



14 April 2023

[REDACTED]

[REDACTED]

Tēnā koe [REDACTED]

Official Information Act requests regarding UNDRIP
Our Ref: OIA353/1

Your requests

1. I refer to your official information request to the Ministry of Foreign Affairs and Trade on 14 February 2023, subsequently transferred to Crown Law, as follows:

As Government does not have a statutory definition of the indigenous people of New Zealand and the Declaration is fundamentally incompatible with New Zealand's Constitution and legal arrangements, what official documented authority did Prime Minister, the Hon John Key have in allowing the Hon Pita Sharples to sign the Declaration on the Rights of the Indigenous People on behalf of the People of New Zealand in 2010?

2. I refer also to your official information request dated 20 March 2023 for:
 - a. Was the Declaration on the Rights of Indigenous People, "Incompatible with New Zealand's constitutional and legal arrangements"?
 - b. Did Prime Minister, Hon John Key have the authority to sign the Declaration on the Rights of Indigenous People?
 - c. Did Prime Minister, Hon John Key have a statutory definition of, "The indigenous people of New Zealand", when he signed the Declaration on the Rights of Indigenous People?



Response

3. In relation to your 14 February request, Cabinet agreed that New Zealand should move to support the declaration on 22 March 2010, recorded in Cabinet Min (10) 10/11. We do not understand you to be requesting a copy but for clarity note that no privilege is being waived by this reference to it.
4. In relation to your 20 March request, question (a), to the extent that your request is for legal advice, that advice is privileged and that privilege is not outweighed by other considerations which render it desirable in the public

interest to make that information available. We therefore refuse this part of your request under section 18(a) of the Act and we refer to our letter to you of 9 August 2021.

5. In relation to question (b) and as above, Cabinet agreed on 22 March 2010 that New Zealand should move to support the declaration, recorded in Cabinet Min (10) 10/11. We do not understand you to be requesting a copy but for clarity note that no privilege is being waived by this reference to it.
6. In relation to question (c), as we said in our letter of 21 October 2021 and as you have been previously advised by Hon Dr Pita Sharples in 2012 and by Hon Christopher Finlayson prior to that, there is no statutory definition of indigenous peoples.

Proactive release

7. Please note that we may publish this response (with your personal details redacted), and any related documents, on Crown Law's website if we decide proactive release of this information is or may be in the public interest. If you have any concerns about this, please let us know within 10 working days of the date of this letter.
8. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.
9. If you wish to discuss this decision with us, please feel free to contact 


Nāku noa, nā
Crown Law

