



11 May 2025

Joshua Riley
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Ref: OIA-2025/26-0710

Tēnā koe Joshua,

Official Information Act request relating to New Zealand–India Free Trade Agreement

Thank you for your request made under urgency under the Official Information Act 1982 (the Act), which was received by the Department of the Prime Minister and Cabinet (DPMC) on 8 May 2026 and then **clarified** on 11 May 2026. Your combined and **clarified** request is for:

“Under the Official Information Act 1982, I request the following information held by the Department of the Prime Minister and Cabinet, including the Cabinet Office and the Prime Minister’s Office.

Information requested

- 1. Any Cabinet paper, Cabinet committee paper, or accompanying minute that addresses whether the New Zealand–India Free Trade Agreement can be renegotiated, varied, or amended after signing. I am content for DPMC to interpret this as being limited to copies held by the Cabinet Office in DPMC’s own records. I am not asking DPMC to source originating material from MFAT.*
- 2. Any briefing, memorandum, or advice to the Prime Minister addressing whether the agreement can be renegotiated, varied, or amended.*
- 3. Any communications between the Prime Minister’s Office and the Minister of Trade regarding the basis for the Minister’s public position that the agreement “cannot be renegotiated.” I am similarly content for DPMC to limit this to records DPMC holds. Communications also held at MFAT will be picked up through my parallel MFAT request.*
- 4. A schedule of any Cabinet papers or Cabinet committee papers relating to the New Zealand–India Free Trade Agreement, identifying date and subject matter, even where the documents themselves are withheld.*

Request for urgent processing under section 12(2)

Public submissions to the Foreign Affairs, Defence and Trade Committee close at 11.59pm on Sunday 17 May 2026. The basis for the Minister of Trade’s public position that the agreement “cannot be renegotiated” is directly relevant to how Parliament, submitters, and the public should evaluate the agreement. The standard 20-working-day timeframe would result in a response after the submission window has closed.

Pre-emptive responses to anticipated grounds for withholding

Cabinet confidentiality / section 9(2)(f)(iv) — confidentiality of advice tendered by Ministers and officials. This ground is subject to the public interest balancing test in section 9(1). Where the substance of the relevant Cabinet decision has already been

made public (i.e. the Minister's "cannot be renegotiated" position), the residual confidentiality interest is reduced. I request that the schedule of papers (request 4) be provided in full as a minimum, even where individual documents are withheld.

Section 6(a) — likely to prejudice international relations. As with my parallel request to MFAT, I note the information concerns legal and procedural mechanisms rather than negotiating substance. Documents may be released with appropriate redactions rather than withheld in full.

Section 18(g) — information not held. If DPMC holds no relevant material, please confirm this in writing. Confirmation that no such material exists is itself relevant to the public interest given the Minister's public claim.

Format and partial release

Same as the parallel MFAT request: partial release with redactions where possible, schedule of withheld documents, reasons sufficient for Ombudsman review.

Please contact me before refusing or transferring, under the section 13 duty to provide reasonable assistance.”

As briefly highlighted in an email to you on Friday 8 May 2026, much of the information you have requested is more closely connected to the functions and responsibilities of the Minister for Trade and Investment (MTI) Hon Todd McClay.

For your awareness, DPMC holds all Cabinet and Cabinet Committee papers and Minutes as Cabinet Office is a business unit within DPMC. However, it is our practice to transfer requests for Cabinet material to either the relevant portfolio Minister or, for previous administrations, the lead agency, as they are better placed to assess this information for release.

These transfers are made under section 14(b)(ii) of the Act, as the information is more closely related to the functions of the Minister or agency. This process is also outlined in paragraph 8.5 of the Cabinet Manual, available on DPMC's website: www.dPMC.govt.nz/our-business-units/cabinet-office/supporting-work-cabinet/cabinet-manual

Accordingly, I have decided to transfer parts [1] and [4] of your request, as it relates to Cabinet paper material to Minister McClay as MTI under section 14(b)(ii) of the Act.

In relation to part [3] of your request, it may be that DPMC does hold some information relevant to your request as the Prime Minister is the responsible minister for DPMC. However, as highlighted above anything that may be in scope would also be considered more closely connected to the functions and responsibilities of the MTI, Minister McClay. I am therefore also transferring part [3] of your request to Minister McClay.

The other parts of the request have not been transferred, and I will respond in due course.

Minister McClay has the usual timeframes under the Act from receipt of this transfer to make a decision on your request.

Nākū noa, nā,

A handwritten signature in black ink, appearing to read 'Jenna Hansen', written in a cursive style.

Jenna Hansen
Manager, Accountability and Ministerial Services