



18 January 2024



Ref: OIA-2023/24-0362

Dear 

**Official Information Act request relating to advice on the conflict between Gaza and Israel.**

Thank you for your Official Information Act 1982 (the Act) request received on 13 December 2023. You requested:

*“On the 1st November 2023, Newshub published an article and video of an interview with you and Ryan Bridge. You said you hadn't "received any advice" to suggest Israel is breaking international law in its siege on Gaza that has killed thousands of people and destroyed neighbourhoods. I am making an Official Information Act request on what advice you have sought that suggests that Israel is not breaking international law and all advice relevant to the matter.”*

Firstly, I understand that the Office of the Prime Minister transferred your request to both the Department of the Prime Minister and Cabinet (DPMC) and the Ministry of Foreign Affairs and Trade (MFAT).

For clarity, MFAT's role includes providing advice to DPMC, as the Prime Minister's responsible agency, on the impact of foreign policy matters. DPMC then refers this advice to the Prime Minister. As such, the response from MFAT will cover any advice and material they originally prepared. Our response refers to any material prepared by DPMC, subject to information being withheld as noted.

Consistent with the caretaker convention, the former Prime Minister, Rt Hon Chris Hipkins, determined at the outset of the response to the conflict between Israel and Gaza to keep the Leader of the Opposition informed of developments. Therefore, daily Situation Reports prepared by MFAT were shared with the then Leader of the Opposition.

In addition, the former Prime Minister consulted the then Leader of the Opposition, now Prime Minister, Rt Hon Christopher Luxon, on decisions relating to Israel-Gaza. To support that, the Ministers of Foreign Affairs and Defence asked that a series of decision submissions be shared with the former Leader of the Opposition through the former Prime Minister's Office.

DPMC does not hold these communications between the former Prime Minister's Office and the former Office of the Leader of the Opposition.

DPMC does hold emails that the Policy Advisory Group sent to the former Prime Minister's Office relating to the Israel/Hamas conflict. The emails largely convey MFAT's advice on the situation and do not include additional advice from DPMC. If this information was referred to the former Leader of the Opposition, this will be covered by MFAT's response to your request, so we have not included it again here.

Also identified as relevant to your request are briefings that were provided by DPMC's Policy Advisory Group to the former Leader of the Opposition, in his capacity as incoming Prime

Minister. These briefings are provided to the incoming Prime Minister in confidence to support him in his new role as leader of the Government and chair of Cabinet. The dates and titles of these briefings are withheld in their entirety under the following sections of the Act:

- section 6(a), to not prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand
- section 9(2)(f)(ii), to maintain collective and individual ministerial responsibility
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion.

In making my decision, I have considered the public interest considerations in section 9(1) of the Act. No public interest has been identified that would be sufficient to override the reasons for withholding that information.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Janine Smith  
**Deputy Chief Executive, Policy**