

25 August 2012

Joshua Grainger  
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Department of Labour

TE TĀHĀRI KŌWHiri



File No: 12/03399

Dear Mr Grainger

I refer to your follow-up questions dated 30 July 2012, to the response we provided to your Official Information Act 1982 (the Act) in which you have requested:

*First: can I please request a breakdown for the three documents I requested which withholding provisions apply to each?...*

*Second: it was pointed out to me that some reasons for withholding were rather peculiar: none of the material in question seems to be "advice" (operations manuals and MOUs can't be), it deals with relationships with government bodies rather than commercial enterprises so it can't be commercial, and there's no obvious impact on privacy apart from the names of any officials mentioned (which of course can be redacted). I was wondering if you could expand on the reasons why these particular declining provisions were applied..."*

In responding to your first and second questions, we have reviewed the sections of the Act under which the documents you requested were withheld. Given the formal nature of the documents, some changes have been made to the sections of the Act which were relied upon to withhold some of the information in the documents. However, the changes do not affect the decision by the Ministry of Business, Innovation and Employment to withhold the documents you requested. The table below provides a breakdown and clarification of the sections of the Act under which the documents have been withheld.

Documents withheld	Sections of the Official Information Act 1982 under which documents have been withheld	Comment
a. The Refugee Quota Branch, detention manual (draft)	<ul style="list-style-type: none"><li>Withhold full document in reliance on section 6(a)—which relates to prejudice to the security or defence of New Zealand or the international relations of the New Zealand Government</li><li>Withhold full document in reliance on section 6(c)—which relates to prejudice to the maintenance of the law</li></ul>	Document a. relates to the way in which Immigration New Zealand (INZ) carries out its legal obligations in sensitive operations. This document is in draft format and is still in development. It has not been approved for use by INZ.

	<ul style="list-style-type: none"> <li>Withhold some information in reliance on section 9(2)(f)(iv)—which relates to the constitutional conventions which protect the confidentiality of advice tendered by Ministers or officials. We previously advised that information was withheld under section 9(2)(g)(i)—which relates to the effective conduct of public affairs through free and frank expressions of opinions by or to Ministers or officials</li> </ul>	
<p>b. The draft MOU between DoL and various agencies to support open immigration detention in the event of a mass arrival</p>	<ul style="list-style-type: none"> <li>Withhold full document in reliance on section 6(a)—which relates to prejudice to the security or defence of New Zealand or the international relations of the New Zealand Government</li> <li>Withhold some information in reliance on section 9(2)(f)(iv)—which relates to the constitutional conventions which protect the confidentiality of advice tendered by Ministers or officials. We previously advised that information was withheld under section 9(2)(g)(i)—which relates to the effective conduct of public affairs through free and frank expressions of opinions by or to Ministers or officials</li> </ul>	<p>Document b. is in draft format and has not been approved for use.</p>
<p>c. The report entitled "Mass Arrival of Illegal Immigrants: Compliance Operations Branch Response Plan"</p>	<ul style="list-style-type: none"> <li>Withhold full document in reliance on section 6(a)—which relates to prejudice to the security or defence of New Zealand or the international relations of the New Zealand Government</li> <li>Withhold full document in reliance on section 6(c)—which relates to prejudice to the maintenance of the law</li> <li>Withhold some information in reliance on section 9(2)(a)—which relates to the privacy of natural persons</li> <li>Withhold some information in reliance on section 9(2)(b)(ii)—which relates to unreasonable prejudice to the commercial position of a person</li> </ul>	<p>Document c. relates to the way in which INZ carries out sensitive operations. This document includes the following Appendices:</p> <ul style="list-style-type: none"> <li><b>APPENDIX SIX</b> Contact List (Useful Contact Numbers) – contact list for persons who may be stakeholders in a mass arrivals event – Withheld under Section 9(2)(a)</li> <li><b>APPENDIX FOUR</b> PART A – Resources and Equipment for Processing a Mass Arrival PART B – Inventory of equipment PART C – Contact list for Equipment Providers – Withheld under Section 9(2)(b)(ii)</li> </ul>

	<ul style="list-style-type: none"><li>• We previously advised that information was withheld under section 9(2)(f)(iv)—which relates to the constitutional conventions which protect the confidentiality of advice tendered by Ministers or officials</li></ul>	<ul style="list-style-type: none"><li>• <b>APPENDIX FIVE</b> Mass Arrival: COMPLIANCE OPERATIONS BRANCH RESPONSE PLAN Staff health and safety – Parts 1-3 are withheld under sections 6(a), and 6(c). Parts 4 and 5 are released and attached</li></ul>
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If you wish to discuss any aspect of your request or this response, or if you require any further assistance, you are encouraged to contact Andrew Lockhart, National Manager Refugee and Protection Unit on Tel. 09 918 4422.

Yours sincerely



Stephen Dunstan  
General Manager  
Settlement, Protection and  
Attraction