

20 November 2019

19-D-02433

s 9(2)(a)

Sustainability Council of New Zealand  
s 9(2)(a) @sustainabilitynz.org

Dear s 9(2)(a)

Thank you for your email of 23 October 2019 requesting the following under the Official Information Act 1982 (the Act):

*Pursuant to the OIA, I request copies of the following in electronic form to this email address:*

*12/09/2019, 19-B-06001 A Draft Proposal for the Provisional Emissions Budget*

*5/09/2019, 19-B-05897 The Environmental Integrity and Fiscal Impacts of Allocating Emission Units to Refining NZ*

I am withholding both of the documents you have requested under the following sections of the Act:

- 9(2)(f)(iv) to maintain the constitutional convention protecting the confidentiality of advice tendered by Ministers and officials
- 9(2)(ba)(i) to protect information which is subject to an obligation of confidence.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

The Ministry is withholding in full 19-B-06001 A Draft Proposal for the Provisional Emissions Budget and 19-B-05897 The Environmental Integrity and Fiscal Impacts of Allocating Emission Units to Refining NZ under section 9(2)(f)(iv) of the Act, as they both refer to matters and decisions under active consideration by Cabinet.

The Government will release information on the provisional emissions budget and NZ ETS unit supply settings when public consultation begins on these topics. Once consultation begins, the Ministry will be in a position to reassess the decision to withhold 19-B-06001.

The Government is also considering industrial allocation policy. The decision to not release 19-B-05897 could be reconsidered once Cabinet has made decisions.

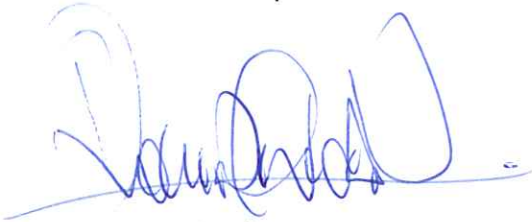
This briefing also contains confidential information that the Government cannot release. If the document was released in the future parts of it would likely be withheld to protect information subject to an obligation of confidence.

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](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry for the Environment 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, please feel free to contact our Executive Relations team.

Yours sincerely



**Roger Lincoln**  
Director, Climate Change

Released under the provision of  
the Official Information Act 1982

**List of documents**

<b>Document no.</b>	<b>Document date</b>	<b>Content</b>	<b>Decisions</b>	<b>OIA sections applied</b>
1	12 September 2019	19-B-06001 A Draft Proposal for the Provisional Emissions Budget	Withhold in full	S 9(2)(f)(iv) – to maintain the confidentiality of advice tendered
2	5 September 2019	19-B-05897 The Environmental Integrity and Fiscal Impacts of Allocating Emission Units to Refining NZ	Withhold in full	S 9(2)(f)(iv) – to maintain the confidentiality of advice tendered  9(2)(ba)(i) – to protect information which is subject to an obligation of confidence

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