

# Briefing

## Further advice on the production of documents for the urgent claims with the Waitangi Tribunal

<b>Date due to MO:</b>	N/A	<b>Action required by:</b>	N/A
<b>Security level:</b>	IN CONFIDENCE	<b>Health Report number:</b>	H2024036177
<b>To:</b>	Hon Dr Shane Reti, Minister of Health		
<b>Consulted:</b>	Health New Zealand: <input type="checkbox"/> Māori Health Authority: <input type="checkbox"/>		

### Contact for telephone discussion

Name	Position	Telephone
<b>John Whaanga</b>	Deputy Director-General, Māori Health	S9(2)(a)
<b>Bernard Te Paa</b>	GM Māori-Crown Relations, Māori Health	S9(2)(a)

### Minister's office to complete:

- Approved
- Decline
- Noted
- Needs change
- Seen
- Overtaken by events
- See Minister's Notes
- Withdrawn

Comment:

# Further advice on the production of documents for the urgent claims with the Waitangi Tribunal

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**Security level:** IN CONFIDENCE      **Date:** 15 February 2024

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**To:** Hon Dr Shane Reti, Minister of Health

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## Purpose of report

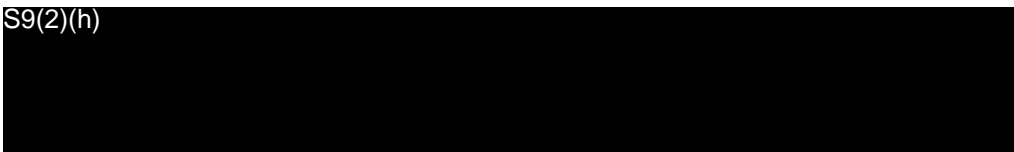
1. This briefing provides you with further advice [H2024035985 refers], on the production of documents for the urgent claims with the Waitangi Tribunal.

## Summary

2. The Ministry of Health (the Ministry) and the Public Health Agency has compiled the Cabinet material and associated papers intended to be proactively released regarding the disestablishment of the Māori Health Authority and the reversal of amendments to the Smokefree Environments and Regulated Products Act 1990.
3. There are potential risks with providing these documents to the Waitangi Tribunal as well as potential risks with not providing them.
4. There are potential mitigations to manage the public backlash.

## Recommendations

We recommend you:

- a) **Confirm** your preferred approach for providing the Waitangi Tribunal with requested documents that are relevant to Wai 3315 Smokefree Aotearoa. **Yes/No**
- b) **Confirm** your preferred approach for providing the Waitangi Tribunal with the documents that are intended for proactive release for Wai 3307 Māori Health Authority. **Yes/No**
- c) **Agree** to discuss this matter with the Associate Minister of Health with the delegation for Smokefree. **Noted**
- d) S9(2)(h)  **Noted**

- e) S9(2)(g)(i) [Redacted] **Noted**
- f) S9(2)(h) [Redacted] **Noted**



John Whaanga  
**Deputy Director-General Māori Health**  
Date:

Hon Dr Shane Reti  
**Minister of Health**  
Date:

PROACTIVELY RELEASED

# Further advice on the production of documents for the urgent claims with the Waitangi Tribunal

## Context

1. You have been provided with advice on the production of documents for the urgent claims with the Waitangi Tribunal [H2024035985 refers].
2. This briefing provides you with additional advice on the risks and mitigations of producing the documents that applicants applied for in Wai 3315 Smokefree Aotearoa and may be requested by the Waitangi Tribunal for Wai 3307 Māori Health Authority.

## Cabinet material and associated papers intended for proactive release

### Wai 3307 Māori Health Authority

3. The full list of papers the Ministry of Health is intending to proactively release regarding the disestablishment of the Māori Health Authority is attached as **Appendix One**. The Ministry proposes to release the documents publicly following introduction of legislation on 27 February 2024.
4. Ministry officials have reviewed the documents and have recommended the redaction of:
  - a. mobile phone numbers, and
  - b. S9(2)(ba)(i)

### Wai 3315 Smokefree Aotearoa

5. The full list of papers the Public Health Agency is intending to proactively release regarding the reversal of amendments to the Smokefree Environments and Regulated Products Act 1990 is attached as **Appendix Two**. The Public Health Agency intends to proactively release the documents publicly on 28 February 2024.
6. Public Health Agency officials are reviewing the documents and it is likely to be redactions across all documents relating to legally privileged advice, financial implications, cabinet directives and advice under active consideration.
7. The Public Health Agency has also advised that there is a potential need to consult with other agencies, such as the Department of the Prime Minister and Cabinet, to ensure they are comfortable with the release of information they have provided to the Public Health Agency.

## Risks and mitigations of producing documents to the Waitangi Tribunal before the intended proactive release date

8. S9(2)(h)

9.

10.

11.

12.

13. S9(2)(g)(i)

14.

### Next steps

15. The Ministry will await your direction for the production of documents to the Waitangi Tribunal and will provide you with any further advice you may request.

ENDS.

## Minister's Notes

PROACTIVELY RELEASED

## Appendix One

### List of Papers

H2023032885 Advice on disestablishing the Māori Health Authority

H2023032865 Briefing Issues and opportunities for Hauora Māori

MHA33202 Options for future arrangements for Te Aka Whai Ora - Māori Health Authority functions

H2023034250 Draft Cabinet paper for the disestablishment of the Māori Health Authority

H2023034256 Options for Māori health structures

H2024034917 AM Cab 100 day MHA disestablishment

100-23-MIN-0015 Minute

100-Disestablishment of the Māori Health Authority

100-24-MIN-0001 Minute

CAB-24-MIN-0002 Report of the Cabinet 100-Day Plan Committee Minute

Date	Paper	Redactions
28 November 2023	H2023032885 Advice on disestablishing the Māori Health Authority	Mobile numbers 9 (2) (a)
28 November 2023	H2023032865 Briefing Issues and opportunities for Hauora Māori	Mobile numbers 9 (2) (a)
1 December 2023	MHA33202 Options for future arrangements for Te Aka Whai Māori Health Authority functions	Mobile numbers 9 (2) (a)
19 December 2023	H2023034250 Draft Cabinet paper for the disestablishment of the Māori Health Authority	Mobile numbers 9 (2) (a)
19 December 2023	H2023034256 Options for Māori health structures	Mobile numbers 9 (2) (a)
20 December 2023	100-23-MIN-0015 Minute	None
17 January 2024	H2024034917 AM Cab 100 day MHA disestablishment	Mobile numbers 9 (2) (a) Financial information (Budget implications) 9 (2) (f)
17 January 2024	Disestablishment of the Māori Health Authority	None
17 January 2024	100-24-MIN-0001 Minute	None
23 January 2024	CAB-24-MIN-0002 Report of the Cabinet 100-Day Plan Committee Minute	Other papers 9 (2) (f) (iv)

## Appendix Two

### List of Papers

H2023033250 Reversal of legislative changes to the smoked tobacco regulatory regime

H2023033378 Cabinet paper cover brief: Options to repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and related regulations

Cabinet paper Options to repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and associated regulations

CAB-23-MIN-0500 Cabinet Minute of Decision Options to repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and associated regulations

Date	Paper	Redactions
6 December 2023	H2023033250 Reversal of legislative changes to the smoked tobacco regulatory regime	
8 December 2023	H2023033378 Cabinet paper cover brief: Options to repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and related regulations	
8 December 2023	Cabinet paper Options to repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and associated regulations	Paragraphs 2, 3, 10, 11, 20, 26, 27, 28, 29, 32, 33, 34, 36, 37, recommendation 4
18 December 2023	CAB-23-MIN-0500 Cabinet Minute of Decision Options to repeal amendments to the Smokefree Environments and Regulated Products Act 1990 and associated regulations	