



19 June 2023

Ref: DOIA 2223-2708

Lance D Lavery

Email: [fyi-request-22871-6b45f9ea@requests.fyi.org.nz](mailto:fyi-request-22871-6b45f9ea@requests.fyi.org.nz)

Tēnā koe Mr Lavery

Thank you for your email of 21 May 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

*I am writing under the provisions of the Official Information Act 1982 to solicit information about the recent amendment to the Energy Resources Levy Act 1976, which was unexpectedly expedited through Parliament on Budget night. My request encompasses the decision-making process behind this amendment, its potential impact on the gas industry, any financial implications, and the wider effect it could have on the economy and energy security of New Zealand.*

- 1. I request any briefings, discussion documents, emails, or other communications related to the development of this amendment and the reasoning behind its urgent implementation. Could you kindly elaborate on why this amendment was considered of such immediate importance that it was introduced and passed under urgency?*
- 2. I would appreciate any information on the consultation processes undertaken before the introduction of this amendment, particularly with stakeholders from the fossil gas industry and the wider public. In the absence of such consultation, an explanation for the lack of it would be appreciated.*
- 3. I request any legal advice your Ministry has received regarding potential legal implications of this amendment, particularly those concerned with its retrospective application and any possible infringement on property rights.*
- 4. Could you provide any estimates or reports about the expected collection of levies resulting from this amendment and the rationale behind these estimates?*
- 5. I seek any economic impact assessments considering the potential repercussions on the fossil gas industry, specifically the risk of accelerated termination of field life or cessation of gas extraction operations due to this amendment.*
- 6. I request detailed information on how the amendment will guarantee a "fair financial return" for the Crown and the application of this principle in the present context.*

On 2 June 2023, MBIE emailed you via the FYI website to advise that the scope of your request was very broad, and asked if you would consider narrowing your request. To date, MBIE has not heard back from you.



MBIE therefore must refuse your request under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research.

However, MBIE is proactively releasing a number of the Cabinet papers and minutes associated with the decisions made around the amendment to the Energy Resources Levy Act 1976. These will be available within the next week here: [www.mbie.govt.nz/document-library](http://www.mbie.govt.nz/document-library).

Hopefully this published information addresses some of your questions. If not, please feel free to make another request with narrower parameters.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact [OIA@mbie.govt.nz](mailto:OIA@mbie.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'MSK', with a large, sweeping flourish extending to the right.

Madeline Sherwood King  
**Team Leader Ministerial Services**  
Building, Resources and Markets