

12 March 2019

Level 3, Justice Centre
19 Aitken Street
SX10111
Wellington 6011

T. Benseman

By email: fyi-request-9551-84dc7e73@requests.fyi.org.nz

Dear T. Benseman

Official information request

On 9 February 2019, you emailed Hon Andrew Little, Minister for Treaty of Waitangi Negotiations, seeking all documents from the Ngāi Tahu negotiations where “pest control”, “predator control”, “1080 poison” or “wild animal control” are mentioned. You also ask what remuneration was negotiated for Ngāi Tahu to approve the use of 1080 on Ngāi Tahu lands and waters?

On 19 February 2019, under section 14 of the Official Information Act 1982, your request was transferred to Te Arawhiti: Office of Māori Crown Relations as the information was believed to be more closely connected with the functions of that agency. Te Arawhiti is the newly established departmental agency responsible for Treaty settlements, Takutai Moana (Marine and Coastal Area), Māori Crown relations and settlement commitments.

A key document relevant to the Ngāi Tahu negotiations is the December 1997 deed of settlement, which was signed by the Crown and Ngāi Tahu for the settlement of Ngāi Tahu’s historical Treaty of Waitangi claims. The deed sets out the matters on which negotiations took place and agreement was reached. A copy of the deed is available online at <https://www.govt.nz/treaty-settlement-documents/ngai-tahu/>.

There is no reference in the deed to remuneration to Ngāi Tahu for approval to use 1080 on Ngāi Tahu lands and waters. Accordingly, it appears this was not a matter that was negotiated as part of the Treaty settlement.

An electronic search of the deed highlights some references to pest control, or wild animal control (as outlined below), but none to predator control or 1080 poison. The references to pest and wild animal control in the deed are part of standardised text and it is unlikely that substantive negotiations took place over them. It is more likely that agreement on the text was reached as part of the overall drafting of the deed.

In attachment 14.6 and attachment 14.7 of section 14, and in attachment 15.2 and attachment 15.3 of section 15, there are references to pest control and wild animal control. These references occur in the conservation covenants (Ngā Whenua Rāhui Kawenata) agreed over certain lands transferred to Ngāi Tahu ancillary claimants. In brief, the new landowner is required (among other things) to keep the land free from any animal pests and wild animals.

There are also references to Ngāi Tahu being consulted on the management and administration of Crown-owned lands subject to deeds of recognition (see attachments 12.65 to 12.92B in section 12 of the deed).

Ngāi Tahu is to be consulted in relation to any programme to eradicate pests or other introduced species on these lands.

You have requested all documents related to the Ngāi Tahu negotiations (not just the deed) where “pest control”, “predator control”, “1080 poison” or “wild animal control” are mentioned. Under section 18(f) of the Official Information Act, we refuse this request on the grounds that it would involve substantial research. The relevant files are not held in a form where words can be searched electronically, and there are over 150 of these files, each containing perhaps 200 to 400 pages.

You have the right under section 28(3) of the Official Information Act 1982 to seek an investigation and review by the Ombudsman of the decision to refuse your request. Information on how to do this is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Doris Johnston', written in a cursive style.

Doris Johnston
General Manager, Te Arawhiti