



Ref: OIA 2025-012

[REDACTED]

6 November 2025

Tēnā koe [REDACTED]

Thank you for your request of 9 October 2025 seeking the following information under the Official Information Act 1982 (the Act). We note that this follows your previous request of 15 September 2025:

"The interpretation regarding regulatory capture is insufficient. Regulatory capture occurs when a sector captures the regulatory body meant to regulate it.

- *what legal advice has the Climate Commission had re preventing reputation damage due to closeness to the coal mining industry in Aotearoa?*
- *what advice or kōrero has the Climate Commission had with Ngāti Waewae and Ngāi Tahu and/or other Iwi regarding coal mining, just transitions and climate change? (in 2024/25)"*

We have considered the part of your email that clarifies the meaning of the term "regulatory capture" used in the following part of your request of 15 September 2025: *"What process is in place to stop regulatory capture of the Climate Commission by vested interests."*

In your new request, you have provided this clarification: *"Regulatory capture occurs when a sector captures the regulatory body meant to regulate it."* As this explanation allows for a different interpretation of your earlier request, we are treating your clarification as a new request under the Act, alongside the two questions above.

Response

Our response to each part of your request is outlined below.

Regulatory capture

It is important to clarify that the Climate Change Commission is not a regulatory body and has no regulatory functions. The Commission provides independent, expert, evidence-based advice to the Government on mitigating climate change and adapting to its effects, and it monitors and reviews the Government's progress towards its emissions reductions and adaptation goals.

As the Commission is not a regulatory body and does not regulate any sectors, it does not have a process in place to prevent regulatory capture as defined in your request.

Commissioners' conflicts of interest are managed under the Commission's Interests Policy. As we have previously advised in our responses to you, this policy does not prevent conflicts of interest from occurring, it exists so the Commission can manage those declared interests in accordance with its obligations under the Crown Entities Act 2004, relevant case law, government policy and the principles of integrity, transparency and accountability.

Legal advice

In terms of legal advice provided to the Commission regarding “*preventing reputation damage due to closeness to the coal mining industry in Aotearoa*”, I am able to advise that the Commission has neither sought nor received any legal advice on this matter.

Advice or kōrero with Ngāti Waewae and Ngāi Tahu and/or other Iwi

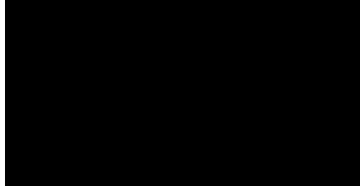
I can confirm that in 2024 and 2025, the Commission has had no “*advice or kōrero [...] with Ngāti Waewae and Ngāi Tahu and/or other Iwi regarding coal mining, just transitions and climate change*”.

As the information you seek in your request is not held by the Commission, we are relying on section 18(g) of the Act in not providing you with the information you seek, and we have no reason to think it would be held by, or more closely connected with, another agency's function.

You have the right to seek an investigation and review of this response by the Office of the Ombudsman, in accordance with section 28(3) of the Act. Contact details for the Ombudsman can be found on their website at: www.ombudsman.parliament.nz

Please note that the Commission proactively releases its responses to requests made under the Act. This is to help ensure others can also have access to this information. As such, this letter will shortly be published on our website with your name and contact details redacted to protect your privacy.

Nāku noa, nā



Astrid Nunns

General Manager, Corporate Accountability and Operations