



NEW ZEALAND
CUSTOMS SERVICE
TE MANA ĀRAI O AOTEAROA

AUCKLAND

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PROTECTING NEW ZEALAND'S BORDER

15 September 2016

Ref: PS OIA 16-222

Mr Graham Carter

Via: fyi-request-4356-96e3b11e@requests.fyi.org.nz

Dear Mr Carter

Official Information Act request

I refer to your email dated 2 August 2016 to the Ministry for Primary Industries (MPI) (via the website www.fyi.org.nz) in which you requested the following under the Official Information Act 1982 (the Act):

- all information, copies of emails and reports on how many navy and how many air force patrols have been carried out around the Kermadecs over the last ten years (request one), and;
- all information, copies of emails and reports on how many current patrols are done in the last 12 months (request two).

On 24 August 2016, MPI transferred this part of your request to the New Zealand Customs Service (Customs) as the information you have requested is more closely connected with the functions of Customs. Your online request has been treated as a request for information under the Act.

Established in 2002, the National Maritime Coordination Centre's (NMCC) is responsible for the overall management and control of New Zealand's maritime surveillance. Its role is to coordinate maritime patrol and surveillance activities in support of New Zealand agencies responsible for New Zealand's sovereignty, security, safety, economy, environment or foreign policy interests. Although the NMCC is operationally independent, it is a part of Customs and has direct responsibility and reporting lines to Customs.

The NMCC is staffed by both civilian and military personnel. It includes liaison officers from Customs, the Ministry for Primary Industries and the New Zealand Defence Force.

In response to request one, Customs has interpreted 'the Kermadecs' to mean the area around the Kermadec Islands, which is within New Zealand's Exclusive Economic Zone (NZ EEZ). There have been 84 multi-agency patrols of that area in the last ten years.

In response to request two, in the absence of a defined area, Customs has interpreted this request to mean all patrols coordinated by the NMCC and undertaken in the past twelve months. There have been 108 patrols between August 2015 and August 2016.

All other information, copies of emails and reports requested cannot be provided without substantial collation or research of information. The information requested would need to be collected from a number of different agencies, from a number of people who may or may not be currently employed by those agencies and may require retrieval of electronic data from

computer server systems. Therefore, your request has been refused under section 18(f) of the Act:

Section 18 Refusal of requests

A request made in accordance with section 12 may be refused only for 1 or more of the following reasons, namely:

(f) that the information requested cannot be made available without substantial collation or research:

Should that information be collated, large portions of it are likely to be withheld and/or redacted under sections 6(a), 6(b)(ii) and 6(c) of the Act. These sections relate to:

Section 6 Conclusive reasons for withholding official information:

Good reason for withholding official information exists, for the purpose of section 5, if the making available of that information would be likely—

(a) to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or

(b) to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by—

(i) the Government of any other country or any agency of such a Government; or

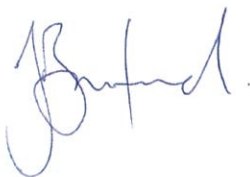
(ii) any international organisation; or

(c) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or

You have the right, by way of complaint to the Office of the Ombudsman under section 28(3) of the Act, to seek an investigation and review of the decision to refuse your requests.

Customs is, however, happy to work with you to refine your request to a point where it would be manageable. If you would like to provide clarification, or if you have any further queries about this response, please contact the Correspondence, Reviews and Ministerial Servicing team via email at oa@customs.govt.nz.

Yours sincerely



Jamie Bamford
Group Manager Intelligence, Investigations and Enforcement