



OIA15-111

14 SEP 2015

OFFICIAL INFORMATION ACT REQUEST – Swamp Kauri investigations and exports

I refer to your official information request on 26 August 2015, seeking the following information:

1. The total number of investigations the Ministry for Primary Industries (MPI) has carried out in relation to a person, company and/or operator for breaching laws around swamp kauri for each year since 2008, including the name, location and outcome of each investigation.
2. Copies of complaints MPI has received regarding Silverfern Resource Trading since 2008, including any engagements and/or outcomes that ensued from each complaint.
3. The percentage of swamp kauri exports from New Zealand by each company for each calendar year since 2008, including their name and location.

The following information is released to you under the Official Information Act 1982 (OIA):

1. MPI have undertaken two investigations into breaches of the Forests Act that relate to swamp kauri. Both investigations related to activities in Northland. One, in 2011, pertained to the milling of timber potentially sourced from indigenous forest land. The other, also in 2011, pertained to the possible illegal export of swamp kauri. Both investigations concluded that no offence was disclosed and prosecutions were not initiated. Details of the companies and/or operators that were the subject of those investigations, and the specific locations of those investigations, are withheld pursuant to sections 9(2)(a) – to protect the privacy of natural persons, and 6(c) – as release of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, of the OIA.

Please note that MPI also regularly receives information from members of the public alleging breaches of the Forests Act. MPI always examines such reports and where those enquiries indicate a potential breach of the Forests Act, formal investigations are established. However, it is rare for these to result in investigations as the concerns almost invariably arise from a misunderstanding of the Forests Act.

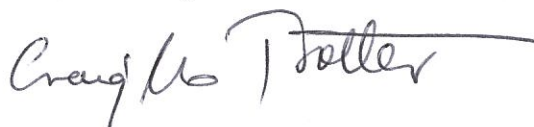
2. Silverfern Resource Trading Ltd first notified MPI of an intention to export swamp kauri timber in late 2012. There had been no interaction between Silverfern Resource Trading Ltd and MPI on swamp kauri activities prior to this time. Since then, MPI has had no complaints regarding the activities of Silverfern Trading Company Ltd. Accordingly, this portion of your request is refused under section 18(e) of the OIA as the information requested does not exist.
3. As previously advised, MPI has published on its website information released under recent OIA requests on swamp kauri. This includes the information you have requested. Therefore, your request is refused under section 18(d) of the OIA as the information sought is already publically available.

All export information since 2009 is publically available on our website at <http://www.mpi.govt.nz/news-and-resources/resources/official-information-act-responses/swamp-kauri/>. The information you have requested can be extracted from information provided under OIA15-017. However, please note that prior to 2009, MPI (then MAF) did not record the name of the exporter as it is not necessary to do so to fulfil legal obligations under the Forests Act (which focus on confirming the source and state of timber intended for export).

You have the right under section 28(3) of the Official Information Act to seek an investigation and review by the Ombudsman of our decision to refuse parts of your request.

I trust you will find this information useful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Trotter', with a long horizontal line extending from the end of the name.

Craig Trotter
Acting Director, Spatial, Forestry and Land Management