



19-E-0457 / DOC 6032471

7 August 2019

Hannah Enderby
via *FYI.org.nz*

Dear Ms Enderby

Thank you for your Official Information Act request to the Department of Conservation dated 10 July 2019. Our response to that request is set out below.

Before dealing with that there is an important administrative issue we need to address.

Eligibility under the Official Information Act

While we have chosen to respond on this occasion (and previously), we are mindful that it is not clear whether you are eligible to make requests under the Official Information Act. That issue occurs in the context you having made a number of requests in the past and the following requests that we are presently considering:

- 19-E-0484 (submitted to the Department on 18 July 2019); and
- 19-E-0451 (submitted to the Department on 4 July 2019).

It also arises in the context of the nature and tone of requests you have made previously, considerations around the resources we have available to respond to requests and our obligation and ability to respond to legitimate OIA requests more generally.

Accordingly, we have decided to ask you to provide evidence of your eligibility to make a request under the Official Information Act. Section 12 of the Act stipulates that in order to make a request you must be one of the following:

- a New Zealand citizen;
- a permanent resident of New Zealand;
- a person who is in New Zealand;
- a body corporate (ie, company or incorporated society) which is incorporated in New Zealand; or
- a body corporate which has a place of business in New Zealand.

You will need to provide evidence that you meet one of the criteria set out above by no later than **Wednesday 14 August 2019**. This can be sent to us at replies@doc.govt.nz.

In the event you do not meet the criteria set out in section 12(1), we are still open to considering any requests you have or will make to us. However, in processing any such request we would need to consider whether to impose a charge for any information we were to decide to release to you.

Your present request

You requested the following:

[P]lease provide information on the times taken to die for protected native kea birds after they eat 1080 poisoned food which has been spread in the kea habitat by the NZ Dept of Conservation. Please provide the times found via scientific studies as well as what you can estimate from your kea tracking activities [through] poisoned food operations.

Before responding to your OIA request, we have set out the following contextual information as it is relevant to the approach we have taken in this instance.

Benefits of predator control using aerial 1080

Kea survival is significantly impacted by stoat predation, and to a lesser extent, predation by possums and rats. Predation will have a devastating impact on kea populations if stoat, possum and rat numbers within kea habitats are not controlled.

Published research (<https://newzealandecology.org/nzje/2072>) has confirmed that the aerial application of 1080 is the most effective method of controlling these stoat, possum and rat numbers, particularly across large remote areas.

Scientific studies (<https://newzealandecology.org/nzje/3341>) have also linked the effects of the aerial application of 1080 to an increase in kea nest survival. Researchers examined the effects of aerial 1080 on the reproductive success of West Coast kea and found that kea nest survival increased from 46.4% prior to the application of 1080, to 84.8% after the application on 1080. Kea nest survival in areas that were not treated with 1080 declined from 21% to 12.2% within that same period of time.

These studies support the Department's view that the application of aerial 1080 can have a positive effect on kea populations.

Methods of reducing the risk of kea ingesting 1080

The Department's "Aerial 1080 in kea habitat: Code of Practice" document sets out protocols and processes that are in place to reduce the risk of 1080 bait intake by kea.

These include:

- using RS5 cereal baits in 1080 operations in kea habitats, as these baits are less palatable to kea;
- using cinnamon lure which acts as a kea deterrent; and
- limiting the sowing rate for prefeed and toxic bait to limit the encounters that kea may otherwise have with bait.

The Code of Practice is published on the Department's website and can be accessed via the following link: <https://www.doc.govt.nz/Documents/conservation/threats-and-impacts/pest-control/other-technical-documents/code-of-practice-aerial-1080-kea-habitat.pdf>.

Monitoring kea using transmitters

The Department monitors kea using radio transmitters which can be used to track an individual kea's movement and general location. Each transmitter has an in-built 'mortality function' which will activate and emit a signal if the kea carrying that transmitter has been motionless for over 8 or 12 hours. The time taken for the mortality function to activate depends on the software installed on each transmitter. If the Department receives a mortality signal from a kea transmitter, it would deploy staff to locate the kea carrying that transmitter as soon as possible.

If a kea died as a result of ingesting 1080, its transmitter would emit a mortality signal only 8 or 12 hours after its death. The transmitter cannot alert DOC staff to the time at which the kea ingested the 1080, or the exact time of its death.

Your OIA request

For the above reasons, the Department has no means of monitoring the time taken for kea to die as a result of ingesting 1080 and does not hold any records or documents to that effect. Therefore, we have no option but to refuse your request under section 18(e) of the Official Information Act 1982 because the information you requested does not exist.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how you can make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely,



Amber Bill
Director Threats,
For Director-General