



OIA Ref: 2022-016

[REDACTED]  
[REDACTED]

18 October 2022

Tēnā koe [REDACTED]

He Pou A Rangī Climate Change Commission received a partial transfer, on 22 September 2022, of your request for information under the Official Information Act 1982 (the Act):

*Does the partner of Lisa Tumahai, Francois Tumahai still have a directorship with Bathurst Resources, coal mining company? What actions has the climate minister and climate commission taken to address their conflict of interest regarding coal mining and the need for a just transition away from fossil fuels and coal in NZ?*

*Under the OIA what discussion has occurred between the climate commission and employee Lisa Tumahai regarding coal and just transitions in her tribal rohe?*

Regarding the first part of your request, as previously advised to you (correspondence dated 21 September 2021 and 24 September 2021 refers) we can re-confirm that under the Commissions Interest Policy, it is the responsibility of Commissioners to advise the Commission of any potential, perceived or actual interests and update the Commissions records of their interests as necessary.

Ms Tumahai disclosed the potential/perceived conflict of interest to the Chair of the Climate Change Commission to consider prior to the effective date of her husband's directorship, in April 2021. The Commission has not been notified of any change in this interest.

As also previously stated in correspondence to you, the Chair considered that it was in the public interest for Ms Tumahai to be able to participate in the Commission's discussions and decision making on these matters, notwithstanding that her husband holds this interest. It is considered that given the condition that all board members are specifically advised of this interest, in combination with the robust discussion that occurs at Board meetings, this is sufficient to manage any risk arising. This interest and condition can be found on the Commissioner Interest Register, available publicly on our website here:

<https://www.climatecommission.govt.nz/who-we-are/corporate-publications/our-interests-policy-and-register/>

Please note that the part of your question that refers to the actions of the Minister of Climate Change James Shaw will be responded to by the Minister's Office.

Regarding the second part of your request, the Commission holds no record showing that Ms Tumahai has been involved in discussions that regard coal and just transitions in her tribal rohe. For this reason, we are refusing your request under 18(g) of the Act because the information you have requested is not held by the Climate Change Commission and we have no grounds for believing that the information is either held by another agency or is more closely connected to the functions of another agency. Efforts at attempting to locate this information included searching through board papers and workshop notes from April 2021 - which was around the time *Ināia tonu nei: a low emissions future for Aotearoa* was being finalised, and from when Ms Tumahai disclosed the potential/perceived conflict of interest – through to now.

Energy, and coal in particular, has not been the Commission's focus since that time, however we also conducted a general search of documentation in our system as well. Furthermore, this part of your request was also raised with the Senior Leadership Team and Chairperson of the Board but no one was aware of any such discussions taking place.

You have the right to seek an investigation and review by the Office of the Ombudsman of this decision, in accordance with section 28(3) of the Official Information Act 1982. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

Please note that the Commission has a policy of proactive release of OIA responses to help others have access to more information, so this letter will shortly be published on the website with your name and contact details redacted to protect your privacy.

Ngā mihi,



Dr Grant Blackwell  
**Chief Science Adviser**