

Ref: OIA 2023-002

[REDACTED]
[REDACTED]

22 March 2023

Tēnā koe [REDACTED]
scope

Thank you for your email of 24 January 2023 requesting information under the Official Information Act 1982 (the Act).

On 17 February 2023, we advised you of a 20 working days extension to the timeframe to respond to this request,. This extension was made under Sections 15A(1)(a) and (b) of the Act as your original request was for a large quantity of information or required us to search through a large quantity of information, and consultations necessary to make a decision on the request could not reasonably be made within the original time limit.

Following a conversation with Senior Government Services Advisor, Adam McFerran, on 21 February 2023 you refined the scope of your request to the following wording:

Any minutes, notes, documents, or summaries created during the commission's engagement (for the time period of the Commission's engagement only) with market participants, intermediaries, and members of bodies with an interest in the NZ ETS during the formation of its July 2022 "Advice on NZ ETS unit limits and price control settings for 2023-2027"

<https://www.climatecommission.govt.nz/public/ETS-advice-July-22/PDFs/NZ-ETS-settings-2023-2027-final-report-web-27-July-2022.pdf>

Our response

Following the refinement of your request, we were able to narrow our search parameters and found five documents containing information to be in scope of your request. These are listed below:

1. A list of companies (and names of individuals at each company) the Commission engaged with during the formation of our ETS advice. We have identified some gaps in this document which we have filled in Appendix 1, where possible.
2. A document drafted for stakeholders ahead of our engagement with them which summarised why we would like to hear from them and how their feedback would be used by the Commission.
3. A document drafted for and provided to the Commission's Board which summarised the key themes identified during our engagement with stakeholders.
4. A Board paper which includes an outline of ETS settings decisions.
5. Handwritten notes taken by Commission staff during engagement, which was technical in nature, with the listed companies.

We are releasing **Documents 1, 2 and 3** to you in full. They are enclosed with this response.

Document 4 is being provided to you as an extract from a Board paper. This is because only bullets 186 to 190 of the Board paper are in scope of your request. These bullets set out the issues we wanted to discuss during our engagement and the themes we heard from stakeholders. The content within the extract has been provided to you in full. Please note, content provided from the extract in the Board paper is largely reproduced in the final report *Advice on NZ ETS unit limits and price control settings for 2023-2027* (in section 4.3.2) almost verbatim, available here: <https://www.climatecommission.govt.nz/our-work/advice-to-government-topic/nz-ets/our-advice-on-the-nz-ets/nz-ets-unit-limits-and-price-control-settings-for-2023-2027/>

We engage widely with people on our advice, placing stakeholder engagement at the heart of what we do. In our engagement with stakeholders during the formation of our ETS advice, we made clear that the discussions with us were had in confidence, so that their important insights could be open and frank. It is particularly important to us that we protect the trust formed with these stakeholders as we may wish to engage with them about future matters as part of our ongoing work programme. Furthermore, the Commission does not accept speaker fees, travel costs, or payment of any kind when undertaking engagement. We assess requests we receive for meetings on their merit and on staff capacity, and our staff reach out to stakeholders related to the advice we are developing to test our thinking and seek insights and evidence to help test our analysis, which is crucial to the work we provide to Government. As such, it is the view of the Commission that we should not release anything that could undermine the stakeholders' confidence in us to keep these insights confidential going forward. It is for these reasons that we are withholding **Document 5**, handwritten notes, in full under Section 9(2)(ba)(i) of the Act. We consider the public interest in releasing this information does not outweigh the need to withhold it under the Act.

Furthermore, given the informal nature of the discussions that took place, there are no formal minutes we can provide to you. As minutes do not exist, we must apply Section 18(e) of the Act to this portion of your request.

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

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

Ngā mihi



Stephen Walter
General Manager – Emissions Budgets, Adaptation & Markets
Climate Change Commission

Appendix One

Below are some additions to attendees which were not originally captured in Document 1, grouped by organisation.

Organisation	Attendees
UK BEIS	Alan Crawford; Geraldine Satre-Buisson; Matthew Davies; Michael Henman; Glynn Stafford
Westpac	Craig Milne; Benjamin Coleman; Alastair Wait
Todd Energy	Rowan Hooper
Trustpower	Craig Schubauer; Fiona Wiseman
Genesis	Catherine Soper; Pauline Martin
NZ Steel	Jason Dale; Yvette Trail; Alan Eyes
Fonterra	Tony Oosten; Bree Penny; Linda Mulvihill
NZAS	Jennifer Nolan; Andrew Elder; Daniel Woodfield
Air New Zealand	Jenny Sullivan, Matt Thompson
CANA	Tim Jones; Emily Sutton; Jenny Campbell; Steve Goldthorpe
emsTradepoint	Quintin Tahau; Kerry Wilkins; Cathy Lawless
NZFM	John Hura