



OIA17-0087

17 MAR 2017

Dear

### OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request emails of 16, 17 and 24 February 2017 relating to five TradeMe auction reference numbers advertised for sale via TradeMe. These listing numbers were 1238857418, 1238811950, 1073628950, 1260051729 and 1258836295.

The Official Information Act 1982 (the Act) requires that requestors specify, with due particularity, what information is being requested (section 12 of the Act). Given the series of emails relating to this request, it is unclear what you are specifically requesting.

While MPI has a duty to give reasonable assistance to people to make their requests (section 13 of the Act), it is also important that requests for official information within themselves contain sufficient information for MPI to identify the official information requested.

The regulatory framework for indigenous forest management on private land provides for recording the log volume and milling activity of timber at mill, and the issuing of milling statements. However, it does not provide for MPI to collect information on individual domestic timber sales, nor to determine the source of timber for each sale made in New Zealand.

While MPI regularly monitors indigenous timber listings on online auction sites, it does not hold a database of TradeMe auction listings, or their milling statement references. MPI encourages online sellers to list milling statements where they have access to this information. However, there is no statutory requirement for online sellers to do so.

In that context, I address each of the TradeMe references in turn.

TradeMe listing 1238857418 "Pohutokawa slab dry":

The milling statement associated with this listing is not stated. However, after making inquiries, the milling statement has been ascertained as No. 7-00-02299. This milling statement is released to you under the Act, subject to information being withheld under the following sections:

- 9(2)(b)(ii) - to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and
- 9(2)(g)(i) – for the protection of members of organisations from improper pressure or harassment.

Subsequent to consulting with the milling statement applicants, and to maintain the effective conduct of public affairs in relation to MPI's responsibilities in administering the Forests Act, MPI is satisfied that in the circumstances of this case, the withholding of the information is not outweighed by other considerations which render it desirable in the public interest to make the information available.

TradeMe listing 1238811950 "Native Pohutokawa slab":

The milling statement associated with this listing is not stated. However, after making inquiries, the milling statement has been ascertained as also being No. 7-00-02299, as both slabs were milled from the same log. This milling statement is released to you under the Act, subject to information being withheld under the following sections:

- 9(2)(b)(ii) - to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and
- 9(2)(g)(i) – for the protection of members of organisations from improper pressure or harassment.

Subsequent to consulting with the milling statement applicants, and to maintain the effective conduct of public affairs in relation to MPI's responsibilities in administering the Forests Act, MPI is satisfied that in the circumstances of this case, the withholding of the information is not outweighed by other considerations which render it desirable in the public interest to make the information available.

TradeMe listing 1073628950 "Pururi slab":

The milling statement associated with this listing is not stated. However, after making inquiries, the milling statement has been ascertained as No. 7-00-01484. This milling statement is released to you under the Act, subject to information being withheld under the following sections:

- 9(2)(b)(ii) - to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and
- 9(2)(g)(i) – for the protection of members of organisations from improper pressure or harassment.

Subsequent to consulting with the milling statement applicants, and to maintain the effective conduct of public affairs in relation to MPI's responsibilities in administering the Forests Act, MPI is satisfied that in the circumstances of this case, the withholding of the information is not outweighed by other considerations which render it desirable in the public interest to make the information available.

Further, MPI has considered your comment "as the seller is more than comfortable to show the complete Milling Statement on a public auction site we see no reason for redactions". The Ombudsman has determined that individuals have a right to privacy, and each request should be considered on a case-by-case basis. As such, we consider the withholding grounds relating to each request above as appropriate.

TradeMe listing 1260051729 "Swamp kauri slab A":

The milling statement associated with this listing is not stated. After making inquiries, the timber cannot be identified with the information provided. Therefore, MPI refuses your request under section 18(g) of the Act as the information is not held by MPI.

TradeMe listing 1258836295 "New Zealand swamp Kauri slabs":

The milling statement associated with this listing is provided in photograph four of the listing. Therefore, MPI refuses your request under section 18(d) of the Act as the information is publicly available. However, in previous correspondence with you, MPI identified that the milling statement in the photograph did not appear to directly relate to the listed slabs. The correct milling statement has been ascertained as No. 7-00-02588.

Therefore, milling statement No. 7-00-02588 is released to you under the Act, subject to information being withheld under the following sections:

- 9(2)(b)(ii) - to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and
- 9(2)(g)(i) – for the protection of members of organisations from improper pressure or harassment.

Subsequent to consulting with the milling statement applicants, and to maintain the effective conduct of public affairs in relation to MPI's responsibilities in administering the Forests Act, MPI is satisfied that in the circumstances of this case, the withholding of the information is not outweighed by other considerations which render it desirable in the public interest to make the information available.

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

Yours sincerely



Oliver Hendrickson  
Acting Director Spatial, Forestry and Land Management