

Hon Damien O'Connor

MP for West Coast-Tasman

Minister of Agriculture
Minister for Biosecurity
Minister for Land Information
Minister for Rural Communities
Minister for Trade and Export Growth



MinOIA21-0008

BAW Russell
fyi-request-14535-8bbec612@requests.fyi.org.nz

Dear BAW Russell

Thank you for your email of 27 January 2021 requesting information relating to material on rock phosphate and blood phosphate. Your request has been considered under the Official Information Act 1982 (OIA).

You requested the following:

Please provide copies of any briefings, cabinet papers or other material held on rock phosphate/blood phosphate.

Please find attached, as Appendix One, material I have received in my capacities as Minister of Agriculture and as Minister for Trade and Export Growth relating to rock phosphate and the Western Sahara.

The following documents are released to you:

- *International Phosphate Precip Select Committee Briefing,*
- *International Phosphate Select Committee Briefing April 2020,*
- *Briefing Western Sahara Phosphate dated 22 May 2018,*
- *Aide-memoire Western Sahara Phosphate dated November 2020,*
- *Formal message EU Revamps Agreements with Morocco After Court Cases on Western Sahara Status dated 15 March 2019,*
- *Aide-memoire Meeting with Fertiliser Companies and Fertiliser Association of New Zealand, 12:30 – 13:00, 5 December 2018 dated 28 November 2018, reference AM18-1288,*
- *Briefing Western Sahara Phosphate dated 1 November 2018,*
- *Media points – Western Sahara phosphate dated 7 September 2018,*
- *Formal Message Western Sahara: Natural Resources and Phosphate Importation dated 6 March 2018,*
- *Aide-memoire Judicial Review of New Zealand Super Fund Investments linked to Western Sahara Phosphate dated 24 November 2020, reference AM20-0759,*
- *Aide-memoire Meeting with Ms M'barka Bouaida, President of the Regional Council of Guelmim Oued Noun, Government of Morocco on 12 February 2020 at 0900am dated 10 February 2020, reference AM20-0072,*

- *Aide-memoire Meeting with Fertiliser Companies and Fertiliser Association of New Zealand, 9:00-9:30am, Monday 24 September 2018* dated 21 September 2018, reference AM18-1072,
- *Aide-memoire Western Sahara phosphate mining* dated 13 April 2018, reference AM18-0367, and
- *Aide-memoire Meeting with Chief Executive of The Fertiliser Association of New Zealand (FANZ) and Chairs and Chief Executives of Ballance Agri-Nutrients and Ravensdown* dated 6 March 2018, reference AM18-0171.

Please note that the briefing referred to as B18-0866 in AM18-1288 is included as the *Western Sahara Phosphate* briefing by the Ministry of Foreign Affairs and Trade, dated 1 November 2018.

Some information has been withheld from the attached documents where it does not relate to your request. In addition, some information has been withheld under the following sections of the OIA:

- Section 6(a) – the making available of that information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand,
- Section 6(b)(i) – the making available of that information would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government,
- Section 9(2)(a) – to protect the privacy of natural persons,
- Section 9(2)(b)(ii) – to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who is the subject of the information,
- Section 9(2)(ba)(i) – to protect information which is subject to an obligation of confidence, where the making available of the information would be likely to prejudice the supply of similar information and it is in the public interest that such information should continue to be supplied,
- Section 9(2)(ba)(ii) – to protect information which is subject to an obligation of confidence, where the making available of the information would be likely otherwise to damage the public interest,
- Section 9(2)(d) – avoid prejudice to the substantial economic interests of New Zealand,
- Section 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials,
- Section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty, and
- Section 9(2)(h) – to maintain legal professional privilege.

The following documents within the scope of your request are withheld in full:

- Weekly Status Report item *Protest Action in Relation to Phosphate Rock Shipment From Western Sahara in December 2019*, withheld under section 9(2)(ba)(i) and section 9(2)(g)(i) of the OIA.
- Formal Message sent 28 January 2021, 5:41 am, withheld under section 6(a) of the OIA.

- The briefing *Import of Western Sahara Phosphate* dated 17 December 2020, withheld under sections 6(a), 9(2)(ba)(i), and 9(2)(f)(iv) of the OIA.
- A letter from the Fertiliser Association dated 5 December 2018, withheld under sections 9(2)(ba)(i) and 9(2)(b)(ii) of the OIA.
- Formal Message sent 2 October 2018, 5:41 am, withheld under section 6(a) of the OIA.

I am satisfied that in the circumstances of this case, the withholding of the information is not outweighed by other considerations which render it desirable in the public interest to make the information available.

I trust the information provided is of assistance. You are advised of your right to raise any concerns with the Office of the Ombudsman. You can contact the Ombudsman at info@ombudsman.parliament.nz.

Yours sincerely



Hon Damien O'Connor
Minister of Agriculture
Minister for Trade and Export Growth