



OPAANZ-C

26 October 2006

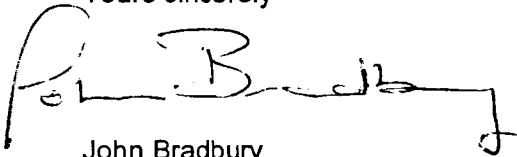
Grant David
Partner
Chapman Tripp
PO Box 993
WELLINGTON

Dear Mr David

1. I refer to your letters of 16 October and 25 September 2006.
2. In your letter of 16 October you seek the information that has been withheld from disclosure in the applicants' "second tranche" of responses to the Ministry's information requests, particularly, request 16, relating to the implications for each of the applicants of the TNA not being approved.
3. I have reviewed your request and the content of the applicants' answers to information request 16. I continue to withhold that information under both s 9(b)(ii) and 9(ba) of the Official Information Act. The information was obtained from each of the applicants, in confidence. Neither of the applicants have access to the other's confidential information. Without an undertaking as to confidentiality, the applicants are unlikely to have disclosed to the Ministry their responses.
4. Further, given that the applicants are direct competitors, I consider that its disclosure would likely unreasonably prejudice the commercial position of each applicant. I do not consider there to be any public interest considerations that render it desirable to disclose the information.
5. As you are aware, you can seek an investigation and review of this refusal by the Ombudsman under s 28(3) of the Official Information Act.
6. In your letter of 25 September 2006, you seek an adjournment of the Ministry's consideration of the TNA so that interested parties can be briefed on the Ministry's intentions with regard to the Air Services Agreement between the United Arab Emirates and New Zealand (the ASA).
7. As I have previously stated in my letter of 15 September 2006, this is a sensitive and ongoing matter involving New Zealand's international relations with the United Arab Emirates, which I do not consider it appropriate to disclose. However, I have noted your views about the ASA and its relevance to the current consideration of the TNA.
8. The Minister will be fully briefed on the ASA, and indeed on all air services arrangements with a relationship to the Tasman markets, when the Ministry provides advice to him on the TNA.

9. You have requested a meeting with me to present your client's 31 July 2006 submission. I do not intend to meet with you to discuss the submission. However, if in the course of analysing the submission the Ministry needs more information, I will come back to you. The Ministry has not met with any other party, including the applicants, for a general presentation of submissions or the application.
10. However, as I have already offered you by letter of 7 September 2006, I am happy to meet with you to discuss any confidential information that you wish to present to the Ministry. Such information will be assessed under the Official Information Act and may be withheld from public disclosure if the relevant tests are met.
11. Please contact me if you wish to proceed with such a meeting.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Bradbury', written in a cursive style.

John Bradbury
Deputy Secretary