

4 September 2024

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OIA 29603

Thank you for your email of 7 August 2024 in which you request the following under the Official Information Act 1982 (OIA):

1. *"Information relating to what (if any) analysis has been done - and what information informed any such analysis - around the Fasttrack Approvals Bill in relation to the impacts that the passing of the Bill would have on Aotearoa New Zealand's economy, specifically as it relates to repetitional effect (i.e. Aotearoa New Zealand's reputation internationally) in relation to trade (including tourism) and diplomacy.*
2. *...What analysis has been undertaken on the implications of the FTA Bill on our current Free Trade Agreement.*
3. *Has there been any correspondence that the Government has received from other Governments and trading partners around the Bill?*
4. *Has there been any inter-Departmental reporting on the trade considerations of the FTA Bill?"*

On 20 August 2024, your request was transferred in part to the Ministry for the Environment. The Ministry of Foreign Affairs and Trade (MFAT) will provide a response for information we hold in relation to the following parts of the request:

1. *"Information relating to what (if any) analysis has been done - and what information informed any such analysis - around the Fasttrack Approvals Bill in relation to the impacts that the passing of the Bill would have on Aotearoa New Zealand's economy, specifically as it relates to repetitional effect (i.e. Aotearoa New Zealand's reputation internationally) in relation to trade (including tourism) and diplomacy.*
2. *...What analysis has been undertaken on the implications of the FTA Bill on our current Free Trade Agreement."*

Response

MFAT provided legal advice to the Minister for Trade on how the Fast-track Approvals Bill fits with New Zealand's international treaties and obligations, including any implications the Fast-track Approvals Bill may have for our Free Trade Agreements, on 17 April 2024, 29 April 2024 and 15 May 2024. The titles and contents of this advice, and any information used to form this advice, is withheld in full under section 9(2)(h) of the OIA to maintain legal professional privilege.

No economic modelling on the Fast-track Approvals Bill against New Zealand's international treaties and obligation has been completed by MFAT, and therefore this part of your request is refused under section 18(e) of the OIA, as the information does not exist.

In preparing the response to your request MFAT identified email correspondence in scope of part 3 of your original request for correspondence with other governments relating to the Fast-track Approvals Bill. In accordance with section 16(1)(e) of the OIA, a summary of the information you have requested is provided below. We have chosen to provide a summary as providing the information in another form would prejudice the interests protected by section 6 of the OIA.

Please note some information is not provided in the summary because it is withheld under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government; and
- 6(b)(i): to protect the passing of information from another government on a confidential basis.

Summary

An email from another government was received on 26 April 2024 querying how the Fast-track Approvals Bill may impact the Free Trade Agreement with that country.

The response from MFAT on 29 April 2024 is as follows:

"The Bill you refer to is currently under examination by the Environment Select Committee, which is the step in our legislative process that follows a Bill's first reading in Parliament. Public submissions to the Select Committee on the Bill closed on 19 April. The next step is for the Select Committee to meet to discuss the Bill and hear submissions, after which it may recommend amendments to the House. At this link¹ you can find a clear explanation of the process, if helpful.

The New Zealand Government is committed to protecting the environment, including by taking action on climate change. The Ministry of Foreign Affairs and Trade (MFAT) is working with the Ministry for the Environment (the responsible agency) and provides advice on New Zealand's international obligations relevant to that Bill, including under our FTA. That advice is subject to legal privilege. Should the Bill become law at a later stage, happy to have a further discussion if of interest."

I note that as the Ministry for the Environment is the lead agency on the Fast-track Approvals Bill, you are directed to their response to your request for most relevant information. However, you may also wish to also refer to the following pages on the MFAT website for some general information on Free Trade Agreements and New Zealand Trade Policy:

- Free Trade Agreements: <https://www.mfat.govt.nz/en/trade/free-trade-agreements>
- New Zealand Trade Policy: <https://www.mfat.govt.nz/en/trade/nz-trade-policy>

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information

¹ <https://www.parliament.nz/en/visit-and-learn/how-parliament-works/fact-sheets/parliament-brief-the-legislative-process/> - 19

removed) may be published on the Ministry website: www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Secretary of Foreign Affairs and Trade