



3 February 2021

Roger Bray

By e-mail: birdsnebes@xtra.co.nz

Dear Roger

Official information request for all submissions received in relation to the September 2020 budget consultation

ApiNZ has transferred your request to the Management Agency to respond to.

We refer to your official information request dated 15 October 2020 for submissions received in relation to the September 2020 budget consultation process.

Your request has been refused on the following grounds:

1. Section 18(f) – Request would require substantial collation;
2. Section 18(h) – Information requested is trivial.

We note that 18(f) is the first step that needs to be undertaken before other grounds including for example, Sections 9(2)(a) and 9(2)(ba) could apply. We have outlined these as background information over the page.

Grounds for Refusal – Section 18(f)

Due to the substantial amount of work that would be required to research and collate the information you have requested, we are also refusing your request under section 18(f) of the OIA.

The Agency received 95 Survey responses on the Survey Monkey Platform.

In order to meet your request, our staff would need to identify and review all relevant submissions, determine whether those submissions include any sensitive or confidential information, collate the submissions and provide them to you in an accessible format instead of providing AFB elimination services to beekeepers.

It not possible for us to review and collate all of the information you have requested and continue to meet the Agency obligations under the National American Foulbrood Pest Management Plan



Likewise, it would be cost prohibitive and a poor use of levy payers' funds to have an external contractor undertake this exercise.

We have considered whether charging or extending the timeframe for responding to your request would have helped, as required by section 18A of the OIA. However, given the volume of information requested, we believe that charging or extending the timeframe would not have allowed us to meet your request.

The Agency has less than 6 full-time staff members, all of whom have high workloads as we work to improve the elimination of American foulbrood from New Zealand. These workloads are unlikely to decrease over the coming year, as the Agency moves from the consultation to implementation phase. In essence, we do not have the capacity to review and collate all of the information you have requested within a reasonable timeframe.

We have considered consulting with you in relation to your request, as required by section 18B of the OIA. However, since you have requested copies all submissions received by the Agency, we believe that further consultation with you would not have been constructive.

While we cannot meet your exact request, we can refer you to the Agency's website, which includes free access to the 18-page Final Report prepared by Logic Partners.

We provide a link to the Final Report below for your ease of reference:

<https://afb.org.nz/wp-content/uploads/2020/11/AFB-Levy-Consultation-Report-28-Nov-2020.pdf>

Section 18 (h)

As the information you have requested is trivial, we have also decided to refuse your request under section 18(h) of the OIA.

The Ombudsman's Guide on Administrative Reasons for Refusal of OIA Requests states that a trivial request will often arise where it is widely framed and is made for all information relating to a particular subject matter.

In this case, you have asked us to provide you with submissions received in connection with the proposed increase to the AFB Apiary and Beekeeper Levy. This information is trivial because it refers to each respondents' personal views about the proposed levy increase.

Other grounds to that may be subsequently considered include:

Section 9(2)(a) specifically where withholding the information is necessary to protect the privacy of the survey respondents, and there is no countervailing public interest in making that information available.

and

Section 9(2)(ba) specifically where withholding this information is necessary to maintain our confidentiality obligations, and that making the information available is likely to prejudice the supply of similar information from respondents in the future.

Ombudsman Complaint

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. B. King', written in a cursive style.

Clifton King
National Compliance Manager