

15 December 2022

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OIA 28377

Tēnā koe Chris McCashin

I refer to your email of 29 September to the Rt Hon Jacinda Ardern in which you requested the following under the Official Information Act 1982 (OIA):

1. *Can you please provide a copy of the Memorandum of Cooperation between the NZ Government and the EPA of the State of California*

Can you also provide

2. *Legislative authority by which the MOC was entered into*
3. *Cost / Benefit analysis associated with the MOC*
4. *Analysis of the MOC and reports and recommendations associated with partnering with California*
5. *Unintended consequences on New Zealanders - poverty?*
6. *By way of background information associated with California is the PM wanting to partner with a state with the following statistics*
 - *Highest gas tax, sales and income (actually that does mirror NZ)*
 - *Highest inequality*
 - *Worst public schools*
 - *Over regulation seeing business leaving in droves*
 - *Cut offs of water seen land jobs decimated (three waters anyone)*
 - *High unemployment*
 - *Rolling black outs*
 - *Unable to service power grid yet recommending electric cars*
 - *Over regulation of housing contributing to housing crisis*
 - *Annual net loss in people (they generally move to Red States where central and local government stay out of people's lives to an extent and taxes are low)*

On 27 October 2022, your request was transferred to the Ministry of Foreign Affairs and Trade (the Ministry) as the information you have requested is more closely connected to the functions of the Ministry.

On 24 November 2022, we advised you of an extension to your request to 15 December 2022. Thank you for your patience while we processed your request.

We have numbered your questions for ease of reference.

We are refusing the first part of your request for a copy of the Memorandum of Cooperation (MoC) between the New Zealand Government and the EPA of the State of California under section 18(d) of the OIA, as the information you have requested is publicly available. A copy of the MoC is available on the New Zealand Treaties Online website here:

- [New Zealand Treaties Online - Arrangement Details \(mfat.govt.nz\)](https://mfat.govt.nz)

Regarding the second part of your request asking for what legislative authority was the MoC entered into, the MoC is non-binding arrangement that does not create or place any legal obligations on the New Zealand Government. As such, no legislative authority was required for New Zealand to enter into the arrangement.

We are refusing parts three, four, and five of your request under section 18(e) of the OIA, as the information you have requested does not exist.

Regarding part 6 of your request, we have made the decision to release to you a document titled 'Meeting with Governor Newsom, Governor of California' and some emails regarding the Californian proposal for a memorandum of cooperation on climate change with New Zealand seeking inter-agency approval. Please find this information attached. We have withheld some information in these emails under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 9(2)(a): to protect individuals' privacy;
- 9(2)(g)(i): to protect the free and frank expression of opinions by department; and
- 9(2)(j): to avoid prejudice to negotiations.

Where the information has been withheld under section 9 of the OIA, no public interest in releasing the information has been identified that would outweigh the reasons for withholding it.

Please note that we may publish this letter (with your personal details redacted) and enclosed documents on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Sarah Corbett
for Secretary of Foreign Affairs and Trade