

Official Information Act Request

Requester's details

Response date: 3 June 2021

Name: [REDACTED]

Organisation: Simpson Grierson

Email: [REDACTED]@simpsongrierson.com

Reference number: ENQ-41486-S8W3P0

Dear [REDACTED]

I refer to your official information request dated 27 May 2021 for “copies of all legal advice received from both internal and external legal advisors, including any notes taken by EPA staff recording that advice, or internal communications discussing that advice, which was generated or received between 1 December 2019 and 17 March 2020, in relation to BWO’s rights and obligations and/or the EPA’s rights and obligations in connection with the Umuroa...”

Thank you for refining your request by type of information requested and time frame.

There is significant overlap across your 23 December 2020 and 27 May 2021 requests. Your 27 May request however relates solely to legal advice. As you know, in response to your 23 December 2020 request, the EPA maintained legal privilege over communications made in the course of, and for the purpose of giving or receiving legal advice, and withheld that information under s 9(2)(h) of the Official Information Act 1982 (OIA). Ms Casey QC subsequently in her letter of 14 May 2021 set out our detailed response to your arguments that public interest considerations favoured release of legal advice relating to the Umuroa.

The EPA maintains its position that public interest considerations do not outweigh the maintenance of legal privilege in the present context. Accordingly your refined request for legal advice is declined, on the basis that the information requested is withheld under s 9(2)(h) OIA.

You have the right to seek an investigation and review by the Ombudsman of this decision. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz.

If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz.

We will publish your request and our response on our website, www.epa.govt.nz, within 10 working days from today. We make OIA responses available so others can read more about the work we do and the questions we are asked. Any information that might identify you will be removed to protect your privacy.

Yours sincerely

A handwritten signature in blue ink that reads "SQuayle". The signature is written in a cursive style with a large initial 'S'.

Siobhan Quayle
Group General Manager
Regulatory Systems and Operations