

Out of Scope

[UNCLASSIFIED]

From: s 9(2)(a)

Sent: Friday, 18 September 2020 4:23 pm

To: Jo Hendy s 9(2)(a)@climatecommission.govt.nz>

Cc: 9(2)(a)@climatecommission.govt.nz>

Subject: Market Sensitive Price Information

[UNCLASSIFIED]

Hi Jo,

Below is the link to the paper on market sensitive price information for either Wednesday's or October's Board meeting. 9(2)(h)

Please let me know what you think!

Thanks

s 9(2)(a)

[https://climatechange.govt.nz/my.sharepoint.com/:w:/r/personal/s 9\(2\)\(a\) _climatecommission_govt_nz/_layouts/15/Doc.aspx?sourcedoc=%7BCC00CD83-FAEA-4090-B56F-807D761D83AD%7D&file=Document3.docx&action=default&mobileredirect=true](https://climatechange.govt.nz/my.sharepoint.com/:w:/r/personal/s_9(2)(a)_climatecommission_govt_nz/_layouts/15/Doc.aspx?sourcedoc=%7BCC00CD83-FAEA-4090-B56F-807D761D83AD%7D&file=Document3.docx&action=default&mobileredirect=true)



s 9(2)(a)

[W climatecommission.govt.nz](http://climatecommission.govt.nz)

[UNCLASSIFIED]

[UNCLASSIFIED]

From: Jo Hendy [s 9\(2\)\(a\)@climatecommission.govt.nz](mailto:s 9(2)(a)@climatecommission.govt.nz)
Sent: Monday, 28 September 2020 5:15 pm
To: [s 9\(2\)\(a\)@climatecommission.govt.nz](mailto:s 9(2)(a)@climatecommission.govt.nz)
Subject: Market Sensitive Price Information

Hi [s 9\(2\)\(a\)](mailto:s 9(2)(a)@climatecommission.govt.nz),

This is looking good.

I suggest adding a para that reminds them of the earlier discussions (see more detail in my comment in paper).

Also, I have changed it to updating them that [s 9\(2\)\(h\)](mailto:s 9(2)(h)@climatecommission.govt.nz) rather than asking them to approve it.

Thanks!

Jo

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Cover Page for Board Paper/Presentation

Board Meeting Date:	13 – 14 October 2020	Agenda Item:	TBC
Author/s:	s 9(2)(a)	Sector:	Governance and Corporate Services
Peer Reviewer:	n/a	Second Tier sign off:	s 9(2)(a)
Consulted: <i>(where applicable, including name and organisation)</i>			
Title of Paper:	Market Sensitive Price Information Policy Update		
Title of any referenced previous Board Paper/s:	Conflict of Interest Policy		
Referenced Papers Link:			

Purpose

To provide an update on the Board's request to consider the impact of price sensitive market information on the Commission's policies and procedures.

Introduction

1. s 9(2)(h)

9(2)(h)

Discussion

- 2. It is not uncommon for people to have personal interests that intersect with their professional interests. This does not automatically mean that these interests create a conflict. However in some cases they will either create a conflict or at least the perception of a conflict.

s 9(2)(h)

- 3. As an Independent Crown Entity, the Climate Change Commission is subject to the Crown Entities Act. That Act (extract attached) prohibits people who have certain interests from participating in discussions, making decisions or forming a quorum on matters relating to that interest. 9(2)(h)

- 4. 9(2)(h)

- 6. Once we have this information we can update the Conflicts of Interest Policy to reflect this.

Action sought	Date action required by
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s 9(2)(h)

Commented [JH1]: Anchor this section with a paragraph reminding them of the previous Board discussion (led by s 9(2)(a). Not sure when this happened but hopefully it should be described in the minutes / action register. This summary needs to remind them of the broader legal context (e.g. ETS not regulated by the FMA and the cabinet paper that s 9(2) found that provides guidance to ministers on the same issue). Happy to chat if you need more context.

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Extract from the Crown Entities Act 2004

Section 62: When interests must be disclosed

(1) In this section, **matter** means—

- (a) a statutory entity's performance of its functions or exercise of its powers; or
- (b) an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the entity.

(2) A person is **interested** in a matter if he or she—

- (a) may derive a financial benefit from the matter; or
- (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
- (c) may have a financial interest in a person to whom the matter relates; or
- (d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
- (e) may be interested in the matter because the entity's Act so provides; or
- (f) is otherwise directly or indirectly interested in the matter.

(3) However, a person is not interested in a matter—

- (a) only because he or she is a member or an officer of a wholly-owned subsidiary of the entity or of a multi-parent subsidiary of the entity and 1 or more other Crown entities; or
- (b) because he or she receives an indemnity, insurance cover, remuneration, or other benefits authorised under this Act or another Act; or
- (c) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act or another Act; or
- (ca) only because he or she has past or current involvement in the relevant sector, industry, or practice; or
- (d) if an entity's Act provides that he or she is not interested, despite this section.

Section 66: Consequences of being interested in matter

A member who is interested in a matter relating to a statutory entity—

- (a) must not vote or take part in any discussion or decision of the board or any committee relating to the matter, or otherwise participate in any activity of the entity that relates to the matter; and
- (b) must not sign any document relating to the entry into a transaction or the initiation of the matter; and
- (c) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the board or committee during which a discussion or decision relating to the matter occurs or is made.

From: [Jo Hendy](#)
To: s 9(2)(a)
Subject: FW: [UNCLASSIFIED] Request to rename agenda item ("Market Sensitive Price Information Update*")
Date: Friday, 2 October 2020 2:20:19 pm
Attachments: [image001.png](#)

Thanks s 9(2)(a) sounds good.

s 9(2)(a) – I think s 9(2)(a) meant for you to be included in the email below

From: s 9(2)(a) @climatecommission.govt.nz>
Sent: Friday, 2 October 2020 1:43 pm
To: Jo Hendy s 9(2)(a) @climatecommission.govt.nz>
Subject: RE: [UNCLASSIFIED] Request to rename agenda item ("Market Sensitive Price Information Update*")

[UNCLASSIFIED]

Hi Jo,

Thank you for the update. s 9(2)(a) sent me an e-mail and I have responded to her to advise I renamed the paper to:
'Dealing with non-Public Information where People Have Personal Interests'

I asked s 9(2)(a) she had any feedback on that, but haven't heard as yet. Hopefully this will deal with her concern! I will shortly send you and s 9(2)(a) the paper as it references the paper you're doing s 9(2)(a)

I hope that helps. If you need anything else please let me know.

Thanks again. Cheers

s 9(2)(a)

[UNCLASSIFIED]

From: Jo Hendy s 9(2)(a) @climatecommission.govt.nz>
Sent: Friday, 2 October 2020 1:39 pm
To: s 9(2)(a) @climatecommission.govt.nz>; s 9(2)(a) @climatecommission.govt.nz>; s 9(2)(a) @climatecommission.govt.nz>
Subject: RE: [UNCLASSIFIED] Request to rename agenda item ("Market Sensitive Price Information Update*")

Hi s 9(2)(a) ,

I just had a very productive conversation with s 9(2)(a) on this.

s 9(2)(a) - On your paper, see s 9(2)(a)'s suggestion for renaming.

s 9(2)(a) - On your information protocol's paper, you should probably review s 9(2)(a) previous paper on information disclosure, which includes cabinet guidance as it relates to the ETS.

Happy to chat if anyone needs further context.

Thanks
Jo

From: s 9(2)(a) <[redacted]@climatecommission.govt.nz>
Sent: Friday, 2 October 2020 1:17 pm
To: Jo Hendy <s 9(2)(a)@climatecommission.govt.nz>
Subject: [UNCLASSIFIED] Request to rename agenda item ("Market Sensitive Price Information Update*")

Ngā mihi

s 9(2)(a)



s 9(2)(a)

M s 9(2)(a)

<[redacted]@climatecommission.govt.nz>

W <[redacted]@climatecommission.govt.nz>

From: s 9(2)(a) <[redacted]@climatecommission.govt.nz>
Sent: Friday, 2 October 2020 1:16 pm
To: s 9(2)(a) <[redacted]@climatecommission.govt.nz>; s 9(2)(a) <[redacted]@climatecommission.govt.nz>; s 9(2)(a) <[redacted]@climatecommission.govt.nz>

Subject: [UNCLASSIFIED] Request to rename agenda item ("Market Sensitive Price Information Update*")

[UNCLASSIFIED]

Hi there

I see on the agenda that there's an item (#11) that is currently called "Market Sensitive Price Information Update*".

Am I right that this is about the topic of managing potential or perceived Board member conflicts around NZUs holdings?

Can I just please make a request that this topic is renamed to a title that more accurately reflects the content? E.g. "Update on managing potential or perceived conflicts of interest" or "Avoiding



E ^{s 9(2)(a)} [redacted] @climatecommission.govt.nz
W climatecommission.govt.nz

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Out of Scope



[UNCLASSIFIED]

From: s 9(2)(a)

Sent: Monday, 5 October 2020 12:30 pm

To: Rod Carr <Roderick.Carr@climatecommission.govt.nz>

Cc: s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a)

s 9(2)(a) @climatecommission.govt.nz

Subject: Draft Board Paper: Dealing with Non-Public Information where People have Interests

[UNCLASSIFIED]

Kia ora Rod,

Please find attached a draft paper for this month's Board meeting. It follows on from papers earlier this year on market sensitive price information in the context of people holding New Zealand Units. 9(2)(h)



s 9(2)(a) is working on a paper around information release more generally which should also be coming to you for this month's meeting.

In the meantime, please let me know if you are happy for this paper to go to the Board or what changes you'd like made.

Thanks

9(2)(a)



s 9(2)(a)

M 9(2)(a)

W climatecommission.govt.nz

[UNCLASSIFIED]

Cover Page for Board Paper/Presentation

Board Meeting Date:	13 – 14 October 2020	Agenda Item:	TBC
Author/s:	s 9(2)(a)	Sector:	Governance and Corporate Services
Peer Reviewer:	n/a	Second Tier sign off:	s 9(2)(a)
Consulted: <i>(where applicable, including name and organisation)</i>			
Title of Paper:	Dealing with non-public information When People Have Interests		
Title of any referenced previous Board Paper/s:	Conflict of Interest Policy		
Referenced Papers Link:			

Purpose

s 9(2)(h)

Introduction

1. In January 2020, the Board requested s 9(2)(h)
2. In March 2020, the Board was provided further advice in a paper titled *Treatment of Market Sensitive Information*. That paper largely focused on the release of market sensitive information and recommended, as good practice, that the Commission follow the guidance outlined in Cabinet Office Circular CO(12)7 *Guidelines for Dealing with Inside Information about Public Issuers*.

3. s 9(2)(h)

4. s 9(2)(h)

s 9(2)(h)

5. This paper does not consider the release of information to the public. Another related paper considering protocols around the release of information is also included in this month's Board pack.

Background

6. The Commission has a conflict of interest policy which outlines the types of situations where professional and personal interests overlap. Since the policy was developed, the Office of the Auditor General (OAG) released guidance for public sector entities on managing conflicts of interests. There are some important messages in OAG's guidelines to be aware of including:

- There is a broad range of circumstances where people involved in public sector organisations have professional and personal interests that overlap. These extend beyond interests that people hold themselves to also include close business and personal relationships.
- There are various situations often, but not always, involving financial conflicts where there are legal restrictions on what people can and can't do.
- Having clear and robust processes for determining, managing and disclosing conflicts is important.

7. This highlights some gaps in our existing conflicts of interest policy which will need to be updated. s 9(2)(h)

Discussion

8. It is not uncommon for people to have personal interests that intersect with their professional interests. That does not necessarily mean there is a conflict of interest.

9. However, there may be situations where Commissioners or staff are aware of information or advice that isn't in the public domain that touch upon their personal interests. This could create an actual or perceived conflict of interest.

10. As noted above, the Board considered a paper in March 2020 recommending how the Commission should treat market sensitive price information and there is a further paper for your consideration in this month's Board pack which discusses information disclosure.

11. This paper does not consider whether or when information or advice should be released but instead what possession of it means ahead of any release. 9(2)(h)

9(2)(h)

12. The Commission, as a Crown Entity, is subject to certain legal requirements about interests that go beyond 'guidance' to instead mandate actions. These are outlined in the Crown Entities Act. This Act (extract attached) prohibits people who have certain interests from participating in discussions, making decisions or forming a quorum on matters relating to that interest.

13. 9(2)(h)

14. s 9(2)(h)

- 9(2)(h)

- s 9(2)(h)

Action sought	Date action required by
The Board is asked to: s 9(2)(h)	Immediately

Extract from the Crown Entities Act 2004

Section 62: When interests must be disclosed

(1) In this section, **matter** means—

- (a) a statutory entity's performance of its functions or exercise of its powers; or
- (b) an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the entity.

(2) A person is **interested** in a matter if he or she—

- (a) may derive a financial benefit from the matter; or
- (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
- (c) may have a financial interest in a person to whom the matter relates; or
- (d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
- (e) may be interested in the matter because the entity's Act so provides; or
- (f) is otherwise directly or indirectly interested in the matter.

(3) However, a person is not interested in a matter—

- (a) only because he or she is a member or an officer of a wholly-owned subsidiary of the entity or of a multi-parent subsidiary of the entity and 1 or more other Crown entities; or
- (b) because he or she receives an indemnity, insurance cover, remuneration, or other benefits authorised under this Act or another Act; or
- (c) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act or another Act; or
- (ca) only because he or she has past or current involvement in the relevant sector, industry, or practice; or
- (d) if an entity's Act provides that he or she is not interested, despite this section.

Section 66: Consequences of being interested in matter

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- (b) must not sign any document relating to the entry into a transaction or the initiation of the matter; and
- (c) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the board or committee during which a discussion or decision relating to the matter occurs or is made.

Out of Scope

[UNCLASSIFIED]

From: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Sent: Thursday, 5 November 2020 3:51 pm
To: s 9(2)(a) @climatecommission.govt.nz
Cc: Jo Hendy s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a) s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a) s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a) s 9(2)(a) @climatecommission.govt.nz
Subject: Re: [UNCLASSIFIED] Fonterra Election Update

Thanks for the heads up.
Rod

From: s 9(2)(a) @climatecommission.govt.nz
Sent: Thursday, November 5, 2020 10:36:15 AM
To: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Cc: Jo Hendy s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a) s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a) s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a) s 9(2)(a) @climatecommission.govt.nz
Subject: [UNCLASSIFIED] Fonterra Election Update

[UNCLASSIFIED]

Kia ora Rod,

I don't know whether you've seen the Fonterra election results but Nicola has not been elected to the Fonterra Board. An extract of the announcement is below:

"Tuesday, 3 November, 2020 - 15:03

Returning Officer Warwick Lampp, of electionz.com Ltd, has declared the final results of the 2020 elections for the Fonterra Board of Directors, Directors' Remuneration Committee and Shareholders' Council.

Shareholders voted to elect incumbent Director Brent Goldsack and new Director Cathy Quinn to the Fonterra Board."

Those appointees are due to take office at today's AGM. Irrespective of this result I've been in contact with the Public Service Commission to organise a time for you to talk to them about

guidance for handling this type of situation, should it arise again. I'm waiting to hear back from them and will work with s 9(2)(a) to get something in your diary.

In the meantime I hope this helps.

Thanks
s 9(2)(a)



s 9(2)(a)

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[UNCLASSIFIED]

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WITHHELD IN FULL

Document 6 and Attachments *6a*, *6b* and *6c* are withheld in full: 9(2)(h)

Document 7 is withheld in full: 9(2)(h), 9(2)(a), out of scope

Document 8 and Attachment *8a* are withheld in full: 9(2)(h)

Document 9 is withheld in full: 9(2)(h)

Document 10 is withheld in full: 9(2)(h)

Document 11 and Attachment *11a* are withheld in full: 9(2)(h)

Document 12 and Attachment *12a* are withheld in full: 9(2)(h)

Document 13 and Attachment *13a* are withheld in full: 9(2)(h)

Document 14 and Attachment *14a* are withheld in full: 9(2)(h)

Document 15 is withheld in full: 9(2)(h)

Document 16 is withheld in full: 9(2)(h)

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Out of Scope

[UNCLASSIFIED]

From: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Sent: Saturday, 19 December 2020 7:33 pm
To: s 9(2)(a) @climatecommission.govt.nz
Subject: Re: [UNCLASSIFIED] Disclosure of Commissioners' Interests to the Minister

Noted.thanks.
Rod

From: s 9(2)(a) @climatecommission.govt.nz
Sent: Friday, December 18, 2020 4:35:55 PM
To: s 9(2)(a) @mfe.govt.nz; s 9(2)(a) @mfe.govt.nz
Cc: Rod Carr <Roderick.Carr@climatecommission.govt.nz>; Jo Hendy s 9(2)(a) s 9(2)(a) @climatecommission.govt.nz
Subject: [UNCLASSIFIED] Disclosure of Commissioners' Interests to the Minister
[UNCLASSIFIED]

Kia ora s 9(2)(a)

s 9(2)(h)

[REDACTED]

I will keep you updated on progress but wanted to make sure you were aware of this piece of work prior to any notification to the Minister. In the meantime, if you have any questions please let me know.

Thank you. Ngā mihi

s 9(2)(a)



s 9(2)(a)

W climatecommission.govt.nz

WITHHELD IN FULL

Document 18 and Attachment *18a* are withheld in full: 9(2)(h)

Document 19 is withheld in full: 9(2)(h), out of scope

Document 20 and Attachment *20a* are withheld in full: 9(2)(h), 9(2)(a)

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OFFICIAL INFORMATION ACT

Out of Scope

[UNCLASSIFIED]

From: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Sent: Wednesday, 23 December 2020 3:35 pm
To: s 9(2)(a) @climatecommission.govt.nz
Cc: Jo Hendy s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a) s 9(2)(a) @climatecommission.govt.nz
Subject: Re: [UNCLASSIFIED] Interests Letter to the Minister

Good to go as amended.
Please copy me on the version that is sent.
Has any one been in touch with the Minister's office?
Rod

From: s 9(2)(a) @climatecommission.govt.nz
Sent: Wednesday, December 23, 2020 2:28:50 PM
To: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Cc: Jo Hendy s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a) s 9(2)(a) @climatecommission.govt.nz
Subject: [UNCLASSIFIED] Interests Letter to the Minister

[UNCLASSIFIED]

s 9(2)(h)

s 9(2)(a)

[UNCLASSIFIED]

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[UNCLASSIFIED]

From: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Sent: Wednesday, 23 December 2020 7:15 pm
To: 'james.shaw@parliament.govt.nz' <james.shaw@parliament.govt.nz>
Cc: Rod Carr <Roderick.Carr@climatecommission.govt.nz>; Jo Hendy s 9(2)(a) @climatecommission.govt.nz;; s 9(2)(a) @climatecommission.govt.nz;; s 9(2)(a) @parliament.govt.nz>
Subject: Climate Change Commission - Interests of Board Members

Kia ora James,

Please find attached the Climate Change Commission's letter that relates to the disclosure of interests held by the Board in matters relating to the advice currently being prepared by the Commission.

Please don't hesitate to contact me if you wish to discuss further.

Ngā mihi

Rod



Dr Roderick Carr | **Chair**
Climate Change Commission Board
M s 9(2)(a)
E roderick.carr@climatecommission.govt.nz
W climatecommission.govt.nz

23 December 2020

Hon James Shaw
Minister for Climate Change
Parliament Buildings
Wellington

Tēnā koe James

CLIMATE CHANGE COMMISSION – INTERESTS OF BOARD MEMBERS

1. It has come to the attention of the Board of the Climate Change Commission (the **Board**) that there have inadvertently been some areas of non-compliance with provisions of the Crown Entities Act 2004 (**Crown Entities Act**) with respect to managing the interests of the Commission's Board members (the **Commissioners**).
2. The Commission is currently finalising draft Emissions Budget advice (the **advice**).
3. As the Minister will be aware, the Commissioners have been appointed to the Commission due to their various areas of expertise related to climate change mitigation and adaptation and continue to hold roles within their fields. Accordingly, it was inevitable that there would be some areas where the personal interests of Commissioners overlap with the Commission's work. On appointment, and on an ongoing basis, extensive disclosures have been made of the Commissioners' various interests in the Commission's internal Interests Register (the **Interests Register**).
4. Notwithstanding these extensive disclosures, in the last week, the Commission has become aware that there has been partial non-compliance with the prescriptive requirements of the Crown Entities Act. The Commission now accordingly notifies the Minister of that non-compliance in accordance with its obligations under s 67 of the Crown Entities Act.
5. The Commission notes that any non-compliance with the Crown Entities Act does not impact on the validity of the advice currently being prepared pursuant to s 67(2) of the Crown Entities Act.
6. The purpose of this letter is to:
 - 6.1 With respect to New Zealand Units (**NZUs**) held directly or indirectly by the Chair, Deputy Chair and Commissioner Shadbolt and/or their family members:
 - (a) disclose to you interests held by the Chair, Deputy Chair and Commissioner Shadbolt in matters relating to the advice currently being prepared by the Commission, in accordance with s 63 of the Crown Entities Act;

- (b) notify you of the Commission's partial non-compliance with ss 63 and 66 of the Crown Entities Act in relation to these interests, in accordance with s 67(1) of the Act; and
 - (c) seek your permission for the Chair, Deputy Chair and Commissioner Shadbolt to continue their work on the Commission's current advice, notwithstanding these interests, in accordance with s 68 of the Act.
- 6.2 With respect to other interests held by Commissioners that relate to current advice being prepared by the Commission:
- (a) notify you of the Commission's non-compliance with s 66 of the Crown Entities Act, in accordance with s 67(1) of the Act.

New Zealand Units held by the Chair, Deputy Chair and Commissioner Shadbolt

Disclosure of interests

- 7. Pursuant to s 63(1) of the Crown Entities Act, the commissioners are required to disclose any interest they have in a matter relating to the Commission as soon as practicable after the commissioner becomes aware that he or she is interested.
- 8. Section 62 of the Crown Entities Act provides that a commissioner will have an interest where the commissioner:
 - 8.1 May derive a financial benefit from the Commission's performance of its functions or exercise of its powers or an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the Commission.
 - 8.2 Is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the Commission's performance of its functions or exercise of its powers or an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the Commission.
 - 8.3 May have a financial interest in a person to whom the Commission's performance of its functions or exercise of its powers or an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the Commission relates.
 - 8.4 Is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the Commission's performance of its functions or exercise of its powers or an arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the Commission relates.
 - 8.5 May be interested in the matter because the Commission's Act so provides.
 - 8.6 Is otherwise directly or indirectly interested in the matter.
- 9. Section 64(1) of the Crown Entities Act provides that the disclosure of an interest must be made by doing the following:
 - 9.1 disclosing details of the interest in an interests register kept by the Commission; and
 - 9.2 disclosing the details of the interest to chairperson, the deputy chairperson or, where the chairperson and the deputy chairperson are both interested, the Minister.

10. Accordingly, this letter is intended to provide disclosure to you of the following interests in matters relating to the Commission held by the Chair, Deputy Chair and Commissioner Shadbolt:

10.1 Dr Roderick Carr, Chair

- (a) Waingawa Land Company. Dr Carr has an interest in NZUs via a farm forestry venture partnership called the Waingawa Land Company. Dr Carr holds 64 percent of the Company, while his wife holds 11 percent. s 9(2)(a) [REDACTED] The Company holds a pre-1990 plantation that has been awarded s 9(2)(a) & (b)(i) [REDACTED] NZUs. Since the time that the Company was awarded the NZUs, it has neither acquired nor divested any NZUs and there is no current intention to acquire or divest any units or to harvest the trees. At this time, each NZU held by the Company has a value of approximately \$37. Taken together, s 9(2)(a) & 9(2)(b)(ii) [REDACTED] NZUs have a value of approximately s 9(2)(a) & 9(2)(b)(ii) [REDACTED]. Dr Carr's personal interest is approximately s 9(2)(a) & 9(2)(b)(ii) [REDACTED] and the combined interest held in Dr Carr's name and his wife's name is approximately s 9(2)(a) & 9(2)(b)(ii) [REDACTED].
- (b) Dr Carr's brother also holds NZUs although Dr Carr has no awareness of or financial interest in these Units.

10.2 Ms Lisa Tumahai, Deputy Chair

- (a) Te Rūnanga o Ngāi Tahu. Ms Tumahai is the Kaiwhakahaere (Chair) of Te Rūnanga o Ngāi Tahu. Te Rūnanga o Ngāi Tahu has an interest in the following NZUs:
- s 9(2)(b)(ii) [REDACTED] NZUs held by Ngāi Tahu Forestry Ltd; and
- s 9(2)(b)(ii) [REDACTED] NZUs held by Oha Honey Ltd Partnership.

10.3 Professor Nicola Shadbolt, Commissioner

- (a) Pohangina Land Company (No. 1) Ltd. Professor Shadbolt is a managing director of Pohangina Land Company (No. 1) Ltd. In addition, Professor Shadbolt is a trustee and beneficiary of two family trusts which hold jointly a 20 percent shareholding in the Company. The Company owns approximately 70 hectares of forest plantings. All forest plantings have had NZUs claimed and trees are continuously being planted and felled. At present, the Company holds approximately s 9(2)(a) & 9(2)(b)(ii) [REDACTED] NZUs.
- (b) Ironsand Forests Ltd. Professor Shadbolt is a managing director and shareholder (with a 5 percent interest) of a company called Ironsand Forests Ltd. Professor Shadbolt's husband is also a shareholder with a 5 percent share in the Company. The Company owns approximately 75 percent of a post-1989 forest. This forest is due to be harvested in 2021. The Company has claimed NZUs and sold some NZUs. NZUs will shortly be repurchased in preparation for harvest. At present, the Company holds approximately s 9(2)(a) & 9(2)(b)(ii) [REDACTED] NZUs.
- (c) Cape Horn Land Company Ltd. Professor Shadbolt is a managing director of Cape Horn Land Company Ltd. In addition, Professor Shadbolt is a trustee and beneficiary of two family trusts which hold jointly a 10 percent shareholding in the Company. At present, the Company holds approximately s 9(2)(a) & 9(2)(b)(ii) [REDACTED] NZUs.

11. These financial interests overlap directly with the advice currently being prepared by the Commission. This is because the advice will include advice relating to the Emissions Trading Scheme settings. Accordingly, the fact that the Chair, Deputy Chair and Commissioner Shadbolt and/or their family members directly or indirectly hold NZUs means that these Commissioners have an interest in a matter relating to the Commission for the purposes of s 62 of the Crown Entities Act.

Notification of non-compliance with ss 63 and 66 of the Act

12. This letter is also intended to serve as notification to you, for the purposes of s 67 of the Crown Entities Act, of the Commission's partial non-compliance with ss 63 and 66 of the Act in relation to the Chair, Deputy Chair and Commissioner Shadbolt's interests in NZUs.

Non-compliance with s 63

13. Interests of the Chair

- 13.1 The fact that the Chair and the Chair's brother directly or indirectly held NZUs was disclosed in the Commission's internal Interests Register (the **Interests Register**) for the purposes of s 63 prior to the Commission beginning work on its current advice. Therefore, there was partial compliance with s 63 with respect to these interests.

- 13.2 However, in accordance with s 64 of the Act, given that this is an instance in which both the Chair and the Deputy Chair were interested, the Chair's interests should have been disclosed to you as the responsible Minister at the time work was begun on the current advice in order to achieve full compliance with section 63. This was not done, and in this way the Commission has not strictly complied with the obligations of s 63.

14. Interests of the Deputy Chair

- 14.1 It was disclosed in the Interests Register that the Deputy Chair is the Kaiwhakahaere (Chair) of Te Rūnanga o Ngāi Tahu, and that Te Rūnanga o Ngāi Tahu have a range of business interests that could potentially be impacted by the work of the Commission. However, the fact that Te Rūnanga o Ngāi Tahu directly or indirectly held NZUs was not specifically disclosed in the Interests Register or to the Minister at the time work began on the current advice. In this way, there was non-compliance with s 63.

15. Interests of Commissioner Shadbolt

- 15.1 The fact that Commissioner Shadbolt directly or indirectly held NZUs through Pohangina Land Company (No. 1) Ltd and Ironsand Forests Ltd was disclosed in the Interests Register for the purposes of s 63 prior to the Commission beginning work on its current advice. Therefore, there was partial compliance with s 63 with respect to these interests. However, these interests were not disclosed to the Minister in accordance with s 64 of the Act. In this way the Commission has not strictly complied with the obligations of s 63 with respect to these interests.

- 15.2 It was disclosed in the Interests Register that Commissioner Shadbolt was a Managing Director of Cape Horn Land Company Ltd and that the family trusts were a shareholder. However, the fact that the Company held NZUs was not specifically disclosed in the Interests Register or to the Minister prior to the Commission beginning work on its current advice. Accordingly, with respect to this interest, there was non-compliance with s 63.

Non-compliance with s 66

16. Section 66 of the Crown Entities Act with respect to the Chair, Deputy Chair and Commissioner Shadbolt's interests in NZUs.
17. That provision provides that where a member is interested in a matter relating to the Commission, they:
 - 17.1 must not vote or take part in any discussion or decision of the board or any committee relating to the matter, or otherwise participate in any activity of the entity that relates to the matter;
 - 17.2 must not sign any document relating to the entry into a transaction or the initiation of the matter; and
 - 17.3 are to be disregarded for the purpose of forming a quorum for that part of a meeting of the board or committee during which a discussion or decision relating to the matter occurs or is made.
18. In working on the advice currently being prepared by the Commission, the requirements of s 66 have not been complied with. In particular, the Chair, Deputy Chair and Commissioner Shadbolt have all taken part in the decision-making with respect to the advice currently being prepared by the Commission, which will include advice with respect to Emissions Trading Scheme settings.

Effect of non-compliance with the requirements of ss 63 and 66

19. We wish to emphasise that, pursuant to s 67(2) of the Crown Entities Act, non-compliance with the requirements of ss 63 and 66 will not affect the validity of the advice currently being produced by the Commission.¹

Permission sought for Commissioners to act

20. Pursuant to s 68 of the Crown Entities Act, the Commission is now seeking your permission for the Chair, Deputy Chair and Commissioner Shadbolt to continue their work on the current advice, notwithstanding their interests in NZUs.
21. That provision provides that permission may be granted to one or more members of the Board, or members with a specified class of interests, to do any of the acts otherwise prohibited by s 66 (outlined above at paragraph [12]) if satisfied that it is in the public interest to do so. Where both the Chair and the Deputy Chair are interested, this permission must be given by the Minister.
22. Accordingly, the Commission now seeks permission from you for the Chair, Deputy Chair and Commissioner Shadbolt to continue their work on the Commission's current advice notwithstanding their interests outlined above. This permission is necessary because there is still further decision-making to be undertaken by the Board with respect to the advice currently being prepared.

¹ Section 67(2) does not however limit the right of any person to apply, in accordance with law, for judicial review: Crown Entities Act 2004, s 67(3).

23. In the Commission's view, it is in the public interest for such permission to be granted:
- 23.1 The Commission's role in providing independent, expert advice to the government on mitigating climate change and adapting to the effects of climate change, as well as monitoring and reviewing the Government's progress towards its emissions reduction and adaptation goals, is of significant public importance and interest.²
 - 23.2 The advice currently being drafted by the Commission, which will provide recommendations to the government on a wide range of issues relating to mitigation, adaptation and emissions reduction, is well-advanced and will soon be released for consultation.
 - 23.3 Recommendations with respect to limits and price control settings for NZUs form just one part of that advice.
 - 23.4 In order to ensure that the Commission is able to issue draft advice as planned in February 2021, it is critical that the Commission's work on the current advice is able to continue without interruption.
 - 23.5 Significant disruption to the Commission's work programme will result if the Chair, Deputy Chair and/or Commissioner Shadbolt are unable to continue working on the current advice.
24. We also note that, pursuant to s 68(6) of the Crown Entities Act, any permission granted by you in accordance with this request must be disclosed by the Commission in its annual report.

Other interests held by Commissioners

25. As is required by s 67(1) of the Crown Entities Act, this letter is also intended to advise you of non-compliance by the Commission with s 66 of the Crown Entities Act in relation to other interests held by Catherine Leining and Dr Harry Clark, both Commissioners. The details of these interests are provided in an **appendix** to this letter.
26. No issue of compliance with s 63 arises with respect to these interests. The interests were all disclosed in the Interests Register and to the Chair or Deputy Chair (as required), fulfilling the requirements of s 63.
27. However, it transpires that s 66 was not complied with in respect to these interests. The Chair and/or Deputy Chair (as required) were aware of the existence of these interests and considered that in respect of each disclosed interest, the interest was sufficiently distinct from the development of the draft advice such that it was appropriate for the Commissioners to continue their work and no further action was necessary. Accordingly, each of the Commissioners continued to work on the advice currently being prepared. However, the proper process required by s 66 was not followed. In particular, written permission to act despite being interested was not granted by the Chair or the Deputy Chair (s 68 of the Crown Entities Act).
28. It is important to emphasise, as above, that this non-compliance with the requirements of s 66 will not affect the validity of the advice currently being prepared by the Commission (s 67(1), Crown Entities Act).

² See s 5B of the Climate Change Response Act.

Next steps

29. The Chair and Deputy Chair are now working through the necessary processes with respect to each of the interests held by the Commissioners identified in the appendix to this letter, including a determination of whether it is appropriate to grant permission to the Commissioners to continue working on the advice, notwithstanding their various interests. This work is being done as a matter of priority and will be completed prior to release of the draft advice.

Future approach to managing interests

30. The Climate Change Commission apologises unreservedly for the non-compliance outlined above. The Commission is committed to managing all issues relating to interests in accordance with the requirements of the Crown Entities Act and in the spirit of transparency. The Commission is also acutely aware that proper management of any issues relating to interests is vital to ensuring public confidence in the Commission's work.
31. The Commission wishes to reassure you that steps are being taken to prevent against similar issues in the future. Most significantly, the Commission is currently in the process of drafting an updated Interests Policy, which will comprehensively cover the obligations of commissioners and the appropriate processes to be followed with respect to the management of interests. As part of implementing that policy initially and for initiating new pieces of advice in the future, Commissioners will be asked to review their interests to identify whether any may overlap with that advice. If so, steps will be taken to manage any conflicts as needed. To ensure we fully comply with the requirements of the Crown Entities Act we will document both the consideration of these interests and any actions taken. This process is in addition to the Commission's existing practice of Commissioners updating their interests as they change and being asked at the beginning of each meeting to declare any conflicts of interest with items on the agenda.

Recommendations

32. The recommendations are that you:
- (a) **note** that, with respect to the NZUs held directly or indirectly by the Chair, Deputy Chair and Commissioner Shadbolt and/or their family members, it has been disclosed to you in accordance with s 63 of the Crown Entities Act that these Commissioners have interests in the advice currently being prepared by the Commission;
 - (b) **note** that, with respect to the NZUs held directly or indirectly by the Chair, Deputy Chair and Commissioner Shadbolt and/or their family members, the Commission has notified you in accordance with s 67(1) of the Crown Entities Act, of its non-compliance with ss 63 and 66 of the Act;
 - (c) **note** that, with respect to interests in the advice currently being prepared by the Commission held by Catherine Leining and Dr Harry Clark, the Commission has notified you, in accordance with s 67(1) of the Crown Entities Act, of its non-compliance with s 66 of the Act; and

(d) **agree** to grant permission for the Chair, Deputy Chair and Commissioner Shadbolt to continue their work on the Commission's current advice, notwithstanding their interests described above at (a), in accordance with s 68 of the Act.

Yes / No



Dr Roderick Carr
Chair - Climate Change Commission

Hon James Shaw
Minister for Climate Change

/ / **2020**

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APPENDIX

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
Directorships and other roles					
1	Catherine Leining	Operates as a sole proprietor consultant under Silver Lining Global Solutions (SLGS). In this capacity, Ms Leining provides consulting services on climate change mitigation and pursue independent projects. Ms Leining also produces a blog.	Not provided	Ms Leining does not currently have any contracts or other obligations under SLGS. If Ms Leining was offered a future consulting contract under SLGS that was relevant to her role on the CCC, she would consider the potential for Conflict of Interest and disclose it to the CCC before proceeding.	11/12/2019
2	Catherine Leining	Contract between Motu Economic and Public Policy Research (my employer) and the Ministry for the Environment on behalf of the ICCC to produce a Computable General Equilibrium model that will be used during development of emissions budgets. Period of performance: 16/10/2019 to 01/06/2021.	s 9(2)(b)(ii)	<ul style="list-style-type: none"> This contract is to develop one of the core economic models that will be applied by the CCC. Ms Leining is not directly involved in that project. The contract may novate to the CCC once it is established in law. [Addendum on 18/12/2020: This contract did novate to the CCC. Ms Leining is not involved in decisions on that contract at the CCC or at Motu.]	11/12/2019
3	Catherine Leining	Contract between Motu Economic and Public Policy Research (my employer) and the Ministry for the Environment on behalf of the Interim Climate Change Committee (ICCC) to provide facilitation support for Technical Reference Group (TRG) meetings on developing modelling	s 9(2)(b)(ii)	This contract supports technical groundwork by the ICCC in preparation for appointment of the Climate Change Commission (CCC). Ms Leining is the lead provider under this contract. Helping with process design and meeting facilitation, but will not be involved in preparing subsequent advice on scenarios from the TRG or ICCC. The contract may novate to the CCC once it is established in law.	11/12/2019

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
		scenarios for emissions budgets. Period of performance: 21/10/2019 to 24/12/2019.		[Addendum on 10/01/2020: This contract ended in December 2019.]	
4	Catherine Leining	Employed as a Policy Fellow at Motu Economic and Public Policy Research (November 2013 to present). Current project work includes: 1. Low-Emission Future programme 2. Climate Teams 3. Solutions for Freshwater Management programme 4. New Forests programme 5. NZ-Ireland Comparison: Climate Policy and Ruminant Farming 6. Household Climate Action Tool	Annual salary. Grant funding to Motu is detailed in the next column. Motu is independent and funders have no influence over programme outputs.	Research and stakeholder engagement activities under these Motu programmes are relevant to the issues and stakeholders under the work programme of the Climate Change Commission. 1. Role: Programme manager. This programme has work streams on NZ ETS reform, managing the distributional impacts of climate change policy, and climate policy engagement. The core funder is the Aotearoa Foundation (USA), and the current grant agreement runs from 05/2019 to 12/2021 s 9(2)(b)(ii) Marginal co-funding for programme activities since May 2019 has been provided by GNS Science and Victoria University of Wellington. Over 2013-2019, co-funding for various programme activities was provided by Ministry for the Environment, Ministry for Primary Industries, Productivity Commission, Parliamentary Commissioner for the Environment, Victoria University of Wellington, British High Commission, Z Energy, Meridian Energy, and Air New Zealand.	10/1/2020

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#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
				<p>2. Role: Collaborator. This is led by the US-based Environmental Defense Fund. This focuses on developing a prototype model for transferring international mitigation between governments. It has broad international applicability. (Initial grant funding of ^{s 9(2)(b)(ii)})</p> <p>3. Role: Collaborator. This focuses on improving freshwater economics and policy. The core funder is the Aotearoa Foundation (total grant of ^{s 9(2)(b)(ii)} through 04/2021).</p> <p>4. Role: Collaborator. This programme is designed to improve incentives for native forests in New Zealand. The core funder is New Forests Assets Management Pty Ltd (Australia) ^{s 9(2)(b)(ii)} over 2019-2022).</p> <p>5. Role: Contributing author. An initial scoping paper was prepared in 2019 with inputs from experts at University College Dublin and Envecon; Teagasc – Agriculture and Food Development Authority, Ireland; and Trinity College, Dublin. NZ funding came from Motu. Future work is unclear at this point.</p> <p>6. Role: Collaborator. This is updating data for an online household consumption emissions calculator. The most recent funder is Mercury Energy ^{s 9(2)(b)(ii)}</p>	
5	Catherine Leining	Member of the Board of Trustees for the New Zealand Centre for Global Studies (appointed in November 2019)	Unknown	The NZCGS is a non-profit charitable organization that undertakes research and policy analysis on issues of global affairs and New Zealand's role within that sphere.	11/12/2019

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#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
6	Catherine Leining	In my capacity as a Motu Policy Fellow, I am part of a research consortium which submitted a proposal to MBIE's Endeavour Fund in March 2020	Estimated workstream budget of s 9(2)(b)(ii) (via the Endeavour Fund) if the bid were successful	If the bid were successful, I would manage a subsidiary workstream on research and stakeholder dialogue on managing distributional impacts of climate change mitigation policy. The work would extend from October 2020 to September 2023. This workstream would be a relatively small part of a larger work programme implemented by the consortium. Staff-related funding would be directed to Motu. In the proposal, I noted my appointment to the Commission as part of my biographical information but was clear that the proposal was submitted in my capacity as a Motu Policy Fellow. [Addendum on 18/12/2020: This bid was not successful. A repeat bid may be submitted in 2021.]	18/03/2020
7	Catherine Leining	In my capacity as a Motu Policy Fellow, I submitted a proposal to EECA in March 2020 to conduct research and stakeholder dialogue on voluntary GHG mitigation activity in New Zealand. The proposal was accepted in August 2020 and amended in October 2020.	Project value of up to s 9(2)(b)(ii)	The work will be conducted in 2020. I am the project manager and the staff-related funding is directed to Motu. In the proposal, I noted my appointment to the Commission and stated explicitly that no Commission endorsement was implied. In the contract, I have indicated I will include a written statement in deliverables and an oral statement in workshops to clarify that the work does not represent the views of the Commission.	18/03/2020 Updated 09/08/2020 and 18/12/2020
8	Catherine Leining	In my capacity as a Motu Policy Fellow, I was invited in August 2020 to prepare some video presentations on the NZ ETS for the World Bank Partnership for Market Readiness for use in ETS capacity building workshops	s 9(2)(b)(ii)	I will lead the project and staff-related funding will be directed to Motu. I will include a statement that the work does not represent the views of the Commission.	09/08/2020 Updated 18/12/2020

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
1	Dr Harry Clark	Employed as Director of the New Zealand Agricultural Greenhouse Gas Research Centre (a business unit of AgResearch) which receives its funding from the Ministry of Primary Industries and the Ministry for Business, Innovation and Employment.	Total revenue of the Research Centre is \$9.7 million dollars per annum until 2023. Dr Clark is a full-time salaried employee of AgResearch Ltd.	The Research Centre invests in agricultural GHG mitigation research. Successful outcomes from this research funding will potentially influence the ability of the agricultural sector to meet any greenhouse gas targets imposed on it and hence potential influence the emissions budgets set by the Commission. Harry does not personally receive research funding from the NZAGRC.	11/12/2019
1	Professor Nicola Shadbolt	Independent Chair of Plant & Food Crown Research Institute		The PFR is Crown Research Institute that could be involved in related research.	11/12/2019
2	Professor Nicola Shadbolt	Completed an appointment as Member of Freshwater Leaders' Group		The FLG has provided advice to Ministers Parker and O'Connor on the current freshwater proposal since October 2018; this was completed mid 2020.	11/12/2019
3	Professor Nicola Shadbolt	Completed a nine-year term as elected member on the Board of Fonterra Co-operative		A shareholder through Family Trusts involvement in two dairy farming entities. Not currently involved in governance.	11/12/2019
4	Professor Nicola Shadbolt	Pohangina Land Company (No.1) Ltd <ul style="list-style-type: none"> Two family trusts jointly have a shareholding of 20% in the Company. Professor Shadbolt is a trustee and beneficiary of the trusts. Professor Shadbolt is a Managing Director of the Company. 		In addition to the NZUs held by the Company: <ul style="list-style-type: none"> The farms are shareholder members of fertiliser, farm input supply, dairy and meat processing, and wool marketing cooperatives. The company produces venison, velvet, lamb, mutton, wool, beef, milk and timber. The business also converts fodder (inedible to humans) into food & fibre via ruminants, business viability could be affected by advice given by the entity on GHG. All could be affected by Climate Change Policy.	11/12/2019

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
5	Professor Nicola Shadbolt	<p>North Grove Dairy Company Ltd</p> <ul style="list-style-type: none"> • Two family trusts jointly have a shareholding of 9.4 to 10 percent of the Company. Professor Shadbolt is a trustee and beneficiary of the trusts. • Professor Shadbolt is a Managing Director of the Company. 		<p>In addition to the NZUs held by the Company:</p> <ul style="list-style-type: none"> • The farms are shareholder members of fertiliser, farm input supply, dairy and meat processing, and wool marketing cooperatives. • The company produces venison, velvet, lamb, mutton, wool, beef, milk and timber. • The business also converts fodder (inedible to humans) into food & fibre via ruminants, the viability of these businesses could be affected by advice given by the entity on GHG. <p>All could be affected by Climate Change Policy.</p>	11/12/2019

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#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
6	Professor Nicola Shadbolt	Cape Horn Land Company Ltd <ul style="list-style-type: none"> • Two family trusts jointly have a shareholding of 9.4 to 10 percent of the Company. Professor Shadbolt is a trustee and beneficiary of the trusts. • Professor Shadbolt is a Managing Director of the Company 		In addition to the NZUs held by the Company: <ul style="list-style-type: none"> • Farms are shareholder members of fertiliser, farm input supply, dairy and meat processing, and wool marketing cooperatives. • The company produces venison, velvet, lamb, mutton, wool, beef, milk and timber. • The business also converts fodder (inedible to humans) into food & fibre via ruminants, the viability of these businesses could be affected by advice given by the entity on GHG. All could be affected by Climate Change Policy.	11/12/2019

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#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
7	Professor Nicola Shadbolt	<p>Ironsand Forests Ltd</p> <ul style="list-style-type: none"> • Professor Shadbolt is a five percent shareholder in the Company, and her husband is also a five percent shareholder in the Company. • Professor Shadbolt is a Managing Director of the Company. 		<p>In addition to the NZUs held by the Company:</p> <ul style="list-style-type: none"> • The company produces venison, velvet, lamb, mutton, wool, beef, milk and timber. • Farms are shareholder members of fertiliser, farm input supply, dairy and meat processing, and wool marketing cooperatives. <p>These could both be affected by Climate Change Policy.</p>	11/12/2019
8	Professor Nicola Shadbolt	<p>Mercury Energy Ltd</p> <ul style="list-style-type: none"> • Two family trusts jointly hold shares in Meridian Energy Ltd. Professor Shadbolt is a trustee and beneficiary of the trusts. 		Climate policy may impact the value of Energy producers and distributors.	11/12/2019

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Out of Scope

[UNCLASSIFIED]

[UNCLASSIFIED]

From: Rod Carr <Roderick.Carr@climatecommission.govt.nz>

Sent: Friday, 15 January 2021 12:28 pm

To: s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a)

@climatecommission.govt.nz; s 9(2)(a)

@climatecommission.govt.nz

Subject: Letter to go in board papers.

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Out of Scope

[UNCLASSIFIED]

From: s 9(2)(a)

Sent: Wednesday, 20 January 2021 11:28 am

To: Rod Carr <Roderick.Carr@climatecommission.govt.nz>

Cc: Jo Hendy s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a)

s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a) @climatecommission.govt.nz

Subject: Interests Register - Professor James Renwick

[UNCLASSIFIED]

Kia ora Rod,

Please find attached the updated interests register for James including the items he disclosed yesterday. I will send through those from the other Commissioners once I hear back from them.

Thanks

s 9(2)(a)

s 9(2)(a)



M 9(2)(a)

W climatecommission.govt.nz

[UNCLASSIFIED]

INTEREST REGISTER – CLIMATE CHANGE COMMISSION BOARD

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
Directorships and other roles					
	Professor James Renwick	Current Member of the Board of Ekos (ekos.org.nz).		Ekos provides climate change mitigation services.	11/12/2019
	Professor James Renwick	Board member and Trustee of the TrackZero Trust (www.trackzero.nz)		TrackZero promotes action on climate change by partnering with arts practitioners.	8/1/2020
	Professor James Renwick	Science advisor to CH4 Global (https://www.ch4global.com/)		Advice on climate change mitigation and the potential of methane-reducing seaweed-based feed for ruminant animals.	7/5/2020
	Professor James Renwick	IPCC Coordinating Lead Author, 6th Assessment Report, Working Group 1, Chapter 8	s 9(2)(a)	Funding comes from Ministry for the Environment as partial recompense for CLA role. The Ministry of the Environment is administrator for the CCC.	8/1/2020
	Professor James Renwick	Member of the Ministry for the Environment Senior Science and Mātauranga Team on the “Our Fresh Water (OFW) 2020” report, to 30 April 2020	s 9(2)(a)	Advising on content of the OFW2020 report. Role ended April 2020.	8/1/2020
	Professor James Renwick	Member of the Ministry for the Environment Senior Science and Mātauranga Team on the “Our Atmosphere and Climate (OAC) 2020” report, to 31 October 2020	s 9(2)(a)	Advising on content of the OAC2020 report. Role ended October 2020.	8/1/2020

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
	Professor James Renwick	Lead Principal Investigator on Project 4 of the MBIE-funded Antarctic Science Platform	s 9(2)(b)(ii)	Overall intellectual leadership for the project, 0.15FTE of my VUW time paid out of the Platform grant but managed by VUW. No funds go directly to the PI	19/1/2021
	Professor James Renwick	Employed as Professor and Head of School at Victoria University of Wellington	Professorial salary	Involved in teaching and research on the climate system, and in the running and strategic direction of the School of Geography, Environment and Earth Sciences, VUW.	8/1/2020

Investments

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
Other					
1	Professor James Renwick	Board Member and Trustee of TrackZero	Donated ^{s 9(2)(a)} to TrackZero from PM Science prize money	TrackZero is an initiative to bring the arts into public discussion on climate change	11/12/2019
2	Professor James Renwick	Author of a book on climate change for the general public	s 9(2)(a)	Professor Renwick is the sole author and recipient of royalties	19/01/2021

[UNCLASSIFIED]

[UNCLASSIFIED]

From: s 9(2)(a)
Sent: Wednesday, 20 January 2021 10:18 am
To: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Cc: s 9(2)(a) @climatecommission.govt.nz; s 9(2)(a)
s 9(2)(a) @climatecommission.govt.nz
Subject: Interests Register

[UNCLASSIFIED]

Kia ora Rod,

Please find attached the Interests Register entries I have for you, including the updates that were provided to Minister Shaw prior to Christmas. Can you please let me know if this is now up to date or, if not, what changes are needed?

I appreciate your help, thank you.

Ngā mihi

s 9(2)(a)

s 9(2)(a)



[W climatecommission.govt.nz](http://climatecommission.govt.nz)

[UNCLASSIFIED]

INTEREST REGISTER – CLIMATE CHANGE COMMISSION BOARD

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
Directorships and other roles					
1	Dr Roderick Carr	Directorship of ASB Bank Ltd	s 9(2)(a)	The bank lends extensively to a wide of businesses that may be impacted by Climate Change Policy	11/12/2019
2	Dr Roderick Carr	9(2)(g)(i)			11/12/2019
3	Dr Roderick Carr	9(2)(g)(i)			11/12/2019
4	Dr Roderick Carr	Limited Partner in TPC Fund II LP	s 9(2)(a)	Venture capital investments which may relate to climate change	11/12/2019
5	Dr Roderick Carr	Director Waingawa Forest Corporation Ltd	s 9(2)(a)	From 1982...Pre 1990 farm forestry investment	11/12/2019
6	Dr Roderick Carr	s 9(2)(g)(i)			11/12/2019

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#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
7	Dr Roderick Carr	s 9(2)(g)(i)			
Investments					

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OFFICIAL INFORMATION ACT

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
1	Dr Roderick Carr	Waingawa Land Company	<p>Interest (64%) in a farm forestry venture.</p> <p>Wife s 9(2)(a) holds an additional 11% interest</p> <p>s 9(2)(a)</p> <p>NZUs have a value of approximately \$37 each as at 17 December 2020</p> <p>s 9(2)(a)</p>	<p>Has a pre- 1990 plantation. This has been awarded s 9(2)(a) NZ Units. Waingawa Forest Corporation Ltd owns approximately 15 ha of mature Pinus Radiate Plantation on land leased from Waingawa Land Company. The entity may be required to advise on the ETS regime and such advice may impact the value of the units. Due to remoteness, access difficulties and small scale, the woodlot is uneconomic to harvest.</p>	11/12/2019
2	Dr Roderick Carr	s 9(2)(g)(i)			
3	Dr Roderick Carr	Contact Energy Ltd	s 9(2)(a)	Ownership of ordinary shares - Climate policy may impact the value of Energy producers and distributors.	11/12/2019
4	Dr Roderick Carr	Auckland International Airport Ltd	s 9(2)(a)	Ownership of ordinary shares - Climate policy may impact the value of businesses dependent on international air travel.	11/12/2019

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
5	Dr Roderick Carr	Wellington Drive Technologies Ltd	s 9(2)(a)	Publicly listed electric engine company	11/12/2019

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
Relatives					
1	Dr Roderick Carr	Waingawa Land Company	s 9(2)(a)	Rod Carr 64%, ^{Dr Carr's Wife - 9(2)(a)} 11% and s 9(2)(a) Waingawa Forest Corporation Ltd owns approximately 15 ha of mature Pinus Radiate Plantation on land leased from Waingawa Land Company.	11/12/2019
2	Dr Roderick Carr	s 9(2)(a) NZUs	s 9(2)(a)	s 9(2)(a) is brother of Rod <u>but Rod has no knowledge or financial interest in these Units.</u>	24/1/2020

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
Other					

[UNCLASSIFIED]

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
1	Dr Roderick Carr			s 9(2)(a)	11/12/2019
2	Dr Roderick Carr	Waihi Beach bach - one row back from beach frontage		Unable to quantify impact of any changes in climate policy not already accounted for in zoning (floor prone). Climate policy may adversely impact the value of beach front properties.	11/12/2019

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[UNCLASSIFIED]

Out of Scope

[UNCLASSIFIED]

From: s 9(2)(a)

Sent: Wednesday, 20 January 2021 1:48 pm

To: Rod Carr <Roderick.Carr@climatecommission.govt.nz>

Cc: Jo Hendy s 9(2)(a)@climatecommission.govt.nz; s 9(2)(a)

s 9(2)(a)@climatecommission.govt.nz; s 9(2)(a)@climatecommission.govt.nz

Subject: Interests Register Update - Dr Judy Lawrence

[UNCLASSIFIED]

Kia ora Rod,

Please find attached the updated interests for Dr Judy Lawrence.

Thanks

s 9(2)(a)

s 9(2)(a)



climatecommission.govt.nz

[UNCLASSIFIED]

INTEREST REGISTER – CLIMATE CHANGE COMMISSION BOARD

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
Directorships and other roles					
1	Dr Judith (Judy) Lawrence	IPCC Coordinating Lead Author 6th Assessment Chapter 11 Australasia	s 9(2)(a)	Funding comes from Ministry for the Environment as partial recompense for CLA role. The Ministry of the Environment is administrator for the CCC.	11/12/2019
2	Dr Judith (Judy) Lawrence	Governance Domain Lead for the NZ National Risk Assessment via a contract between Victoria University of Wellington and AECOM who hold the Head Contract with the Ministry for the Environment	s 9(2)(a)	The NZ NRA will inform the National Adaptation Plan which the CCC will review; the CCC will undertake the 2nd NZ National Risk Assessment.	11/12/2019 – contract finished – April 2020
3	Dr Judith (Judy) Lawrence	Member of the Ministry for the Environment RMA Review Reference Group on the Natural Environment (includes Climate Change)	Meeting honorarium	Advice on climate change in the review of the RMA	11/12/2019 Completed
4	Dr Judith (Judy) Lawrence	Fixed term contract with NIWA for the Resilience Science Challenge “Enabling Proactive Coastal Adaptation”	s 9(2)(a)	The research will inform the National Adaptation Plan being prepared by the Ministry for the Environment and which the CCC will review	11/12/2019
5	Dr Judith (Judy) Lawrence	Contract with NZ Treasury advising and peer reviewing background papers and Chapter on climate change for the Long-Term Fiscal Statement	s 9(2)(a)	The Treasury is one of many government departments involved in the preparation of the of the national Adaptation Plan that the CCC will review	11/12/2019 – contract finished March 2020

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
6	Dr Judith (Judy) Lawrence	Fixed term research for Endeavour SeaRise Programme until October 2021	Part time employment contract by Victoria University of Wellington School of Geography, Environment and Earth Sciences	Research on the implementation of sea level rise projections	11/12/2019
7	Dr Judith (Judy) Lawrence	Chair of the Peer Review Panel for the Multi-Hazards and Liquefaction Study for Christchurch City Council which includes flooding and sea level rise affected by climate change	s 9(2)(a)	Christchurch City Council is one of many councils affected by the outcomes of the NAP and second RA which the CCC will review and undertake respectively	11/12/2019

Investments					
1					

#	Member name	Nature of interest	Monetary value (if quantifiable)	Extent of interest (if not quantifiable by reference to monetary value)	Date of disclosure
Relatives					

Out of Scope

[UNCLASSIFIED]

From: s 9(2)(a)
Sent: Tuesday, 9 February 2021 9:47 am
To: Jo Hendy s 9(2)(a) @climatecommission.govt.nz>
Subject: RE: (Guidance requested on potential conflict) FW: voluntary offsetting - invitation to participate in stakeholder workshops

[UNCLASSIFIED]

Hi Jo,

I'm on it! s 9(2)(g)(i)

s 9(2)(h)

Thanks
s 9(2)(a)

[UNCLASSIFIED]

From: Jo Hendy s 9(2)(a) @climatecommission.govt.nz>
Sent: Monday, 8 February 2021 3:15 pm
To: s 9(2)(a) s 9(2)(a) @climatecommission.govt.nz>
Subject: Fwd: (Guidance requested on potential conflict) FW: voluntary offsetting - invitation to participate in stakeholder workshops

s 9(2)(a) - are you able to deal with this one? Thanks!

Get [Outlook for iOS](#)

From: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Sent: Monday, February 8, 2021 2:53 PM
To: Catherine Leining; Jo Hendy
Cc: s 9(2)(a) ; s 9(2)(a) Rod Carr
Subject: Re: (Guidance requested on potential conflict) FW: voluntary offsetting - invitation to participate in stakeholder workshops

s 9(2)(g)(i)

s 9(2)(g)(i)

Rod

From: Catherine Leining s 9(2)(a) <[redacted]@climatecommission.govt.nz>

Sent: Wednesday, January 27, 2021 9:10 PM

To: Rod Carr; Jo Hendy

Cc: s 9(2)(a) ; s 9(2)(a)

Subject: RE: (Guidance requested on potential conflict) FW: voluntary offsetting - invitation to participate in stakeholder workshops

s 9(2)(g)(i)

Best regards,

Catherine

From: Rod Carr <Roderick.Carr@climatecommission.govt.nz>

Sent: Wednesday, 27 January 2021 8:42 PM

To: Catherine Leining s 9(2)(a) <[redacted]@climatecommission.govt.nz>; Jo Hendy

s 9(2)(a) <[redacted]@climatecommission.govt.nz>

Cc: s 9(2)(a) <[redacted]@climatecommission.govt.nz>; s 9(2)(a)

s 9(2)(a) <[redacted]@climatecommission.govt.nz>; Rod Carr <Roderick.Carr@climatecommission.govt.nz>

Subject: Re: (Guidance requested on potential conflict) FW: voluntary offsetting - invitation to participate in stakeholder workshops

s 9(2)(g)(i)

s 9(2)(a) your view?

Rod

From: Catherine Leining [s 9\(2\)\(a\)@climatecommission.govt.nz](mailto:s 9(2)(a)@climatecommission.govt.nz)
Sent: Wednesday, January 27, 2021 10:38 AM
To: Rod Carr; Jo Hendy
Cc: s 9(2)(a)
Subject: (Guidance requested on potential conflict) FW: voluntary offsetting - invitation to participate in stakeholder workshops

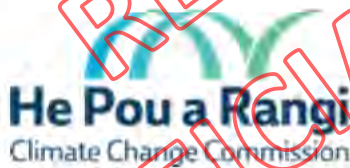
Hi Rod and Jo,

Last week, I received this invitation in my Motu role to join in a stakeholder workshop process led by MfE on the future of voluntary offsetting in New Zealand, including under the Carbon Neutral Government Programme. This builds directly on two stakeholder workshops I led through Motu last year, with funding by EECA. In the process I led, participants were there in their personal capacity under the Chatham House rule, not as organisational representatives, and [s 9\(2\)\(a\)](mailto:s 9(2)(a)@climatecommission.govt.nz) had participated. With MfE's workshops, the views of the participating stakeholders will be reported by name to Ministers.

[s 9\(2\)\(g\)\(i\)](mailto:s 9(2)(g)(i)@climatecommission.govt.nz)

Best regards,

Catherine



Catherine Leining | Climate Change Commissioner
Climate Change Commission
M [s 9\(2\)\(a\)](tel:s 9(2)(a)@climatecommission.govt.nz)
E [s 9\(2\)\(a\)@climatecommission.govt.nz](mailto:s 9(2)(a)@climatecommission.govt.nz)
W climatecommission.govt.nz

From: [9\(2\)\(a\)@mfe.govt.nz](mailto:9(2)(a)@mfe.govt.nz)
Sent: Wednesday, 20 January 2021 8:53 AM
Cc: [9\(2\)\(a\)@mfe.govt.nz](mailto:9(2)(a)@mfe.govt.nz); [9\(2\)\(a\)@mfe.govt.nz](mailto:9(2)(a)@mfe.govt.nz); [9\(2\)\(a\)@mfe.govt.nz](mailto:9(2)(a)@mfe.govt.nz)
Subject: voluntary offsetting - invitation to participate in stakeholder workshops

Kia ora and happy new year,

The Ministry for the Environment (MfE) is assessing options for voluntary offsetting action under the context of the Paris Agreement. Advice on these options will be presented to the Minister for Climate Change and the Minister for Economic and Regional Development by the end of May 2021 as part of our work on the Carbon Neutral Government Programme.

Understanding and presenting the views of stakeholders in the voluntary offsetting market is an important part of the advice. Decisions taken on offsetting in the Carbon Neutral Government Programme will unavoidably send signals and set precedent.

As a stakeholder who has knowledge in this area, MfE would like to invite you to participate in expert-level stakeholder workshops, with a small number of participants, facilitated by MfE. The purpose of the workshops are to seek a stakeholder view, individually or as a group where consensus can be achieved, on voluntary offsetting and mitigation options.

It is anticipated that there will be two workshops occurring between February and April. Dates will be advised once invited participants have been confirmed.

Please note:

1. Participation in these workshops is voluntary and your time will not be paid.
2. The workshops will not follow Chatham House rules as we will need to provide Ministers context to understand any feedback.

Please respond to this email to register your interest in participating in these workshops by COB **Wednesday 27 January**. Alternatively, if you have any further questions about this, please contact me or 9(2)(a) 9(2)(a) @mfe.govt.nz).

Kind regards,

9(2)(a)
 Ministry for the Environment – Manatū Mō Te Taiao
 Email: 9(2)(a) Website: www.mfe.govt.nz
 23 Kate Sheppard Place, PO Box 10362, Wellington 6143



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WITHHELD IN FULL

Document 28 is withheld in full: 9(2)(h)

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Out of Scope

[UNCLASSIFIED]

From: s 9(2)(a)
Sent: Friday, 29 January 2021 10:02 pm
To: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Cc: Jo Hendy s 9(2)(a) @climatecommission.govt.nz
Subject: Re: [UNCLASSIFIED] Update on Out Of Scope & Interests Work

Hi Rod,

I haven't had a response from the Minister's office. 9(2)(h)

If we don't hear by the time we are ready to send the next letter to the Minister outlining the remaining items we can use that as an opportunity to ask him to approve the first lot and perhaps outline more plainly why his approval matters.

I will work on this so we can get it sent off early next week.

I hope that helps.

Thanks
s 9(2)(a)

On 29/01/2021, at 3:59 PM, Rod Carr <Roderick.Carr@climatecommission.govt.nz> wrote:

Any luck with the Minister's office on the pre Christmas letter? Would be good to know he has consented before 2pm Sunday.

Rod

From: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Sent: Thursday, January 28, 2021 11:39 PM
To: s 9(2)(a)
Cc: Jo Hendy
Subject: Re: [UNCLASSIFIED] Update on Out Of Scope & Interests Work

Thanks s 9(2)(a) Will be in the office tomorrow.
Rod

From: s 9(2)(a) climatecommission.govt.nz
Sent: Thursday, January 28, 2021 9:42:11 PM
To: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Cc: Jo Hendy s 9(2)(a) [@climatecommission.govt.nz](mailto:s9(2)(a)@climatecommission.govt.nz)
Subject: [UNCLASSIFIED] Update on Out Of Scope & Interests Work

[UNCLASSIFIED]

Hi Rod,

Just a quick update on the Out Of Scope and interests work as I know these are things you are expecting:

Out of Scope



Interests

s 9(2)(h)



In the meantime I will follow up with the Minister's office on the letter we sent before Christmas as we need his approval on the interests contained in that letter.

I hope this helps. Please let me know if there is anything else you need.

Thanks
s 9(2)(a)



<image003.png>

s 9(2)(a)



M 9(2)(a)

W climatecommission.govt.nz

[UNCLASSIFIED]

Out of Scope

[UNCLASSIFIED]

From: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Sent: Monday, 15 February 2021 9:40 pm
To: s 9(2)(a) @climatecommission.govt.nz; Jo Hendy s 9(2)(a) @climatecommission.govt.nz
Subject: Re: [UNCLASSIFIED] Interests Update

Thanks s 9(2)(a)
Rod

From: s 9(2)(a) @climatecommission.govt.nz
Sent: Monday, February 15, 2021 9:18:55 PM
To: Rod Carr <Roderick.Carr@climatecommission.govt.nz>; Jo Hendy s 9(2)(a) @climatecommission.govt.nz
Subject: [UNCLASSIFIED] Interests Update

[UNCLASSIFIED]

Hi Both,

The Minister's office have now got back to me saying they are aiming to provide a response to our interests letter dated 23 December by the end of this week.

In the meantime I will continue to put together the updates from Commissioners to input into the final letter to the Minister s 9(2)(h)

I will let you know once I hear more!

Thanks
s 9(2)(a)

s 9(2)(a)



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[UNCLASSIFIED]

Out of Scope

s 9(2)(h)

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[UNCLASSIFIED]

From: s 9(2)(a) <[redacted]@parliament.govt.nz>
Sent: Thursday, 25 February 2021 4:23 pm
To: Rod Carr <Roderick.Carr@climatecommission.govt.nz>
Cc: J Shaw (MIN) <J.Shaw@ministers.govt.nz>; s 9(2)(a) <[redacted]@climatecommission.govt.nz>
Subject: Climate Change Commission: Interests Letter

Dear Rod

Please find attached a letter from Minister Shaw, responding to your letter dated 23 December 2020 regarding the interests held by Commission Board members.

Kind regards,
s 9(2)(a)



s 9(2)(a)
Office of Hon James Shaw
Minister of Climate Change | Associate Minister for the Environment (Biodiversity)
Room 2.026, Parliament House | Private Bag 18041 | Wellington 6160 |
New Zealand
9(2)(a)

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Hon James Shaw

Minister of Climate Change
Associate Minister for the Environment (Biodiversity)



23 February 2021

Dr Rod Carr
Chair
Climate Change Commission
Level 21, 1 Willis Street
Wellington 6011
By email: Roderick.Carr@climatecommission.govt.nz

Tēnā koe Rod

Thank you for your letter dated 23 December 2020 outlining the interests held by yourself, the Deputy Chair Ms Lisa Tumahai and Commissioner Professor Nicola Shadbolt.

As the responsible Minister I grant permission to the three of you to continue to carry out your Board and Commissioner functions, notwithstanding the specified interests held by each of you respectively and outlined in your letter. I am satisfied that there is an overarching public interest in all of you being able to fully undertake your duties on the Commission.

The nature of your role requires impartiality and for any form of interest to be addressed when making decisions. Therefore, I am granting this permission subject to the condition that where the Commission provides advice on pricing related to domestic units created for New Zealand's Emissions Trading Scheme, that this advice is overseen, prepared, and authorised by staff and members with no financial interests in them.

Thank you for bringing this matter to my attention.

Nāku noa, ha



Hon James Shaw
Minister of Climate Change