



Ministry of  
**Fisheries**  
Te Tautiaki i ngā tini a Tānoa

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OIA825  
PDS/FM/004/040

23 September 2008

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Tena koutou

**OFFICIAL INFORMATION ACT REQUEST: FISHERIES ACT 1996  
AMENDMENT BILL (No.2) 240-1 (2008)**

This letter and enclosed material is a second response to your request for information, following my letter of 29 August 2008. In consideration of your need for urgency this package provides documents that have been cleared for release and explains the grounds for withholding some others.

This package contains briefing material prepared for the Minister of Fisheries during the period covered by the request and meeting notes from the stakeholder meeting of 10 April 2008. I enclose the following documents with this letter:

1. Fisheries Act 1996: Section 13 Problem and suggested approach to amendment [Notes for James Palmer in meeting with representatives of Parliamentary Parties – provided 28 April 2008.
2. Briefing to the Minister, and attached notes, for a meeting with fishing industry company principals – provided 28 April 2008.
3. Ministerial Request number MR575: Questions from Nick Churchouse of the Dominion Post and Ministry responses – provided 21 May 2008.
4. Cover brief to Minister of Fisheries for Cabinet paper on section 13 amendment – 25 June 2008.
5. Cover brief to Minister of Fisheries for Cabinet paper on Fisheries amendment bill (section 13) approval for introduction – 9 July 2008.
6. Brief to Minister of Fisheries seeking approval to discuss Bill drafting and wording of explanatory notes with the New Zealand Seafood Industry Council.
7. MFish staff hand-written meeting notes from the stakeholder meeting of 10 April 2008.

We are unable to release several documents pursuant to s9(2)(h) of the Official Information Act on the grounds that withholding the information is necessary to maintain legal professional privilege. The withheld documents are:

1. Briefing to Minister of Fisheries S8406: Implications of the ORH1 High Court decision – March 2008, and attached Crown Law opinion of 3 March 2008.
2. Four draft versions of the Fisheries Act Amendment Bill (No.2)

I am satisfied that in terms of s9(1) of the Act, in the circumstances of this case, the withholding of this information is not outweighed by other considerations which render it desirable in the public interest to make the information available.

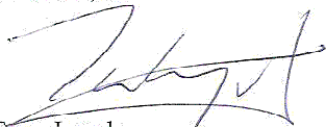
You have the right under s28(3) of the Official Information Act to make a complaint to the Office of the Ombudsman to seek an investigation and review of my refusal to release some of the information requested.

A few items of correspondence of the Minister of Fisheries held by Mfish have been forwarded to the Minister's office for consideration for release under this request. The Minister's office will release these directly to you if approved.

The enclosed material completes your request in respect of formal documents available for release at this time. The large volume of informal material covered by your request would involve a considerable amount of staff time to assemble, review and edit, due to the number of staff involved with this matter and the close involvement of legal advisors in the processes. Therefore, I again ask you to consider your requirements for further information related to this issue.

Once you have considered the enclosed documents, please confirm any requirements for further information and, if possible, specify your priorities. If I do not hear back from you in this regard, I will assume the material supplied to date has satisfied your request.

Naku noa, na



Terry Lynch  
for Chief Executive