DEPARTMENT OF THE
PRIME MINISTER AND CABINET
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

15 June 2026

Ref: OIA-2025/26-0793

[redacted]

Tēnā koe [redacted],

Official Information Act request relating to lobbying document sent to private account

Thank you for your Official Information Act 1982 (the Act) request, which was received by the Department of the Prime Minister and Cabinet (DPMC) on 3 June 2026. You requested:

> *"This request follows the Prime Minister's Office's public admission that a corporate lobbying document, reported in The Post on June 2nd, 2026, was sent by a Fonterra staff member to the private email account of Matt Burgess, Chief Policy Adviser to the Prime Minister.*
>
> *Until that admission, the Prime Minister's Office had maintained it held 'no record' of meetings or briefing notes relating to lobbying by corporate emitters seeking changes to climate litigation laws.*
>
> *That admission establishes that official information was received and held on a private account. The Ombudsman has confirmed that official information received or created in an official capacity remains subject to the OIA regardless of the account or device on which it is held.*
>
> *I request the following:*
> *1. The lobbying document itself*
> *The document sent by a Fonterra staff member to Matt Burgess's private email account, including any attachments, together with any response, reply, forward, or subsequent communication arising from or referencing that document.*
>
> *2. Matt Burgess's private account communications*
> *All communications sent to or received by Matt Burgess on any private, personal, or non-governmental account or device relating to:*
> *Proposed or enacted amendments to the Climate Change Response Act 2002 to prevent or bar tort liability for greenhouse gas emissions*
> *The Smith v Fonterra or Smith v Z Energy court proceedings*
> *Lobbying by corporate emitters or their representatives regarding climate litigation law changes*
>
> *3. The PMO's records review*
> *All documents relating to the 'fresh records review' the Prime Minister's Office has stated it is conducting, including:*
> *The terms of reference or scope of that review*
> *Who conducted or is conducting it*
> *Any findings, interim or final, produced to date*
>
> *4. The basis for the prior "no record" statement*
> *All internal advice, search records, correspondence, or other documentation that informed or underpinned the Prime Minister's Office's original statement that it held "no record" of meetings or briefing notes relating to corporate emitter lobbying on climate litigation law changes.*

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5. Corporate emitter lobbying contacts
All communications sent to or received by any Prime Minister's Office staff member, on any account or device, from Fonterra, Z Energy, or any other corporate emitter or their representatives, relating to:
Proposed amendments to the Climate Change Response Act 2002
Prevention or limitation of tort liability for greenhouse gas emissions
The Smith v Fonterra or Smith v Z Energy proceedings

Timeframe: 1 October 2025 to the date of this request. If the original lobbying documents were sent earlier, please include just these outside this timeframe.

Account types: This request expressly includes communications on private, personal, or non-governmental accounts and devices, including private email, personal mobile numbers, and encrypted messaging applications.

Please ensure Matt Burgess and all relevant PMO staff and the Prime Minister are explicitly asked to check their personal accounts and devices.

If any part of this request is refused or information withheld, please specify the exact section of the Act relied upon and the public interest grounds considered.

If this request extends to information held by any other agency, please transfer it accordingly under section 14 of the Official Information Act 1982."

Part 1: document from Fonterra and Z Energy

DPMC does not hold the document reportedly passed to the former Prime Minister's Chief Policy Advisor relating to the implications of the Smith v Fonterra litigation.

The Prime Minister's office has advised that it only became aware of the document from Fonterra and Z Energy when contacted by media with queries about the document on 22 May 2026. The Prime Minister's office confirmed it does not hold a copy of the requested document or any record of its contents.

Accordingly, this part of your request is refused under section 18(g) of the Act, as DPMC does not hold a copy of the requested information and we are not aware of another agency or Minister covered by the Act that would hold a copy.

As has been reported publicly, we understand that the document has now been made available on Fonterra's website at: view.publitas.com/fonterra-comms/climate-change-response-act/page/1.

Parts 2 and 3: former Prime Minister's office staff member communications on private account and IT review

DPMC does not hold the information requested in these two parts of your request.

As reported, the former Chief Policy Advisor left the Prime Minister's office in October 2025 and emails with the former Chief Policy Advisor on their work account are now held by the Department of Internal Affairs (DIA).

DIA is conducting a review of the former staff member's IT account to ensure there are no further documents or meetings relating to the Smith v Fonterra case that should be released.

In addition, DIA will work with the individual to identify whether there are any other work-related documents on their private email that should be on the public record.

I believe parts 2 and 3 of your request are more closely connected to the functions of DIA. Accordingly, I have decided to transfer these two parts of your request to DIA under section 14(b)(ii) of the Act.

DIA has the usual time limits from receipt of this transfer to make a decision on your request.

Part 4: statement about no record of the reported meetings with Fonterra and Z Energy or the document provided

I believe part 4 of your request is more closely connected to the functions of the Prime Minister, Rt Hon Christopher Luxon. Accordingly, I have decided to transfer this part of your request to the Prime Minister under section 14(b)(ii) of the Act.

The Prime Minister has the usual time limits from receipt of this transfer to make a decision on your request.

Part 5: communications sent to or received by PMO staff on any account with Fonterra or Z Energy.

I believe your request, as it relates to any emails with the former Prime Minister's office Chief Policy Advisor is more closely connected to the functions of DIA. Accordingly, I have decided to transfer this part of your request to DIA as it relates to any relevant information DIA holds under section 14(b)(ii) of the Act.

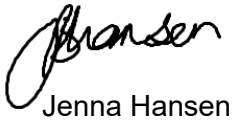
The remainder of part 5 of your request I believe is more closely connected to the Prime Minister. Accordingly, I have decided to transfer the remainder of part 5 of your request to the Prime Minister under section 14(b)(ii) of the Act.

The Prime Minister and DIA have the usual time limits from receipt of this transfer to make a decision on your request.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the DPMC website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Jenna Hansen
Manager, Accountability and Ministerial Services