



## Prime Minister

Minister for Arts, Culture & Heritage

Minister for Child Poverty Reduction

Minister for National Security & Intelligence

18 DEC 2017

Andrew Riddell

Email: [fyi-request-6816-c596372a@requests.fyi.org.nz](mailto:fyi-request-6816-c596372a@requests.fyi.org.nz)

Ref: PMO OIA 024-2017

Dear Mr Riddell

### Follow-up correspondence about the transfer of your Official Information Act request on the TPP11

I refer to your email correspondence of 21 November 2017 regarding the transfer of your Official Information Act request of 9 November 2017 to the Minister of Trade and Export Growth, Hon David Parker. You inquired about the validity of this transfer on the basis that the information you were requesting was more closely related to the responsibilities of the Minister of Trade and Export Growth, when the Prime Minister had been reported to have made a statement about the benefits from the TPP11. Specifically, you stated that:

*"My request has been misunderstood.*

*My request points out that just before 9 November Jacinda Ardern made a statement about benefits of the (then) TPP11 trade agreement. My request is seeking the information that she relied on to support that statement, i.e. the information she was relying on that justified the statement that there were benefits from TPP11 as it was just prior to 9 November 2017.*

*Instead, my request has been treated as a general request for information about TPP11 as it has evolved since 9 November, and it has been transferred to the Minister of Trade.*

*I strongly disagree with that action. It is based on a misunderstanding of my request.*

You asked that "Please reverse the transfer of my request to the Minister of Trade and provide the information I actually requested."

The Prime Minister relies on her Ministerial colleagues to address those matters that fall within their portfolio responsibilities, including bringing significant policy issues to Cabinet for collective decisions by Ministers. The Prime Minister also relies on her Ministerial colleagues to provide her with information as needed about developments within their portfolios. As the head of the government and Chair of Cabinet, it is usual for the Prime Minister to announce new government policies and respond to questions from the media across all aspects of government policy. This does not detract from the responsibilities held by individual Ministers.

In relation to the transfer of your request of 9 November 2017, section 14(b)(ii) of the Official Information Act 1982 states that where:

*“the information, or some of the information, to which the request relates- is believed by the person dealing with the request to be more closely connected with the functions of another department or Minister of the Crown or organisation, or of a local authority,- the department or Minister of the Crown or organisation to which the request is made shall promptly, and in any case not later than 10 working days after the day on which the request is received, transfer the request, or relevant part of the request, to the other department or Minister of the Crown or organisation, or to that local authority, and inform the person making the request accordingly.”*

I believe the information you were seeking in your request of 9 November 2017 about the potential benefits and costs of the TPP11 just prior to 9 November 2017 or the CPTPP after that date falls within the functions of the Minister of Trade and Export Growth even when this information has informed the Prime Minister when making statements to the media. Accordingly, it was appropriate for your request to have been transferred to that Minister.

I remind you that if you are not satisfied with any response you have received to an Official Information Act request, you are entitled to ask the Ombudsman to review that 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](mailto: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](http://www.ombudsman.parliament.nz). This would apply to the final response you receive from the Minister for Trade and Export Growth.

Yours sincerely



Heather Simpson  
**Advisor**