

4 March 2024

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OIA 29029

Tēnā koe Tim Herewini

I refer to your email of 21 January 2024 in which you request the following under the Official Information Act 1982 (OIA):

Please provide all material touching on the inclusion of the Treaty in the FTA, from the earliest date to the present (21/01/2024) including:

- a) Consultation/correspondence with Iwi, Hapu and Maori groups and individuals;*
- b) Advice/communications internal to MFAT;*
- c) Advice/communications from other government departments;*
- d) Advice/communications specific to the meaning and consequences of "now succeeded the British Crown and assumed all rights and obligations under that Treaty" and the date on which this assumed succession occurred and how (by what means/instrument) did this occur; and*
- e) Correspondence from the UK government.*

On 19 February 2024, the timeframes for responding to your request were extended by an additional 50 working days because responding to your request necessitated the review of a large quantity of information, and due to the consultations necessary to make a decision on your request. (section 15A(1)(a) and 15A(1)(b) of the OIA refers).

On 21 February 2024, we contacted you to advise that responding to your request as currently framed would capture a significant volume of information. As such, it was likely that your request would be refused under section 18(f) of the OIA, as it would require substantial collation and research. Accordingly, your agreement was sought to refine your request to be for:

Please provide all material principally regarding the inclusion of the Treaty of Waitangi in the NZ-UKFTA, from the 1 June 2020 to 28 February 2022 including:

- a) Submissions to the MFAT Trade Minister that compiles and collates the views of consulted iwi, Hapu and Māori groups and individuals in relation to the inclusion of the Treaty of Waitangi in the NZ-UKFTA.*
- b) Submissions produced by MFAT to our Trade Minister principally regarding the meaning and consequences of "now succeeded the British Crown and assumed all rights and obligations under that Treaty"; and*
- c) Formal correspondence from the UK government on the topic.*

You were invited to respond to the refinement email by Wednesday 28 February 2024.

Following closer assessment of the volume of information potentially captured in scope of your request, and as a reply to our request for a refinement of the scope has not been received, your request is refused under section 18(f) of the OIA.

Should you wish to submit a refined request on this topic in the future you are welcome to send it to us at the email address below.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Acting Secretary of Foreign Affairs and Trade