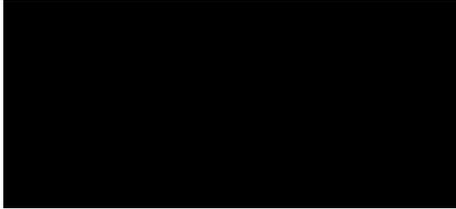




16 March 2022



By email: 

Tēnā koe 

Your request received 1 March 2022

Our Ref: OIA353/1

1. You wrote to the Crown Law Office on 1 March 2022 and made the following request:

I request a copy, please, of version 21.0 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Claims Settlement Bill (PCO 19924 / 21.0) containing the “preservation clause” clause 15A, and all information held by the agencies receiving this request which refer to this clause 15A.

2. The Constitutional and Human Rights team at Crown Law considered version 21.0 of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Claims Settlement Bill (PCO 19924 / 21.0) for consistency with the New Zealand Bill of Rights Act, and provided advice to the Attorney-General on 19 March 2020. As you are aware from our discussion and correspondence issued on 2 March 2022, the advice may be accessed by the public via the Ministry of Justice website. This is because the Attorney-General has waived his Law Officer’s privilege in that advice.

3. Otherwise we decline your request.

3.1 Information held by Crown Law in conjunction with the review of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-ā-Rua Claims Settlement Bill for consistency with the New Zealand Bill of Rights Act 1990 is work that is undertaken on behalf of the Attorney-General as the senior Law Officer. In the performance of this constitutional role, the Ombudsmen have ruled that the Law Officer function falls outside of the Official Information Act (OIA). Crown Law, when it is assisting the Law Officers, is also not subject to the OIA. Ombudsman Cases W41067, W44280 and W44062 and *Berryman v Solicitor-General* [2005] NZAR 512 (HC) support this position. Your request in relation to that work does not therefore

fall to be analysed in terms of the OIA as any information held by the Law Officer in this capacity is not official information and the OIA may not be used to gain access to it. We also rely on legal professional privilege to withhold information where relevant.

3.2 Any other information held by Crown Law and falling within the scope of your request is subject to legal professional privilege and withheld where relevant in accordance with s 9(2)(h) of the OIA. We are also satisfied in the circumstances, that there are no other considerations which would render it desirable, in the public interest, to make this information available (s 9(1) of the OIA refers).

4. You have the right to seek an investigation and review by the Ombudsman of this decision under s 28(3) of the OIA. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Crown Counsel



Crown Counsel