



10 March 2026

Ref: OIA-2025/26-0518

Tēnā koe [REDACTED],

Official Information Act request relating to Treaty of Waitangi negotiations with Te Rūnanga o Ngāti Whātua

Thank you for your request made under the Official Information Act 1982 (the Act), which was received on 18 February 2026. Your request was made to both the Department of the Prime Minister and Cabinet (DPMC) and Te Tari Whakatau, Office of Treaty Settlements. You requested:

1. *This letter is sent with regards to information related to ongoing Treaty negotiations between Te Tari Whakatau and Te Rūnanga o Ngāti Whātua (the mandated entity to act on behalf of Wai 303), held by the above agencies.*
2. *Pursuant to the Official Information Act 1982, we respectfully request a copy of the following information:*
 - a. *Any documents, information or advice, from any Crown official (including on behalf of Te Tari Whakatau and/or the Minister for Treaty of Waitangi Negotiations), that relates to a potential Treaty settlement of Te Rūnanga o Ngāti Whātua; and*
 - b. *Any documents, information, advice or correspondence, from any Crown official (including on behalf of Te Tari Whakatau and/or the Minister for Treaty of Waitangi Negotiations), that relates in particular to the Wai 303 claim; and*
 - c. *Any correspondence (including Cabinet papers, briefings, or aide-mémoires), between Te Rūnanga o Ngāti Whātua and any Crown official, regarding Treaty settlement matters; and*
 - d. *Any documents, information, advice or correspondence that relates to any current or anticipated Treaty settlement bills due to be heard by the House before 1 October 2026.*

On 3 March 2026, we wrote to you and advised that DPMC can only respond to your request in relation to any information in scope of your request that we hold. We transferred your request in part to the Minister for Treaty of Waitangi Negotiations, Hon Paul Goldsmith and noted that we would usually also transfer your request to Te Tari Whakatau, Office of Treaty Settlements. This was on the basis that the information is more closely connected to their functions.

I refer you to both the responses from the Minister for Treaty of Waitangi Negotiations and Te Tari Whakatau. Their responses would include any relevant Cabinet or Cabinet Committee documents.

We have undertaken searches for any relevant documents, including emails held by DPMC. For Part (c) of your request for correspondence with Te Rūnanga o Ngāti Whātua regarding Treaty settlement matters, searches of our document management system returned around 230 emails that have the keywords “treaty settlement” and “Ngāti Whātua”. We do not have a

way to identify whether any of this email correspondence was with Te Rūnanga o Ngāti Whātua. To identify any correspondence relevant to Part (c) of your request would involve opening and manually checking each of the emails to see if it was about Treaty settlement matters and if it was able to be identified as being correspondence with Te Rūnanga o Ngāti Whātua.

Taking into account the amount of information that would need to be assessed for relevance, the difficulty in identification of the correspondents, and the resources available to undertake that work, I believe to answer this part of your request as it is currently framed would involve substantial collation and research. Accordingly, I am refusing Part (c) of your request for any such correspondence held by DPMC under section 18(f) of the Act, on this basis. In reaching this decision, I first considered the factors contained in sections 18A(1) and 18B of the Act. However, I did not consider that taking any of these steps of charging you for the information, extending the time limits or consulting further with you, would allow the request to be answered.

As noted in our previous response to you, DPMC is not directly involved in Treaty of Waitangi Negotiations, and it is unlikely that we do hold any correspondence in scope of Part (c) of your request. The emails returning is more likely to be emails amongst government officials including DPMC relating to drafting of Cabinet papers and other related matters.

The only relevant information identified as held by DPMC and not covered by the responses from the Minister for Treaty of Waitangi Negotiations or Te Tari Whakatau are some briefings provided by DPMC's Policy Advisory Group to the Prime Minister. These briefings are provided to the Prime Minister in confidence to support them in their role as leader of the Government and chair of Cabinet. These briefings are withheld in their entirety under the following sections of the Act:

- section 9(2)(f)(ii), to maintain collective and individual ministerial responsibility
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion.

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to outweigh the reasons for withholding that information.

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



Janine Smith
Deputy Chief Executive, Policy and Delivery Unit