



Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence

Minister of Tourism

Minister Responsible for Ministerial
Services

24 NOV 2016

Philippa Tinning

Email: fyi-request-4791-b851337b@requests.fyi.org.nz

Ref: PMO 143-2016

Dear Philippa Tinning

Official Information Act request relating to the visit of the USS Sampson

Thank you for your Official Information Act 1982 (the Act) request, received on 19 October 2016. You requested:

"I would like to know on what basis you made your decision regarding whether the USS Sampson is carrying nuclear weapons. Have you been privy to documents that guarantee that the ship will not be carrying nuclear weapons? If so, what are these documents? Can these be made available, please."

Due to the natural events that caused the closure of a number of buildings tenanted by government agencies, consultations required before responding to your request could not be completed within the 20 working days subsequent to 18 October 2016 and I found it necessary to extend the time limit for response on 16 November 2016.

The decision by the Prime Minister to approve the visit of the US Navy ship *USS Sampson* was announced on 18 October 2016. The press release can be found on the Beehive website at: <https://www.beehive.govt.nz/release/us-navy-ship-cleared-visit-new-zealand>.

Approval by the Prime Minister of visits of foreign warships and foreign military aircraft is required under the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987.

The Prime Minister approved the visit after careful consideration of advice provided by the Ministry of Foreign Affairs and Trade (MFAT) together with advice from other officials and sources.

The advice received by the Prime Minister, including the submission from MFAT seeking his approval for the visit, is withheld in its entirety under the following sections of the Official Information Act:

- Section 6(a) as 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) as 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."

Tinning reply

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand. Telephone 64 4 817 6800

- Section 9(2)(f)(iv) as withholding the information is necessary 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) as withholding the information is necessary 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.*”
- Section 9(2)(h) as withholding the information is necessary to “*maintain legal professional privilege.*”
- Section 9(2)(j) as withholding the information is necessary to “*enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).*”

Where the information has been withheld under section 9, no public interest in releasing the withheld information has been identified that would be sufficient to override the reasons for withholding it.

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Official Information Act. You can contact the Ombudsman online via the Ombudsman website, by email (info@ombudsman.parliament.nz) or by post to The Ombudsman, PO Box 10152, Wellington 6143. Further details can be found on the Ombudsman website at: www.ombudsman.parliament.nz.

Yours sincerely


Wayne Eagleson
Chief of Staff