



9(2)(a)

24 September 2026

Kia ora 9(2)(a)

Thank you for your email received by the Ministry for Cities, Environment, Regions and Transport (the Ministry) on 22 July 2026, requesting the following under the Official Information Act 1982 (the Act):

Can you please provide me with all advice to ministers you hold that relate to the problem of emissions leakage and trade exposed sectors and or individual companies. My request includes, but is not limited to, briefings, reports, aides memoire and cabinet papers. Please cover the period Jan 1 2025 to the present.

On 28 July 2026 you clarified that your request is for:

No, I don't want to include operational policy work relating to industrial allocation, such as the Ministry's routine annual updates to allocative baselines and similar implementation or maintenance activities.

Please focus on strategic policy advice regarding industrial allocation.

On 16 September 2026, we informed you that additional time was required to finalise documents in scope of your request for release. This was because the material, including document titles, was considered market sensitive and must be released in a manner consistent with both the Official Information Act 1982 and Emissions Trading Scheme market release protocols. Release of this information at that time would disrupt due market process and would have a significant impact on market fairness and accessibility.

Thank you for your patience. I am now able to provide the documents in scope of your request.

I have identified 43 documents within the scope of your request. These are listed in the document schedule attached as Annex 1.

As advised on 16 September 2026, I am withholding one document in full under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

I am releasing 29 documents to you in part with certain information withheld under the following sections of the Act:

- | | |
|-------------|---|
| 6(a) | as release would be likely to prejudice the security or defence of New Zealand or the international relations of the New Zealand Government |
| 9(2)(a) | to protect the privacy of natural persons |
| 9(2)(b)(ii) | to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information |
| 9(2)(ba)(i) | to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied |
| 9(2)(f)(iv) | to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials |
| 9(2)(g)(i) | to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty |
| 9(2)(h) | to maintain legal professional privilege |
| 9(2)(j) | to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). |

Some information is released as an excerpt in accordance with section 16(1)(e) of the Act.

With regard to the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

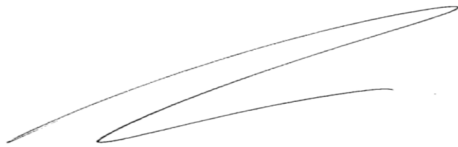
I am refusing 13 documents in full under section 18(d) of the Act as the information will soon be publicly available on the Ministry's website at: <https://www.mcert.govt.nz/publications/>.

If you would like to discuss this decision with us, please do not hesitate to contact us at OIA@mcert.govt.nz.

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

Please note that due to the public interest in our work, the Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on its website. Before publishing we will remove any personal or identifiable information.

Ngā mihi

A handwritten signature in dark ink, consisting of two fluid, sweeping strokes that form a stylized, elongated shape.

David Mead

Chief Advisor – Climate Change Mitigation and Resource Efficiency
Ministry for Cities, Environment, Regions and Transport

Annex 1: Document Schedule

#	Date	Reference	Title	Decision	Grounds
1	08-05-2025		Email - RE: Call with Fletcher Building tomorrow	Released in part	9(2)(a) 9(2)(b)(ii) 9(2)(g)(i)
2	31-10-2025		Climate Weekly Update for the week ending 31 October 2025	Released as an excerpt Released in part	16(1)(e) 9(2)(a) 9(2)(b)(ii)
3	25-03-2026		Email – RE: Update on negotiation envelope for Golden Bay	Released in part	9(2)(a) 9(2)(g)(i) 9(2)(j)
4	01-04-2026		Email - Next steps with Fletcher Building/Golden Bay	Released in part	9(2)(a) 9(2)(b)(ii)
5	25-06-2025		Email - RE: Formal Message - CBAM Feasibility study - tasking to Posts on CBAM policy and implementation MfE edits	Released in part	9(2)(a)
6	25-06-2025		Email attachment – FORMAL MESSAGE – CARBON BORDER ADJUSTMENT MECHANISM FEASIBILITY STUDY – TASKING TO POSTS TO REACH OUT TO STAKEHOLDERS	Released in part	9(2)(g)(i)
7	09-04-2026		Email - RE: MCC to MOF re budget initiative invitation	Released in part	9(2)(a) 9(2)(g)(i) 9(2)(j)
8	21-04-2026		Email – RE: Draft negotiation conditions with Fletchers	Released in part	9(2)(a) 9(2)(h) 9(2)(j)
9	07-07-2026	26-BRF-01903	Aide Memoire: Meeting with Minister for Economic Growth about Golden Bay communications	Released in part	9(2)(a) 9(2)(g)(i) 9(2)(j)
10	04-05-2026		Email - Update on Golden Bay	Released in part	9(2)(a) 9(2)(b)(ii)
11	22-04-2026		Email - RE: 26-CAB-00966 - Maintaining domestic cement manufacturing in NZ	Released in part	6(a) 9(2)(a) 9(2)(b)(ii) 9(2)(g)(i) 9(2)(h)
12	20-04-2026		Email - RE: 26-BRF-00958 and 26-CAB-00966 - Maintaining domestic cement manufacturing in NZ	Released in part	9(2)(a) 9(2)(h)
13	16-04-2026		Email - RE: 26-BRF-00958 and 26-CAB-00966 - Maintaining domestic cement manufacturing in NZ	Released in part	9(2)(a) 9(2)(g)(i) 9(2)(h)

#	Date	Reference	Title	Decision	Grounds
					9(2)(j)
14	01-12-2025		Email - RE: Briefing to Minister of Climate Change - Policy pathways for managing the impacts of the potential closure of Golden Bay Cement's Whangārei site	Released part	9(2)(a)
15	08-12-2025		Email - FW: BRF-7080 - Findings of the feasibility study on a cement sector BCA	Released in part	9(2)(a)
16	18-12-2025		Email - RE: Ministry's proposed response - CORM-4889 about CONSENSUS POSITION ON THE NECESSITY OF A BORDER CARBON ADJUSTMENT, due 15/12/25	Released in part	9(2)(a)
17	02-07-2025		Email - FW: MoF request for information on CBAM Feasibility study	Released in part	6(a) 9(2)(a) 9(2)(g)(i) 9(2)(h)
18	15-12-2025		Email - RE: Key messages re outcome of BCA study	Released in part	9(2)(a)
19	02-07-2025		Email attachment - Informal Note - Advice on the Carbon Border Adjustment Mechanism (CBAM) feasibility study, focused on the cement and clinker sector v2 2July2025	Released in part	6(a) 9(2)(g)(i) 9(2)(h)
20	18-06-2025		Email attachment - Feasibility Study on a CBAM: International Engagement	Released in part	9(2)(a) 9(2)(g)(i)
21	22-04-2026		Climate implications of policy assessment: Disclosure sheet	Released in part	9(2)(b)(ii) 9(2)(g)(i)
22	23-04-2026		Regulatory Impact Statement: Maintaining domestic cement manufacturing in New Zealand	Released in part	9(2)(b)(ii) 9(2)(ba)(i) 9(2)(f)(iv) 9(2)(g)(i) 9(2)(h) 9(2)(j)
23	16-04-2026	26-BRF-00970	Aide Memoire - Material for Minister's attendance at the Fletcher Building Board Reception, 20 April 2026	Released in part	9(2)(a) 9(2)(g)(i)
24	16-04-2026	26-BRF-00958	Briefing - Maintaining domestic cement manufacturing in New Zealand - draft Cabinet Paper	Released in part	9(2)(a) 9(2)(b)(ii) 9(2)(g)(i) 9(2)(h)
25	13-05-2026	26-BRF-01276	Aide Memoire - Talking points for ECO to support discussion on Golden Bay	Released in part	9(2)(a) 9(2)(b)(ii) 9(2)(g)(i) 9(2)(h) 9(2)(j)
26	16-04-2025	BRF-6051	Briefing - Cement Industry Carbon Border Adjustment Mechanism (CBAM)	Released in part	9(2)(a) 9(2)(f)(iv)

#	Date	Reference	Title	Decision	Grounds
					9(2)(g)(i)
27	05-06-2025	BRF-6323	Meeting Note - Meeting with Concrete New Zealand	Released in part	9(2)(a) 9(2)(ba)(i) 9(2)(g)(i)
28	22-05-2025	BRF-6259	Briefing - Carbon Border Adjustment Mechanism - Feasibility Study Next Steps	Released in part	6(a) 9(2)(a) 9(2)(g)(i)
29	04-07-2025	BRF-6457	Briefing - CBAM Feasibility Study – Letter of Reply to Cement Sector Group and Terms of Reference	Released in part	6(a) 9(2)(a) 9(2)(b)(ii) 9(2)(g)(i)
30	27-11-2025	BRF-7119 / REQ-0023882	Policy pathways for managing the impacts of the potential closure of Golden Bay Cement’s Whangārei site	Refused in full	18(d)
31	April 2026		Email attachment - Final Report - Golden Bay Open Book Review	Refused in full	18(d)
32	April 2026		Golden Bay (GB) Open Book Review - Databook	Refused in full	18(d)
33	22-01-2026	26-BRF-00040	Meeting with Fletcher Building Limited	Refused in full	18(d)
34	17-03-2026	26-BRF-00311 / REQ-0029518	Options for managing the potential closure of Golden Bay Cement’s Whangārei site	Refused in full	18(d)
35	02-04-2026	26-BRF-00846	Key messages and approach to discussions with Fletcher Building re Golden Bay Cement	Refused in full	18(d)
36	09-04-2026	26-BRF-00885	Advice on exempting Fletcher Building from the NZ ETS under s60 CCRA	Refused in full	18(d)
37	10-04-2026	26-BRF-00920	Aide Memoire - Talking Points for meeting with Fletcher Building on 13 April	Refused in full	18(d)
38	06-05-2026	26-BRF-01207 / REQ-003263625	Draft Cabinet paper - Maintaining domestic cement manufacturing in New Zealand	Refused in full	18(d)
39	24-06-2026	26-BRF-01606 / REQ-0034786	Approving a deal with Fletcher Building regarding Golden Bay Cement	Refused in full	18(d)
40	16-07-2026	26-BRF-02017	Drawing down the Golden Bay Cement Tagged Contingency	Refused in full	18(d)
41	27-11-2025	BRF-7080	Findings of the Border Carbon Adjustment Feasibility Study and Next Steps	Refused in full	18(d)
42	April 2026	26-CAB-00966	Maintaining domestic cement manufacturing in NZ	Refused in full	18(d)
43	15-07-2026	26-BRF-01967 / REQ-0034607	[Title withheld under section 9(2)(f)(iv) of the Act]	Withheld in full	9(2)(f)(iv)