



15 August 2024

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email of 18 July 2024 requesting the following under the Official Information Act 1982 (the Act):

I would like to make a request under the Official Information Act for the following documents:

- 21/02/2024 - BRF-4190: *Advice on Approval to consult: NZ ETS annual regulatory updates and settings 2024*
- 15/03/2024 - BRF-4379: *Approval to consult on proposed annual updates to NZ ETS settings*
- 21/03/2024 - BRF-4475: *Cover note – Ministerial consultation process for NZ ETS Annual Regulatory Update and Settings 2024*
- 03/04/2024 - BRF-4359: *Approval to lodge Cabinet paper – NZ ETS settings and Annual Regulatory Updates 2024*
- 11/04/2024 - BRF-4590: *Direction on next steps for ETS settings*
- 11/07/2024 - BRF-4919: *Key issues and options for NZ ETS settings*

The Ministry for the Environment has identified six documents in scope of your request, as listed in the attached table. I am withholding two documents in full and releasing four documents to you in part. Information that has been withheld or refused is done so in accordance with the following sections of the Act:

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| 9(2)(f)(iv) | to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials. |
| 9(2)(g)(i) | to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty. |
| 9(2)(h) | to maintain legal professional privilege. |
| 18(d) | as the information requested is publicly available. |

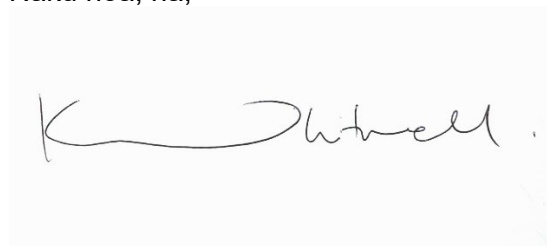
Where information has been refused under section 18(d) of the Act, this is noted within the document and a link to the publicly available information is provided in the below document table.

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.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decisions 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 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 Ministerial Services team: ministerials@mfe.govt.nz.

Nāku noa, nā,

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and appears to read 'Kate Whitwell'.

Kate Whitwell

Manager – ETS Policy

Ministry for the Environment | Manatū Mō Te Taiao

Document schedule

Doc no.	Doc date	Content	Decision on release	OIA sections applied	Links to publicly available information refused under section 18(d)
1	21 February 2024	BRF-4190: Advice on Approval to consult: NZ ETS annual regulatory updates and settings 2024	Release in part	18(d)	https://environment.govt.nz/publications/annual-updates-to-new-zealand-emissions-trading-scheme-limits-and-price-control-settings-for-units-2024-consultation-document/
2	15 March 2024	BRF-4379: Approval to consult on proposed annual updates to NZ ETS settings	Release in part	9(2)(f)(iv) 9(2)(g)(i) 9(2)(h) 18(d)	https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/nz-ets-settings-and-annual-regulatory-updates-2024-proactive-release-of-cabinet-material/ https://environment.govt.nz/publications/annual-updates-to-new-zealand-emissions-trading-scheme-limits-and-price-control-settings-for-units-2024-consultation-document/ https://environment.govt.nz/publications/proposed-changes-to-new-zealand-emissions-trading-scheme-regulations-2024-consultation-document/
3	21 March 2024	BRF-4475: Cover note – Ministerial consultation process for NZ ETS Annual Regulatory Update and Settings 2024	Release in part	9(2)(f)(iv) 18(d)	https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/nz-ets-settings-and-annual-regulatory-updates-2024-proactive-release-of-cabinet-material/ https://environment.govt.nz/publications/annual-updates-to-new-zealand-emissions-trading-scheme-limits-and-price-control-settings-for-units-2024-consultation-document/ https://environment.govt.nz/publications/proposed-changes-to-new-zealand-emissions-trading-scheme-regulations-2024-consultation-document/
4	3 April 2024	BRF-4359: Approval to lodge Cabinet paper – NZ ETS	Release in part	9(2)(f)(iv) 18(d)	https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/nz-ets-settings-and-annual-regulatory-updates-2024-proactive-release-of-cabinet-material/

		settings and Annual Regulatory Updates 2024			https://environment.govt.nz/publications/annual-updates-to-new-zealand-emissions-trading-scheme-limits-and-price-control-settings-for-units-2024-consultation-document/ https://environment.govt.nz/publications/proposed-changes-to-new-zealand-emissions-trading-scheme-regulations-2024-consultation-document/
5	11 April 2024	BRF-4590: Direction on next steps for ETS settings	Withhold in full	9(2)(h)	
6	11 July 2024	BRF-4919: Key issues and options for NZ ETS settings	Withhold in full	9(2)(f)(iv)	