leader of the House
Secretary, Cabinet Policy Committee

RESOURCE MANAGEMENT BILL : SELECT COMMITTEE REPORT BACK

References: CAB (90) 508 and its associated paper.

At the meeting on 30 July 1990 Cabinet:

- a invited the Minister for State Owned Enterprises and the Hon PTE Woollaston to provide a joint paper on proposed changes to the Resource Management Bill for consideration by the Cabinet Policy Committee on 1 August 1990;
- b referred the recommendations contained in CAB (90) 508 and its associated paper to the Cabinet Policy Committee for consideration together with the paper referred to in (a) above;
- c agreed that the Cabinet Policy Committee is to have power to act on the matter subject to a clear agreement being reached.

Secretary of the Cabinet

Noted in Register- <i>HS</i>
Seen:
Noted re- 1. Cabinet Agenda 2. Cab Committee action
Checked in Registry- <i>HS</i>

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OFFICE OF THE MINISTER FOR STATE-OWNED ENTERPRISES

TO BE ASSOCIATED WITH CAB (90) 508

24

Memorandum for Cabinet

RESOURCE MANAGEMENT BILL: POTENTIAL EFFECTS ON SOEs AND THE ECONOMY

1 In the attached paper the Chairman of the Select Committee sets out proposed changes to the Resource Management Bill. In this paper I comment both on those changes and more generally on the Bill as a whole.

2 Out of Scope

[Redacted content]

3 Out of Scope

[Redacted content]

My principal concerns with the Bill and the proposed changes are listed below:

(1) The Proposed Treaty Reference (item 5 of Chairman's Paper)

4 The present reference requiring decision makers to consider the Treaty seems fine to me. The Select Committee want to alter the reference to read:

"In achieving the purpose of this Act, all persons who exercise functions and powers under this Act have a duty to give effect to the special relationship between the Crown and Te Iwi Maori as embodied in the Treaty of Waitangi."

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5 This kind of clause would open wide the question of the ownership of most of New Zealand's resources and hamper the allocation of Crown resources such as minerals and water. Moreover, I do not consider Local Authorities have a legitimate constitutional right, or any special advantage, in Treaty negotiations that are properly the domain of the Crown. It seems to me that, as a government, we have had to spend far too much time digging ourselves out from the results of well intentioned Treaty provisions. I am strongly opposed to the type of change that has been suggested.

(2) Out of Scope [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] Out of Scope [Redacted] Scope

[Redacted]

pages 3-4 omitted
Out of Scope

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25 Out of Scope

[Redacted]

[Redacted]

[Redacted]

Recommendations

27 I recommend that Cabinet:

a agree that the Treaty reference in the Bill should be as it stands at present, rather than the variation proposed by the Chairman of the Select Committee;

b Out of Scope

[Redacted]

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g Out of Scope [Redacted]

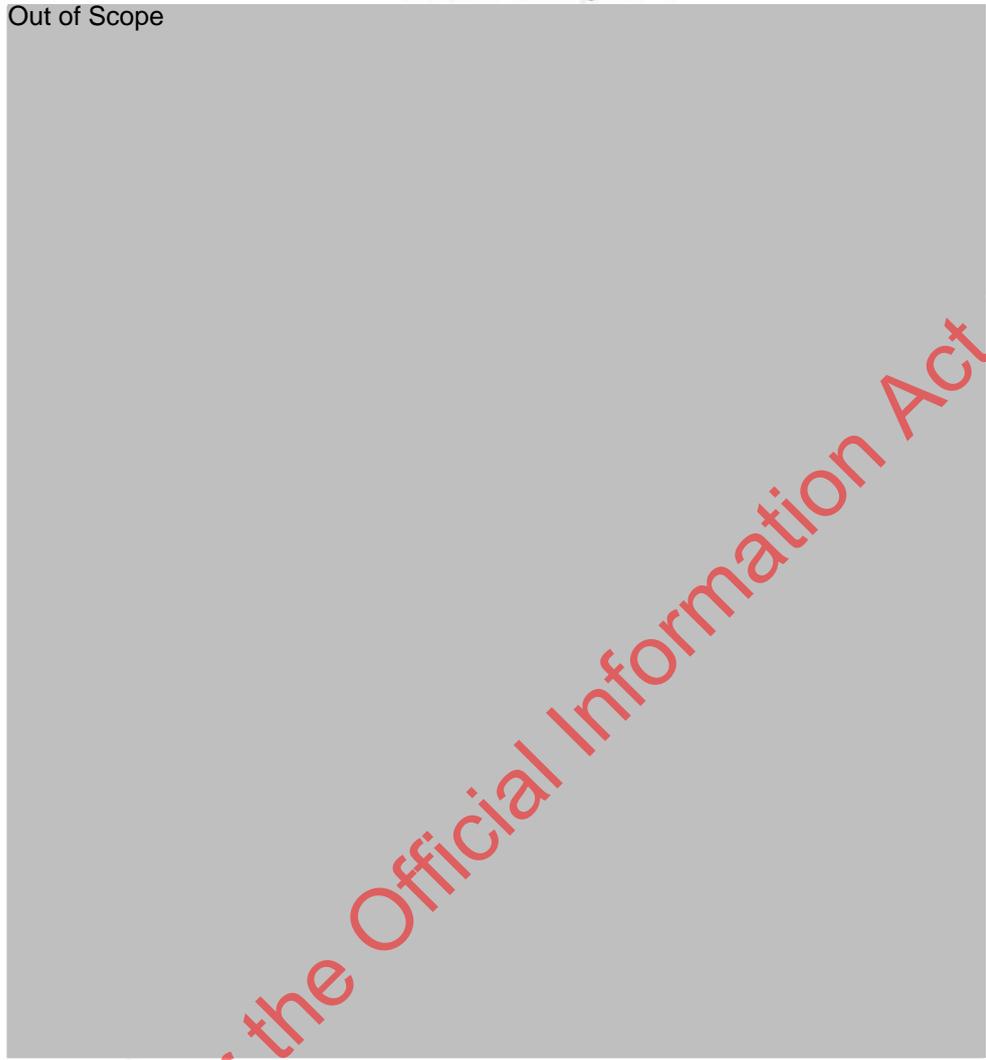
[Redacted]



Richard Prebble
Minister of State-Owned Enterprises

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Out of Scope



6. **Treaty of Waitangi**—In achieving the purpose of this Act, all persons who exercise functions and powers under this Act have a duty to consider the Treaty of Waitangi.

PART III

DUTIES AND RESTRICTIONS UNDER THIS ACT

Out of Scope



pages 17 & 18
omitted: out of scope

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POLICY COMMITTEE

POL (90) M 29/6

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MINUTES of a meeting of the Committee held on 1 August 1990 at 9.00 am

PRESENT: Rt Hon Helen Clark (Chair)
Hon D F Caygill
Hon R W Prebble
Hon Dr Michael Cullen
Hon P B Goff
Rt Hon J L Hunt
Hon J R Sutton

ALSO PRESENT: Hon K T Wetere
Hon P T E Woollaston
Hon P Neilson
Hon Clive Matthewson
Hon Margaret Austin
Hon Ken Shirley

IN ATTENDANCE: Officials from Internal Affairs



RESOURCE MANAGEMENT BILL : SELECT COMMITTEE REPORT BACK

Reference: CAB (90) 508 and associated paper
CAB (90) M 25/7

A further paper from the Ministers for State Owned Enterprises, Conservation and Commerce was tabled at the meeting.

The Committee, having been granted power to act on this matter by Cabinet:

- a noted the proposed changes to the Resource Management Bill to be recommended by the Select Committee contained under CAB (90) 508 and in Part 1 of the tabled paper;
- b agreed to the amendments in (c) - (g) below to previous policy decisions made by Cabinet on the content of the Bill;

Out of Scope [Redacted]

[Redacted]

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Out of Scope

d [Redacted]

Treaty of Waitangi

e agreed that Clause 6 be amended to read, "In achieving the purpose of this Act, all persons who exercise functions and powers under this Act have a duty to take into account the special relationship between the Crown and Te Iwi Maori as embodied in the Treaty of Waitangi";

Out of Scope

[Redacted]

Out of Scope

g [Redacted]

Elizabeth Wilkins

Elizabeth Wilkins
Secretary

COPIES TO:

- All Ministers
- Secretary for the Environment
- Secretary to the Treasury
- Chief Executive, Manatu Maori
- Secretary of Commerce
- Director-General of Conservation
- Secretary for Justice
- Secretary of Internal Affairs
- Chief Parliamentary Counsel

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Tabled at POL 1/8/90

31

OFFICE OF THE MINISTERS OF
STATE OWNED ENTERPRISES,
COMMERCE AND CONSERVATION

TO BE ASSOCIATED

Memorandum for Cabinet Policy Committee

WITH POL (90) M29/6

RESOURCE MANAGEMENT BILL : SELECT COMMITTEE REPORT BACK

Introduction

At its meeting on 29 July Cabinet considered CAB (90) 508 from the Minister for the Environment, and an associated paper from the Minister for State Owned Enterprises. Cabinet referred both papers to Cabinet Policy Committee to consider at its meeting on 1 August, with power for that Committee to act on the papers without further reference to Cabinet.

The Ministers of State Owned Enterprises, Commerce and Conservation were requested to meet prior to the Cabinet Policy Committee meeting and to report to that meeting the results of their consideration of the papers.

We attach a paper in three parts. Part 1 requests the committee to note that the Select Committee on the Resource Management Bill intends to recommend a small number of changes which have the effect of amending decisions taken during the policy round of the Resource Management Law Reform. This part identifies those areas which depart from policy decisions which were taken in the course of the Resource Management Law Reform.

Part 2 recommends that the committee endorse a number of other policy changes.

Part 3 identifies one area on which Ministers will report separately to the Committee.

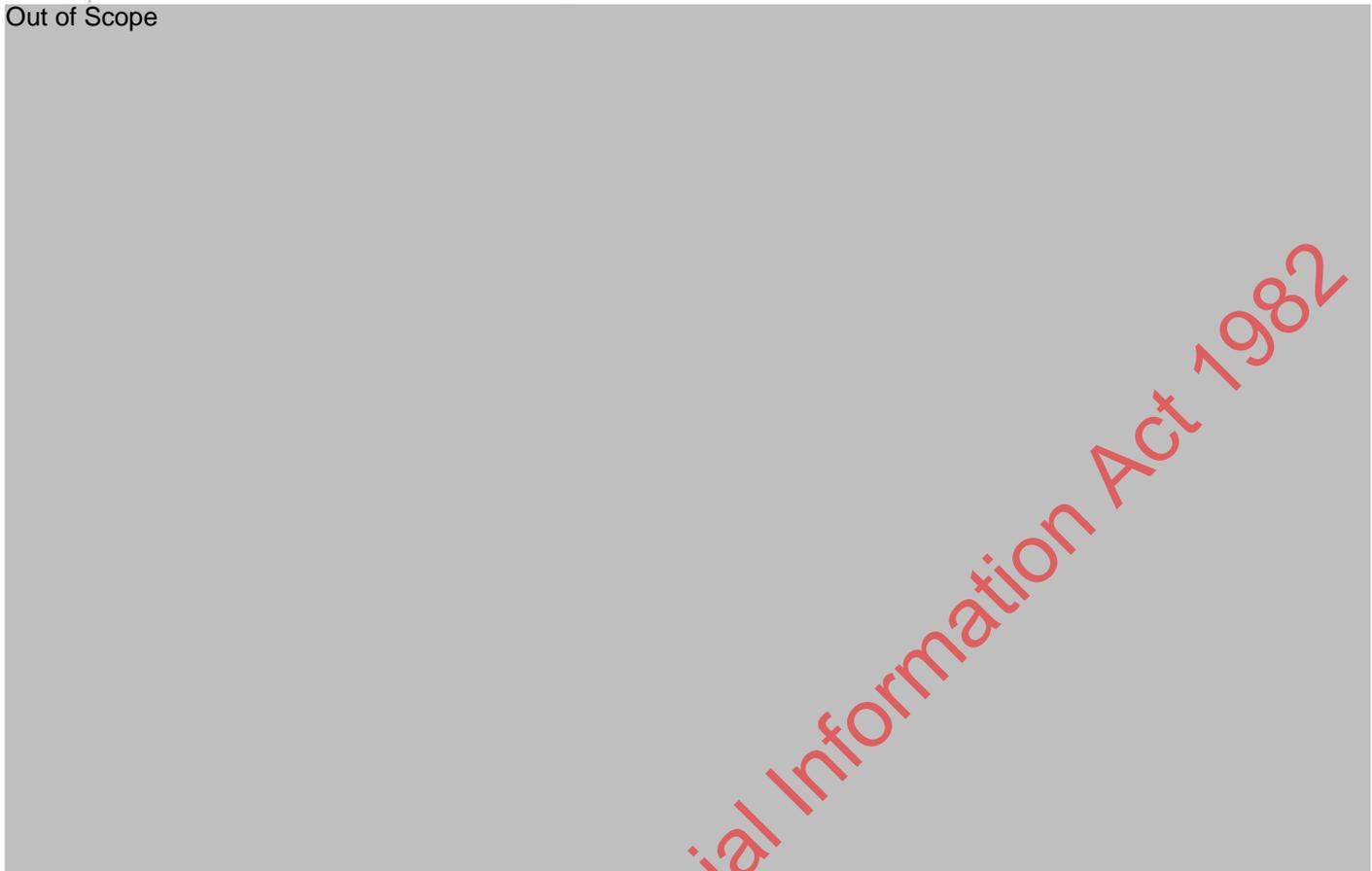
Part 1

Out of Scope



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Out of Scope



J. Treaty of Waitangi

Ministers have agreed that clause 6 be amended to read "In achieving the purpose of this Act, all persons who exercise functions and powers under this Act have a duty to take into account the special relationship between the Crown and Te Iwi Maori as embodied in the Treaty of Waitangi"

Out of Scope



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Out of Scope



Recommendations

We recommend that Cabinet:

1. Note that the Select Committee on the Resource Management Bill intends to recommend a small number of policy changes which have the effect of amending decisions taken during the policy round of the Resource Management Law Reform, and that these changes are set out in Part 1 of this paper;
2. Agree to the policy changes recommended by the Ministers of State Owned Enterprises, Commerce and Conservation and set out in Part 2 of this paper.

Minister of State
Owned Enterprises

Minister of Commerce

Minister of Conservation

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19 cal pm al lv jl dbk.



CABINET

Document 4

CAB (90) M 26/4b

Handwritten notes:
Check these are on Ruff files

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13 AUG 1990

→ Minister for the Environment

Copies to:

- All Other Ministers
- Chief Parliamentary Counsel
- Secretary, Cabinet Policy Committee

RESOURCE MANAGEMENT BILL : SELECT COMMITTEE REPORT BACK

- References:
- CAB (90) 542
 - POL (90) M 29/6
 - CAB (90) 508 and associated paper
 - CAB (90) M 25/7

This minute amends POL (90) M 29/6.

At the meeting on 6 August 1990, when considering the Report of Cabinet Committees for the week ended 2 August 1990, Cabinet amended paragraph (c) of the Cabinet Policy Committee's decision promulgated in POL (90) M 29/6.

The decision now reads:

noted the proposed changes to the Resource Management Bill to be recommended by the Select Committee contained under CAB (90) 508 and in Part 1 of the tabled paper;

to agree to the amendments in (c) - (g) below to previous policy decisions made by Cabinet on the content of the Bill;

Out of Scope

[Redacted area]

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Out of Scope [redacted]

[redacted]

Treaty of Waitangi

e agreed that Clause 6 be amended to read, "In achieving the purpose of this Act, all persons who exercise functions and powers under this Act have a duty to take into account the special relationship between the Crown and Te Iwi Maori as embodied in the Treaty of Waitangi";

Out of Scope [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Marie Sherry

Secretary of the Cabinet

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CABINET

Document 5

CAB (90) 865

Copy No 24

9 November 1990

223/1



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RESOURCE MANAGEMENT BILL - PEER GROUP REVIEW

The Minister for the Environment recommends that Cabinet:

- a agree that the review of the Resource Management Bill should be carried out in the following manner:
 - i the immediate establishment of a Peer Group to check on the workability of the Bill, the Peer Group to have the terms of reference set out in the appendix to this submission;
 - ii the Peer Group to comprise Tony RANDERSON (chair), Brent WHEELER, Prue CROSSAN, Ken TREMAINE and Guy SALMON, and be serviced for law drafting purposes by John HASSAN, Senior Instructing Solicitor, Ministry for the Environment (details of the nominees are set out in paragraph 3 of the submission);
 - iii the Bill to be re-committed to a Select Committee during the December 1990 sitting of the House;
 - iv the Peer Group to report to the Government by 31 January 1991;
 - v the Select Committee to consider the revised Bill during February/March 1991;
 - vi the Bill to be reported back to the House by the end of March 1991, debated and passed by the end of April 1991;
 - vii the Bill to have a commencement date of 1 July 1991 so as to provide 2 months for administrators and users to familiarise themselves with its contents;

b Out of Scope [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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Cabinet is also asked to:

- 1 agree that, as the Peer Group review is independent of those involved in drafting the Bill currently before the House, it would be inappropriate for Government Departments to make independent submissions to the Peer Group;
- 2 agree that any comments that Government Departments may wish to make should be conveyed through their Minister to the Minister for the Environment so that the comments can be co-ordinated at Ministerial level.

Treasury recommends that Cabinet:

- A Out of Scope [Redacted]
- B Out of Scope [Redacted]
 - 1 Out of Scope [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]

Released under the Official Information Act 1982

(Signed) C J Hill
for Secretary of the Cabinet

Out of Scope [Redacted]

Document 5a

OFFICE OF THE MINISTER FOR
THE ENVIRONMENT
PARLIAMENT BUILDINGS

8 November 1990

MEMORANDUM TO CABINET

RESOURCE MANAGEMENT BILL : PEER GROUP REVIEW

1.0 Introduction

In the last session of Parliament before the election the Resource Management Bill was adjourned during its second reading. The Bill has been held over.

Public commitment has been made by this Government to enacting this Bill by 1 July 1991. It is also a matter of policy that the bill be reassessed by a peer group to check its workability. Part of this reassessment was to include a conference of interested parties.

Out of Scope

2.0 Comment

Out of Scope

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Within this approach the question of a conference was carefully considered. I believe 3 regional fora would be a more effective means of achieving public input of a useful nature. I would envisage that these be run by the Peer Group; used by the Group as opportunities for feedback on the directions being taken; and would permit controlled agendas. It is important that the fora be more than a public relations exercise. In view of this I would expect the Peer Group to want to call them close to Christmas when they have begun their thinking but have not finalised their considerations.

The Peer Group will be required to report by 31 January 1991 with drafted amendments to meet any concerns identified. They will consult as widely as necessary and will be serviced through the Ministry for the Environment.

3.0 Peer Group Membership

The Peer Group should be small and represent actual operators and Out of Scope [redacted] [redacted] [redacted]. To this end I believe the following five persons should make up the group.

Tony Randerson - Chairman - Barrister with extensive experience in resource management law; detailed knowledge of the Bill through his presentation of the Law Society's Submission to the Select Committee.

Brent Wheeler : consultant economist. Has considerable experience in planning practice; Consultant to the Resource User Group and Business Roundtable.

Prue Crossan (Kapua): Senior Solicitor Russell McVeagh specialising in environmental and resource management law. Was involved in public seminars on the Bill. Has Maori Policy background.

Ken Tremaine : Director of Planning, Palmerston North City Council, Member of the NZ Planning Institute's Working Party on Resource Management Law Reform.

Guy Salmon : an experienced environmentalist, Director of Maruia Society

The Group will be serviced for law drafting purposes by John Hassan, Senior Instructing Solicitor, Ministry for the Environment.

4.0 Terms of Reference

The terms of reference must define the areas the Government wishes to have reassessed. However, they should not be a specific list of clauses to which the Group is directed. This could be counter-productive as the Group must be free to range over issues and concerns not constrained to single clauses.

I believe the terms of reference should be :

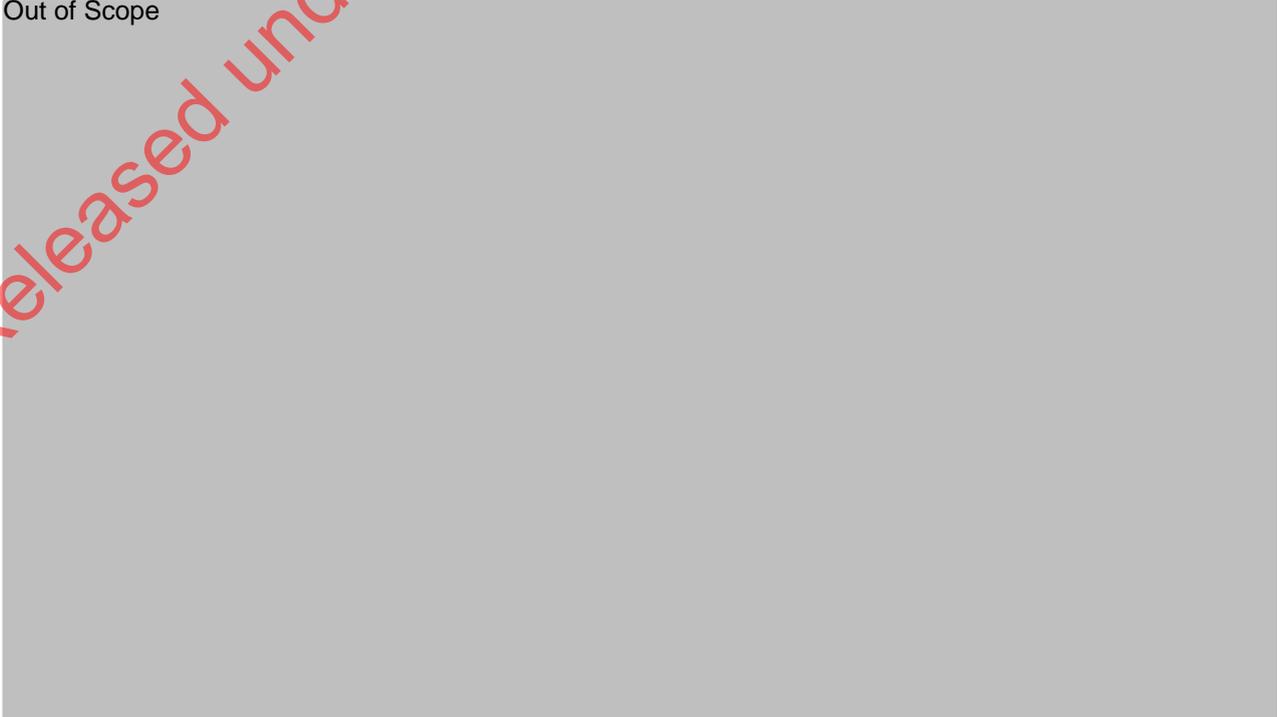
To review the Resource Management Bill and make recommendations to the Minister for the Environment by 31 January 1991, including draft amendments to the Bill, which :

- * secure greater certainty as to the Bill's effect, consistent with retaining wide opportunities for public participation and ensuring that resources are used and managed in a sustainable way;
- * ensure the Bill provides a suitable framework for the future introduction of economic instruments for resource management;
- * are workable.

The context in which these terms of reference should operate is detailed in Appendix 1.

5.0 Resourcing

Out of Scope



Out of Scope

6.0 Other Government Departments

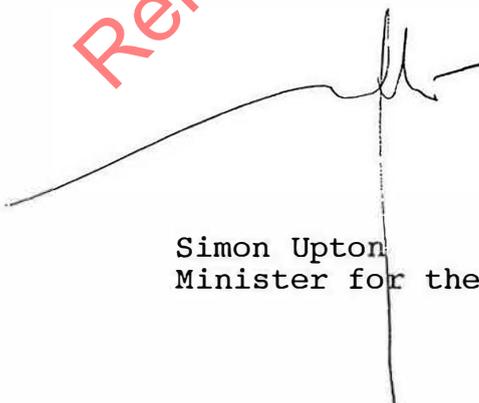
As this review is a review independent of those involved in the original drafting of the Bill it would be inappropriate for Government Departments to make independent submissions to the Peer Group. It would be more appropriate that any points they wish to make be conveyed through their Minister and co-ordinated at a Ministerial level.

RECOMMENDATION

It is recommended that Cabinet :

- (a) agree that the review of the Resource Management Bill be carried out in the manner detailed in this paper Out of Scope

Out of Scope



Simon Upton
Minister for the Environment

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APPENDIX

PEER GROUP REVIEW

The Government has two principal objectives in its review of the Resource Management Law Reform Bill. The first is to improve the certainty of the Bill's effect. Out [REDACTED]

Out of Scope

Out of Scope

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TERMS OF REFERENCE

To review the Resource Management Bill and make recommendations to the Minister for the Environment by 31st January 1991, including draft amendments to the Bill, which :

- * secure greater certainty as to the Bill's effect, consistent with retaining wide opportunities for public participation and ensuring that resources are used and managed in a sustainable way;
- * ensure the Bill provides a suitable framework for the future introduction of economic instruments for resource management;
- * are workable.



CABINET

CAB (90) M 40/19

Document 6

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→ Minister for the Environment

Copies to:

All Ministers
Chief Parliamentary Counsel



RESOURCE MANAGEMENT BILL - REVIEW GROUP

Reference: CAB (90) 865

At the meeting on 12 November 1990 Cabinet:

- a agreed that the review of the Resource Management Bill should be carried out in the following manner:
 - i the immediate establishment of a Review Group to review the Bill and make recommendations to the Minister for the Environment including draft amendments which:
 - ▲ secure greater certainty as to the Bill's effect, consistent with retaining wide opportunities for public participation and ensuring that resources are used and managed in a sustainable way;
 - ▲ ensure that the Bill provides a suitable framework for the future introduction of economic instruments for resource management;
 - ▲ are workable;
 - ii the Review Group to comprise Tony RANDERSON (chair), Brent WHEELER, Prue CROSSAN, Ken TREMAINE and Guy SALMON, and be serviced for law drafting purposes by John HASSAN, Senior Instructing Solicitor, Ministry for the Environment;
 - iii the Bill to be re-committed to a Select Committee during the December 1990 sitting of the House;

Released under the Official Information Act 1982

- iv the Review Group to report to the Government by 31 January 1991;
- v the Select Committee to consider the revised Bill during February/March 1991;
- vi the Bill to be reported back to the House by the end of March 1991, debated and passed by the end of April 1991;
- vii the Bill to have a commencement date of 1 July 1991 so as to provide 2 months for administrators and users to familiarise themselves with its contents;

b Out of Scope

c Out of Scope

d agreed that, as the Review Group task is independent of those involved in drafting the Bill currently before the House, it would be inappropriate for Government Departments to make independent submissions to the Review Group;

e agreed that any comments that a Government Department may wish to make should be conveyed through its Minister to the Minister for the Environment so that the comments can be co-ordinated at Ministerial level.



Secretary of the Cabinet

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CABINET

Document 7

RECEIVED

22 FEB 1991

MFE

by

CAB (91) M 6/4

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→ Minister for the Environment

Copies to:

All Ministers
Chief Parliamentary Counsel
Secretary, Cabinet Environment Committee

RESOURCE MANAGEMENT BILL : REVIEW GROUP

Reference: CAB (91) 72

At the meeting on 18 February 1991 Cabinet:

- a noted the report of the Review Group on the Resource Management Bill under CAB (91) 72;
- b invited a working group consisting of the Minister for the Environment (Chair), Ministers of Finance, Agriculture, Fisheries, Local Government, Employment, Conservation, Energy and Transport jointly to prepare a paper and report back to the Cabinet Environment Committee;
- c invited any other Minister who wished to attend the discussions of the working group to do so;
- d noted that the working group will be serviced by the Office of the Minister for the Environment, and that the Prime Minister may be represented by an official of the Department of the Prime Minister and Cabinet;
- e noted that the Minister for the Environment would release the report of the Review Group on the Resource Management Bill after the working group had reported back to Cabinet next week;
- f noted that the target of enactment by 1 July 1991 continues to be the deadline to be worked towards, although there were likely to be some difficulties with this timetable.

Secretary of the Cabinet



CABINET

ENVIRONMENT COMMITTEE

ENV (91) 4

Copy No 13

15 March 1991

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RESOURCE MANAGEMENT BILL : REVIEW GROUP'S RECOMMENDATIONS

On 18 February 1991, Cabinet noted the Report of the Review Group on the Resource Management Bill and "invited a working group consisting of the Minister for the Environment (Chair), Ministers of Finance, Agriculture, Fisheries, Local Government, Employment, Conservation, Energy and Transport jointly to prepare a paper and report back to the Cabinet Environment Committee" [CAB (91) M 6/4 refers].

This paper details the recommendations from the Review Group, followed by brief descriptions of the views of 15 of the 27 Government Departments whose views were sought on the Review Group's Report. Cabinet Office understand that other Departments were informed that this paper would not set out their detailed position and that it was expected that their Ministers would propose any changes desired.

The Minister for the Environment proposes a two-stage approach to reviewing the recommendations of the Review Group on the Resource Management Bill:

- a deal with all the non-contentious matters at the meeting on Tuesday, 19 March;
- b defer for consideration at the meeting on 26 March all those issues which require further discussion.

A separate report from the Minister of Energy is attached to ENV (91) 5.

The Minister for the Environment recommends that the Committee:

Purpose and Principles

Out of Scope



Out of Scope

Clause 6 - Treaty of Waitangi

c agree that clause 6 be amended as follows:

"In achieving the purpose of this Act all persons who exercise functions and powers under it shall take into account the principles of the Treaty of Waitangi Te Tiriti O Waitangi";

d agree that clause 356 (a) be amended to enable the Planning Tribunal to make declarations as to the nature and extent of the duty under clause 6;

e agree that clause 2 be amended to define the Treaty of Waitangi te Tiriti O Waitangi to mean "the Treaty as defined by the Treaty of Waitangi Act 1975";

f agree that:

EITHER [*Review Group*]

consideration be given to whether the Planning Tribunal should have the ability to seek an advisory opinion from the Waitangi Tribunal on the duties under clause 6;

OR [*Minister for the Environment*]

the Planning Tribunal not be given the ability to formally seek an advisory opinion from the Waitangi Tribunal on the duties under clause 6;

Out of Scope

ca agree that the Chief Parliamentary Counsel be directed to prepare a Supplementary Order Paper in accordance with the above decisions, instructions from the Ministry for the Environment and the suggested drafts in Appendix VI of the review group report.

(Signed) Margot Chaffey
for Secretary of the Cabinet

COPIES TO:

Cabinet Environment Committee

- 16 14 Minister of Labour
- 17 15 Secretary of Labour
- 18 16 Minister of Fisheries
- 19 17 Director-General of Agriculture and Fisheries
- 20 18 Secretary of Forestry
- Minister for State Owned Enterprises
- 21 19 Head, SOE Unit
- 22 20 Minister of Commerce
- 23 21 Secretary of Commerce
- 24 22 Secretary of Commerce (Energy)
- 25 Minister of Justice
- 26 Secretary for Justice
- 27 Minister of Employment
- 28 Director, NZ Employment Service
- 29 Minister of Maori Affairs
- 30 Chief Executive, Manatu Maori
- 31, 32 Secretary to the Treasury
- 33 Secretary for the Environment
- 34 Secretary of Internal Affairs (Local Government Division)
- 35 Secretary for Transport
- 36 Director-General of Conservation
- 37 Director-General, DSIR

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14 March 1990

Chairman and members
Cabinet Environment Committee

RESOURCE MANAGEMENT BILL : REVIEW GROUP RECOMMENDATIONS

I. INTRODUCTION

1. This paper sets out the decisions that need to be taken to allow the Resource Management Bill to advance quickly in order to deliver on our policy undertaking of passing the Bill and having it commence on 1 July 1991.
2. The Resource Management Bill introduced to Parliament in December 1989 is the largest single legislative reform undertaken in this country. The proposals in the Bill result from detailed analysis of all aspects of resource management and extensive consultation with the wider community at several stages through the development of policy including freephones, meetings, hui, provision of newsletters and discussion documents.
3. The Bill repeals over 18 major resource statutes and amends or repeals up to 60 others. It treats the environment as a whole and avoids past practices of arbitrary boundaries. It sets out one unifying set of principles on which to take resource decisions and establishes common processes for consideration of issues. It requires decisions to be based on effects of activities. It restrains decision-makers at all levels from imposing restrictions except where this has been shown to be pertinent to the resource problem being faced and is the most effective way of solving the problem. The combined effect of this will be a much more focused management of resources that has reduced costs, allows industry to be innovative whilst achieving high environmental standards.
4. The Bill was considered by a special Select Committee from December 1989 until reported back in August 1990. The Select Committee received over 1350 submissions during this period. The Bill was not passed in the last session but carried over.
5. Though in agreement with the broad concepts of the Bill we have held misgivings regarding some of the detail of the Bill's provisions. For this reason, soon after taking office, I established a Review Group with a terms of reference to examine

the Bill and recommend measures that would improve the Bill's certainty and workability and to ensure that the framework of the Bill would not preclude the future use of economic instruments where these will be the most cost-effective manner of providing solutions to environmental issues.

6. The Review Group were Tony Randerson (chair), Brent Wheeler, Prue Crosson, Ken Tremaine and Guy Salmon. The Review Group examined the Bill, produced a discussion document, held public meetings and carried out extensive consultation prior to making its recommendations. The Review Group submitted its report on 11 February.

7. I have previously circulated copies of the Review Group's 188 page report to all members of Cabinet and Caucus. The report has also been released publicly and approx 1500 copies have been distributed.

8. On 18 February 1991, Cabinet (CAB(91)M6/4) noted the Review Group's report and "invited a working group consisting of the Minister for the Environment (chair), Ministers of Finance, Agriculture, Fisheries, Local Government, Employment, Conservation, Energy and Transport jointly to prepare a paper and report back to the Cabinet Environment Committee". We have met jointly and separately on the issues and it was agreed that I prepare this report back to the Committee.

9. This paper details the recommendations from that Review Group. The work carried out is extensive. In the normal course of events many of the issues traversed would be the subject of individual Cabinet Committee papers. Such action would, I judge, unreasonably delay the Bill's progress and seriously endanger our commencement date. Given this and pre-circulation of the report I have therefore sought only to briefly outline the issues associated with each major subject.

10. I have included comments and recommendations where I believe them warranted.

Input from other Departments

11. The views of 27 Government departments were sought on the Review Group's report. Departments were asked to note whether they agreed or disagreed with the recommendations and where they disagreed to provide brief explanations of their positions. Departments were informed that the paper would not set out their detailed position and that it was expected that their Ministers would propose any changes desired.

12. Fifteen departments were able to respond. A number of these noted that in the short time available, they had given only cursory consideration to the report. Where no comment was made it should not be assumed the departments necessarily agree with the review group findings.

13. Departments tended to respond only to recommendations but noted that there were also issues of concern contained in the text which they may wish to take up directly with their Ministers. Ministry of Commerce, for instance, indicated it would provide a separate paper on geothermal and part IX.

14. Departmental comments in the paper are therefore preliminary only. Some departments such as DSIR were not in a position to respond at such short notice and did not consider a hasty response appropriate. They noted they would make their comments through the Cabinet Committee process.

15. For each major policy issue the views of Departments have been recorded in the text where a view has been expressed.

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RECOMMENDATIONS

It is recommended that the Committee:

Out of Scope

Clause 6 - Treaty of Waitangi

c agree that clause 6 be amended as follows:

"In achieving the purpose of this Act all persons who exercise functions and powers under it shall take into account the principles of the Treaty of Waitangi Te Tiriti O Waitangi."

d agree that clause 356(a) be amended to enable the Planning Tribunal to make declarations as to the nature and extent of the duty under clause 6;

e agree that clause 2 be amended to define the Treaty of Waitangi Te Tiriti O Waitangi to mean "the Treaty as defined by the Treaty of Waitangi Act 1975";

f agree that

EITHER

consideration be given to whether the Planning Tribunal should have the ability to seek an advisory opinion from the Waitangi Tribunal on the duties under clause 6 (Review Group)

OR

the Planning Tribunal not be given the ability to formally seek an advisory opinion from the Waitangi Tribunal on the duties under clause 6; (Minister's preference)

Out of Scope

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Out of Scope

III. CLAUSE 6 - TREATY OF WAITANGI

32. The report recommends a revised clause 6 (Treaty) as follows:

"In achieving the purpose of this Act all persons who exercise functions and powers under it shall take into account the principles of the Treaty of Waitangi Te Tiriti O Waitangi."

33. This deletes reference to the special relationship between the Crown and te iwi Maori and instead refers to the principles of the Treaty. It considered that such an amendment would provide clearer guidelines to those exercising functions under the Bill. The principles already enunciated (including implied obligations) will provide guidance for exercising functions under this clause. It is also consistent with Treaty sections in other Acts.

34. The report notes that reliance will be placed on principles which have emerged from the Courts and the Waitangi Tribunal, particularly the principle of partnership, and that Treaty jurisprudence will develop over time.

35. The report recommends the words "Treaty of Waitangi Te Tiriti o Waitangi" be defined in clause 2 to mean the Treaty as defined in the Treaty of Waitangi Act.

36. The majority of the review group recommend that clause 356(a) of the Bill be amended to enable the Planning Tribunal to make declarations as to the nature and extent of the duty under clause 6. Without this the majority considered clause 6 would operate in a vacuum. The minority view is that a separate power to make declarations as to the extent or nature of the obligations under clause 6 is unnecessary and could lead to confusion given the specific statutory mandate of the Waitangi Tribunal.

37. The report also recommends that consideration be given to whether the Planning Tribunal should have the ability to seek an advisory opinion from the Waitangi Tribunal on the duties under clause 6.

Departmental Comments

38. Most departments supported the review group's rewording of clause 6.

39. Manatu Maori do not oppose the recommendation but would prefer the Treaty reference in the reported back Bill.

40. Justice disagrees with the recommendation. It believes "Take into account" should be strengthened to "take full and balanced account". The Treaty should be referred to by either of its names, but not both.

41. Manatu Maori believes that more analysis is required before accepting the Review Group's recommendation that clause 356(a) be amended. Manatu Maori also believes more analysis is required regarding the ability of the Planning Tribunal to seek advice from the Waitangi Tribunal.

42. DOSLI believes that the new clause 6 places insufficient compulsion on resource managers to actually exercise functions and powers under the Act in a manner consistent with the principles of the Treaty of Waitangi. Inadequate Treaty provisions could activate latent grievances and could generate otherwise avoidable grievances.

Minister's Comments

43. I concur with the recommended revision of clause 6. I disagree with the recommendation that the Planning Tribunal be able to seek advisory opinions from the Waitangi Tribunal. The Planning Tribunal is a court and the Waitangi Tribunal is a tribunal serving the executive. For constitutional reasons, it is important to keep the bodies separate. At a more practical level such a power could lead to inordinate delays. It could also place both bodies in an invidious position. For instance, claimants who feel aggrieved as to how the Planning Tribunal responds to advice from the Waitangi Tribunal may then lodge a claim to the Waitangi Tribunal about the same issue.

Recommendations

Clause 6 - Treaty of Waitangi

c agree that clause 6 be amended as follows:

"In achieving the purpose of this Act all persons who exercise functions and powers under it shall take into account the principles of the Treaty of Waitangi Te Tiriti O Waitangi."

d agree that clause 356(a) be amended to enable the Planning Tribunal to make declarations as to the nature and extent of the duty under clause 6;

e agree that clause 2 be amended to define the Treaty of Waitangi Te Tiriti O Waitangi to mean "the Treaty as defined by the Treaty of Waitangi Act 1975";

f agree that

EITHER

consideration be given to whether the Planning Tribunal should have the ability to seek an advisory opinion from the Waitangi Tribunal on the duties under clause 6 (Review Group)

OR

the Planning Tribunal not be given the ability to formally seek an advisory opinion from the Waitangi Tribunal on the duties under clause 6; (Minister's preference)

Out of Scope

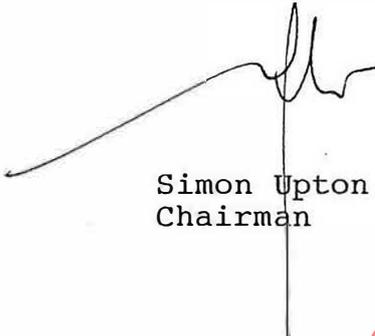
14 March 1991

Memo to : Members of Environment Cabinet Committee

Re : Resource Management Bill

On the agenda for next week's Environment Committee is a substantial report on the recommendations received by the Government from the Independent Review Group which reviewed the Bill.

I would suggest that we approach this report in two bites. That next week we resolve on all those matters of agreement and that the following week areas which are more contentious be addressed. I would expect contentious areas to include clauses 4 and 5; minerals and coastal management.



Simon Upton
Chairman

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MINISTER FOR THE ENVIRONMENT

15 March 1991

Secretary
Cabinet Office

Re : Resource Management Bill : Report of Review Group

I understand there is some concern regarding the consultation on this item. The report of the Review Group has been available to all Departments since its release on 27 February 1991. This report to Environment Cabinet Committee is a factual summary of their recommendations. While it was not circulated to Departments their input was sought. Comments received are reflected in the report.

As chairman of the committee I am satisfied that there has been adequate consultation before its submission to Cabinet Office. My colleagues on the working group set up under CAB(91)M6/4 agreed to this approach. Please ensure the item is on next week's committee meeting agenda. Thank you


Simon Upton
Chairman

N.B. Please note that it is not envisaged that the whole report will be dealt with at a single meeting. Rather, I suggest we deal with the mechanical, uncontentious bits this week and hold over the areas in dispute until the next week. This at least gives Parliamentary Council something to go on.

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CABINET
ENVIRONMENT COMMITTEE

Document 9

223 / 1
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ENV (91) M 3/1

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MINUTES of a meeting of the Committee held on 19 March 1991 at 10.15am

PRESENT: Hon Simon Upton (Chair)
Hon Ruth Richardson
Hon Warren Cooper
Hon Rob Storey
Hon Denis Marshall
Hon John Luxton

IN ATTENDANCE: Officials from: Agriculture & Fisheries
Forestry
Environment
Justice
Conservation
PM&C

RESOURCE MANAGEMENT BILL: REVIEW GROUPS' RECOMMENDATIONS

Reference: ENV (91) 4

The Committee:

a deferred recommendations (a) and (b) of ENV (91) 4;

Clause 6 - Treaty of Waitangi

b agreed that clause 6 be amended as follows:

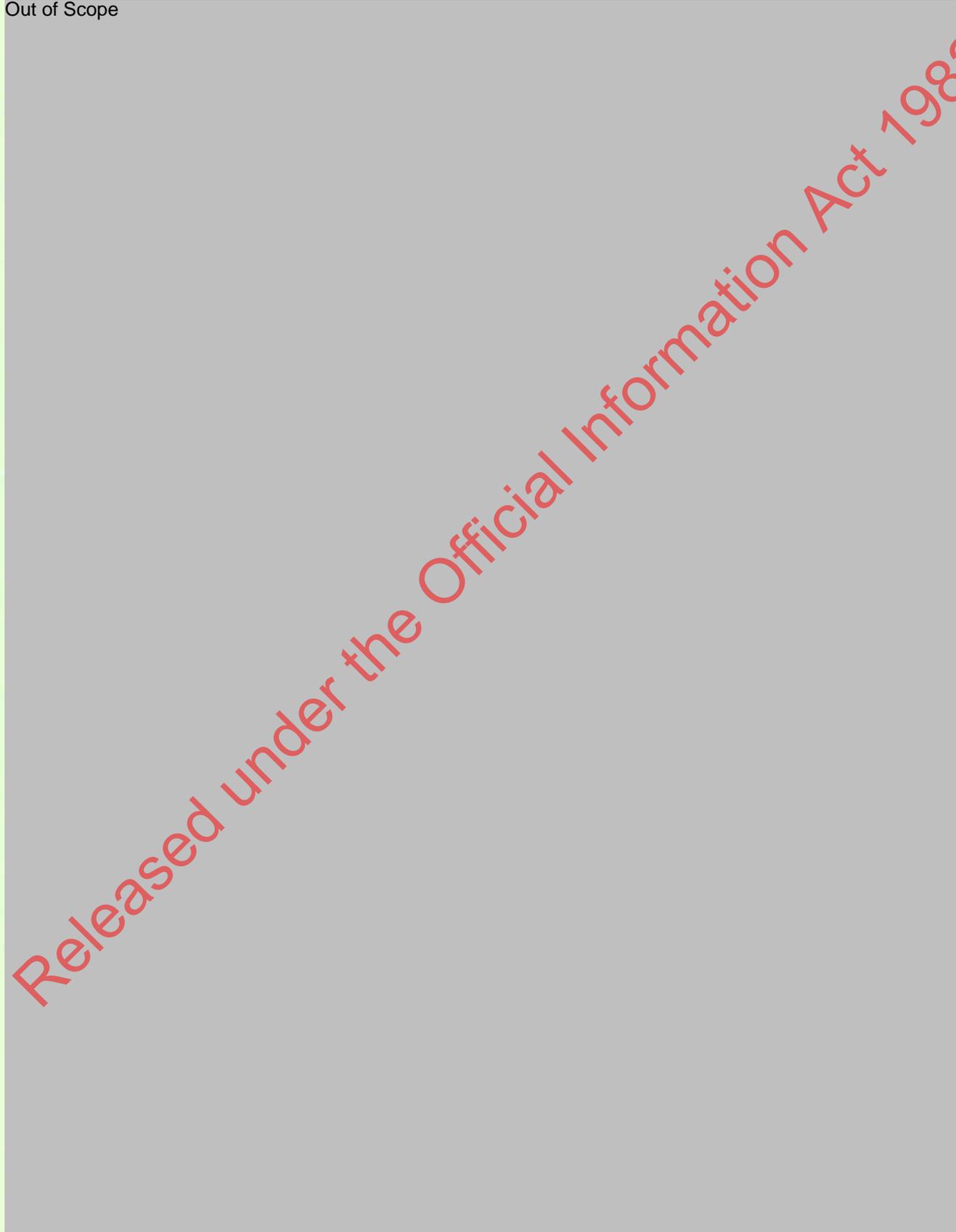
"In achieving the purpose of this Act all persons who exercise functions and powers under it shall take into account the principles of the Treaty of Waitangi Te Tiriti O Waitangi";

c agreed that clause 356 (a) be amended to enable the Planning Tribunal to make declarations as to the nature and extent of the duty under clause 6;

d agreed that clause 2 be amended to define the Treaty of Waitangi te Tiriti O Waitangi to mean "the Treaty as defined by the Treaty of Waitangi Act 1975";

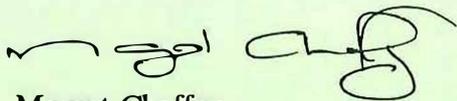
e agreed that the Planning Tribunal not be given the ability to formally seek an advisory opinion from the Waitangi Tribunal on the duties under clause 6;

Out of Scope



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Out of Scope



Margot Chaffey
Secretary

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Director-General of Agriculture & Fisheries
Head, State Owned Enterprises Unit
Minister of Commerce
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Minister of Justice
Secretary for Justice
Minister of Employment
Director, NZ Employment Service
Minister of Maori Affairs
Chief Executive, Manatu Maori
Secretary to the Treasury
Secretary of Forestry
Secretary for the Environment
Secretary of Internal Affairs [Local Government Division]
Secretary for Transport
Director-General of Conservation
Director-General, DSIR
Secretary of Commerce [Energy]
Chief Parliamentary Counsel

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ENVIRONMENT COMMITTEE

ENV (91) 6

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22 March 1991

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RESOURCE MANAGEMENT BILL : REVIEW GROUP'S RECOMMENDATIONS

At its meeting on 19 March 1991, the Cabinet Environment Committee considered a paper submitted by the Minister for the Environment on the recommendations of the Review Group on the Resource Management Bill [ENV (91) 4 refers].

The majority of the recommendations under ENV (91) 4 were considered and agreed. However, a number of issues were deferred pending further discussion [ENV (91) M 3/1 refers].

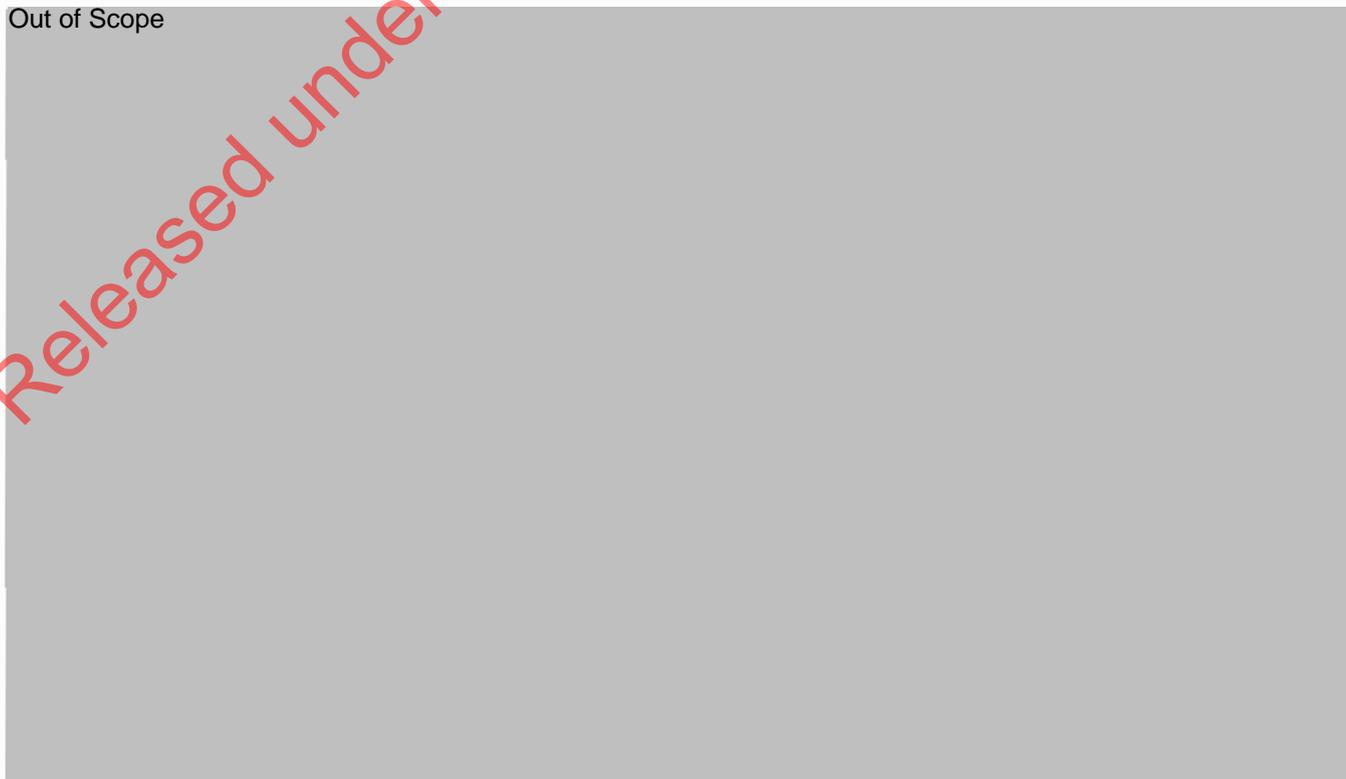
This submission lists all the decisions and outstanding recommendations from the last meeting, to retain the original numbering.

ENV (91) M 3/1 is attached for Ministers' information.

The Minister for the Environment recommends that the Committee:

Purposes and Principles

Out of Scope



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Clause 6 - Treaty of Waitangi

- c *See para (b) of ENV (91) M 3/1.*
- d *See para (c) of ENV (91) M 3/1.*
- e *See para (d) of ENV (91) M 3/1.*
- f *See para (e) of ENV (91) M 3/1.*

Out of Scope

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Out of Scope

ca agree that the Chief Parliamentary Counsel be directed to prepare a Supplementary Order Paper in accordance with the above decisions, instructions from the Ministry for the Environment and the suggested drafts in Appendix VI of the review group report.

(Signed) Margot Chaffey
for Secretary of the Cabinet

COPIES TO:

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- 16 Minister of Labour
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- 19 Director-General of Agriculture and Fisheries
- 20 Head, SOE Unit
- 21 Minister of Commerce
- 22 Secretary of Commerce
- 23 Minister of Justice
- 24 Secretary for Justice
- 25 Minister of Employment
- 26 Director, NZ Employment Service
- 27 Minister of Maori Affairs
- 28 Chief Executive, Manatu Maori
- 29, 30 Secretary to the Treasury
- 31 Secretary of Forestry
- 32 Secretary for the Environment
- 33 Secretary of Internal Affairs (Local Government Division)
- 34 Secretary for Transport
- 35 Director-General of Conservation
- 36 Director-General, DSIR
- 37 Secretary of Commerce (Energy)
- 38, 39 Chief Parliamentary Counsel



CABINET

ENVIRONMENT COMMITTEE

ENV (91) M 4/3

Copy No 1

ENV ENVIRONMENT

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MINUTES of a meeting of the Committee held on Tuesday, 26 March 1991 at 7.30 pm

PRESENT: Hon Simon Upton (Chair)
Hon Denis Marshall
Hon Ruth Richardson (part of item)
Hon John Falloon (part of item)

IN ATTENDANCE: Officials from: PM&C
Treasury
Environment
Agriculture & Fisheries
Justice
Conservation

RESOURCE MANAGEMENT BILL: REVIEW GROUP'S RECOMMENDATIONS

References: ENV (91) 6; ENV (91) 4

The Committee:

Purpose and Other Matters

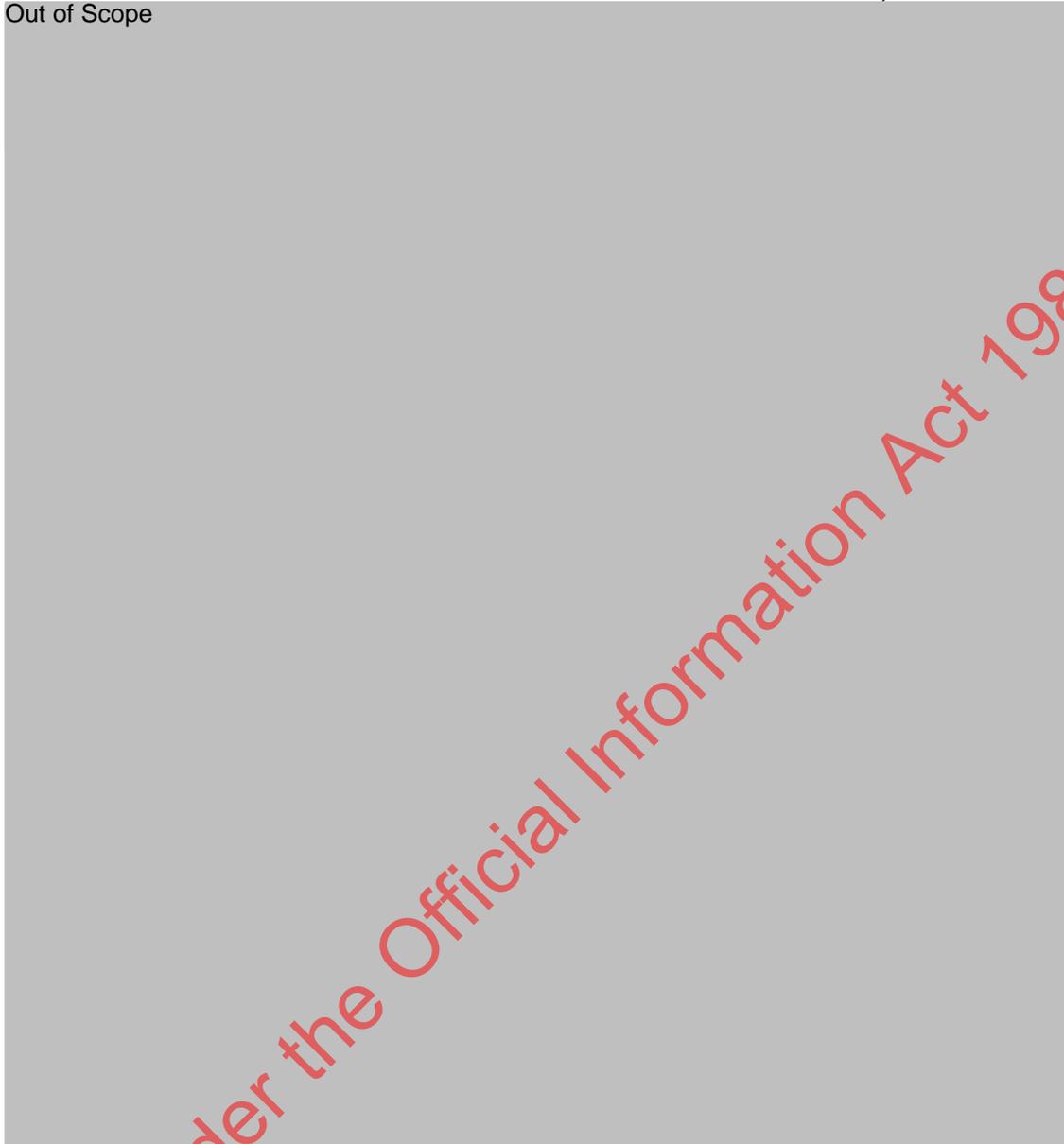
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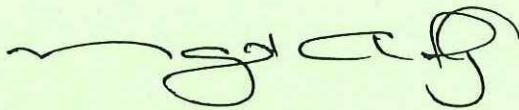


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- d agreed that clause 6 - Treaty of Waitangi be amended, as recommended by the Review Group, to read:

In achieving the purpose of this Act all persons who exercise functions and powers under it shall take into account the principles of the Treaty of Waitangi Te Tiriti o Waitangi."

Out of Scope



Margot Chaffey
Secretary

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Minister of Employment
Director, NZ Employment Service
Minister of Maori Affairs
Chief Executive, Manatu Maori
Secretary to the Treasury
Secretary of Forestry
Secretary for the Environment
Secretary of Internal Affairs (Local Government Division)
Secretary for Transport
Director-General of Conservation
Director-General, DSIR
Secretary of Commerce (Energy)
Chief Parliamentary Counsel

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CABINET
LEGISLATION COMMITTEE

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LEG (91) M 10/3

223/1
11/7/8

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MINUTES of a meeting of the Committee held on 2 May 1991 at 9.15 am

- PRESENT: Hon Doug Graham (Chair)
Hon Denis Marshall
Hon Wyatt Creech
Mr Jeff Grant, MP
- ALSO PRESENT: Hon Simon Upton
Hon Warren Cooper
Hon Rob Storey
- IN ATTENDANCE: Officials from Treasury
Ministry for the Environment
Department of Justice
Parliamentary Counsel Office

SUPPLEMENTARY ORDER PAPER : RESOURCE MANAGEMENT BILL

Reference: PCO 18/6

The Committee:

- a noted that the Government has made its policy decisions on the Resource Management Bill arising from the Review Group's report;
- b noted the necessity to introduce the Supplementary Order Paper on the Resource Management Bill no later than 9 May to allow the proposed timetable for the Bill to be achieved;
- c noted that the Minister for the Environment, his officials, the Leader of the House, Chief Parliamentary Counsel and the Clerk of the House would be consulting on the appropriate form of the Notice of Motion to introduce the Supplementary Order Paper and refer it to the Select Committee on the Bill;
- d noted that provisions amending the minerals provisions (Part IX "Crown Owned Minerals") of the Resource Management Bill were not included in the present draft (PCO 18/6) but would be included in the draft to be submitted to Cabinet.
- e approved the Supplementary Order Paper to the Resource Management Bill for submission to Cabinet, subject to the inclusion of the minerals provisions and the various minor technical changes indicated by the Minister for the Environment.

Hugh Hanna
Secretary
COPIES TO: (See over)

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 Secretary to the Treasury
Minister of Commerce
 Secretary of Commerce
Minister for the Environment
 Secretary for the Environment
Secretary for Justice
Director-General of Conservation
Chief Parliamentary Counsel
Clerk of the House

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CABINET

223/1

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PCO 18/7

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3 May 1991

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26

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SUPPLEMENTARY ORDER PAPER : RESOURCE MANAGEMENT BILL

On 2 May 1991, the Cabinet Legislation Committee approved the attached Supplementary Order Paper for submission to Cabinet, noting that it would need to be introduced by 9 May 1991.

Attached are:

- 1 a Memorandum from the Minister for the Environment;
- 2 a copy of the draft Supplementary Order Paper [PCO 18/7].

(Signed) Hugh Hanna
for Secretary of the Cabinet

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Office of the Minister for the Environment

30 April 1991

Chairman and Members
Cabinet Legislation Committee

SUPPLEMENTARY ORDER PAPER : RESOURCE MANAGEMENT BILL

Introduction

1. This paper requests the Committee's approval to the introduction of a Supplementary Order for the Resource Management Bill. It is necessary to proceed promptly with the introduction of the SOP if Government is to meet the timetable for the Bill that has been publicly stated.

Background

2. The Resource Management Bill was introduced into Parliament in December 1989. It was preceded by detailed analysis of policy issues and existing legislation accompanied by extensive consultation with the wider community regarding the proposals. Over 3500 submissions were received prior to the Bill's introduction.

3. A special select committee studied the Bill. It received over 1325 submissions and heard over 300 of these. The Select Committee reported back in August 1990, the Bill was read a second time, the House went into committee, the debate was adjourned and the Bill was carried over.

4. As Government had a number of misgivings about the Bill, soon after the election I proposed that an independent review group be appointed to examine the Bill. This was agreed and the brief given the review group was to :

- (i) ensure the provisions in the Bill provided certainty to all parties involved in using the measures contained in the Bill;
- (ii) ensure the provisions in the Bill did not preclude the use of economic instruments at some stage in the future;
- (iii) ensure the provisions in the Bill were workable.

5. The Review Group were Tony Randerson (chair), Prue Crosson, Ken Tremaine, Brent Wheeler and Guy Salmon. The Review Group produced a discussion document and held public meetings to discuss this in December 1990. It also invited and subsequently received submissions on that report and following consideration of these it submitted its report to Government on 11 February 1991.

Policy decisions

6. The Review Group's report dealt with six major policy areas and reported on a number of other miscellaneous changes to improve workability.

7. The major policy areas are:

- the Bill's purpose and principles;
- Government policy statements;
- Environmental standards and Best Practicable Option;
- Mineral allocation and Land Owner Access;
- Coastal Management; and
- Economic Instruments.

8. Government has since considered the recommendations of the Review Group's report and made its decisions on those matters along with other issues that have arisen [CAB(91) M 15/17, CAB(91) M 14/6b, CAB(91) M 14/16, CAB(91) M 15/19, ENV(91) M 7/4, ENV(91) M 4/3, ENV(91) M 3/1, and STA(91) M 11/1 refer].

9. It is likely that, to some sectors of the community, the proposed changes to the purpose and principles part of the Bill and the changes proposed to minerals allocation and the surface landowner's rights will be regarded as contentious issues. The same sections may be equally seen as quite appropriate and acceptable by other sectors of the community.

10. The proposed changes do not alter the compliance of the Bill to the Treaty of Waitangi, the Bill of Rights 1990, relevant international standards and obligations and the guidelines in the Legislative Advisory Committee's report on legislative change.

11. As stated above there has been significant consultation in the development of the policies considered. It is considered that all the relevant bodies have been consulted. All government departments were forwarded copies of the report and requested to provide comment on the acceptability or otherwise of the Review Group's recommendations. Departments have subsequently been able to participate in the Cabinet Committee processes that considered the recommendations.

Supplementary Order Paper

12. Ministry for the Environment and Ministry of Commerce have provided Parliamentary Counsel with drafting instructions to reflect the policy decisions taken by Government. Parliamentary Counsel has prepared a Supplementary Order Paper to reflect these instructions. The draft Supplementary Order Paper is attached and the Committee will be provided with a replacement updated version at its meeting.

13. The Supplementary Order Paper will comprise approximately 150 clauses of medium complexity. Most of the clauses involve changes that are minor and aim to improve the workability of the Bill.

Timetable

14. The delay in the passage of the Resource Management Bill is causing deferral of investment decisions by local government and intending developers. Local government does not wish to embark on updating its planning schemes, many of which are necessary following Local Government Reform, only to have the process and focus change part way through. Similarly, development interests do not wish to see the rules change after they have commenced an application.

15. The Government has announced its intention to have the Resource Management Bill passed no later than 1 July 1991. To be able to meet this timetable, the Supplementary Order Paper must be introduced no later than 9 May 1991. This will allow the Select Committee to which the SOP is referred, to call for submissions while the House is adjourned from 9 to 28 May 1991.

Recommendations

16. It is recommended that the Committee:

- a note that Government has made its policy decisions on the Resource Management Bill arising from the Review Group's report;
- b note the necessity to refer the SOP on the Resource Management Bill no later than 9 May to allow the proposed timetable for the Bill to be achieved;
- c approve as ready for referral the Supplementary Order Paper on the Resource Management Bill.



Simon Upton
Minister for the Environment

Document 13b

No. 00

1

P.C.O. 18/7

Drafted by Ian Hurrell

RESTRICTED

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

1991

RESOURCE MANAGEMENT BILL

Proposed Amendments

Hon. SIMON UPTON, in Committee, to move the following amendments:

Out of Scope



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Pages 2 and 4-56 omitted: out of scope

3

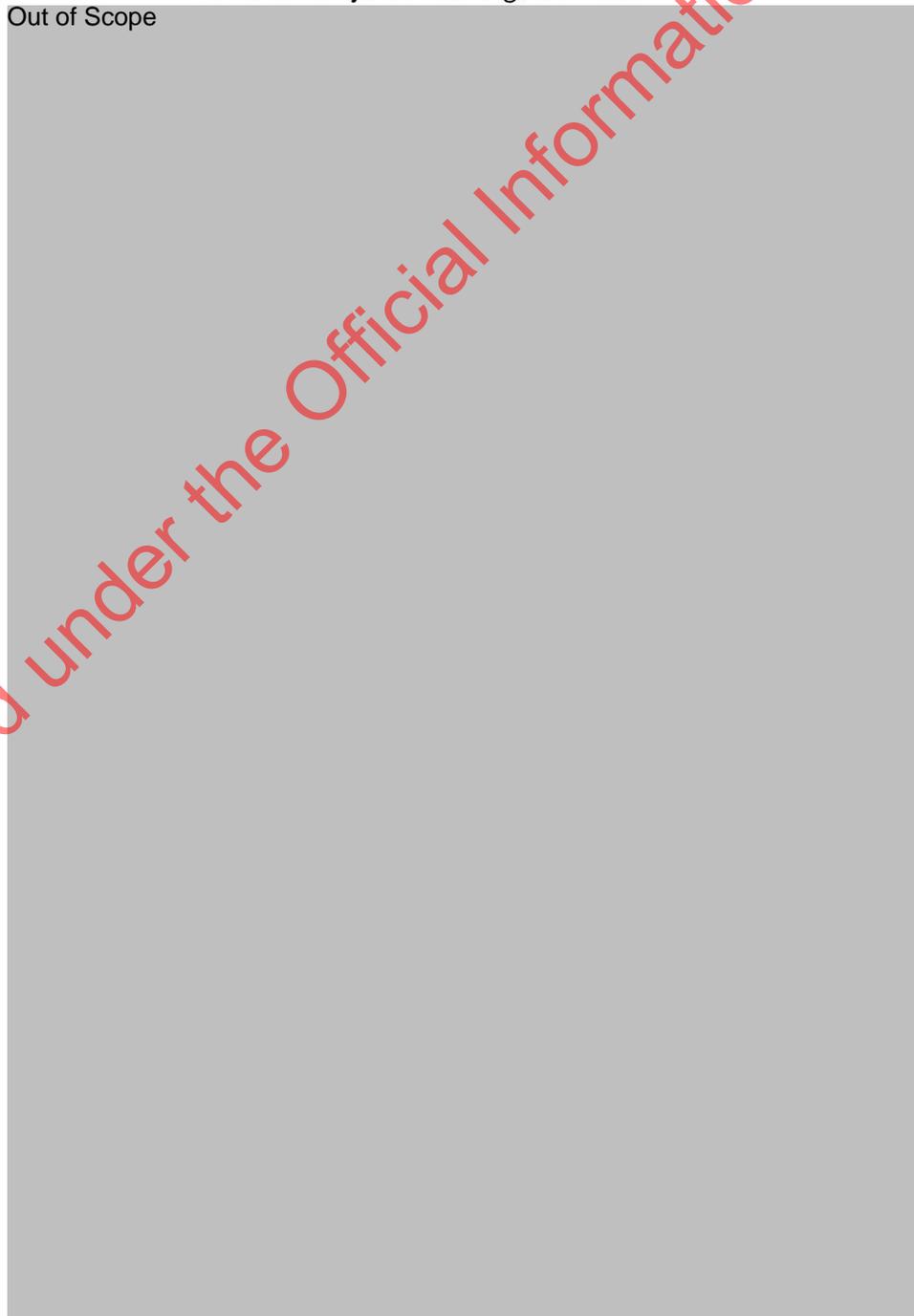
Out of Scope



To insert, after the definition of the term “Tikanga Maori”, the following definition:

“Treaty of Waitangi (Te Tiriti o Waitangi)” has the same meaning as the word “Treaty” as defined in section 2 of the Treaty of Waitangi Act 1975:

Out of Scope



Released under the Official Information Act 1982