



17 September 2025



Ref: OIA-2025/26-0188

Tēnā koe

Official Information Act request relating to Ngāti Tama treaty settlement

Thank you for your Official Information Act 1982 (the Act) request, received on 13 September 2025. You requested:

Thank you for sending information in May under OIA 87435 as below. The information OTS has sent raises further questions about actions and omissions by the Crown during the 1990s and beyond in relation to Crown breaches of Te Tiriti o Waitangi.

Attention: OTS, TPK, Crown Law Office, Minister of Crown Maori Relations, Cabinet: Would you please provide the following information deriving from 1996-1997:

1. *All information held by Office of Treaty Settlements (OTS), Te Puni Kokiri (TPK), Crown Law Office, the Minister of Treaty of Waitangi Settlements/Crown Maori Relations and his department and Cabinet (including but not limited to correspondence, file notes, papers/briefings/submissions including drafts, meeting minutes and decisions) relating to objections to the CPT/Ngāti Tama Iwi Development Trust's mandate¹ including but not limited to:*
 - *Ngā Hapū o Poutama/Ngā Hapū o Mōkau/the Mōkau whānau/the Mōkau families/the Ngāti Tama objectors/approximately 500 signatories/the Mōkau claimants/the Mōkau people/the northern section of Ngati Tama/Ngāti Tama Whānau Whanui²*
 - *The mandating of Ngāti Tama Iwi Development Trust*
 - *The Crown's recognition of Ngāti Tama Iwi Development Trust's mandate including:*
 - *The OTS position that "the Development Trust does not have to prove its status or disprove that of the objectors. These issues are for the Crown to decide."³*
 - *The OTS position in relation to the '500 signatories' that "if people do not respond to a mail-out then that means that there is no objection to take account of"⁴ and that OTS "Agrees with the argument that if people don't respond then they are not an objector"⁵*
 - *OTS questionnaire⁶*
 - *OTS position that the survey may provoke people to act and "this is a risk that OTS will try to minimise. We are carefully constructing the covering letter."⁷*
 - *The OTS position that "principal objectors don't know our process. They suggest that a whakapapa expert examine the submission. The short turnaround to respond to the mail-out survey (nine days) may minimize the ability to organize a co-ordinated response."⁸*
 - *OTS and Crown Law intention "to carry-out a phone survey of the submitters one evening" - any file note, records of those phone calls⁹*
 - *The OTS position that "With regard to Ngati Tama, it is a relevant point that there is no tikanga basis to the objection" and "an argument about*

- there being an absence of a tikanga based approach; ahi ka weighting”¹⁰
- *OTS assessment of the Development Trust’s status and that of the objectors*¹¹ including the scope of the assessment¹²
 - *OTS and TPK assessment of the submission including Crown Law Office involvement and comments*¹³
 - *Ministerial briefing including drafts and decisions on the outcome of the OTS and TPK assessments*¹⁴ “The report is in the form of a departmental briefing and recommends options for the Minister to consider in order to progress the matter ... TPK and Crown Law will need to comment on the paper”
 - *The objections and all related correspondence*¹⁵ including:
 - *Whether OTS forwarded the documents supporting the objection to the CPT, notwithstanding the release of the supporting documents to OTS was conditional on OTS not forwarding the supporting documents to the CPT*¹⁶
 - *OTS position that “OTS is waiting to receive copies of affidavits from people who fear for their personal safety if the form letters were released to CPT ... If OTS receive affidavits from people who fear for their personal safety then only their forms will be withheld from the CPT.”*¹⁷
 - *Written opinion from Crown Law Office to the Minister about the release of the objection submission*¹⁸
 - *Claimant funding papers and decisions*¹⁹
 - *All advice from TPK to OTS including:*
 - *TPK’s argument in favour of completing the Terms of Negotiation and provision of full funding to enable negotiations to start*²⁰
 - *The option of a postal survey and/or a random sample*²¹
 - *TPK’s position that “\$350,000 should be released to the Iwi Development Trust immediately, to allow it to resolve its representation issue and prepare for the commencement of formal negotiations concurrently. This is consistent with Te Puni Kokiri’s current view that the Ngāti Tama mandate objection should be accorded little weight.”*²²
 - *TPK assessment and advice on “what weight should be placed on a challenge to the mandate of this nature, which clearly does not accord with Māori tikanga, and the potential implications of this type of challenge for the Crown’s mandating policies.”*²³
 - *Any assessments or advice prepared by TPK staff member Kevin (Toka) Walden*
 - *Including in particular:*
 - **Advice provided to OTS by TPK to inform the single assessment referred to in 1.7.2 below**
 - **The single assessment by TPK and OTS of the submission of the Ngāti Tama objectors provided to the Minister as a departmental briefing in August 1997**²⁴
 - **The Minister’s decisions arising from that single assessment**

Would you please provide the documents underlined and bolded above as a matter of urgency and the rest of the information in due course. I am making this request on behalf of Ngā Hapū o Poutama.

Normally under these circumstances I would transfer your request under section 14(b)(i) of the Act, as the information is not held by the Department of the Prime Minister and Cabinet (DPMC) and section 14(b)(ii) of the Act, the information requested is more closely connected

to the functions of the Office of Treaty Settlements, Te Puni Kokiri, Crown Law Office, the Minister of Treaty of Waitangi Settlements/Crown Maori Relations and his department.

Due to the fact that you have also sent your request to the agencies listed above I refer you to their responses.

In addition, you made comment about '*Cabinet*' in your request above and I thought some additional context may be useful for you. DPMC holds all Cabinet papers as Cabinet Office is a business unit within DPMC. However, we transfer requests for Cabinet papers to the relevant portfolio Minister as they are in the best position to assess them for release under the Act.

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

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Alan Cassidy
Deputy Chief Executive, Corporate and Chief People Officer