



30 September 2024

Tēnā koe

Official Information Act Request

Thank you for your email of 13 September 2024, requesting all documents regarding the consideration of tikanga Māori in the development of the Inappropriate Detention Framework.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision set out below.

Your request for this information is refused under section 18(e) of the Act as this document does not exist.

There are no documents that specifically reference the consideration of tikanga Māori when developing the inappropriate detention framework. As set out in Linda Hrstich-Meyer's letter of 8 November 2021, the framework was developed in response to a Court of Appeal decision which raised the prospect that a wider consideration of instances of inappropriate detention may need to be considered when assessing historic claims than had previously been considered. The focus was therefore on the broad settings that could potentially be unlawful or inappropriate and how we could develop a policy setting which is pragmatic and timely.

Although there was no specific consideration of tikanga Māori in any documents, a number of the policy considerations that were considered as part of the development of the framework were claimant focused and therefore are consistent with aspects of tikanga such as manaakitanga. For example, the Ministry wanted to develop an approach that was timely, that did not require individual assessment of the lawfulness of each detention or follow a strict legal approach and one in which claimants could have their detention concerns acknowledged in writing and by way of a separate financial acknowledgment.

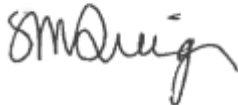
It also must be remembered that the inappropriate detention framework is an additional payment framework that was added onto our existing claims assessment process. When developing the wider assessment process in 2018, MSD consulted with Māori claimants as well as other claimants and stakeholders. The final process that was implemented was underpinned by tikanga and the principles of mana, aroha, whakapapa, whanaungatanga and manaakitanga.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

pp. 

Magnus O'Neill
General Manager
Ministerial and Executive Services