



OIA16-0656-660
OIA16-0682-687
OIA16-0690-691
OIA16-0722

2 DEC 2016

Graham Carter
c/- FYI

Dear Graham Carter

CHARGE FOR OFFICIAL INFORMATION

I refer to your thirteen official information requests regarding your various Official Information Act (OIA) requests to the Ministry for Primary Industries (MPI) in November 2016. Please refer to your questions and MPI's responses as below.

1. OIA16-0656: "copy of the Operation Horse and the related video's on dumping", received 4 November 2016
2. OIA16-0657: "copy of Turnip report and the related video on dumping", received 4 November 2016

You have previously requested "all information, emails, reports and recommendations regarding" Operation Horse and Operation Turn-up in your OIA requests referenced OIA16-0521. I refer to MPI's letter to you on 4 November 2016 in reference to the decision on your request.

These repeat requests, that MPI had responded to on the same day of these requests, are refused pursuant to section 18(h) of the OIA as the requests are frivolous or vexatious. As noted in our response to the initial requests, you have the right to seek a review by the Ombudsman of our refusal if you do not accept it.

3. OIA16-0658: "all reports and documentation on what various fin fish species that will be targeted by PSH Tiaki net system" and "all reports and documentation on the ability of the PSH net on the catching of those various species", received 4 November 2016

In relation to your first request for documentation of targeted fin fish species, MPI publishes quarterly reports and updates on the progress and further information regarding Precision Seafood Harvesting (PSH) on the MPI website at <http://www.mpi.govt.nz/funding-and-programmes/primary-growth-partnership/primary-growth-partnership-programmes/precision-seafood-harvesting/>.

MPI considers the information covered in these reports summarises the reports and documentation held regarding fin fish species targeted by PSH. Therefore, this request is refused under section 18(d) of the OIA as the information requested is publicly available.

The second request, for documentation on the ability of the PSH net system on catching the specified species, is refused under section 18(f) of the OIA as the information cannot be made available without substantial collation or research. However, there will be some information on this subject already published on MPI's website as linked above.

4. OIA16-0659: "what proportion of trawl net hauling, landings, and deck sortings is viewed by MPI staff on the Trident cameras", received 4 November 2016

Trident cameras are set up as part of a trial on the SNA1 trawl vessel fleet, recording all fishing activity (cameras operate 24/7). All recorded footage is downloaded for monitoring. Of this total footage, 30% of fishing events are randomly selected for review by Trident. In the course of their review, Trident reports any events that may indicate breaches of fisheries regulations to MPI for investigation.

That same footage reviewed by Trident is audited by MPI Fisheries Observers. An additional 10% of footage, not reviewed by Trident, is also reviewed by MPI. If in the course of MPI's review of footage, any events that may indicate breaches of fisheries regulations are identified, MPI will view more footage until satisfied that any fishing activity of concern has been identified, with the possibility of a complete review of all fishing events.

Any incidents of non-compliance, regardless of who reported the activity, are referred to Compliance for investigation.

5. OIA16-0660: "all reports regarding the new net inventions by Karl Warr and Rick Birch", received 4 November 2016

You have previously requested this information, OIA16-0461 refers. MPI responded to this request on 21 October 2016. This request is refused pursuant to section 18(h) of the OIA as the request is frivolous or vexatious.

6. OIA16-0682: "Who took the photos in the Operational Reports for Operations Achilles, Hippocamp, and Overdue?" "Were all photos taken shown in the Operational Reports for Operations Achilles, Hippocamp, and Overdue reports or were there some photos not published in the report?" "If not we request a copy of any further photos not shown in the Op reports?", received 16 November 2016

Specific to the different operations:

- Operation Achilles photographs were derived from the video footage. As you may be aware, MPI released an excerpt of the footage, in line with section 16(1)e of the OIA. This excerpted video footage is available at: <https://www.youtube.com/channel/UCV2HIKfznb1DcxUYaDysXNw>. Please note that approximately 1100 hours of video footage was generated under Operation Achilles.
- Operation Hippocamp photographs were not incorporated into the operational report. The photographs that were taken as part of the investigation are released to you at Appendix One. Some images have been withheld in full pursuant to section 9(2)(a) and 9(2)(b)(ii) of the OIA to protect the privacy of natural persons and to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who is subject of the information, respectively.
- Operation Overdue photographs were not incorporated into the operational report. The photographs that were taken as part of the investigation are released to you at Appendix Two. Some images have been withheld in part and in full pursuant to section 9(2)(a) and 9(2)(b)(ii) of the OIA as defined above.

The identity of the individual or individuals who took photographs for the operational reports is withheld pursuant to section 9(2)(a) and 9(2)(g)(ii) to protect the privacy of natural persons and to maintain the effective conduct of public affairs through the protection of officers and employees from improper pressure or harassment.

7. OIA16-0683: "all information, copies of emails and reports between Nathan Guy and John Key regarding the 'double export value policy'", received 16 November 2016
8. OIA16-0684 "all correspondence between Martyn Dunne, and Nathan Guy regarding Andrew Coleman leaving the Ministry for Primary Industries to take up another Public Service position", received 16 November 2016

You have previously requested this information from Hon Nathan Guy, MinOIA16-0049 refers. I refer to Minister's Guy's response to you. This request is refused pursuant to section 18(h) of the OIA as the request is frivolous or vexatious.

9. OIA16-0685: "a copy of all Observer reports since 2000 on fishing vessels inside the 12 nautical mile line around the North East Coast North Island (FMA 1) area?", received 16 November 2016

To provide all of the observer reports as specified in this request cannot be done without substantial collation or research, section 18(f) of the OIA refers. However, in consideration of 18A of the OIA, MPI believes that fixing a charge pursuant to section 15 of the OIA would enable the request to be granted.

It is estimated the work involved in collating the observer reports will take approximately 200 hours. This would warrant a charge of \$15,000 (including GST). The Charging Guidelines are set out by the Ministry of Justice at:

<https://www.justice.govt.nz/about/official-information-act-requests/directory-of-official-information/charging-guidelines-for-oia-requests/>.

No further action will be taken on this request until you have made a partial payment and agree to pay the amount in full prior to the information being provided to you. On receiving payment, MPI will begin work on your requests. Prior to provision of the information MPI will provide you with an invoice for payment which may differ than the estimated charge.

Please provide confirmation and payment within 15 days, otherwise, your request is refused pursuant to section 18(f) of the OIA.

10. OIA16-0686: "a full copy of the report as per below:
- a. "The key drivers in the inshore fisheries that need realignment are:
 - b. 3. "many deemed values are set too high making it punitive to land some species. Solution: Review Deemed Values for inshore species to incentivize landing but not overfishing" , received 16 November 2016

MPI reviews deemed value rates twice a year for fish stocks with 1 April and 1 October fishing years respectively. Reports to inform deemed value rate decisions by the Minister in the last 12 months are available on MPI's website:

- <http://www.mpi.govt.nz/news-and-resources/consultations/review-of-fisheries-sustainability-measures-for-1-april-2016/>
- <https://mpi.govt.nz/news-and-resources/consultations/review-of-fisheries-sustainability-measures-for-1-october-2015>

This request is refused under section 18(d) of the OIA as the information is publicly available.

11. OIA16-0687:
- a. "Who commissioned the Operations Achilles, Hippocamp and Overdue?"
 - b. "Who were the senior Fisheries Management or other senior MPI staff that were aware of the Operations Achilles, Hippocamp and Overdue?"
 - c. "Was the Minister Nathan Guy aware of the Operations Achilles, Hippocamp and Overdue before they commenced?"
 - d. "At what time was the Minister made aware of the Operations - Achilles, Hippocamp and Overdue commencement?"
 - e. "At what time was the Minister made aware of the results of Operations - Achilles, Hippocamp and Overdue?" , received 16 November 2016

An "Operation" usually is initiated to address a specific one-off surveillance operation, investigation, or enforcement activity. It can be initiated at national, regional, or district level depending on the issue. MPI does not define the initiation of an operation as being "commissioned". However, the origination of each operation from your request is as below:

- Operation Achilles was in response to issues identified in footage originally recorded for the purposes of monitoring marine mammal interactions with set nets.
- Operation Hippocamp was a proactive initiation by MPI at a regional level following the identification of potential issues.
- Operation Overdue was a proactive piece of work to target an ongoing issue regarding carton weights.

The identities of the MPI staff who initiated and/or were aware of the investigations at the time they were being conducted are withheld pursuant to section 9(2)(a) of the OIA to protect the privacy of natural persons.

In relation to questions c, d, and e, I refer to Minister Guy's public statements. As these matters are of an operational nature, Minister Guy was not made aware of the operations until they were made publicly available.

12. OIA16-0690: "a copy of the direction or Memorandum of Understanding allowing MPI to act as industrial partners to commercial fishers and do so routinely", received 17 November 2016
13. OIA16-0691: "a copy of the Government policy or Memorandum of Understanding that allows commercial fishing to dictate policy setting by committing MPI to be the commercial industries partner", received 17 November 2016

The above two requests are refused under section 18(e) of the OIA as the document alleged to contain the information requested does not exist.

I also refer you to Minister Guy's response to you, MinOIA16-0052 refers. The Minister had previously advised you that the documents do not exist. As such, these requests are also refused under section 18(h) as the requests are vexatious.

14. OIA16-0722: "Are the MPI concerned about the amount of catfish in Lake Taupo region?" "Is the MPI aware that dead catfish have been found in the Tongariro River?" and "Does MPI have a program to counteract the damage Catfish do to native fish populations?", received 30 November 2016

Catfish were introduced into New Zealand in the 1870s. There is no legal status of catfish being an unwanted organism under the Biosecurity Act 1993. I refer you to MPI's website in relation to "A guide to reducing the risk of catfish being introduced in new areas." (<http://www.fish.govt.nz/en-nz/Recreational/Most+Popular+Species/Catfish/default.htm>)

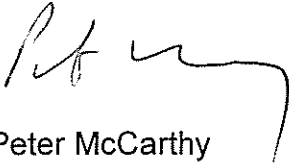
For additional information on government initiatives, you can also refer to the Department of Conservation's website:

- <http://www.doc.govt.nz/nature/pests-and-threats/animal-pests/animal-pests-a-z/fish/catfish/>
- <http://www.doc.govt.nz/parks-and-recreation/places-to-go/central-north-island/places/taupo-trout-fishery/fishing-with-kids/catching-catfish/>

This request is refused pursuant to section 18(d) as the information is publicly available.

You have the right under section 28(3) of the OIA to seek an investigation and review by the Ombudsman of our decision.

Yours sincerely

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

Peter McCarthy
Chief Legal Adviser