

s 9(2)(a)

s 9(2)(a) Simpson Grierson

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s 9(2)(a) @simpsongrierson.com

Dear s 9(2)(a)

I refer to your official information requested dated 14 August 2018 for *all information (together with copies of any supporting documentation) held by the Ministry for the Environment with regard to proposals developed in 2017 for third parties to plant on Crown owned or government land.*

We apologise for the length of time it has taken to provide you with this information. The task of assessing the material has been time-consuming, and it has been necessary for us to consult with a number of other agencies to finalise the material. We thank you for working constructively with us to reach an agreement to extend the response time by 30 working days and to release documents such as briefing notes, memos, status updates and Cabinet papers, but to exclude the many emails which would otherwise have required assessment. One Cabinet paper produced under the previous Government is still outstanding; convention requires us to consult with the Leader of the Opposition before releasing this document and we will send this document through as soon as possible once we have received approval from the previous Cabinet.

Twenty nine documents fall within the revised scope of your request. A list of titles has been provided below, and the documents are attached to this email.

Redactions have been made to some words, lines or paragraphs that are out of scope of the request, or when a relevant withholding ground under the Official Information Act 1982 has been found to apply and the public interest in making the information available has not been found to outweigh the good reason for withholding the information.

Please note that the information which has been withheld under s 9(2)(j) relates to ongoing negotiations between the Crown and iwi relating to Crown land, some of which is planted in forestry.

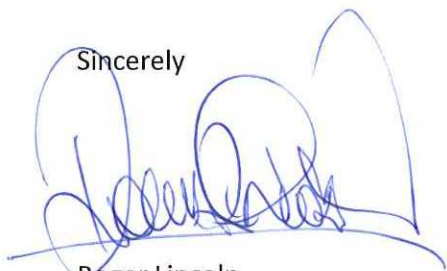
All information relating to proposals made my private entities to the Crown relating to carbon capture has been released, including most details concerning the applications and the Government's rationale in declining these proposals. The company names, identifying details such as names of company representatives, and sensitive commercial information such as the amounts of money envisaged in the contracts have been withheld under s 9(2)(b)(ii). These details relate to business strategies and, if released, could prejudice the commercial position of the respective companies. Further, we do not believe there is a strong public interest in release that would override the good reason to withhold.

Legal advice received by Ministry for the Environment from its legal team and from Crown Law is subject to legal professional privilege and as such has been withheld under s 9(2)(h).

A small number of redactions have been made under the withholding ground of s 9(2)(f)(iv).

If you wish to discuss this response with us, please feel free to contact Matthew Cowie, Manager, ETS Policy, Ministry for the Environment – on 021-531-288 or by emailing matthew.cowie@mfe.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or on 0800 802 602.

Sincerely



Roger Lincoln
Director, Climate Change
Manatū Mō Te Taiao: Ministry for the Environment

Released under the provisions of
the Official Information Act 1982

List of documents falling within scope of your request

No.	Document date	Document title	Decision	OIA sections applied
1	18 May 2018	Ministry for the Environment Briefing Note: <i>Confirmation of Crown Conservation Contract Guidance Policy</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(j)
2	22 March 2018	Ministry for the Environment and Department of Conservation Departmental Memo: <i>Meeting with [withheld]</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(j) Some material is out of scope
3	22 February 2018	Ministry for the Environment Meeting Note: <i>Meeting Brief: [withheld] (27 February 2018)</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(j)
4	8 February 2018	Ministry for the Environment Meeting Brief: Meeting with <i>[withheld]</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(g)(i) Section 9(2)(h) Section 9(2)(j)
5	8 February 2018	Department of Conservation Departmental Briefing: <i>Carbon Farming on Public Conservation Land</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(j) Some material is out of scope
6	7 September 2017	Letter addressed to Hon Paula Bennett, Minister for Climate Change Issues	Released in part	Section 9(2)(b)(ii)
7	28 August 2017	Ministry for the Environment Status Report: <i>Status Report 33, Minister for Climate Change Issues, Week Beginning 28 August 2017</i>	Released in part	Most material is out of scope. Section 9(2)(b)(ii)
8	21 August 2017	Ministry for the Environment, Department of Conservation and Ministry of Primary Industries Memo: <i>Next Steps for CCC Guidance</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(h)
9	18 August 2017	Ministry for the Environment Cabinet Paper for the Cabinet Economic Growth and Infrastructure Committee: <i>Crown Conservation Contract Guidance</i>	TBC. Please note that we are awaiting the results of consultation with the Leader of the Opposition and will send this document through as soon as possible once we hear back, subject to the Leader of the Opposition approving the document's release.	TBC.
10	14 August 2017	Ministry for the Environment Talking Points: <i>Talking Points: Cabinet Paper – Crown</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(h)

		<i>Conservation Contract Guidance</i>		
11	10 August 2017	Letter from Hon Paula Bennett, Minister for Climate Change Issues	Released in part	Section 9(2)(b)(ii)
12	N/A	Department of Conservation website text: <i>Crown Conservation Contract Guidance</i>	Publicly available Please view online by following www.doc.govt.nz/about-us/our-policies-and-plans/crown-conservation-contract/	N/A
13	25 July 2017	Natural Resources Sector paper: <i>Carbon Farming on Crown Land</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(j)
14	21 July 2017	Natural Resources Sector talking points: <i>Carbon Farming on Crown Land: Key Messages</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(j)
15	3 July 2017	Ministry for the Environment Briefing: <i>Climate Change: Trees on Crown Land</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(j)
16	19 June 2017	Ministry for the Environment Weekly Update: <i>Weekly Update on Carbon Farming – Week Beginning 19 June 2017</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(j)
17	6 June 2017	Ministry for the Environment Memo: <i>Carbon Farming Proposals and Trees on Crown Land Policy</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(j)
18	26 May 2017	Ministry for the Environment Briefing: <i>Clarification of Crown Conservation Contract Policy</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(h)
19	26 May 2017	Ministry for the Environment memo: <i>Progress Update – Crown Conservation Contract Policy</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(h)
20	19 May 2017	Ministry for the Environment memo: <i>Cover Note – Trees on Crown Land</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(f)(iv) Section 9(2)(h)
21	2 May 2017	Ministry for the Environment Paper: <i>Crown Conservation Contract Policy Analysis</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(f)(iv) Section 9(2)(h)
22	28 April 2017	Ministry for the Environment Weekly Update: <i>Weekly Update on [withheld] and [withheld] Projects</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(f)(iv)
23	13 April	Ministry for the Environment	Released in part	Section 9(2)(b)(ii)

	2017	Briefing: <i>[withheld] Proposal and Trees on Crown Land – Options</i>		Section 9(2)(h)
24	7 April 2017	Ministry for the Environment Weekly Update: <i>Weekly Update on [withheld] and [withheld] projects</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(f)(iv)
25	3 March 2017	Ministry for the Environment Aide-memoire: <i>Progress on Crown Conservation Contracts Policy Work (to NRS Program Governance Group)</i>	Released in part	Section 9(2)(b)(ii) Section 9(2)(f)(iv)
26	22 February 2017	Ministry for the Environment Aide-memoire: <i>Progress on Crown Conservation Contracts Policy Work (to Penny Nelson, Deputy Secretary Sector Strategy)</i>	Released in part	Section 9(2)(b)(ii)
27	24 February 2017	Department of Conservation paper: <i>Quantifying Afforestation Potential on Public Conservation Land</i>	Released in full	N/A
28	March 2017	Ministry for the Environment Paper: <i>Climate Change Budget Bids</i>	Released in part	s 9(2)(b)(ii) Most of the material is out of scope.
29	February 2017	Ministry for the Environment Legal Advice: <i>Advice on the meaning of Crown Conservation Contract under the CCRA</i>	Withheld in full	s 9(2)(h)

Note: due to file size, please email ministerials@mfe.govt.nz for copies of the documents listed