



4 February 2021

File Ref: OIA 42551

Te Kaitukutono
fyi-request-14386-fa8ec7cf@requests.fyi.org.nz

Tēnā koe Te Kaitukutono

Official Information Act request

Thank you for your request dated 3 January 2021, for information related to the document 'He Tirohanga ō Kawa ki te Tiriti o Waitangi' published on the Te Puni Kōkiri website.

You asked the following questions:

- (1) The names & contact details for the author(s) who drafted this document*
- (2) The authority for the page 27 statement*
- (3) Whether the Declaration has legal effect internationally if not locally (in NZ)*
- (4) Why the document has reference numbers within paragraphs yet no appended references whereto refer.*

Your request has been considered in accordance with the Official Information Act 1982 (the Act).

I note the document was split into separate parts on our website. For ease of reference, it has since been re-published as one document, and I have attached a copy.

Your questions and my responses are as follows:

- (1) The names & contact details for the author(s) who drafted this document*

Page 8 of the document notes the author's names as Frances Hancock and Kirsty Gover.

Your request for contact details is declined under section 18(g) of the Act, as the information is not held (the authors are not current Te Puni Kōkiri employees). Section 18(g) applies when the information is not held and there is no other agency we can transfer the request to under the Act.

I am advised that information about the authors may be found in the public domain, and you may be able to infer contact details from there.



(2) The authority for the page 27 statement

With regard to the statement "[T]he Declaration is considered by the Courts to be of no legal effect in New Zealand", Appendix Nine, footnote 76 (page 143) notes the following:

76. Waitangi Tribunal, *Manukau Report* (1985) p 7. See also *Warren v Police* (HC) [2000]; and *R v Pairama* [1995].

3) Whether the Declaration has legal effect internationally if not locally (in NZ)

This part of your request is declined under section 18(g) of the Act as the information is not held, and we are not aware of any other agency to which the request could be transferred under the Act.

Please note that the Act applies only to information that is already held by Te Puni Kōkiri. There is no obligation to create new information, or to form an opinion, in order to respond to a request.

(4) Why the document has reference numbers within paragraphs yet no appended references whereto refer.

Please refer to Appendix Nine: footnotes (page 139 – 156).

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact oiia@govt.nz.

Ngā mihi, nā



Geoff Short
Hautū, Te Puni Kaupapa Here | Deputy Secretary, Policy Partnerships

