

8 April 2022

Phil Pennington
Reporter
Radio New Zealand
phil.pennington@rnz.co.nz

REF: OIA-9588

Dear Phil

Request made under the Official Information Act 1982

Thank you for your email of 23 February 2022 requesting the following information under the Official Information Act 1982 (the Act):

documents and communications around NZ bitumen supply, including:

1. *A copy of the plan or proposed plan for bitumen supply from 2022*
2. *A copy of the results and report of Project Kopapapango [or similar if I got that spelling wrong] investigation into bitumen supply 2021/21. Pls include any paper/report arising from the RFI*
3. *A copy of any minutes of WK committees taking recommendations to the board about the above*
4. *A copy of any minutes where the board considers these recommendations and/or makes a decision on the way ahead*
5. *A copy of the most substantive advice to the Minister about this*
6. *Any letter and/or paper sent to existing importers of bitumen about WK plans for supply*
7. *Details of any concerns raised by existing importers with WK about this*
8. *Documented details of the latest accurate cost/benefit/risk analyses re*
 - a. *Security of supply including how to ensure there is enough storage*
 - b. *Price movements and WK risks in relation to them*

Pls advise:

9. *Has WK met with bitumen importers about its plan?*
10. *Has WK made any suggestions around accessing their storage tanks*
11. *Has WK advised which company/ies will be bitumen importers under its plan?*
12. *Will or has WK tendered for a party/ies to do the importing?*
13. *Have any concerns or risks been raised with WK about it?*
14. *Has WK talked to the Commerce Commission about it, and with what result?*

The attached document schedule details the documents that fall within the scope of your request.

I will answer each of your questions in turn.

1. A copy of the plan or proposed plan for bitumen supply from 2022

I am refusing this part of your request under section 18(e) of the Act because the document alleged to contain the information requested does not exist.

2. A copy of the results and report of Project Kopapapango [or similar if I got that spelling wrong] investigation into bitumen supply 2021/21. Pls include any paper/report arising from the RFI

The following documents fall within the scope of this part of your request and are enclosed:

- Attachment 1 - Bitumen Review Evaluation April 2021
- Attachment 2 - 07. Bitumen Supply Chain Solution Nov 2021 Final Board paper

Certain information has been withheld in Attachments 1 and 2 under section 9(2)(i) of the Act to enable any agency holding the information to carry out, without prejudice or disadvantage, commercial activities. Certain information in Attachment 1 is also being withheld under section 9(2)(ba)(i) of the Act to protect information subject to an obligation of confidence and where the making available of the information would likely prejudice the supply of similar information or information from the same source.

Document 3 falls within scope of this part of your request and is withheld in full under section 9(2)(i) of the Act to enable any agency holding the information to carry out, without prejudice or disadvantage, commercial activities.

3. A copy of any minutes of WK committees taking recommendations to the board about the above

I am refusing this part of your request under section 18(e) of the Act because the document alleged to contain the information requested does not exist.

4. A copy of any minutes where the board considers these recommendations and/or makes a decision on the way ahead

This information is publicly available and can be found here: www.nzta.govt.nz/assets/About-us-2/docs/board-meeting-minutes-2021/minutes-20211124.pdf. Relevant information on pages 7 and 8 was withheld under section 9(2)(i) of the Act to enable any agency holding the information to carry out, without prejudice or disadvantage, commercial activities.

5. A copy of the most substantive advice to the Minister about this

Following the November 2022 Waka Kotahi Board meeting, Waka Kotahi provided an oral update to the Minister of Transport in December 2021 on the bitumen supply chain board paper and the recommendations approved by the Waka Kotahi Board. There is no copy of the content of this oral update.

6. Any letter and/or paper sent to existing importers of bitumen about WK plans for supply

Document 4 falls within scope of this part of your request has been withheld in full under section 9(2)(ba)(i) of the Act to protect information subject to an obligation of confidence and where the making available of the information would likely prejudice the supply of similar information or information from the same source.

7. Details of any concerns raised by existing importers with WK about this

Document 5 falls within scope of this part of your request has been withheld in full under section 9(2)(ba)(i) of the Act to protect information subject to an obligation of confidence and where the making available of the information would likely prejudice the supply of similar information or information from the same source.

8. Documented details of the latest accurate cost/benefit/risk analyses re

a. Security of supply including how to ensure there is enough storage

Document 6 falls within scope of this part of your request has been withheld in full under section 9(2)(i) of the Act to enable any agency holding the information to carry out, without prejudice or disadvantage, commercial activities.

b. Price movements and WK risks in relation to them

The pricing section on page 2 of Attachment 1 contains information in scope of your request.

9. Has WK met with bitumen importers about its plan?

Yes.

10. Has WK made any suggestions around accessing their storage tanks

This is commercially sensitive information which was discussed under non-disclosure agreements.

11. Has WK advised which company/ies will be bitumen importers under its plan?

This is commercially sensitive information which was discussed under non-disclosure agreements.

12. Will or has WK tendered for a party/ies to do the importing?

Waka Kotahi has not tendered for any parties to import bitumen. Any future procurement will be publicly advertised on the GETS website.

13. Have any concerns or risks been raised with WK about it?

This is commercially sensitive information which was discussed under non-disclosure agreements.

14. Has WK talked to the Commerce Commission about it, and with what result?

Waka Kotahi has engaged the Commerce Commission and it supports the ongoing work to ensure a reliable supply chain for bitumen.

With respect to the information that has been withheld and refused, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold this information and refuse parts of your request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

In line with Waka Kotahi policy, this response will soon be published on our website, with personal information removed.

If you would like to discuss this reply with Waka Kotahi, please contact me by email to andrew.knackstedt@nzta.govt.nz or by phone at (04) 894 6285.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Knackstedt', with a long horizontal flourish extending to the right.

Andrew Knackstedt
Senior Manager, Media

OIA-9588 – Document Schedule

Ref	Document	Date	Description
1.	Attachment 1 - Bitumen Review Evaluation April 2021	April 2021	<p>Certain information has been withheld under section 9(2)(i) of the Act to enable any agency holding the information to carry out, without prejudice or disadvantage, commercial activities.</p> <p>Certain information has been withheld under section 9(2)(ba)(i) of the Act to protect information subject to an obligation of confidence and where the making available of the information would likely prejudice the supply of similar information or information from the same source.</p>
2.	Attachment 2 - 07. Bitumen Supply Chain Solution Nov 2021 Final Board paper	16 November 2021	Certain information has been withheld under section 9(2)(i) of the Act to enable any agency holding the information to carry out, without prejudice or disadvantage, commercial activities.
3.	Document 3 - COMMERCIALLY SENSITIVE_Kaupapa Pango - November Board_Attachment 1_Summary of analysis, recommendations and implementation plan_27.10_2pm (1)	November 2021	Withheld in full under section 9(2)(i) of the Act to enable any agency holding the information to carry out, without prejudice or disadvantage, commercial activities.
4.	Document 4 - Bitumen Implementation - Midstream Storage - Engagement Letter – [withheld under section 9(2)(ba)(i)] - 26 Jan 22 (1)	26 January 2022	Withheld in full under section 9(2)(ba)(i) of the Act to protect information subject to an obligation of confidence and where the making available of the information would likely prejudice the supply of similar information or information from the same source.
5.	Document 5 - WK Proposal - File Note (discussion aid) from [withheld under section 9(2)(ba)(i)]	1 February 2022	Withheld in full under section 9(2)(ba)(i) of the Act to protect information subject to an obligation of confidence and where the making available of the information would likely prejudice the supply of similar information or information from the same source.

6.	Document 6 - Waka Kotahi SD model - phase 2 v1	N/A	Withheld in full under section 9(2)(i) of the Act to enable any agency holding the information to carry out, without prejudice or disadvantage, commercial activities.
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