



1 April 2021

Ref: DOIA 2122-1648

David Barclay
Email: Via FYI.org

Tēnā koe David

Thank you for your request of 19 February 2022 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

I see on MBIE's website that the Provincial Development Unit has published plans for a Northland Shipyard & Floating Drydock Project which I understand is a project that is being managed across agencies like MBIE, the defence force and the Ministry of Transport. Under the OIA I request the following documentation and answers to the following questions:

- 1. Any and all communications and documentation relating to how public servants thought that this project could be paid for (would this project be funded from the PGF or from other parts of the government) and if there was ever a possibility of imposing a regional tax on ratepayers in the Northland region to raise funds for this project.*
- 2. Any and all briefing material provided to ministers or public servants when meeting with the NZ Shipping Federation, and a list of those meeting dates and the attendees.*
- 3. Confirmation that the following agency nominees formed part of the project team:
a. John Judge (Ministry of Business, Innovation & Employment) b. Rob Krushka (NZ Defence Force)
c. Andrew Brown (NZ Defence Force) d. Ray Mudgway (Ministry of Business, Innovation & Employment) e. Aaron Hape (Ministry of Business, Innovation & Employment) f. Tony Frost (NZTA Waka Kotahi) g. Mark Jacobs (Ministry of Business, Innovation & Employment) h. Robert Pigou (Ministry of Business, Innovation & Employment) i. John Moore (Northport Limited)*
- 4. Confirmation of if this project team still exists and if there have been any changes to its membership.*
- 5. A schedule of when and which public servants met with representatives of Northport Limited or Marsden Maritime Holdings.*
- 6. A schedule of when and which ministers met with representatives of Northport Limited or Marsden Maritime Holdings.*
- 7. Any and all papers provided to ministers for any meetings they had with Northport Limited or Marsden Maritime Holdings Limited's respective board or leadership teams?*

Decisions and responses for each of your questions are set out below:

1. Any and all communications and documentation relating to how public servants thought that this project could be paid for (would this project be funded from the PGF or from other parts of the government) and if there was ever a possibility of imposing a regional tax on ratepayers in the Northland region to raise funds for this project.

This information relates to business proposals and instances where the information contained in the proposals is reiterated in the other documents. Releasing this type of information would unreasonably prejudice the company or companies' commercial position as competitors could use the information to mimic the business proposals. However, please note that MBIE does not hold any information which discusses the possibility of a regional tax to pay for the project.

This information is being withheld under section 9(2)(b)(ii) of the Act, to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

2. Any and all briefing material provided to ministers or public servants when meeting with the NZ Shipping Federation, and a list of those meeting dates and the attendees.

MBIE has found one reference of a meeting with NZ Shipping Federation. The briefing material is being withheld under the following sections of the Act:

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 supplied or who is the subject of the information.

9(2)(ba)(ii) to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.

MBIE can advise that the meeting occurred on 6 July 2017. It was attended by; Karen Chant (Principal Policy Advisor, Competition and Consumer Policy) Annabel Young (Executive Director, New Zealand Shipping Federation) and the then Minister of Commerce and Consumer Affairs, Hon Jacqui Dean.

3. Confirmation that the following agency nominees formed part of the project team:

a. John Judge (Ministry of Business, Innovation & Employment) b. Rob Krushka (NZ Defence Force) c. Andrew Brown (NZ Defence Force) d. Ray Mudgway (Ministry of Business, Innovation & Employment) e. Aaron Hape (Ministry of Business, Innovation & Employment) f. Tony Frost (NZTA Waka Kotahi) g. Mark Jacobs (Ministry of Business, Innovation & Employment) h. Robert Pigou (Ministry of Business, Innovation & Employment) i. John Moore (Northport Limited)

4. Confirmation of if this project team still exists and if there have been any changes to its membership.

MBIE can advise that this is not correct. No project team was established. A number of officials were involved at various stages of this work in the course of their usual duties.

5. A schedule of when and which public servants met with representatives of Northport Limited or Marsden Maritime Holdings.

As advised in our letter to you of 18 March 2022, this part of your request has also been transferred to the Ministry of Transport (MoT), as it is understood public servants from MoT may also have met with these groups.

MBIE has made reasonable attempts to search for material it holds regarding meetings between MBIE officials and Northport Limited or Marsden Maritime Holdings, to see if we could answer this part of your request, however, we have found that the information is not held. Northport Limited were a Provincial Growth Fund (PGF) project recipient, and so officials from Kānoa – Regional Economic Development & Investment Unit (Kānoa – RDU) would have met with them frequently during the life of the project.

However, compiling a list of all meetings is not possible. Records searches have turned up over 1,100 results, however even if each record was reviewed, we would still not be able to provide the information you request as we cannot know if the invitees accepted or declined the invite, or who attended. This would also not capture meetings held via telephone, or meetings organised by the funding recipient (in cases where a formal invite was not sent). There would also be no way of knowing who did attend a meeting – for example, if a video meeting occurred, it would not be possible to say who else was sitting in the room at each end.

MBIE is therefore refusing this part of your request under 18(g) of the Act, that the information requested is not held by the department or venture or Minister of the Crown or organisation and the person dealing with the request has no grounds for believing that the information is either—

- (i) held by another department (for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture or Minister of the Crown or organisation, or by a local authority; or
- (ii) connected more closely with the functions of another department (for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture or Minister of the Crown or organisation or of a local authority:

6. A schedule of when and which ministers met with representatives of Northport Limited or Marsden Maritime Holdings.

As advised in our letter to you of 18 March 2022, this part of your request has also been transferred to MoT, as it is understood the Minister for Transport may have met with these groups.

Regarding details for meetings attended by the Minister for Economic and Regional Development, Hon Stuart Nash, this information is publicly available at www.beehive.govt.nz/sites/default/files/2021-05/Hon%20Stuart%20Nash%20April%202021%20Diary%20Proactive%20Release.pdf.

MBIE is therefore refusing this part of your request, for information held by MBIE, under section 18(d) of the Act, as the information requested is or will soon be publicly available.

MBIE does not hold copies of previous Ministers' diaries, however MBIE is currently liaising with the Department of Internal Affairs (DIA) in an attempt to locate any information which may be in scope. We will contact you with a decision on this as soon as we can, if DIA do manage to locate any relevant information and pass this on to MBIE.

7. Any and all papers provided to ministers for any meetings they had with Northport Limited or Marsden Maritime Holdings Limited's respective board or leadership teams?

As advised in our letter to you of 18 March 2022, this part of your request has also been transferred to MoT, as it is understood they may also have provided papers to their Minister.

The information relevant to this part of your request which MBIE holds is being withheld in full under the following sections of the Act:

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 supplied or who is the subject of the information.

9(2)(ba)(ii) to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.

I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.

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 or freephone 0800 802 602.

Nāku noa, nā



Isabel Poulson

General Manager, Strategy, Planning and Performance

Kānoa – Regional Economic Development & Investment Unit