



19 July 2023

45 Pipitea Street
Thorndon, Wellington
Phone +64 4 495 7200
dia.govt.nz

Luke

[fyi-request-23116-
2e3030f8@requests.fyi.org.nz](mailto:fyi-request-23116-2e3030f8@requests.fyi.org.nz)

Tēnā koe Luke

Your Official Information Act request of 13 June 2023 - OIA 2223 - 0930

Thank you for your email of 13 June 2023 to the Department of Internal Affairs (the Department) requesting the following information under the Official Information Act 1982 (the Act):

"1. Please release all Local Government briefing papers in their entirety which were presented to the Minister of Local Government (Nanaia Mahuta) between the dates of 01 January 2020 and 31 July 2021 and where the Three Waters Reforms was the subject.

2. In a Local Government Briefing dated 26 February 2021 and titled "Three Waters Review: Maori rights and interests", the Department of Internal Affairs referred to te ao Maori rights in water. Specifically, in paragraph 9, it said "From a te ao Maori consideration of water issues, the proposed reform of three waters service delivery arrangements is narrowly focused...". Paragraph 10 then goes on to summarise the results.

2.1 Could you please release the details of that "te ao Maori consideration", what it contains, how it was conducted and who it was conducted by (e.g., Iwi, Department officials or someone else)?

3. Was anyone outside of the Department of Internal Affairs involved in the "Te Ao Maori Technical Working Group" for three waters? If so, what agencies?

4. Please release the "specific advice" that the Technical Working Group provided DIA as mentioned in paragraphs 13 and 49."

On 19 June we contacted you to clarify the scope of parts one and two of your request. We also referred you to archived documentation and general information regarding water services reform available on the Department's website. You responded on 20 June 2023 with the following clarification:

"Regarding Part 1:

Your advice to search the archived documentation was genuinely helpful and is sufficient to meet that part of my OIA request.

Regarding Part 2:

By "details", I am looking for documentation containing consideration and/or analysis of the te ao Maori water issues (from the Hui-a-Motu report or elsewhere) that DIA considered before producing the 26/02/21 LBG. In other words, I am trying to find the analysis which DIA referenced in paragraph [9]."

With respect to the clarified part 2 of your request, a tranche of documentation with information about the Hui-a-motu is publicly available in the section titled *Iwi/Māori Engagement (October 2020)* here:

www.dia.govt.nz/Archived-Three-Waters-Reform-Programme-information#Iwi

Additionally, we have identified further information in scope contained in the 14 June 2021 Cabinet Paper, *Protecting and Promoting iwi Māori rights and interests in the new three waters service delivery model* publicly available the following link:

[www.dia.govt.nz/diawebsite.nsf/Files/three-waters-reform-programme-2021/\\$file/Cabinet-Paper-Protecting-and-promoting-iwi-maori-rights-and-interests-in-the-new-three-waters-service-delivery-model-paper-three-14-June-2021.pdf](http://www.dia.govt.nz/diawebsite.nsf/Files/three-waters-reform-programme-2021/$file/Cabinet-Paper-Protecting-and-promoting-iwi-maori-rights-and-interests-in-the-new-three-waters-service-delivery-model-paper-three-14-June-2021.pdf)

You may also find the following link helpful:

[www.dia.govt.nz/diawebsite.nsf/Files/three-waters-reform-programme-2021/\\$file/Appendices-A-B-and-C-Protecting-and-promoting-iwi-Māori-rights-and-interests.pdf](http://www.dia.govt.nz/diawebsite.nsf/Files/three-waters-reform-programme-2021/$file/Appendices-A-B-and-C-Protecting-and-promoting-iwi-Māori-rights-and-interests.pdf)

Please note the general information regarding the process of incorporating Te Ao Māori consideration in paragraphs 10-18 of the *Local Government Briefing Three Waters Review: Māori rights and interests 26 February 2021* referred to in your request.

As the information in scope is available on the links provided above, part two of your request is refused in accordance with section 18(d) of the Act as the information requested is publicly available.

With respect to parts three and four of your request we can confirm that no agencies outside of the Department were involved in the Te Ao Māori Technical Working Group referred to above.

This working group consisted of internal advisors whose specific advice was used in the initial stages of the water reform policy development process and drafted into the content in the publicly available policy documentation noted above. Further searches have not identified any additional information relating to advice provided by the *Te Ao Maori Technical Working Group* referred to in this request.

Therefore, this aspect of your request is refused under section 18(g)(i) of the Act as the information requested is not held by the department and there are no grounds for believing that the information is connected more closely with the functions of another department, interdepartmental venture or Minister of the Crown or organisation or of a local authority.

For additional information on Te Ao Māori considerations relating to water resources, you may choose to visit the Ministry for the Environment's website. The Kāhui Wai Māori Report to the Hon David Parker, the Minister for the Environment, on Iwi/Māori engagement has provided many key principles and guidelines for Te Ao Māori considerations in policy and programme development related to water resources. The report can be found here:

www.environment.govt.nz/publications/te-mana-o-te-wai-the-health-of-our-wai-the-health-of-our-nation-kahui-wai-maori-report-to-hon-minister-david-parker/

You have the right, under section 28(3) of the Act, to make a complaint to an Ombudsman and seek an investigation and review of our decision on your request. The contact address is - Office of the Ombudsman, PO Box 10152, Wellington 6143. Alternatively, you can phone 0800 802 602 or email info@ombudsman.parliament.nz.

Nāku noa, nā



Rashad Saeedi
Manager, Ministerial Services
Waters Services Reform Programme