



3 April 2020

James Watson
Email: fyi-request-12481-d5e15283@requests.fyi.org.nz

Reference: OIA-2019/20-0422

Dear James Watson

Official Information Act request relating to Cabinet Papers and The Treaty of Waitangi

Thank you for your request made under the Official Information Act 1982 (the Act), received by the Department of the Prime Minister and Cabinet (DPMC). Your original request of 19 March 2020 was for:

“...all cabinet papers which refer to the Treaty of Waitangi...”

In response to our advice to you that your request was too broad to enable us to respond to you and that DPMC would usually transfer requests for Cabinet documents to the relevant portfolio Minister or government agency, you refined your request on 20 March 2020 to be for:

- (a) *“all Cabinet papers since 2005 which discuss the constitutional status of the Treaty of Waitangi.*
- (b) *all Cabinet papers relating to the foreshore and seabed act 2004*
- (c) *all Cabinet papers relating to the establishment of the Maori-Crown portfolio.”*

You also advised that *“I'd be happy for you to transfer these requests to the relevant govt agency according to your usual practice”*.

Part (a) – Cabinet papers which discuss the constitutional status of the Treaty of Waitangi

I believe that any Cabinet papers relevant to Part (a) of your request that were lodged since the creation of the Māori Crown Relations: Te Arawhiti portfolio are more closely related to the functions and responsibilities of the Minister for Māori Crown Relations: Te Arawhiti (Hon Kelvin Davis).

With regard to Cabinet papers relevant to Part (a) of your request that were created from 2005 – 2017, I believe that these are more closely related to the functions and responsibilities of the Ministry of Justice.

Accordingly, I have decided under section 14(b)(ii) of the Act to transfer Part (a) of your request as it relates to Cabinet papers created under this Government to the Minister for Māori Crown Relations: Te Arawhiti (Hon Kelvin Davis). Part (a) of your request as it relates to Cabinet papers from 2005 – 2017 has been transferred under section 14(b)(ii) of the Act to the Ministry of Justice.

Part (b) – Cabinet papers relating to The Foreshore and Seabed Act 2004

The Foreshore and Seabed Act 2004 was administered by the Ministry of Justice, as is the Marine and Coastal Area (Takutai Moana) Act 2011 that repealed the 2004 Act. I believe that any Cabinet papers relevant to Part (b) of your request are more closely related to the functions and responsibilities of the Ministry of Justice. Accordingly, I have decided under section 14(b)(ii) of the Act to transfer Part (b) of your request to the Ministry of Justice.

Part (c) – Cabinet papers relating to the creation of the Māori Crown Relations: Te Arawhiti portfolio

I believe that any Cabinet papers relevant to Part (c) of your request are more closely related to the functions and responsibilities of the Minister for Māori Crown Relations: Te Arawhiti (Hon Kelvin Davis). Accordingly, I have decided under section 14(b)(ii) of the Act to also transfer Part (c) of your request to the Minister for Māori Crown Relations: Te Arawhiti.

The Minister for Māori Crown Relations: Te Arawhiti and the Ministry of Justice have the usual time limits under the Act from receipt of these transfers to make a decision on your request.

Yours sincerely

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Sarah Corbett
Manager, Ministerial Services