



OIA16-0504

20 OCT 2016

Graham Carter
C/- fyi.org.nz

Dear Graham Carter

OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request on 25 August 2016 to Crown Law relating to Operations Achilles, Hippocamp, and Overdue. Your request was transferred to the Ministry for Primary Industries (MPI) on 29 August 2016.

You requested:

- Did the Crown Solicitors Office recommend that the six trawlers caught on the Trident Camera system out from Timaru as part of the Operations Achilles, Hippocamp and Overdue be prosecuted for discarding finfish?
- Who or which person or persons did the Crown Law Office report the recommendation to?

Please note, Operations Achilles, Hippocamp, and Overdue were not related to the Trident camera system. Operations Hippocamp and Overdue did not involve installation of cameras on boats.

The Crown Solicitor's office in Christchurch (Raymond Donnelly) provided advice in relation to Operation Achilles, but no advice was sought in relation to Operations Hippocamp or Overdue. I refer you to section 5.3.21 of the Heron Report for further information on this matter. As noted in the Heron Report, legal privilege in this advice has not been waived. Accordingly, this information is withheld pursuant to section 9(2)(h) of the Official Information Act – to maintain legal professional privilege.

In regard to your second question, the Crown Law Office was not involved in providing any advice or reporting to anyone. I also refer you to the material which was proactively released to support the Heron Report, available at:

<http://mpi.govt.nz/protection-and-response/environment-and-natural-resources/sustainable-fisheries/independent-review-of-prosecution-decisions/>.

This material includes documents related to Operation Achilles.

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 pursuant to section 28(3) of the OIA to seek an investigation and review by the Ombudsman of our decision to withhold some information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter McCarthy', with a long, sweeping underline that extends to the right and then loops back down.

Peter McCarthy
Chief Legal Adviser