



OIA14-083

22 SEP 2014

**OFFICIAL INFORMATION ACT REQUEST:**

I refer to your official information request of 25 August 2014, requesting the following information:

1. Copies of photos taken of "carved temple poles" included in the Notice of Intention to Export application AK490.
2. Copies of photos taken of "monumental temple poles" included in the Notice of Intention to Export application AK484.
3. All emails, reports or notes held by MPI in relation to the inspection of the products listed above.

The following information is released to you under the Official Information Act 1982

- Copies of photos (examples of temple poles carved in China) provided by Ancient Kauri Kingdom Limited (AKK Ltd) on 2 November 2010, as part of the Notice of Intention to Export application AK484.
- Emails relating to the decision to decline application AK484, which was for export of temple poles in an un-carved state – which could not be considered a finished product.
- An inspection report for application AK490 dated 14 December 2010, together with copies of images taken during that inspection of the temple poles proposed for export to China.
- Emails relating to the decision to decline application AK490, given the lack of any evidence that the carving on the proposed temple poles was appropriate for any installation as a finished product in China.

Information has been withheld under the following sections of the Official Information Act;

- Section 9(2)(a) to protect the privacy of natural persons, including that of deceased natural persons.
- Section 9(2)(h) to maintain legal professional privilege
- Section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.

You have the right under section 28(3) of the Official Information Act to seek an investigation and review by the Ombudsman of our decision to withhold information. A request must be made in writing to:

The Ombudsman  
Office of the Ombudsmen  
PO Box 10 152  
WELLINGTON

We note that exporters of wood products that are satisfied their products fully comply with the definition of a "finished or manufactured indigenous wood product" under the Forests Act 1949 do not actually need to apply to MPI for approval to export. Many do so voluntarily however, to avoid any possibility of later legal complications – knowing that, just prior to export, the products are always inspected by a warranted forestry officer (either an MPI staff member, or staff of MPI's delegated agent *AssureQuality*).

I trust that this information is helpful to you.

Yours sincerely

  
Craig Trotter  
Acting Director, Spatial, Forestry & Land Management



02/12/2010 15:22

006494067172

ANCIENT KAURI KINGDOM

PAGE 01

**ANCIENT KAURI KINGDOM LTD**

www.ancientkauri.co.nz



2 December 2010

The Ministry of Forestry  
Indigenous Forestry Unit  
P O Box 1340  
ROTORUA

Attention: AsureQuality

To Whom It May Concern

This letter is to declare and confirm that the upcoming 5 x 40ft FCL of Ancient Kauri stumps and carved Temple poles, supplied to Fuzhou Yima Trading Co Ltd, China, has been produced from salvaged swamp kauri trees. These have been extracted under Source and classification No. 7-00-00888, and are taken from an area that is not indigenous forest land and is permitted for export under Section 67C Forests Amendments Act 1994. Please refer to the Sources of Roundwood Records No's 20266 & 20267. This consignment is due to be shipped on 20th December 2010.

Yours faithfully

Ancient Kauri Kingdom Ltd

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2001

2002/2003



9(2)(a)

From:  
Sent: Tuesday, 14 December 2010 2:39 p.m.  
To:  
Subject: RE: Kauri  
Attachments: Doc1.doc

Thanks for forwarding report. It clarifies a few things, not least of which how much of a challenge things will become.

My comments on the two issues, export and groundline, are:

1. Export of Finished Products

If the examples in the photos are destined for the Auckland market then we don't strictly need to make any judgement on them.

However we need to provide something to I think.

My view is that two of the three examples in the first 3 photographs could be regarded as finished products if for instance they were being exported to be installed in "exactly" their present state for installation on foundations in front of a marae.

If they were being exported to a gallery for sale - then you will have to make a call given the adequacy of the information available - e.g. invoices or consignment orders / addresses for the purchaser, similar to those we regularly saw on Ashfords spinning wheel kits (MFM3's) before they became exempt from the notification requirements, as finished products, etc.

In other words it is difficult to make the call without ALL the information. I might have to live with that. I have already told him that MAF will treat every case on it's merits.

He must be told though that if MAF / Asurequality believes that any specific example has been modified to be exported but it's real destination would seem likely to be a sawmill, then that will pose an issue.

I think you will need to draft some guidance notes for Asurequality relating to both the Act and it's interpretation and what kinds of supporting information would be suitable. I am happy to help with that but it may have to wait for the New Year to be finalised.

out of scope

Cheers

9(2)(a)

Technical Advisor Forest Operations





Ministry of Agriculture and Forestry  
Te Manatu Ahuwhenua Noaherehere

MAF Sustainable Programmes

35 Norfolk Street  
PO Box 503  
Whangarei  
New Zealand

Telephone  
Facsimile

## FILE NOTE

From: ---  
Date: 14 December 2010  
Subject: Ancient Kauri Kingdom poles & stumps - inspection with Assure Quality  
13/12/10

Summary of visit to Ancient Kauri Kingdom (Kaitiaki) on 13/12/10.

In attendance - J (MAF), J (Assure Quality),  
Kauri Kingdom).

9(2)(a)  
(Ancient

### Issues:

1. J has seeking approval to export 'temple poles' as a finished product to China. These are made from swamp kauri logs (with a stump component) with some carving having been undertaken. J is seeking guidance from MAF as to whether these poles meet the criteria of a finished product and eligible for export.
2. J indicated that the export of swamp kauri 'stumps' will become a larger part of his business in the future. Assure Quality needs guidance from MAF as to its view on what constitutes a stump.
3. Numerous logs will have a 'stump' component with a portion of 'log' remaining on the end. J wants advice as to whether he can manufacture the 'log' component to a finished product status and export the entire stump and log as a single unit.



Examples of two 'finished' poles

The 'tiki' pole has a base diameter of ~0.97m and height of ~ 3.9m; the 'koru' pole has a diameter of ~ 0.92m and height of ~ 3.1m.



\_\_\_\_\_ states that he regards these as finished. The apparent destination will be a gallery/showroom in Auckland for viewing and sale.



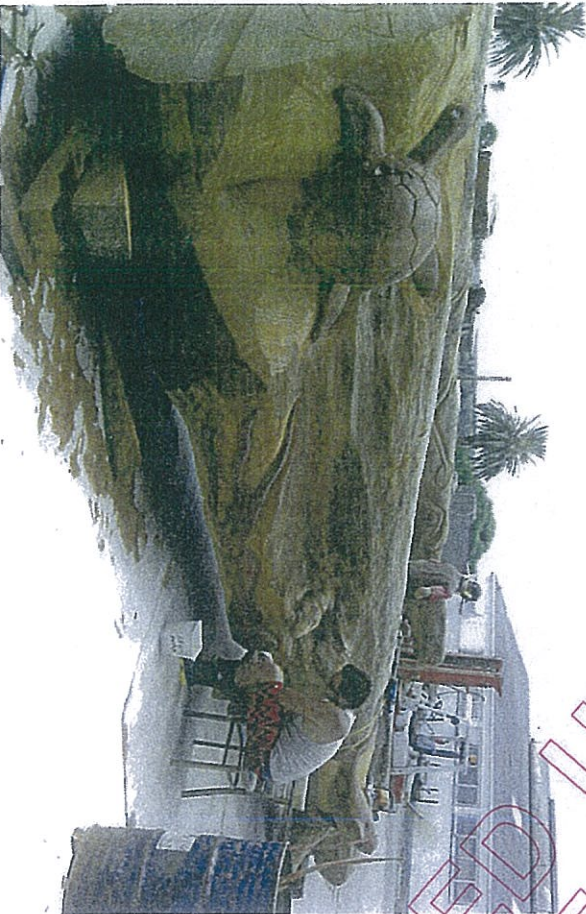
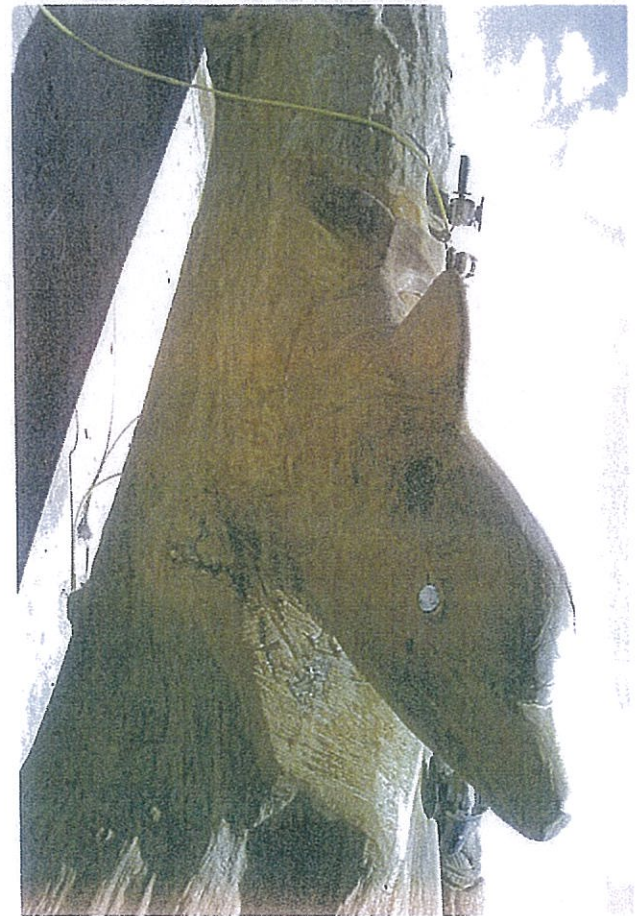
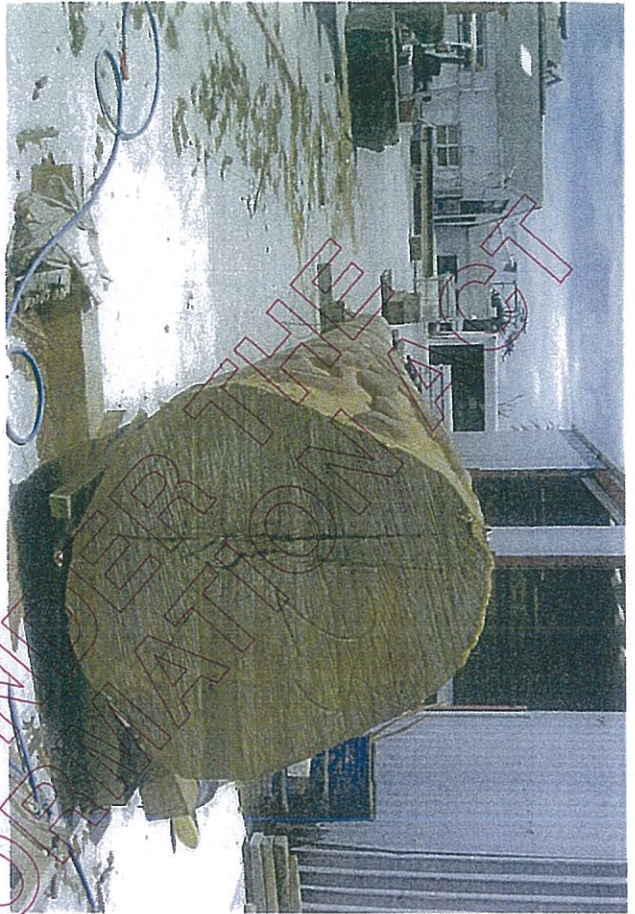




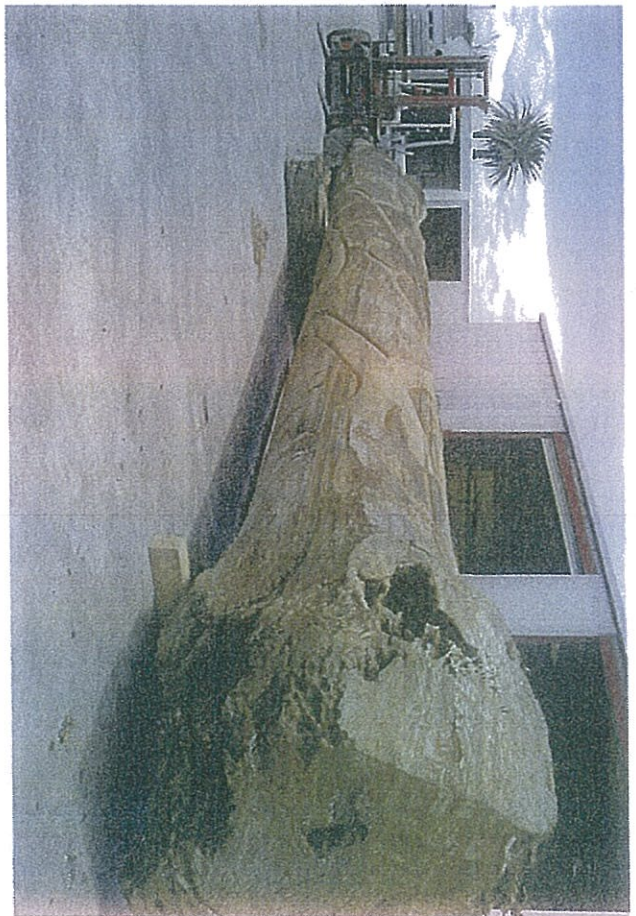
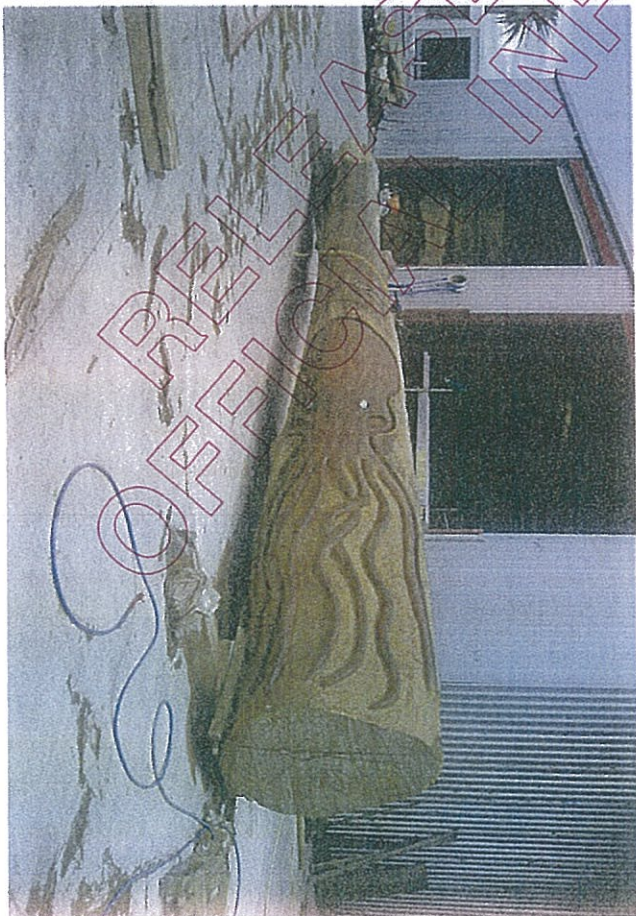
Examples of two other poles in process of carving. The 'octopus/turtle/dolphin' pole has a bottom diameter of 1.3m, top diameter of 0.58m, and length of 9.5m. The 'tree' pole has a bottom diameter of 1.6m, mid diameter of 1.23m, and length of 11.6m.

out of scope

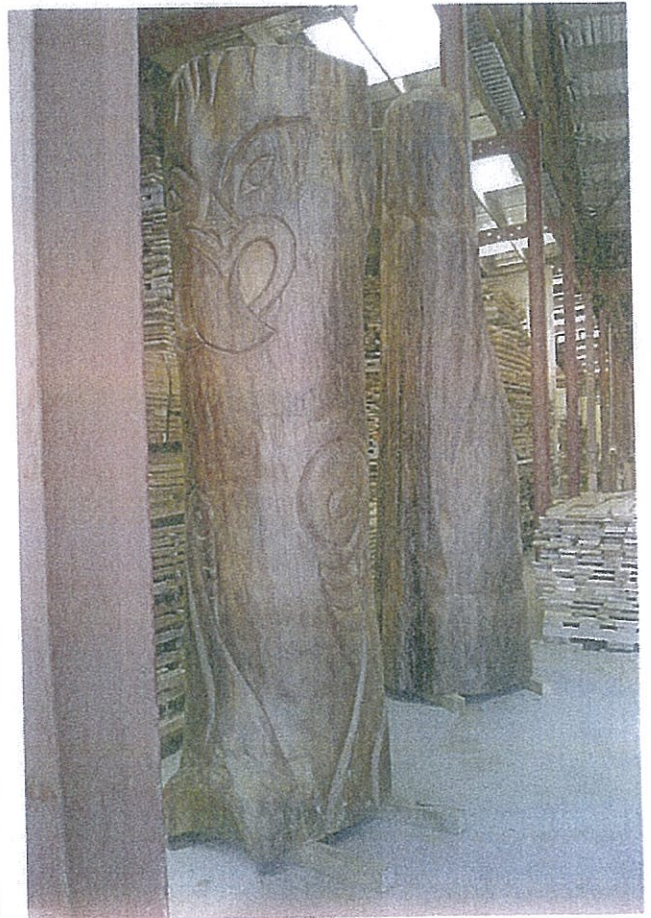




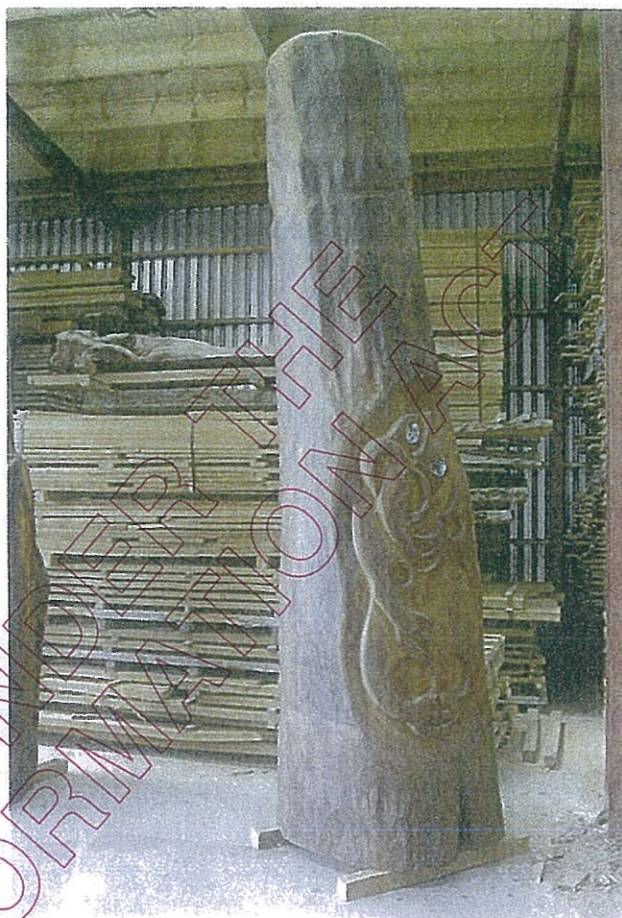












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OFFICIAL INFORMATION ACT

10<sup>th</sup> December 2010

File Note: Export of Finished or Manufactured Products and Personal Effects

[REDACTED]

9(2)(h)

2. Issue of MFM3's

..... rightly points out that a finished or manufactured product does not require a MFM3 notice of intention to export.

So any such forms submitted by ..... for export consignments of finished products are not subject to "approval" though the consignments may be subject to inspection by AsureQuality in the course of their work.

9(2)(a)

That suggests to me that we need to establish with AsureQuality some means of determining the legality of the items on a case by case basis.

As an aside, ..... told me he submits MFM3's for mixed shipments of stumps and finished products.



9(2)(a)

#### 4. Contact with

I have continued to have approaches from  
he should be dealing with North Island staff.

\*but am going to advise him that

#### 5. Case by Case Judgement?

Acceptance of any temple pole as a finished product will be on an individual case by case basis.

Given that the stated purpose of the poles all along has been as Chinese Temple Poles, I wouldn't accept the latest carved examples submitted photographically to us by in an email on 7 December, given that they are not finished in my view and further, one has a very ethnic NZ carving on it.

#### 6. Determining Some Kind of Benchmark

The visit by \*on 13 December to view a number of pieces in the company of AsureQuality will be helpful in further defining what will constitute a finished product.

I can only suggest that officers must:

1. Be satisfied that the product (in this case temple pole) is manufactured into it's final shape and form; and
2. And is ready to be installed or used for it's intended purpose, without the need for any further machining or other modification.

ANY subsequent carving or trimming would be further machining / modification.

If they go to a supply company, this introduces a further level of uncertainty in my view, given that there will be no installation specifications for individual poles and so MAF will have to assume no further modification will take place WHEREVER the poles end up.



---

**From:**  
**Sent:** Friday, 10 December 2010 11:27 a.m.  
**To:**  
**Subject:** Ornamental Temple Poles  
**Attachments:** File Note.Export of Kauri Poles.adg.10.12.10.doc

Hi

An attached file note reiterating f views and some coment by me.

Ultimately we need to know the stated purpose I guess and then determine using the Forests Act, whether the items(s) meet that purpose.

I have advised -by phone that I would now prefer him to deal directly with the North Island staff.

I am happy to discuss and help however I can to provide a determination in specific instances.

' think you will have to establish some kind of protyocol with AsureQuality for this specific type of "product".



File Note.Export of  
Kauri Pole...

9(2)(a)

Cheers

Technical Advisor Forest Operations  
Sustainable Programmes, MAF  
14 Sir William Pickering Drive  
PO Box 20 280, Bishopdale  
Christchurch 8543, NZ  
Phone DD:  
Mobile:



**From:**  
**Sent:** Thursday, 9 December 2010 10:10 a.m.  
**To:**  
**Cc:**  
**Subject:** FW: Re: Export of Monumental Poles  
**Attachments:** Image 2 - Side 2.JPG; Image 1.JPG; Image 2 - Side 1.JPG  
THIS IS WHAT WE ARE GOING TO HAVE TO DEAL WITH. :-)

rang me yesterday but I was in the bush he is not available today

However we need to establish a clear path to determine this

Cheers

Technical Advisor Forest Operations  
Sustainable Programmes, MAF  
14 Sir William Pickering Drive  
PO Box 20 280, Bishopdale  
Christchurch 8543, NZ  
Phone DD: 4  
Mobile: 2

**From:** Ancient Kauri Kingdom [mailto:info@ancientkauri.co.nz]  
**Sent:** Tuesday, 7 December 2010 5:20 p.m.  
**To:**  
**Cc:**  
**Subject:** [Requires Classification] Re: Export of Monumental Poles

Hi all the MAF guys

Attached are images of 2 finished carvings for export and another in progress. I look forward to visit from MAF and Asurequalify Monday 13th December and approval of my most recent MFM3 applications.

Regards

10/12/2010















From:  
Sent: Friday, 3 December 2010 3:52 p.m.  
To:  
Cc:  
Subject: RE: Carved Temple Poles.

Yes the logs are at the Ancient Kauri Kingdom yard at Awanui

I understand [redacted] is available on Monday 13th to inspect. I indicated to [redacted] that [redacted] would not be approving or declining the shipment on the spot but rather gaining measurement/Photo's/information for MAF to be able to make a determination.

[redacted] revealed that this may be the start of a cycle, where if rejected, he intends to progressively add further carvings to the poles until they meet the definition of a finished product.

I would suggest that, by definition, any carved logs could not be in there 'final shape and form' as no final customers exist to submit the final specification that the logs must meet.

the AssureQuality Forestry Field Officer is

-----Original Message-----

From:  
Sent: Friday, 3 December 2010 2:38 p.m.  
To:  
Cc:  
Subject: RE: Carved Temple Poles.

Presumably the inspection would be in Northland?

-----Original Message-----

From:  
Sent: Friday, 3 December 2010 12:14 p.m.  
To:  
Subject: Carved Temple Poles.

Hi

I have received 2 MFM's from AssureQuality originating from Ancient Kauri Kingdom. One of which contains the description of goods 'Carved Temple Poles'

Shortly after I received a phone call from [redacted]. He indicated the following 1. The consignment will contain 4 carved temple poles.  
2. The recipient in China is a trader who will then on sell them to currently unknown customers as temple poles.  
3. If the consignment is approved he expects the export of temple poles will be on going.  
4. That MAF, who appears to be the agency approving or declining the shipments, inspect the timber itself (the timber is available for inspection on 13 Dec).  
5. The carving is complete on one temple pole and proceeding on the other 3.  
6. That he's seeking to establish the amount of carving required to meet the definition of a finished product.

I think a joint MAF/AssureQuality inspection on the 13th is a good idea. I suggested that [redacted] sends a photograph of the single carved temple pole so we know in advance what we are dealing with.

Regards



9(2)(a)

Senior Programmes Adviser | Sustainable Programmes | Ministry of Agriculture and  
Forestry Te Papa Tipu Innovation Park, 99 Sala Street | PO Box 1340 | ROTORUA 3040 |  
New Zealand

DDI:

| Fax: . . . .

⇒ Mobile:

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**Stephen Rolls**

**From:**

**Sent:** Friday, 26 November 2010 2:08 p.m.

**To:**

**Subject:** Re: Export of Monumental Poles - Example photographs provided by

**Attachments:** 10.jpg; jpg.jpeg

A follow up to the previous photos which I believe were stone.

I am assuming the second one is untouched but we have some doubts...

Technical Advisor Forest Operations  
Sustainable Programmes, MAF  
14 Sir William Pickering Drive  
PO Box 20 280, Bishopdale  
Christchurch 8543, NZ  
Phone DD: \_\_\_\_\_  
Mobile: \_\_\_\_\_

**From:** Ancient Kauri Kingdom [mailto:info@ancientkauri.co.nz]

**Sent:** Friday, 26 November 2010 1:03 p.m.

**To:**

**Subject:** [Requires Classification] Re: Export of Monumental Poles

Photos attached

----- Original Message -----

**From:**

**To:** Ancient Kauri Kingdom

**Cc:**

**Sent:** Thursday, November 18, 2010 3:58 PM

**Subject:** Export of Monumental Poles

Greetings,

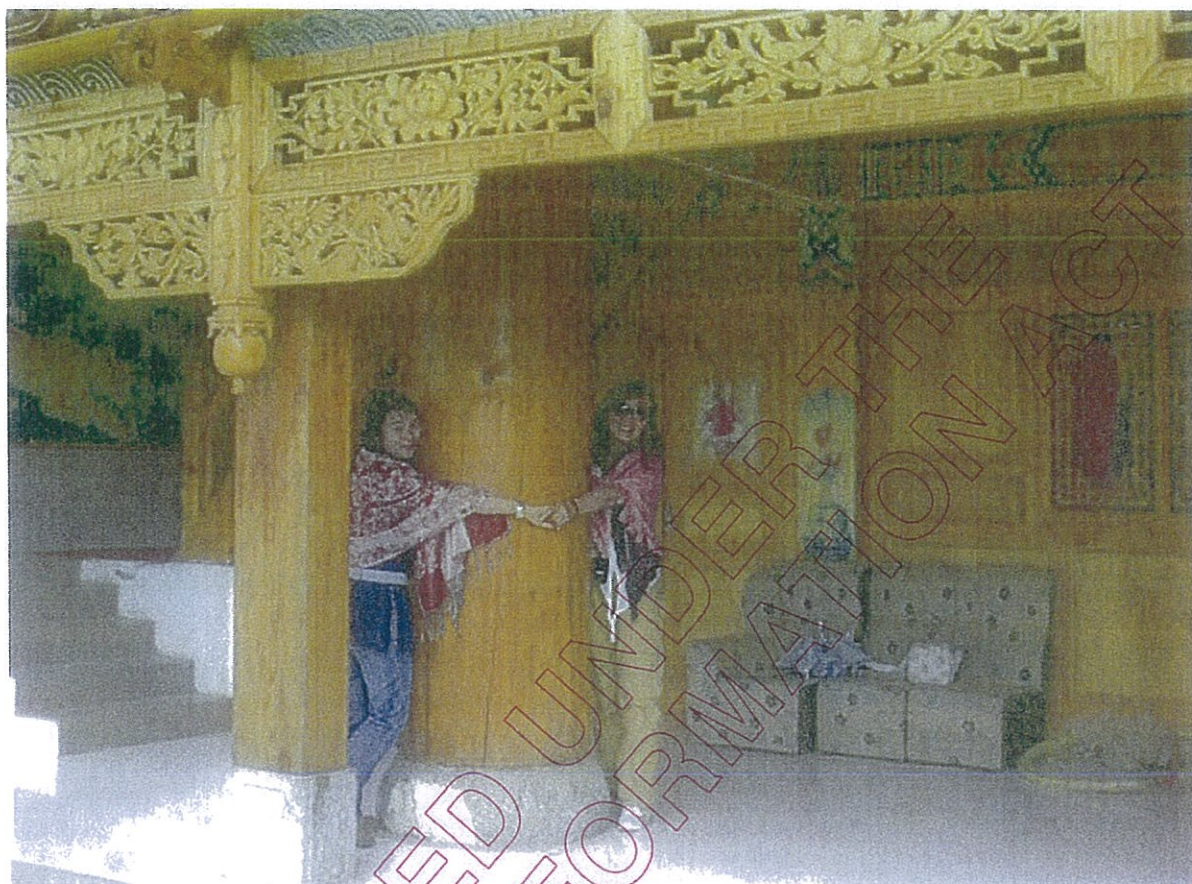
In essence MAF's position is as follows:

The Act defines a "finished or manufactured indigenous timber product" as:

(a) ...any indigenous wood product that has been manufactured into its final shape and form and is ready to be installed or used for its intended purpose without the need for any further machining or other modification; and

10/12/2010











(b) Includes a complete item or a component of an item (whether assembled or in kitset form) such as joinery, furniture, toys, tools, and household utensils, household fixtures such as rails and toilet seats, ornaments such as picture frames and carvings, and similar items; but

(c) Does not include dressed or rough sawn timber, mouldings, panelling, furniture blanks, joinery blanks, building blanks, or similar items:

MAF has the view that the poles are indigenous timber, but they are not an "indigenous timber product". An indigenous timber product must be produced from indigenous timber and not be indigenous timber itself. Further, there needs to be some manufacturing process to convert the indigenous timber into a product. Also, given that the poles will be carved once they are placed on the site permanently, then they are not "finished" at the time they are exported.

In conclusion, MAF will be unable to sign off any MFM3 that includes timber for the above purpose that exceeds the length dimensions for stumps, as defined by the Act.

I know this is not the answer you were seeking.  
However this is MAF's position at this time.

regards

Technical Advisor Forest Operations  
Sustainable Programmes, MAF  
14 Sir William Pickering Drive  
PO Box 20 280, Bishopdale  
Christchurch 8543, NZ  
Phone DD:  
Mobile:

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Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.449 / Virus Database: 271.1.1/3262 - Release Date: 11/17/10 07:34:00

S9(2)(a)

From:  
Sent: Thursday, 25 November 2010 8:32 a.m.  
To:  
Cc:  
Subject: Export of Monumental Poles - Swamp kauri

Greetings

I received a phone call yesterday from [redacted] who advised me he will be submitting another MFM3 for approval. He will be undertaking a range of modifications to up to about 6 pieces, including some carving. He is determined to test MAF's interpretation of the export controls.

He does accept that unmodified swamp kauri are not finished / manufactured. He is now going to test what "manufactured" constitutes.

I have told him any approval will ultimately rest with the Regional Manager but that MAF will continue to adopt a cautious approach, with if necessary legal advice on treatment of applications on a case by case basis.

I also advised him that because we have no assurance about the final location or use of the pieces since they are being purchased by a company for supply, this made it more difficult for MAF to adopt a more positive approach.

There will be no option but to inspect and form a position on this. [redacted] be able to help provide a basis for determining compliance or not with export controls.

Cheers

Technical Advisor Forest Operations  
Sustainable Programmes, MAF  
14 Sir William Pickering Drive  
PO Box 20 280, Bishopdale  
Christchurch 8543, NZ  
Phone DD:  
Mobile:



16 December 2010

Ancient Kauri Kingdom

9(2)(a)



Attn:

**Re: Export of monumental temple poles**

Dear

The export of indigenous wood products from New Zealand requires the items meet criteria outlined in the Forests Act (1949).

Specifically, any wood product that is to be exported as a 'finished product' must be able to meet the definition as defined in the Act as follows:

**Finished or manufactured indigenous timber product** – Means any indigenous wood product that has been manufactured into its final shape and form and is ready to be installed or used for its intended purpose without the need for any further machining or other modification...

The kauri logs that have been inspected at your factory which have been completed, or are in the process of being carved, at your factory will not satisfy this finished product definition.

The reasons for this view are as follows:

1. The stated intended end use will be as monumental temple poles in China. MAF's view is that any pole used in such a context will in all likelihood be subject to further carving and modification (i.e. they are not in their final shape and form) to render them suitable for the cultural specifications of the purchaser.
2. No final destination and specification for the poles has been provided. Without such information MAF cannot be satisfied that the poles are ready to be installed.

In order for MAF to be satisfied that the criteria for meeting a finished product have been satisfied, the exporter would need to provide evidence of the intended final user and that the poles met the purchaser's specified end use shape and form.

Clearly the export of logs is prohibited by the Forests Act. Any action to circumvent this prohibition or which may have the result of circumventing this prohibition is of concern to MAF. There will need to be a high level of confidence attached by MAF / Assurance to each and every finished product to satisfy this requirement of the Act. This means confidence that the item is completely finished, meets the purpose as stated and if necessary is supported by appropriate documentation so as to remove any



Ministry of Agriculture and Forestry  
Te Manatū Ahuwhenua, Ngāherehere  
MAF Policy

Te Papa Tipu Innovation Park, 99 Sata Street, PO Box 1340, Rotorua 3040, New Zealand  
Telephone: 0800 008 333, Facsimile: 64-7-921-3402, Web: [www.maf.govt.nz](http://www.maf.govt.nz)

doubt as to the purpose and final form of the item. MAF will be unable provide you with an absolute blueprint to achieve this since the items you describe are not identical and therefore will need to be treated piece by piece.

If you have any further questions, please contact me at the numbers below.

Yours faithfully

9(2)(a)

Forestry Officer

cc     Asure Quality

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**From:**

**Sent:** Thursday, 18 November 2010 2:04 p.m.

**To:**

**Cc:**

**Subject:** FW: P10.434- Approval to Export Monumental Temple Poles

Please see below.

The message is that the trees/logs/poles (pick one) are not finished in that they are expected to be carved in China, but more importantly,

they are "indigenous timber" that has NOT been "manufactured" into a "finished product".

NB: Our solicitors' opinions / advice is priveledged - we do not provide verbatim copies to 3rd parties.

**Action:**

1. I will today email (Ancient kauri Kingdom), with whom I have had contact on this and will copy the email to

2. -- would you make contact with please, and

3. - you will need to withhold approval of the MFM3 submitted by Dave Stewart.

Cheers

Technical Advisor Forest Operations  
Sustainable Programmes, MAF  
14 Sir William Pickering Drive  
PO Box 20 280, Bishopdale  
Christchurch 8543, NZ  
Phone DD:  
Mobile:

14/12/2010

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9(2)(a)

**From:**  
**Sent:** Tuesday, 16 November 2010 1:42 p.m.  
**To:**  
**Cc:**  
**Subject:** FW: Approval to Export Monumental Temple Poles

9(2)(a)

Opinion requested on the Export of Kauri as Monumental Poles.

After meeting with Chinese interests in NZ, two millers of salvaged swamp kauri have approached MAF for clearance to export kauri "poles" as finished products. The purpose for their purchase is for supply as

14/12/2010



monumental poles on religious sites, such as temples.

Background

Kauri is salvaged from non - indigenous forest land and timber stumps and roots may be exported , sawn or not, and as finished products. Stumps have a specific definition under the Forests Act.

The proposed monumental posts would generally not meet the stump length restriction.

The contention by the prospective exporter is that the poles are in their "final and finished form" and therefore are "finished products" and as such are eligible for export.

However they will be subject to further modification, such as carving.

MY view

I have some misgivings about accepting such a product as a "finished product" under the Forests Act. To all intents this is akin to log export.

- The "poles" are being purchased by a supplier and could end up anywhere for any purpose;
- An approval to export kauri trunks for this purpose under the "finished product" category, could create a precedent for "log export" of any timber of any species from any source (forest or not), from any part of the country. From prior to Part 3A of the Forests Act (1993), indigenous log export has been specifically prohibited.

Request for Advice:

Would you please provide your views as to the classification of whole salvaged kauri stumps / trunks that exceed the "stump" length restriction, with the minimum of trimming, as finished products, where they are exported for supply by a third party for erection in an unmodified state.

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Sustainable Programmes, MAF  
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PO Box 20,280, Bishopdale  
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Phone DD:-  
Mobile:

**From:** Ancient Kauri Kingdom [mailto:info@ancientkauri.co.nz]  
**Sent:** Tuesday, 2 November 2010 10:07 a.m.  
**To:**  
**Subject:** Approval to Export Monumental Temple Poles

Hi

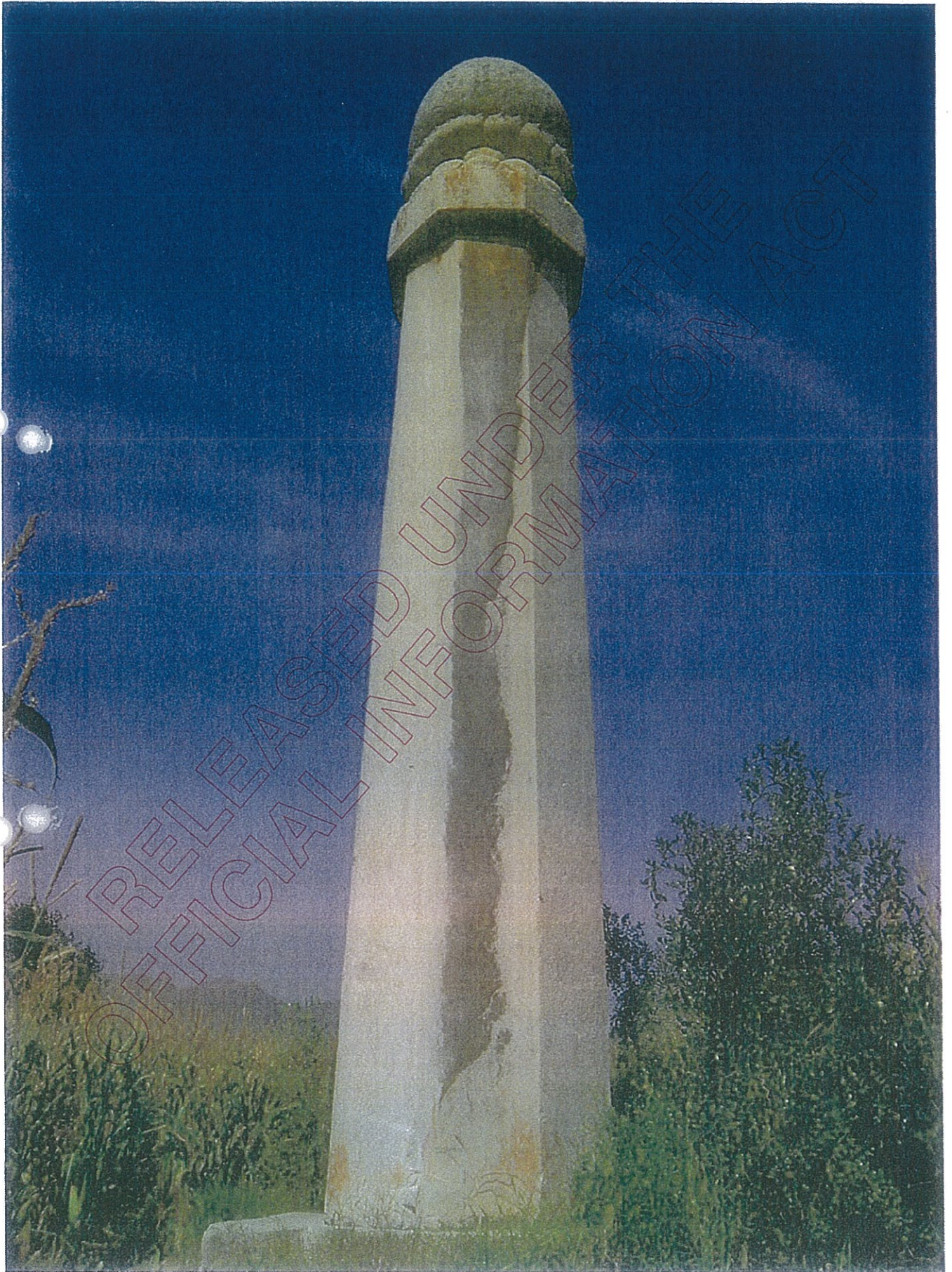
Further to our conversation regarding the Temple poles for export to China, attached is their order for them and some images.

Contrary to what I indicated to you that they support a roof is not quite right. Some maybe used for that purpose, but otherwise they are stood upright in the most sacred place in the Temple area.

14/12/2010









9(2)(a)

## Purchase Order

To: AK Resource Limited

Date: October 24, 2010

### Commodity Description:

Temple monumental poles

### Quantity:

4 @ minimum length 13.50m  
8 @ minimum length 10.50 - 13.00m  
10 @ minimum length 6.00 - 10.00m  
100CBM of Stumps

### Carving Design:

Please see the attachment

### Special Requirements:

1. All poles should be clean of dirt in order to meet the phytosanitary requirements;
2. Only minimum amount of cutting / trimming should be performed of roots and branches;
3. Requirements of documents will be communicated separately.

Delivery: By sea from New Zealand to Fuzhou, China

Payment: T/T before effectuation of shipment

### Special Remarks

These monumental poles are for the specific purpose and use of the temples and they will not be used other than their intended purpose.



FAMILYSTORE



FUZHOU **YIMA** TRADING CO., LTD  
28/F, Landmark Plaza, 89 Wusi North Road, Fuzhou, China 350003

912X91

CARVING DESIGN



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## POSITIONING



FAMILYSTORE



