

## Request for salvage plan relating to MV Rena

<b>Legislation</b>	Official Information Act 1982, s 9(2)(b)(ii)
<b>Agency</b>	Maritime New Zealand
<b>Ombudsman</b>	David McGee
<b>Case number(s)</b>	330400
<b>Date</b>	October 2012

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*Revealing salvage company's detailed methodology would give other companies a competitive advantage in future tenders, which would be likely unreasonably to prejudice its commercial position—s 9(2)(b)(ii) applies*

Maritime New Zealand (MNZ) withheld the salvage plan in relation to the MV Rena under section 9(2)(b)(ii), because release would be likely unreasonably to prejudice the commercial position of the salvage company, Svitzer. The requester complained to the Ombudsman.

MNZ explained that:

- there were only around half a dozen companies in the world who carried out these sorts of salvage operations;
- Svitzer had a relatively distinct way of operating within the marine salvage sector, and was one of the leading salvage companies;
- the salvage plan outlined Svitzer's methodology for this type of casualty, and the specific allowances made for these circumstances; and
- release of the salvage plan would disclose Svitzer's methodology, which could be used by other salvage companies in future competitive tenders.

The Ombudsman accepted that the commercial position of Svitzer would be likely to be prejudiced by release of the salvage plan, through the disclosure of its industry-leading methodology for salvaging such casualties, together with the specific adaptations for the

circumstances of the MV Rena grounding. This would be unreasonable as the information was not available in regard to any other salvage company, and would be likely to give Svitzer's competitors an advantage over Svitzer in future tender situations.

The Ombudsman acknowledged a high public interest in the salvage plan, and in knowing that the initial plan was appropriate and fit for purpose. However, having reviewed the salvage plan, he considered that this interest did not outweigh the need to withhold the salvage plan.

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