

Reference: 20200284

25 August 2020

Dear [REDACTED]

Thank you for your Official Information Act (OIA) request, received on 14 August 2020. Your request was transferred to the Treasury from the Ministry for Business, Innovation and Employment (MBIE). You requested information relating to Solid Energy and the purchase the follow properties:

- 1) *23 Hoskyns Road - small plot about 1 ha or less, purchased by Solid Energy(SE) in 2001*
- 2) *25 Hoskyns Road - 2.9ha, Purchased by SE 2003*
- 3) *35 Hoskyns Road - (part) approx. 3 Ha, purchased by SE in 2007*

I regret to advise that I am refusing your request under section 18(f) of the Official Information Act 1982, on the grounds that the information requested cannot be made available without substantial collation or research.

Following the closure of Solid Energy, its electronic files were transferred to the Treasury, while physical (mostly operational) records were transferred to MBIE. The electronic files that were transferred to Treasury contained 31 terabytes of data, which is not clearly organised; some of the information is in a format that is unable to be opened, and some documents are clearly missing: that is, we do not hold full records. The files also included some personal, non-business related information of Solid Energy's former staff.

The information being sought, relating to purchases of small parcels of land in 2001, 2003 and 2007, is unlikely to be in the electronic files transferred to the Treasury. Very substantial collation or research would be required to examine all 31 terabytes of data provided to confirm this. And even if we carried out this work, the most likely outcome is that we would be required to refuse your request under section 18(e) of the OIA, on the grounds that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, could not be found.

We understand that these properties were purchased many years prior to Solid Energy's liquidation. State Owned Enterprises (SOEs) are operationally independent of the government. Under section 5 of the State-Owned Enterprises Act 1986, "all decisions relating to the operation of a State enterprise shall be made by or pursuant to the authority of the board of the State enterprise in accordance with its Statement of Corporate Intent."

Before Solid Energy was placed into voluntary administration it was a relatively large company, with assets of several hundred million dollars. In the normal course of events, shareholding Ministers and the Treasury would not be advised of individual sales and purchases of land by an SOE of Solid Energy's (former) size, and therefore, the Treasury does not hold any records in its files related to these specific transactions (as distinct from the Solid Energy electronic files which were transferred to us). If it was not for the Solid Energy electronic files in our possession, we would therefore have declined your request under section 18(e) of the OIA.

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Treasury website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely



Juston Anderson
Acting Manager, Commercial Performance