



# Office of the Prime Minister

**Prime Minister**

Minister for National Security and Intelligence

Minister of Tourism

Minister Responsible for Ministerial  
Services

24 NOV 2016

Lance O'Riley

Email: [fyi-request-4848-4b416f21@requests.fyi.org.nz](mailto:fyi-request-4848-4b416f21@requests.fyi.org.nz)

Ref: PMO 149-2016

Dear Lance O'Riley

## **Official Information Act request relating to USS Sampson and the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act (1987)**

Thank you for your Official Information Act 1982 (the Act) request, received on 27 October 2016. You requested:

- “1: The process used to determine if the USS Sampson was to be granted entry into New Zealand waters.*
- 2: Reasons why any previous ships from other nations (US or otherwise) have been declined under similar circumstances.*
- 3: Copy of the information received to provide assurances that the USS Sampson is neither nuclear powered or armed in line with the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act (1987).”*

The Prime Minister's approval of visits by 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.

I advised you that I transferred the second part of your request to MFAT for response under section 14(b)(ii) of the Act.

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.”

- 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](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).

Yours sincerely

  
Wayne Eagleson  
**Chief of Staff**