



7 October 2024

OIAD-1252

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email and letter of 9 September 2024 to the Ministry for the Environment (the Ministry) requesting the following under the Official Information Act 1982 (the Act):

- *Any correspondence between the Ministry for the Environment and the Prime Minister's Chief Policy Advisor Matt Burgess relating to the Emissions Trading Scheme since November 27, 2023*
 - *This includes, but is not limited to, official advice*

The Ministry for the Environment has identified nine documents in scope of your request, as listed in the attached document schedule.

Please note that we have not included a number of purely administrative emails (for example, emails sent to organise time for meetings or blank meeting invitations) as in scope of your request, as they are not substantively related to discussions between the Ministry and Matt Burgess on the Emissions Trading Scheme. We have included meeting invitations where the invitation includes an indication of the content that was discussed (such as agendas or other documentation).

Please also note that the documentation in scope of your request includes early drafts of advice and may therefore contain material that was subsequently updated or corrected. Final material that was considered by Cabinet is expected to be made available on the Ministry's website at: <https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/> within 30 working days of the Cabinet date, as outlined in the Cabinet Manual which can be found on the Department of the Prime Minister and Cabinet's website at: <https://www.dpmc.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual>

Four whole documents, and some information within five documents, has been withheld under the following sections of the Act:

- 9(2)(a) to protect the privacy of natural persons.
- 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.

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 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 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, appearing to read 'Kate Whitwell', is centered within a light gray rectangular box.

Kate Whitwell

Manager, ETS Policy

Ministry for the Environment | Manatū Mō Te Taiao

Document schedule

No.	Date	Content	Decision	OIA section
1.	24 May 2024	Email and 3x attachments: CAB-386 – Revised Cabinet Paper for NZ ETS Unit Settings and Annual Regulatory Updates 2024	Release in part	9(2)(h) 9(2)(f)(iv) 9(2)(g)(i)
2.	27 May 2024	Email and 1x attachment: LUC policy proposal A3 for discussion with MB	Release in part	9(2)(a) 9(2)(f)(iv)
3.	25 June 2024	Email and 1x attachment: ETS settings meeting today at 2pm – supporting material attached	Release in part	9(2)(a) 9(2)(h) 9(2)(f)(iv)
4.	1 August 2024	Email: Questions on settings	Release in part	9(2)(a) 9(2)(h)
5.	31 July 2024	Email and 1x attachment: Proposed discussion on decarbonisation in NZ context with Simon Sharpe	Release in part	9(2)(a)
6.	26 June 2024	Email: Potential inclusion of auction reserve price option in ERP2 DDF	Withhold in full	9(2)(g)(i)
7.	23 August 2024	Email and 1x attachment: Crown Planting Proposal	Withhold in full	9(2)(f)(iv)
8.	5 September 2024	Meeting invitation and 3x attachments: Afforestation on Crown land	Withhold in full	9(2)(f)(iv)
9.	17 May 2024	Email and 2x attachments: Climate workshop – sufficiency, draft ERP2 and IA	Withhold in full	9(2)(f)(iv)