

## Hon Andrew Little

Minister of Health  
Minister Responsible for the GCSB  
Minister Responsible for the NZSIS  
Minister for Treaty of Waitangi Negotiations  
Minister Responsible for Pike River Re-entry  
Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques



Micky Turner  
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30 JUN 2021

Ref: AL HTU 2021-003

Dear Micky Turner

### **Official Information Act request relating to how the Māori Health Authority will comply with New Zealand's obligations to provide everyone with adequate health and medical care**

Thank you for your Official Information Act 1982 (the Act) request, received on 29 April 2021. You requested:

*"Can you please forward all information held by the Government which details how your proposed Maori Health Authority - will comply with New Zealand's obligations under local & international law to provide 'everyone' with adequate health and medical care?"*

*It is concerning that we have people in New Zealand who can not afford to visit the doctors or pay for their prescriptions. Surely the scope of any new authority worth investing in - should be broad enough to cover the interests of 'all' impoverished people?*

*While a specific race based authority is compliant with section 19(2) of the Bill of Rights Act - it would be discriminatory to not also create a similar authority for all other races.*

*It is a misnomer and an offensive racial stereotype to suggest that 'all Maori' are disadvantaged. The Bill of Rights indicates that a Maori Health Authority should not provide greater access to health services for Maori people who are affluent (i.e. not disadvantaged). It would only be able to assist affluent people with services for which they are genetically predisposed...*

*...Please forward all emails & discussions on record, as well as all research carried out by your Government on this subject."*

As the Māori Health Authority will be established to specifically provide for partnership with Māori, and not for everyone, I have refused your request under section 18(e) of the Act, that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

Please see information on the Cabinet paper CAB-21-SUB-0092 Health and Disability System Review – Proposals for Reform (March 2021); which is publicly available on the Department of the Prime Minister and Cabinet's website: <https://dpmc.govt.nz/publications/cabinet-decision-cab-21-sub-0092-health-and-disability-system-review-proposals-reform>.

The paper notes that proposals relating to the Māori Health Authority and iwi/Māori Partnership Boards are expected to address the systemic disadvantage of Māori found by the Waitangi Tribunal and accepted by the Crown. To the extent that they do so, they address long-standing discrimination, giving effect to section 19 of the New Zealand Bill of Rights Act, which also provides that action taken to assist disadvantaged groups does not constitute unlawful discrimination. The proposals will require legislation to give them effect: such legislation will be the subject of a detailed examination by the Ministry of Justice for compatibility with the Human Rights Act 1993 and New Zealand Bill of Rights Act 1990 before it is introduced the House.

The Government has received extensive advice relating to its obligations under the Treaty of Waitangi, and therefore this aspect of your request is refused under section 18(f) of the Act, that the information requested cannot be made available without substantial collation or research.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'A. Little', written over a faint circular stamp.

Hon Andrew Little  
**Minister of Health**