

1 - DEC 2015

Charles Hulley

fyi-request-3296-3c95ad07@requests.fyi.org.nz

Dear Charles Hulley

I refer to your email of 29 October 2015 in which you requested the following information under the Official Information Act 1982 (OIA) in relation to the Trans-Pacific Partnership Agreement:

I am a LLB (Hons) student doing academic research in the area of international investment law and I want access to the Transpacific Partnership Agreement (TPP). Any information I receive will be held for research purposes only and my dissertation will not be released until at least late December.

1. In light of the decision of Kelsey v Minister of Trade [2015] NZHC 2497, CIV-2015-485-000583 I request access to the text of final preamble to ascertain the object and purpose of the TPP according to Vienna Convention on the Laws of Treaties Article 31.

2. If request 1 is not possible I request access to the draft preamble of the TPP for the same academic research purpose.

3. 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. This may include statements by the Minister, memos and other such documents.?"

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>.

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