



27 November 2023

Ref: 2324-0564

Phil Pennington

Phil.pennington@rnz.co.nz

Tēnā koe Phil

Thank you for your email of 9 September 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

- All documents MBIE provided to DPMC in response to invitations from it to comment on drafts of the NSS.
- All documents created by MBIE after 1 January 2023 providing analysis of fuel security/resilience issues or concerning development of fuel security/resilience measures.

On 22 September 2023, you revised the scope of your request to the following:

- All documents created by MBIE after 1 January 2023 concerning plans for development of fuel security/resilience measures additional to those in place at present, and as set out in documents other than emails.
- 2. Re MBIE's info provided to DPMC on the NSS/drafts, I request the all the 'feedback' that is referred to in the email of 2 February 2023 8:27 on p39 of 2324-0253, where it says 'I will be reviewing the document to ensure all the feedback MBIE has provided to date has been included; and, as this only gets us to Feb, pls also provide copies of all and any similar feedback to this, since Feb till now

On 20 November 2023 we provided you with our decision to release documents to you, but needed some time to make the redactions proposed. Please see the documents attached to the letter, and our rationale for withholding some documents in full, and some material within documents.

### Our response

#### **Question One**

MBIE has no documents concerning plans for development of fuel security/resilience measures additional to those in place at present. MBIE is therefore refusing this part of your request under section 18(e) of the Act, as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

### **Question Two**

MBIE notes that the Department of the Prime Minister and Cabinet's (DPMC) National Security Strategy: Secure Together Tō Tātou Korowai Manaaki (the Strategy), and corresponding Cabinet papers have been released publicly online:

Secure Together Tō Tātou Korowai Manaaki, New Zealand's National Security Strategy, at

https://www.dpmc.govt.nz/our-programmes/national-security/aotearoas-national-security-strategy (report)

 Two Cabinet papers discussing the Strategy, proactively released by DPMC and available at <a href="https://www.dpmc.govt.nz/sites/default/files/2022-10/proactive-release-ers-22-sub-0029-strengthing-design-machinery-government.pdf">https://www.dpmc.govt.nz/sites/default/files/2022-10/proactive-release-ers-22-sub-0029-strengthing-design-machinery-government.pdf</a> (2 cab papers)

Please find attached the documents we have identified as being within scope of your request. For ease of reference, we have broken the material into two parts, the first relating to MBIE's generic feedback, and the second relating to the New Zealand's Space Agency (the Space Agency) feedback.

## MBIE generic feedback

There are three emails in scope of the request that capture MBIE's contributions to DPMC on and prior to 8 February 2023. These documents, and our decisions about their release are contained in **Appendix A**.

There are two additional emails from DPMC to MBIE, dated 13 June 2023 and 13 July 2023 respectively, seeking feedback after 8 February 2023. We note the only additional feedback sent to DPMC post-8 February 2023 is detailed in Space Agency binder of documents, labelled S2 and S3.

### **New Zealand Space Agency material**

There are nine documents in scope of the request that capture the contributions of MBIE within the area of space security. These documents, and our decisions about their release are contained in **Appendix B**.

### Our rationale for withholding

We have withheld some information, and some documents in full, as the feedback contains free and frank discussions between senior officials created during the policy development process. Accordingly, we have withheld material under section 9(2)(g)(i) of the Act, to maintain the effective conduct of public affairs through the free and frank exchange of opinions by, between or to Ministers and officials in the course of their duties.

In line with section 9(1) of the OIA, I have considered whether the public interest in the release of this content outweighs the need to withhold it. In this instance, I consider the public interest does not outweigh the need to withhold the information, as I believe the public interest, including the need for accountability, public participation, and transparency, can be met through the contents of the publicly available material.

I have considered that the draft comments are not in the form that is intended for public release relying on plain spoken testing of the draft material and the relevant background. The content for the Strategy was developed through back-and-forth exchanges between DPMPC and other agencies, including MBIE; it was in the public interest to be able to have proposals questioned and challenged in coming to a consensus view on the drafting process. Were such information not protected under section 9(2)(g)(i), the exchanges would have resulted in less frank and less productive exchanges.

In the case of space security in particular, I note that MBIE's Space Agency is the only conduit to discuss national security matters relating to space, and therefore there is no other avenue to obtain this information. I consider there is a real risk that releasing the draft comments would likely impact this avenue for advice and damage the overall quality of future advice if officials were not protected in providing free and frank advice.

More generally, the public acceptance and credibility of the Strategy depend on ensuring that its content, including examples given, is accurate and robust. The public interest rests in allowing officials who work

in the national security space to be able to give free and frank opinions, written or verbal, about the material to ensure the final product is effective.

Finally, the draft of the Strategy had a period of public consultation in which the public were able to work through the draft provisions. I consider this to be sufficient without requiring the basis of the draft to also be provided.

Further information withheld across both parts
Some information has also been withheld under the following sections of the Act:

- Section 6 (c) relating to two operational regulatory intelligence email addresses, as we consider releasing the information is likely to prejudice the maintenance of the law including the prevention, investigation, and detection of offences, and
- Section 9 (2) (a) relating to the names of MBIE intelligence staff as withholding the information is necessary to protect the privacy of natural persons. I do not consider it is in the public interest to release the names and contact numbers of staff who are not decision makers in the matters your OIA relates to and to ensure MBIE adheres to Government Protective Security Requirements for Intelligence staff.

Thank you again for writing to MBIE. Under section 28 of the OIA, you have the right to seek an investigation and review of this decision by the Ombudsman. You can find more about how to do this at <a href="https://www.ombudsman.parliament.nz">www.ombudsman.parliament.nz</a> or by calling 0800 802 602.

Nāku noa, nā

General Manager – Data, Insights, and Intelligence

Digital, Data, and Insights

# Appendix A: Withholding grounds for MBIE's feedback to DPMC

Doc	Date	Description	Redactions
M1	19 October 2023	Initial Feedback to DPMC	s9(2)(a) ,s9(2)(g)(i), s 6 (c)
	19 October	Attachment to M1: 20221012_NSS Strategic Outlook -	Withheld in full
	2023	draft for discussion - TC comments.docx	s9(2)(g)(i)
M2	23	Second Feedback to DPMC	s9(2)(g)(i)
	December		
	2023		
	23	20221212_National Security Strategy Part II for	Withheld in full
	December	consultation- MBIE .docx	s9(2)(g)(i)
	2023		
M3	8 February 2023	Third Feedback to DPMC	s9(2)(a), s9(2)(g)(i),

# Appendix B: Withholding grounds for material related to the New Zealand Space Agency

Doc	Date	Description	Redactions
S1	20 Jun 2023	National Security Strategy – Tawhaki	Withheld in full, s9(2)(g)(i)
S2	13 July 2023	Updated National Security Strategy – final feedback deadline 14.00 – 17 July	s9(2)(g)(i)
<b>S</b> 3	18 Jun 2023	Update National Security Strategy and Cabinet paper	s9(2)(g)(i)
S4	13 July 2023	NSS core issues information request	Withheld in full, s9(2)(g)(i)
S5	20 Dec 2022	Part II of National Security Strategy, Secure Together (seeking any pre-holiday comments)	Withheld in full, s9(2)(g)(i)
S6	Not dated	Part II  Strategic Outlook  Discussion draft attached to Document S5	Information not contained in the online published version withheld, s9(2)(g)(i)  Publicly available contents of the report
<b>S7</b>	2 Feb 2023	Full Draft National Security Strategy – Comment by COB 7 Feb	refused, s18(d) s9(2)(g)(i)
S8	Not dated	Secure Together He Korowai Manaaki A National Security Strategy for Aotearoa New Zealand, 2023	Information not contained in the online

		Draft report attached to <b>Document S7</b>	published version withheld, s9(2)(g)(i)
			Publicly available contents of the report refused, s18(d)
S9	Feb 2023	Secure Together He Korowai Manaaki A National Security Strategy for Aotearoa New Zealand, 2023 Attachment to Document S7	Information not contained in the online published version withheld, s9(2)(g)(i)
			Publicly available contents of the report refused, s18(d)



From:

s 9 (2) (a) Kristin Chambers [DPMC] To:

Cc:

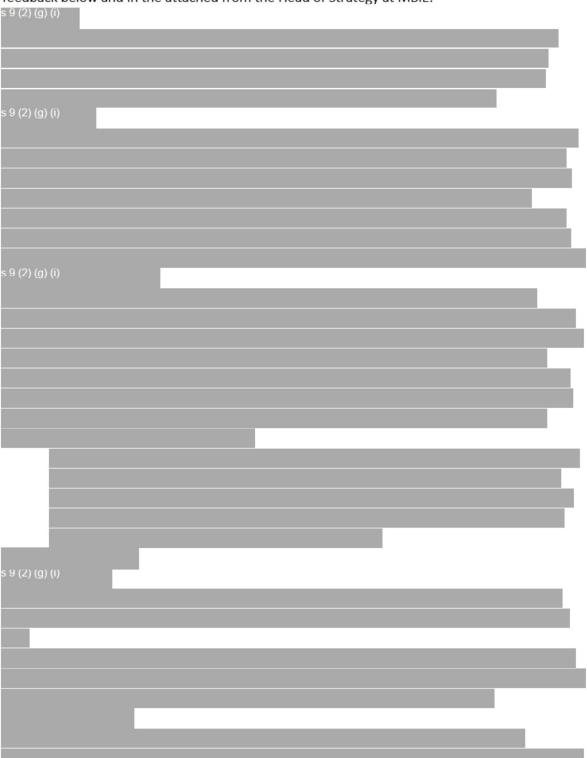
Subject: draft strategic outlook section of NSS- MBIE feedback [RESTRICTED]

Date: Wednesday, 19 October 2022 2:50:18 pm

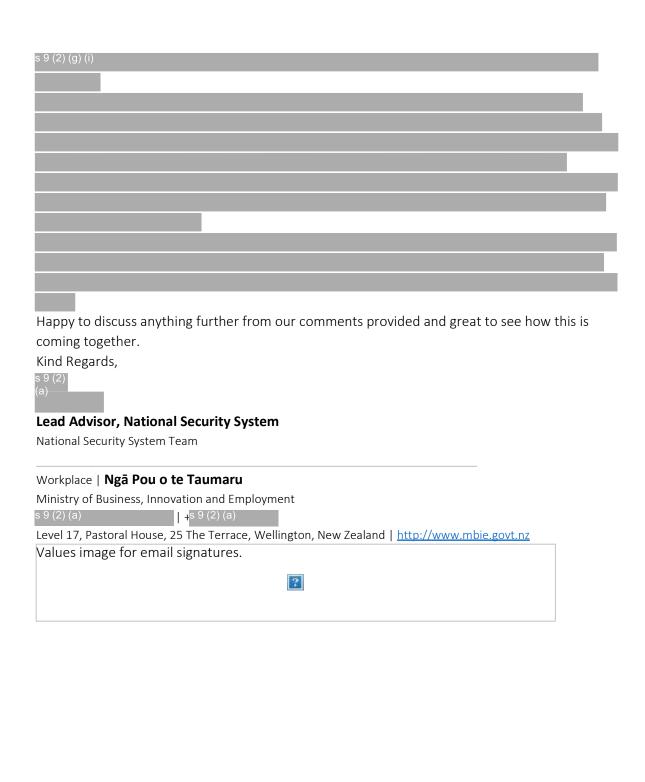
Attachments: 20221012 NSS Strategic Outlook - draft for discussion - TC comments.docx

# Kia ora Kristin,

Thanks for the opportunity to provide feedback on the NSS strategic outlook draft NAB assessment, which will be a key section of the NSS. Given the tight timescales, appreciate we coordinated as best we could across multiple areas of the business, and provide some general feedback below and in the attached from the Head of Strategy at MBIE.









From: s 9 (2) (a)

To: Kristin.Chambers@dpmc.govt.nz

**Cc:** s 6 (c)

Subject: RE: Part II of National Security Strategy, Secure Together (seeking pre-holiday comment) [RESTRICTED]

Date: Friday, 23 December 2022 9:58:52 am

Attachments: <u>image002.png</u>

image002.png 20221212 National Security Strategy Part II for consultation- MBIE .docx

### Kia ora Kristin,

Thank you for providing MBIE the opportunity to provide feedback on Part II of the National Security Strategy. Please find attached comments and track changes from MBIE. I think DPMC may have already received the comments from the space policy team, but for the sake of having in everything in one place I have also included the comments in the attached.

There were some general comments made by business groups which I have included below:

- One point raised was regarding the terminology Natural disaster, it was highlighted this
  term is losing favour in literature and its suggested removing natural. Discussion being the
  hazard is deemed natural or not, but the event is a disaster regardless of the cause.
- The document is focused on response with readiness directives seeming reactive. Proactive readiness could be pulled out more in the document, explicitly indicating business continuity of agencies and government as a system is fundamental to ensuring that NZ can endure the types of disruptions mentioned and respond to and recover from them. Further to this there is seemingly no directive for agencies to undertake their own horizon scanning of these risks and how each agency preparedness is aligned to these priorities, however that may be out of scope for this document.
- There is a sense that while individual risks/priorities are documented, there could be more
  to highlight how these are systemically linked and this risk cannot be confined to one area.
   The complexities of interrelated risk are not mentioned but the global megatrends are.

I hope you have a wonderful break and please reach out if you require anything further.

## Ngā mihi



Out of Scope

Out of Scope		



**From:** s 9 (2) (a)

To: Kristin Chambers [DPMC]

Cc: s 9 (2) (a)

Subject: RE: Draft National Security Strategy and Programme of Action for 1 March SIB (comments by COP 8 Feb)

[IN-CONFIDENCE]

Date: Wednesday, 8 February 2023 3:39:28 pm

Attachments: image002.png

Kia ora Kristin,

Thank you for the chance to review the strategy in its entirety. A couple of comments from MBIE below;



- National adaptation plan | Ministry for the Environment
- Fuel resiliency plan 2022
- New Zealand's participation in the International Energy Programme | Ministry of Business, Innovation & Employment (mbie.govt.nz)
- Transition to Low Emissions Energy System Electricity Authority (ea.govt.nz)
- Gas Transition Plan | Ministry of Business, Innovation & Employment (mbie.govt.nz)

s 6 (c)				

Ngā mihi

s 9 (2) (a)

Lead Advisor National Security System Ministry of Business, Innovation and Employment Phone s 9 (2) (a)

2	

Out of Scope		

Out of Scope	

Cc: s 6 (c)

From: Dimitri Geidelberg Sent: Thursday, 13 July 2023 4:34 pm **To:** s 9 (2) (a) Cc: Andrew Johnson < Andrew. Johnson @mbie.govt.nz>; Chloe Christopher < Chloe. Christopher @mbie.govt.nz> Subject: RE: Updated National Security Strategy-final feedback deadline 14.00- 17 July [RESTRICTED] Thanks (5 9 (2) OIA 9(2)(g)(i) So it looks OK. Dimitri From: 8 9 (2) (a) Sent: Thursday, 13 July 2023 3:44 pm **To:** s 9 (2) (a) Adrian Regnault <Adrian.Regnault@mbie.govt.nz>; Samantha Langdon <Samantha.Langdon2@mbie.govt.nz>; Peter Hackshaw <Pete.Hackshaw@mbie.govt.nz>; Todd Cleaver <Todd.Cleaver@mbie.govt.nz>; Bertrand Ngai <Bertrand.Ngai@mbie.govt.nz>; Gareth Wilson <gareth.wilson@mbie.govt.nz>; Sharon Corbett <Sharon.Corbett@mbie.govt.nz>; Rob Pope <Rob.Pope@cert.govt.nz>; Hamish Grant-Fargie <Hamish.Grant-Fargie@mbie.govt.nz>; Lauren Deslandes <Lauren.Deslandes@mbie.govt.nz>; Christine Hyndman < Christine.Hyndman@mbie.govt.nz>; Alison Parks <Alison.Parks@mbie.govt.nz>; Travis Benson <Travis.Benson@mbie.govt.nz>; Matthew Molloy < <u>Matthew.Molloy@mbie.govt.nz</u>>; Hamish Grant-Fargie < <u>Hamish.Grant-Fargie@mbie.govt.nz</u>>; Peter Mumford <Peter.Mumford@mbie.govt.nz>; Adam Dubas <Adam.Dubas@mbie.govt.nz>; Sam Foley <Sam.Foley@mbie.govt.nz>; Kerrin Connolly <Kerrin.Connolly@mbie.govt.nz>; Magnus Latta <Magnus.Latta@mbie.govt.nz>; Andrew Johnson <Andrew.Johnson@mbie.govt.nz>; Simon Rae <Simon.Rae@mbie.govt.nz>; Linda Moore <Linda.Moore@mbie.govt.nz>; Richard Walley <Richard.Walley@mbie.govt.nz>; Al Bruce <Alan.Bruce@mbie.govt.nz>; Sarah Sinclair <<u>Sarah.Sinclair@mbie.govt.nz</u>>; Simon Thomas <<u>Simon.Thomas@mbie.govt.nz</u>>; <sup>s 6 (c)</sup> Stephen Vaughan <<u>Stephen.Vaughan@mbie.govt.nz</u>>; Val Sim <val.sim@mbie.govt.nz>; Julia Shanahan <Julia.Shanahan@mbie.govt.nz>; Dimitri Geidelberg <Dimitri.Geidelberg@mbie.govt.nz>; Fuel Sector Coordinating Entity Chair <FuelSCEChair@mbie.govt.nz>; Ruth Bowater < Ruth.Bowater @mbie.govt.nz >; Nicola Treloar < Nicola.Treloar @mbie.govt.nz >; Jamie Kerr <Jamie.Kerr2@mbie.govt.nz>; Mark McHattie < Mark.McHattie@mbie.govt.nz>; Jon Rolfe <Jon.Rolfe@mbie.govt.nz>; Dimitri Geidelberg <Dimitri.Geidelberg@mbie.govt.nz>; Chloe Christopher <<u>Chloe.Christopher@mbie.govt.nz</u>>; s 9 (2) (a)

Melanie Taylor < Melanie. Taylor 3@mbie.govt.nz>;

s 9 (2) (a)

Subject: Updated National Security Strategy-final feedback deadline 14.00- 17 July [RESTRICTED]

Kia ora all,

Further to the update provided in mid-June and further review at ERS, please find below the latest update from the National Security Policy Directorate at DPMC on the **National Security Strategy**.

Many thanks again for your inputs on the latest draft of the NSS. We have attached the current version that is being put back to PMO this afternoon. OIA 9(2)(9)(i)

Given the extensive PMO engagement on this draft, we are asking SIB and core issue agencies to please review the current version only for factual inaccuracies or other unacceptable language and to let us know by **14.00 Monday 17 July** if there are any changes.

On current planning, the PM will see the new Strategy early next week, with lodgement on the 20<sup>th</sup> for 25<sup>th</sup> July ERS. There will be very minimal if any time for ministerial consultation ahead of lodgement and so we appreciate all support from officials in briefing up to their Ministers.

Any questions please reach out and we will continue to keep you updated.

Kind Regards,

s 9 (2)

s 9 (2) (a)

**Lead Advisor, National Security System** 

**National Security System Team** 

Workplace, Safety & Security Branch | Corporate Services, Finance and Enablement Hīkina Whakatutuki - Ministry of Business, Innovation and Employment

s 9 (2) (a)

OIA 9(2)(a)

Level 17, Pastoral House, 25 The Terrace, Wellington, New Zealand | http://www.mbie.govt.nz



# S3

From: Dimitri Geidelberg

Sent: Sunday, 18 June 2023 2:14 pm

To: <sup>s 9 (2) (a</sup>

**Cc:** Robyn Henderson <Robyn.Henderson@mbie.govt.nz>; Peter Mumford <Peter.Mumford@mbie.govt.nz>; Chloe Christopher <Chloe.Christopher@mbie.govt.nz>; Joe McKay <Joe.McKay@mbie.govt.nz>; Travis Benson <Travis.Benson@mbie.govt.nz>

**Subject:** RE: Update National Security Strategy and Cabinet paper [IN-CONFIDENCE]

### **Emily**

Thank you for passing this on. It has been a while since I've engaged with this document so apologies if I missed a few evolutionary stages.

Very recently (definitely since the last iteration of the NSS draft), we have a had a number of cross agency meetings, including at senior levels where the dialogue has shifted towards talking a much greater opportunity lens to space. A background to this is the release of the National Space Policy and Cabinet's decision to publish the Aerospace Strategy. S 9 (2) (g) (i)



Could you please let me know how we can provide feedback on making some tweaks.

Dimitri

From: s 9 (2) (a)

**Sent:** Tuesday, 13 June 2023 3:44 pm

To: S 9 (2) (a) Adrian Regnault < Adrian.Regnault@mbie.govt.nz >; Samantha Langdon

- <Samantha.Langdon2@mbie.govt.nz>; Peter Hackshaw <Pete.Hackshaw@mbie.govt.nz>; Todd Cleaver
- <Todd.Cleaver@mbie.govt.nz>; Bertrand Ngai <Bertrand.Ngai@mbie.govt.nz>; Gareth Wilson
- <gareth.wilson@mbie.govt.nz>; Sharon Corbett <Sharon.Corbett@mbie.govt.nz>; Rob Pope
- <Rob.Pope@cert.govt.nz>; Hamish Grant-Fargie <Hamish.Grant-Fargie@mbie.govt.nz>; Lauren Deslandes
- <<u>Lauren.Deslandes@mbie.govt.nz</u>>; Christine Hyndman <<u>Christine.Hyndman@mbie.govt.nz</u>>; Alison Parks
- <ali>Alison.Parks@mbie.govt.nz>; Travis Benson <a href="mailto:Travis.Benson@mbie.govt.nz">Travis.Benson@mbie.govt.nz</a>; Matthew Molloy</a>

- < <u>Matthew.Molloy@mbie.govt.nz</u>>; Hamish Grant-Fargie < <u>Hamish.Grant-Fargie@mbie.govt.nz</u>>; Peter Mumford
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- <<u>Simon.Rae@mbie.govt.nz</u>>; Linda Moore <<u>Linda.Moore@mbie.govt.nz</u>>; Richard Walley
- <<u>Richard.Walley@mbie.govt.nz</u>>; Al Bruce <<u>Alan.Bruce@mbie.govt.nz</u>>; Sarah Sinclair
- <Sarah.Sinclair@mbie.govt.nz>; Simon Thomas < Simon.Thomas@mbie.govt.nz >; \$ 6 (c)

Stephen Vaughan < <a href="mailto:Stephen.Vaughan@mbie.govt.nz">Stephen.Vaughan@mbie.govt.nz</a>; \$ 9

Val Sim <<u>val.sim@mbie.govt.nz</u>>; Julia Shanahan

<a href="mailto:square: output: 50%;">Julia.Shanahan@mbie.govt.nz</a>; Dimitri Geidelberg <a href="mailto:square: output: 50%;">Dimitri Geidelberg <a href="mailto:sq

 $Entity\ Chair < \underline{FuelSCEChair@mbie.govt.nz} >;\ Ruth\ Bowater < \underline{Ruth.Bowater@mbie.govt.nz} >;\ Nicola\ Treloar < \underline{Ruth.Bowater@mbie.govt.nz} >;\ Nicola\$ 

< Nicola. Treloar@cert.govt.nz >; Jamie Kerr < Jamie. Kerr2@mbie.govt.nz >; Mark McHattie

<Mark.McHattie@mbie.govt.nz>; Charles Jarvie <Charles.Jarvie@mbie.govt.nz>; Dimitri Geidelberg

<<u>Dimitri.Geidelberg@mbie.govt.nz</u>>; Chloe Christopher <<u>Chloe.Christopher@mbie.govt.nz</u>>

Cc: Sally Morrison <<u>SALLY.MORRISON@mbie.govt.nz</u>>

Subject: Update National Security Strategy and Cabinet paper [IN-CONFIDENCE]

Kia ora koutou,

This is to update you all on the National Security Strategy and its accompanying Cabinet paper. These are both on track for 21 June ERS and is being circulated for Ministerial consultation this week. I have attached the Cabinet paper and Strategy.

OIA 9(2)(g)(i)

In regards to the Cabinet paper, changes have been made to align with the above. The Cab paper doesn't list strategic coordination agencies (previously leads) for the core issues. Agency responsibilities for core issues will be addressed in a later Cabinet paper after further SIB discussion and agreement (estimated in July).

Any questions please reach out and we will continue to keep you updated.

Ngā mihi

s 9 (2) (a)

Lead Advisor National Security System
Ministry of Business, Innovation and Employment
Phone (S 9 (2) (a)





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From: s 9 (2) (a)
Sent: Thursday, 2 February 2023 8:27 am
To: Bertrand Ngai <Bertrand.Ngai@mbie.govt.nz>; Gareth Wilson <gareth.wilson@mbie.govt.nz>; Sharon Corbett
<Sharon.Corbett@mbie.govt.nz>; Rob Pope <Rob.Pope@cert.govt.nz>; Hamish Grant-Fargie <Hamish.Grant-</pre>
Fargie@mbie.govt.nz>; Lauren Deslandes <Lauren.Deslandes@mbie.govt.nz>; Christine Hyndman
<Christine.Hyndman@mbie.govt.nz>; Alison Parks <Alison.Parks@mbie.govt.nz>; Travis Benson
<Travis.Benson@mbie.govt.nz>; Matthew Molloy <Matthew.Molloy@mbie.govt.nz>; Stephen Dunstan
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<Peter.Mumford@mbie.govt.nz>; Adam Dubas <Adam.Dubas@mbie.govt.nz>; Sam Foley
<Sam.Foley@mbie.govt.nz>; Kerrin Connolly <Kerrin.Connolly@mbie.govt.nz>; Magnus Latta
<Magnus.Latta@mbie.govt.nz>; Andrew Johnson <Andrew.Johnson@mbie.govt.nz>; Jonathan Mitchell
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<Simon.Thomas@mbie.govt.nz>; Peter Hackshaw <Pete.Hackshaw@mbie.govt.nz>; Matthew Shaw
<Matt.Shaw@mbie.govt.nz>; s 6 (c)
Stephen Vaughan <Stephen.Vaughan@mbie.govt.nz>; s 9 (2) (a)
                                                                                                Val Sim
<val.sim@mbie.govt.nz>; Julia Shanahan <Julia.Shanahan@mbie.govt.nz>; Glenn Rose <Glenn.Rose@mbie.govt.nz>;
Dimitri Geidelberg < Dimitri. Geidelberg@mbie.govt.nz>
                                                                                   Oliver Valins
<Oliver.Valins@mbie.govt.nz>; s 9 (2) (a)
Subject: Full draft National Security Strategy - Comment by COB 7 Feb [IN-CONFIDENCE]
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Morena all,

We have received the attached full draft of the National Security Strategy (Part I and Part II) from DPMC. I want to take this opportunity to thank you all for your engagement and feedback provided to date. The attached version of the strategy will be presented to SIB 1 March. I will be reviewing the document to ensure all the feedback MBIE has provided to date has been included but I wanted to also give you the chance to review the document in its entirety and provide any further feedback you may have by **COB 7 February**.

A few things about this strategy. This version of the Strategy brings together Parts I and II, which you have seen and already provided comment on. DPMC have made every effort to incorporate all feedback where possible. OIA 9(2)

In addition to the strategy the programme of actions, originally included in Part I of the strategy, will also be discussed at SIB (attached for awareness). DPMC intend to pose questions to SIB CEs on the Programme of Action,

including on additional system-wide initiatives that could bolster the focus on increased transparency and engagement. These questions are flagged in green text.

As always any queries please feel free to reach out,

Ngā mihi

s 9 (2) (a)

Lead Advisor National Security System Ministry of Business, Innovation and Employment Phone OIA 9(2)(a)



