

1 December 2015

195 Lambton Quay
Private Bag 18-901
Wellington 5045
New Zealand

Tom Sellers

T +64 4 439 8000
F +64 4 472 9596

fyi-request-3293-6279b0ac@requests.fyi.org.nz

Dear Tom Sellers

I refer to your emails of 29 October 2015 to the Ministry of Business, Innovation and Employment and the Ministry of Foreign Affairs and Trade in which you requested the following information under the Official Information Act 1982 (OIA) in relation to the Trans Pacific Partnership Agreement:

- 1) *The preamble of the final TPP document.*
- 2) *The preamble of all drafts of the TPP.*
- 3) *Any document or information related to the purpose and objective of the TPP.*
- 4) *Any document or information that relates to the final preamble of the TPP.*
- 5) *Any document or information related to the draft preamble of the TPP.*
- 6) *Any document or information related to the negotiation of the TPP objective and purpose.*
- 7) *If you're unable to provide information to me in respects of questions (1), (2), (3), (4), (5) and (6) I request all information related to the TPP that you feel you're able to publicly release.*
- 8) *If you require more time to answer this question please advise me as soon as possible. If you are unable to provide the text of the draft preamble or the text of the final preamble of the TPP I request any other information relevant to discerning the object and purpose of the TPP agreement. I specifically direct this question in respects of any statements by the Minister, memos and other such documents or information that you can provide.*

Regarding part one of your request, as the information requested is already publically available your request has been refused under section 18(d) of the OIA. The full text of TPP, including the Preamble is available on the Ministry of Foreign Affairs and Trade's website at: <http://www.tpp.mfat.govt.nz/text>.

Regarding part two of your request, your requests for drafts of the TPP Preamble has been declined under sections 6(a) and 6(b)(i) of the OIA as the making available of that information would be likely to prejudice the international relations of New Zealand or to

prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country.

Regarding parts three to eight of your request, these requests are very broad and encompass a wide range of information. Collation of the information requested in these categories would involve gathering material that is held in a variety of locations and consultation with the large number of past and present negotiators who were involved throughout the history of negotiations.

As you may be aware, under section 18(f) of the OIA the Ministry may refuse a request for information due to substantial collation and research. Accordingly, we ask that you consider whether you can refine the scope of these parts of your request. You may wish to consider whether, in light of the text's recent release and the information which the Ministry has made available, you wish to pursue each category of information requested. You may also wish to reflect on whether the request's wide timeframes remain necessary from your perspective or could be narrowed.

We would note that a variety of information relating to the purpose and objective of TPP is already publically available. Throughout the text of the Agreement, various Chapters specify dedicated objectives for that Chapter; for example the Sanitary and Phytosanitary Chapter, the Technical Barriers to Trade Chapter and the Environment Chapter.

Multiple Ministerial and Leader-level statements have been published throughout the negotiation process on the Ministry of Foreign Affairs and Trade's TPP page, "TPP Talk" which outline the overall objectives of TPP. For example, in November 2011 TPP Leaders announced the broad outlines of an agreement, including a background paper with more information on these broad outlines. This information is available on the website at: <http://mfat.govt.nz/Trade-and-Economic-Relations/2-Trade-Relationships-and-Agreements/Trans-Pacific/1-TPP-Talk/0-TPP-talk-13a-Nov-2011.php>. Following the conclusion of negotiations in October, TPP Ministers released a joint statement, accompanied by a summary of the Agreement. These documents outline the outcome of TPP and how Ministers envision the Agreement realising this objective and purpose. Both documents are available on the Ministry's website at: <http://www.tpp.mfat.govt.nz/assets/docs/TPP%20Ministers%20statement.pdf> and: <http://www.tpp.mfat.govt.nz/assets/docs/TPP12%20summary%20of%20the%20Agreement.pdf>.

You have the right under section 28(3) of the OIA to seek a review of this response by the Ombudsman.

Yours sincerely



Martin Harvey
for Secretary of Foreign Affairs and Trade