

OIA Ref: 2023-015

[REDACTED]

25 July 2023

Tēnā koe [REDACTED]

I refer to your email of 12 July 2023 requesting the following information:

*“I would like to know if there is any further information around the climate commissions recommendations around Gabrielle being a force majeure event ?”*

You also included a partial quote of section of our March 2023 advice to Government on NZ ETS unit limits and price control settings for 2024-2028. I have added the missing part of the quote in brackets below for context:

*“If we determine later, based on new information, that Cyclone Gabrielle does meet the force majeure threshold for the NZ ETS as provided [in the Act (section 30GB), we will have the opportunity to provide advice to the Government on how the unit limits and price controls can best respond].”*

Due to the nature of your request, we are treating it as a request under the Official Information Act 1982 (the Act).

Firstly, thank you for taking an interest in our mahi and taking the time to read through our recent advice to Government.

The Climate Change Commission’s statutory purpose is to provide independent and evidence-based advice to Government on climate action, such as the March 2023 advice you refer to, as well as monitoring progress towards Aotearoa New Zealand’s climate goals. To do this we rely on a wide range of verified data, including information sourced from other Government agencies.

Data about the impacts of Cyclone Gabrielle as it relates to the NZ ETS is not collected by the Commission directly, but rather will be held by a range of other agencies more closely involved – in particular the Ministry for the Environment, the Ministry for Primary Industries, and the Environmental Protection Authority.

The Commission has not received any further information in relation to your question of whether Cyclone Gabrielle does meet the *force majeure* threshold for the NZ ETS, as provided in section 30GB of the Climate Change Response Act 2002. I am therefore unable to provide you with the information you requested. This

decision is made under section 18(e) of the Official Information Act - where *the document alleged to contain the information requested does not exist*.

The Commission's next piece of advice on ETS unit limits and price control settings is due to Government by the end of March 2024. That advice is where the Commission can revise its judgement and reassess the NZ ETS settings if new information comes to light. The Commission will be collating information from other agencies – including on the impacts of Cyclone Gabrielle – to help inform that advice over the coming months, but that work has not yet begun. You can read more about this advice on our website, here: <https://www.climatecommission.govt.nz/our-work/our-upcoming-work/#advice-on-ets-limits>

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](http://www.ombudsman.parliament.nz)

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

Ngā mihi



Dr Grant Blackwell  
**Chief Science Advisor**