



OIA ref: 2021-032

Privacy

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1 September 2021

Official information request relating to the Commission's advice *Ināia tonu nei: a low emissions future for Aotearoa*

Kia ora Privacy

Official Information Act Request 2021-032

1. I refer to your request for information dated 8 June 2021, in which you requested the following information under the Official Information Act (OIA):

Please supply, under the Official Information Act 1982, the following information relating to the advice given by the Climate Change Commission (the Commission) to the Minister for Climate Change (the Minister) under s 5ZA of the Climate Change Response Act 2002 (the Act) on 31 May 2021 (the Advice):

a. correspondence or other communications (including notes of meetings or calls) between the Commission and the Minister and between the Commission and the Ministry for the Environment (MfE) in relation to the preparation of the Advice or how the Commission should undertake its task;

b. any analysis undertaken by the Commission of the appropriate framework for determining the recommended quantity of emissions that will be permitted in each emissions budget period under s 5Z(1)(a) of the Act;

c. any analysis undertaken by the Commission of the cost of reducing emissions by way of domestic emissions reductions and domestic removals relative to the cost of offshore mitigation;

d. any analysis undertaken by the Commission of the consistency of its recommended emissions budgets with New Zealand's obligations under the Paris Agreement; and

e. any analysis undertaken by the Commission of whether the interquartile range for the reduction of CO2 identified in the 2018 IPCC Special Report on Global Warming of 1.5 °C (that is, -40% to -58% by 2030) should be applied to New Zealand's 2010 levels of gross CO2 or net CO2.

In relation to (b) to (e), we seek emails, memoranda, reports, meeting notes, minutes etc which relate to each of these topics. We do not seek material that is publicly available on the Commission's website or that is included in the advice itself.

Background

2. On 16 June 2021, the Commission sought refinement of your request, notifying you that, as per section 15(1AA) of the Official Information Act 1982 (**OIA**), the Commission would treat any refinement as a new request for the purposes of calculating the maximum statutory timeframe for response.
3. On 21 June 2021 you agreed to refine part (a) of your request to exclude non-substantive, process-focused emails, and you agreed to refine parts (b) through (e) of your request to exclude any process-focused emails as well as any emails about the specified subjects that do not contain analysis.
4. On 20 July 2021 the Commission notified you that it was extending the timeframe for the request until 14 September 2021, under ss 15A(1)(a) and (b) of the OIA.
5. On 19 August 2021, the Commission sought further clarification from you as to the scope of the request. In particular:
 - 5.1 whether the request extended to the Commission's advice on New Zealand's Nationally Determined Contribution (the **NDC**), provided to government under s 5K of the Climate Change Response Act 2002; and
 - 5.2 in relation to part (a) of the request, whether you sought correspondence or other communications between the Commission and the Minister and between the Commission and the Ministry for the Environment at a working-group level (that is, analysts at the Commission (who are not in senior management)).
6. On 20 August 2021, you confirmed that the request:
 - 6.1 extended to the Commission's advice on the NDC; and
 - 6.2 with respect to part (a) of the request, correspondence or other communications at working-group level.

Response

7. The Commission will provide the response to this request in two tranches. The first tranche includes the documents that the Commission understood to be within the scope of the request prior to your clarification on 20 August 2021.
8. The second tranche of the request, which will be provided as soon as possible, will include the documents that fall within scope of the request following your clarification on 20 August 2021. That is:
 - 8.1 material relating to the Commission's advice on the NDC; and

- 8.2 correspondence or other communications between the Commission and the Minister and between the Commission and the Ministry for the Environment (MfE) at a working-group level in relation to the preparation of the Advice or how the Commission should undertake its task.
9. The document schedule appended to this request lists the first tranche of documents that fall within the scope of this request. Please note, some material has been withheld under the following sections of the Act:
- 9.1 Section 9(2)(a), to protect the privacy of individuals;
- 9.2 Section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion;
- 9.3 Section 9(2)(h), to maintain legal professional privilege.
10. Where information has been withheld, the Commission does not consider that the withholding of this information is outweighed by public interest considerations in making the information available.
11. Some information has also been refused under section 18(d) of the Act, as it is publicly available.

Other matters

12. You have the right by way of complaint to the Ombudsman under s 28(3) of the OIA to seek an investigation and review of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.
13. Please note that the Commission has a policy to proactively release OIA responses to help others have access to more information. Consequently, this letter will be published on our website with your name and contact details redacted to protect your privacy.

Ngā mihi
Privacy



Climate Change Commission

Document Schedule for OIA 2021-032

No.	Document Type	Document Title	Date	Redactions/Notes
Part A				
1	Email	RE: Climate Change Commission - Extension to the Statutory Deadlines for Emissions Budgets	10 July 2020	Some information has been withheld under s 9(2)(a)
1a	- Attachment	Letter from Dr Rod Carr to Minister James Shaw - Extension to the statutory deadlines for emissions budgets - 24 June 2020.pdf		
1b	- Attachment	Final letter to the Commission extending the timeframes.pdf		
Part B				
2	PPT for Board	Withheld in full under s 9(2)(g)(i)	29 July 2020	Withheld in full under s 9(2)(g)(i)
3	PPT for Board	Withheld in full under s 9(2)(g)(i)	undated	Withheld in full under s 9(2)(g)(i)
4	PPT for Board Meeting	Withheld in full under s 9(2)(g)(i)	9 – 10 June 2020	Withheld in full under s 9(2)(g)(i)
5	Board Paper	Withheld in full under s 9(2)(g)(i)	2 June 2020	Withheld in full under s 9(2)(g)(i)
6	Board Paper	Withheld in full under s 9(2)(g)(i)	11 February 2020	Withheld in full under s 9(2)(g)(i)
7	Board Paper	Withheld in full under s 9(2)(g)(i)	31 January 2020	Withheld in full under s 9(2)(g)(i)
Part C				
8	File Note	Withheld in full under s 9(2)(g)(i)	18-19 May 2021	Withheld in full under s 9(2)(g)(i)
9	Emails	Withheld in full under s 9(2)(g)(i)	22 Dec 2020	Withheld in full under s 9(2)(g)(i)
10	Cover Note for Board Paper/Presentation	Withheld in full under s 9(2)(g)(i)	13-14 Oct 2020	Withheld in full under s 9(2)(g)(i)
Part D				
11	Emails	Withheld in full under s 9(2)(g)(i)	26 May 2021	Withheld in full under s 9(2)(g)(i)
12	Email and attachments	Withheld in full under s 9(2)(g)(i)	21 May 2021	Withheld in full under s 9(2)(g)(i)
13	Emails	Withheld in full under s 9(2)(g)(i)	21 May 2021	Withheld in full under s 9(2)(g)(i)
14	Email and attachments	Withheld in full under s 9(2)(g)(i)	18 May 2021	Withheld in full under s 9(2)(g)(i)
15	Email	Withheld in full under s 9(2)(g)(i)	17 May 2021	Withheld in full under s 9(2)(g)(i)
16	Emails	RE: [UNCLASSIFIED] Paris Agreement - NDC - Domestic Mitigation	11 Feb 2021	Some information has been withheld under s 9(2)(a)

17	Emails	Withheld in full under s 9(2)(g)(i)	27 Oct 2020	Withheld in full under s 9(2)(g)(i)
Part D – Legally Privileged – Withheld in full under 9(2)(h)				
18	Emails	Withheld in full under 9(2)(h)	10 May 2021	Withheld in full under 9(2)(h)
18a	- Attachment	Withheld in full under 9(2)(h)		Withheld in full under 9(2)(h)
19	Emails	Withheld in full under 9(2)(h)	10 May 2021	Withheld in full under 9(2)(h)
19a	- Attachment			Withheld in full under 9(2)(h)
20	Email	Withheld in full under 9(2)(h)	15 Feb 2021	Withheld in full under 9(2)(h)
20a	- Attachment			Withheld in full under 9(2)(h)
Part E				
21	Email	Withheld in full under s 9(2)(g)(i)	21 May 2021, 3.16 pm	Withheld in full under s 9(2)(g)(i)
21a	- Attachment	Withheld in full under s 9(2)(g)(i)		Withheld in full under s 9(2)(g)(i)
21b	- Attachment	Withheld in full under s 9(2)(g)(i)		Withheld in full under s 9(2)(g)(i)
22	Email	Withheld in full under s 9(2)(g)(i)	21 May 2021, 9.37 am	Withheld in full under s 9(2)(g)(i)
22a	- Attachment	Withheld in full under s 9(2)(g)(i)		Withheld in full under s 9(2)(g)(i)
23	Email	Withheld in full under s 9(2)(g)(i)	20 May 2021	Withheld in full under s 9(2)(g)(i)
24	Email	RE: [UNCLASSIFIED] Gross-net accounting and the Kyoto Protocol	24 Feb 2021	Some information has been withheld under s 9(2)(a)
25	Email	FW: [UNCLASSIFIED] Paris Agreement - NDC - Domestic Mitigation	18 Feb 2021	Some information has been withheld under s 9(2)(a)
26	Email	Re: [UNCLASSIFIED] RE: Request for meeting	17 Feb 2021	Some information has been withheld under s 9(2)(a)
27	Email	RE: Request for meeting	10 Feb 2021	Some information has been withheld under s 9(2)(a)
27a	- Attachment	2021-02-10 Lawyers for Climate Action NZ topics for meeting with CCC – s 9(2)(a) comments.docx		Some information has been withheld under s 9(2)(a) and 9(2)(g)(i)
28	Emails	Withheld in full under s 9(2)(g)(i)	9 Feb 2021	Withheld in full under s 9(2)(g)(i)
29	Emails	Withheld in full under s 9(2)(g)(i)	21 Dec 2020	Withheld in full under s 9(2)(g)(i)