Dear Mr Coughlan,

Thank you for your request of 3 October 2019, pursuant to the Official Information Act 1982 (the Act), seeking:

"I request under the official information act all documents including but not limited to communication, correspondence both internal and external, and other documents relating to the decision made on September 30, 2019 to apologise to Hon Simon Bridges after ignoring feebate submissions."

The table below details the documents that fall within the scope of your request and are enclosed:

<table>
<thead>
<tr>
<th>Document number</th>
<th>Document type</th>
<th>Title</th>
<th>Date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Email</td>
<td>Spam email to clean cars inbox</td>
<td>13 August 2019</td>
<td>Some information withheld under section 9(2)(a) of the Act</td>
</tr>
<tr>
<td>1a</td>
<td>Email</td>
<td>Submission on Government car tax</td>
<td>13 August 2019</td>
<td>Some information withheld under section 9(2)(a) of the Act</td>
</tr>
<tr>
<td>1b</td>
<td>Email</td>
<td>Submission on Government car tax</td>
<td>13 August 2019</td>
<td>Some information withheld under section 9(2)(a) of the Act</td>
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<tr>
<td>2</td>
<td>Weekly report</td>
<td>Weekly report extract – Low emissions vehicle consultation</td>
<td>15 August 2019</td>
<td>N/A</td>
</tr>
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<td>3</td>
<td>Email</td>
<td>LEV consultation responses by BOT</td>
<td>19 August 2019</td>
<td>Some information withheld under section 9(2)(a) of the Act</td>
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<td>4</td>
<td>Letter</td>
<td>Official Information Act Response</td>
<td>16 September 2019</td>
<td>Some information withheld under section 9(2)(a) of the Act</td>
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<td>5</td>
<td>Email</td>
<td>Urgent remedia request. Kiwis opposed to her car tax</td>
<td>29 September 2019</td>
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</tr>
<tr>
<td>6</td>
<td>Media statement</td>
<td>Ministry of Transport to Review Online Consultation Processes</td>
<td>30 September 2019</td>
<td>Some information withheld under section 9(2)(a) of the Act</td>
</tr>
<tr>
<td>7</td>
<td>Letter</td>
<td>Letter of apology to Hon Simon Bridges</td>
<td>30 September 2019</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Certain information has been withheld under section 9(2)(a) of the Act, relating to protecting the privacy of natural persons.

In regard to the information that has been withheld under section 9 of the Act, I am of the opinion that there are no countervailing considerations that make it desirable, in the public interest, to make the information available.

You have the right under section 28(3) of the Act to make a complaint about the withholding of information to the Ombudsman, whose address for contact purposes is: info@ombudsman.parliament.nz.

The Ministry publishes its Official Information Act responses and the information contained in my reply to you will be published on the Ministry website. Before publishing, Ministry officials will remove any personal or identifiable information.

Yours sincerely

[Signature]

Peter Mersi
Chief Executive
From: SMX Email Support Team
Sent: Tuesday, 13 August 2019 3:45 PM
To: (Revera)
Subject: SMX Case 228361: False negative

Type your response ABOVE THIS LINE to reply

Subject: False negative

AUG 13, 2019 | 03:45PM NZST

replied:

Hi [Name].

Thank you for submitting the misclassified email.

I've submitted the email through to our vendors to correctly identify the email as spam. The sender has also been blacklisted.

Kind regards,

[Name]

To know about the latest round of spam/phishing emails that are currently circulating, please visit our Recent Threat Trends page at https://smxemail.com/help-support/recent-threat-trends/

NZ Toll Free: [Number] | NZ Direct [Number]
AU Toll Free: [Number]

AUG 13, 2019 | 02:09PM NZST
Original message

[Name] wrote:

Hi Team,

Please mark the attached email as SPAM and block it.

Thanks and Regards,

[Name]

Desktop Support Specialist
Ministry of Transport – Te Manatū Waka

Phone [Number] | www.transport.govt.nz

Please consider the environment before printing this email.

From: [Name]
Sent: Tuesday, 13 August 2019 2:06 PM
To: [Name] (Revera)
Hi [Name]

As discussed, some of the spam emails attached.

Thanks

Adviser - Urban Development and Environment
Ministry of Transport – Te Manatū Waka

He whakamana i a Aotearoa kia momoho / Enabling New Zealanders to flourish
P Good planets are hard to find. Please consider the environment before printing this e-mail.

MINISTRY OF TRANSPORT

Wellington (Head Office) | Ground Floor, 3 Queens Wharf | PO Box 3175 | Wellington 6011 | NEW ZEALAND | Tel: +64 4 439 9000 |

Auckland | NZ Government Auckland Policy Office | 45 Queen Street | PO Box 106238 | Auckland City | Auckland 1143 | NEW ZEALAND | Tel: +64 4 439 9000 |

Disclaimer: This email is only intended to be read by the named recipient. It may contain information which is confidential, proprietary or the subject of legal privilege. If you are not the intended recipient you must delete this email and may not use any information contained in it. Legal privilege is not waived because you have read this email.

Please consider the environment before printing this email.

This message was sent to [redacted] in reference to Case #: 228361.
Follow this link to view the status of your case and add additional comments:
http://help.smxemail.com/customer/portal/private/cases/228361

*Important Note on Email Sent to Multiple Recipients
If you send or reply to a message with multiple recipients, any responses to the thread may show up as part of the case history, even if those exchanges aren't directed to you. In essence, the owner of the original message also owns all communication associated with that case, regardless of who the subsequent senders and recipients are. Our suggestion is to make sure that all recipients are aware of this, and that the sending of sensitive information is avoided.

This email has been filtered by SMX. For more information visit smxemail.com.
To whom it may concern,

I am writing to oppose the Government’s punitive feebate proposal.

This policy will hurt New Zealanders, particularly those who don’t have a low-emission vehicle options that fit their lifestyles – farmers, tradespeople and low-income earners for whom these vehicles will still be too expensive.

It’s not right that families with three kids will have to pay thousands more for a used import seven-seater so that wealthy people can get a discount on a Porsche Cayenne or a BMW 7-series, two examples the discussion document provides.

New Zealanders can’t afford another tax.

Regards,
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New Zealanders can’t afford another tax.

Regards,
## Low-emissions vehicles consultation

As at 10:00 am on 15 August 2019, we have received 65 submissions in response to the discussion paper. Most are from individuals, and we have received submissions from a few organisations, including the Better NZ Trust, Dunedin City Council and Hutt City Council. Twenty one of them explicitly stated their support for the Clean Car Standard and 31 explicitly supported the Clean Car Discount. Two explicitly opposed the Clean Car Standard and seven explicitly opposed the Clean Car Discount. The others were not opposed to the ideas but raised specific issues.

We have received over 500 spam emails from the same email address opposing the Clean Car Discount. We have blocked any further emails from this address.

In addition to the points noted previously, recent submissions have raised the following:

- the proposals will have benefits for safety and air quality
- the targets could be even more ambitious, for example ending the import of fossil fuel vehicles by 2030 at the latest.

As at 10:00 am on 15 August 2019, we have received 467 responses to the online survey. The survey continues to have a 100 percent completion rate. Some of the key preliminary results are:

- 82 percent of respondents think the Clean Car Standard is appropriate for New Zealand
- 78 percent think the Clean Car Discount is appropriate
- 61 percent support an emissions target and benchmark of 105 grams of CO₂ per kilometre for the two proposals
- 69 percent think the standard would have an effect on vehicle supply and prices
- 52 percent support a four year phase in period, but 48% do not – most comments suggest it should be done faster
- 65 percent support a weight-adjusted standard
- 73 percent think the example fees and discounts would increase demand for low-emissions vehicles
- 63 percent think the feebate schedule should change every year to lower the emissions benchmark and to keep the scheme self-financing
- 78 percent think new vehicles should include near-new vehicles less than three years old
- 74 percent support having a zero band
- 81 percent support the proposal to apply the fees and discounts directly at the point of vehicle purchase.

### Next Steps:

We will keep Minister Carter updated through the Weekly Report.

**Responsibility:** Glen-Marie Burns, Manager, Urban Development and Environment
Hi,

The other suggestion I'd make would be to loop Karl in given his leg committee role. I suspect other agencies have had to deal with similar issues and it would be good to understand their approaches. Brendan may also be able to reach out to other legal teams.

Siobhan

Get [Outlook for iOS](http://example.com)

The immediate questions that pop up for me are:

- Is this a submission bot, or a virus?
- Do we have anything in terms and conditions, either for us or central Government, about multiple submission from the same address?
- Regardless of this, wouldn't you treat all submissions from one address as a single submission?

If it's not a virus, and we have blocked as SPAM we may still be able to release these emails. We can check. If we can do this, then maybe the approach of taking all the points made in the emails, and counting them as a single submission, would cover all bases?

Thanks

Nick

Glen-Marie mentioned to me that we'd received a lot of consultation responses on the LEV proposals from one email address, but supposedly from different people. The suggestion was this was a BOT, and that as a consequence
the email account has been blocked as spam. Glen-Marie’s question was around how this is dealt with in reporting the outcome of the consultation to Cabinet. I thought we would be right to discount submissions from that address in the summary of submissions, but to report to Cabinet that we had done so because they didn’t each appear to be from real people.

Today Brendan gave SLT an interesting presentation about how we avoid judicial review etc. One area is making sure we have done consultation properly.

I still think the course of action above is the right one, but it may be worth giving Brendan a bit of the detail so we are sure from a legal perspective we have the right approach and are not increasing risks of judicial review.

Nick
Nick Brown
Deputy Chief Executive, Governance and Engagement
Ministry of Transport – Te Manatū Waka

T: [redacted] | E: n.brown@transport.govt.nz | www.transport.govt.nz
Enabling New Zealanders to flourish
Sent via [SEEMail]
16 September 2019

Tēnā koe e

I refer to your request dated 17 August 2019, pursuant to the Official Information Act 1982 (the Act), seeking:

"a copy of all advice, memoranda or briefings received by you or your office up to and including 16 August 2019 regarding feedback from online submitters on the discussion paper on the feebate scheme for people buying EVs and other fuel efficient vehicles. I am particularly interested in all information you have received which led to your comment to Stuff that about 80 per cent of online responses received so far had supported the policies."

On the same date, the Ministry of Transport (the Ministry) received a similar request under the Act from yourself, seeking:

"a copy of all advice, summaries of submissions, memoranda or briefings received or prepared by you the ministry up to and including 16 August 2019 regarding feedback from online submitters on the discussion paper on the feebate scheme for people buying EVs and other fuel efficient vehicles. I am particularly interested in all information prepared or received which led to the Associate Minister’s comment to Stuff that about 80 per cent of online responses received so far had supported the policies."

This response covers both requests to avoid sending you duplicate information.

One document falls within the scope of your request and is enclosed. This document is a weekly report item that I received from the Ministry on 15 August 2019. The item contains preliminary results of the public consultation on the Clean Car Reforms which closed on 20 August 2019. My comment to Stuff that about 80 percent of online responses received so far had supported the Clean Car Reforms was based on these preliminary results.

The submissions from Hutt City Council and Dunedin City Council that are referred to in the excerpt were from the city’s respective Mayors.

Nāku noa, nā

Hon Julie Anne Genter
Associate Minister of Transport
From: Karl Simpson  
Sent: Wednesday, 2 October 2019 2:30 PM  
To: [REDACTED]  
Subject: FW: Urgent re media request. Kiwis opposed to her car tax

Karl Simpson  
Director - Regulatory and Data  
Ministry of Transport – Te Manatū Waka  
M: [REDACTED]  E: k.simpson@transport.govt.nz [www.transport.govt.nz]

From: Karl Simpson  
Sent: Sunday, 29 September 2019 9:07 PM  
To: Glen-Marie Burns <g.burns@transport.govt.nz>; Nick Edwards <N.Edwards@transport.govt.nz>  
Subject: Re: Urgent re media request. Kiwis opposed to her car tax

Hi Glen-Marie

I don't have a good answer to your questions. In terms of counting submissions, I am not aware of a standard practice.

I think the best approach is to avoid giving significant weight to the count for and against any issue. That's not what consultation is for - it's not a mini referendum.

Consultation has three purposes: first, to improve decision quality, by testing that we've not mistaken the facts, or missed a relevant consideration (or based analysis on an irrelevant one); second, to meet any requirement to consult in law or practice; third, to socialise the policy and gain a level of buy-in, by giving people a chance to give and have their views considered.

Form submissions tell us something about the last - it tells us that a number of people are motivated for or against a particular issue, which is useful information. So I'd normally record that there were so many form submissions in favour, and so many against, and then separately record what any substantive submissions said about a particular issue.

Give me a call if you like.

Cheers  
Karl

Karl Simpson  
Director - Regulatory and Data  
Ministry of Transport – Te Manatū Waka

From: Glen-Marie Burns <g.burns@transport.govt.nz>  
Sent: Sunday, September 29, 2019 2:51:38 PM  
To: Karl Simpson <K.Simpson@transport.govt.nz>; Nick Edwards <N.Edwards@transport.govt.nz>  
Subject: Urgent re media request. Kiwis opposed to her car tax

Hi Karl/Nick
has ring me about this below re the clean cars submissions and the emails we regarded as spam

Can you assist re the questions?
The key questions I have are:
- Do we know if the emails were generated by a bot or simply an online form submission?
- who sent the emails? Was it National?
- if it was a form submission is it normal practice in the public service to count these as one submission?
- what is a “paid online campaign service”?

Regards, Glen-Marie

Sent from mobile email

From: GM Burns
Sent: Sunday, September 29, 2019 2:43:29 PM
To: Glen-Marie Burns <g.burns@transport.govt.nz>
Subject: Julie Anne Genter gags Kiwis opposed to her car tax | Scoop News


Glen-Marie
Ministry of Transport to Review Online Consultation Processes

The Ministry of Transport will be undertaking a thorough assessment of online processes after officials mistakenly flagged emails received as part of the Clean Car Standard and Discount public consultation as spam.

“The whole purpose of the public consultation process is for individuals and organisations to voice their views on a policy proposal. It was wrong for legitimate submissions to be flagged as spam.” Ministry of Transport Chief Executive Peter Mersi said.

“I want to assure all those who made submissions through the Campaignnnow website that their views will be considered as part of the analysis process. Information from the submissions we received will serve to inform the advice given to Ministers on the policy proposal later this year.”

“1,644 submissions were received from the same email address, and the majority were sent over a short period of time. This, and the fact that the emails themselves were largely identical in content, led Ministry staff to conclude they were being sent as part of an automated process. The Ministry only became aware that the submissions came from a legitimate source following media statements yesterday from the National Party.”

“We will be conducting a thorough internal assessment to ensure this situation doesn’t happen again, and I will be writing to the Leader of the Opposition to extend my personal apologies for this lapse.” Peter Mersi concluded.

ENDS

Media contact:

www.transport.govt.nz
30 September, 2019

Hon Simon Bridges
Leader of the Opposition
Parliament Buildings

Dear Simon,

I am writing to offer my personal apology after emails received as part of the Clean Car Standard and Discount public consultation were mistakenly flagged as spam by Ministry staff.

The Ministry recognises the importance of rigorous consultation processes, and this includes allowing individuals and organisations to provide their views - without hindrance - to help inform advice given to Ministers.

At the time the decision was made to flag the submissions, the Ministry was not aware that they were from a legitimate source or that the National Party was involved in the submissions.

This decision was a genuine mistake made by Ministry staff who believed given the characteristics of the emails, that they were generated as part of an automated process. I can personally assure you there was no bias in the decision taken. The Ministry only became aware that the submissions came from a legitimate source following the media statement from you yesterday.

You can be assured that individuals or organisations who made submissions through the CampaignNow website on the Clean Car proposal will be heard. Their views will be considered as part of the analysis process. Information from all submissions will serve to inform the advice given to Ministers on the policy proposal later this year.

As Chief Executive, I take responsibility for this lapse, and extend my personal apologies to you and to those who made submissions via the CampaignNow portal.

I have requested an assessment of our online consultation processes to ensure this situation does not occur again, and I'd be happy to meet with you to discuss how the situation arose and what I'll be doing for future consultations.

Yours sincerely,

[Signature]

Peter Mersi
Chief Executive
REleased undEr thE OfFicial Information ACT