



17 July 2024

File Ref: OIA 49019




Tēnā koe 

### Official Information Act request

I write in response to your further Official Information Act request dated 20 June 2024 regarding the recent report issued by Pania Gray concerning the recruitment process Te Puni Kōkiri undertook for the appointment of a Senior Advisor, Māori capability (the Report).

You requested the following information:

*“to tpk chief executive, refer to complaint subject above. you are responsible for terina cowans actions , ref 48752. part 61 of pania grays review merely states 2 deputy secretaries made decisions about the requests for review , despite the law fact they had no delegation authority to do so. new oi act request , did the 2 deputies not realise they lacked the delegated authority or did they ignored that legal fact. as regards the chief executive part 60 of the review states he became aware of the fact for review on 22 december 2023. yet it seems the chief executive did nothing to stop the 2 deputy secretaries continuing the review, for which they had no delegated authority. as information did the chief executive not realise he had not delegated the review authority at all, to any of his employees. this seems to be the actual fact because part 60 reports the chief executive had no futher involement in the review requests. i note pania gray reviewer has not raised the legal issues in her report as regards the nullify in law of the 2 deputy secretaries review decisions as they lacked delegated authority. deputy secretary terina cowan ,should not be the decision maker ,ofcourse she can advise the chief executive. the information exists in the chief executives mind and he must be asked to supply the answers to oi act requests. some requested information exists in minds of the 2 relevant deputy secretaries and they must be asked. i asked the chief executive to sign the oia response. hard copy to ”*

Your request has been considered in accordance with the Official Information Act 1982 (the Act).

In our view there are two parts to your information request. Your questions and our responses are set out below:

1. *“...did the 2 deputies not realise they lacked the delegated authority or did they ignore that legal fact.”*

This part of your request is refused under section 18(g) of the Act, as the information requested is not held by Te Puni Kōkiri and there are no grounds for believing that the information is either held by another department or connected more closely with the functions of another department.

We refer you to paragraph 61 of the Report which notes that the two Deputy Secretaries did not appear to have any conscious reason for making the decision at Deputy Secretary level and followed what they considered to be *“the general approach taken to operational decision-making”*. There is no additional knowledge or information for the Deputy Secretaries to recollect in response to this part of your request.

2. *“...as regards the chief executive part 60 of the review states he became aware of the fact for review on 22 december 2023. yet it seems the chief executive did nothing to stop the 2 deputy secretaries continuing the review, for which they had no delegated authority. as information did the chief executive not realise he had not delegated the review authority at all, to any of his employees.”*

This part of your request is refused under section 18(d) of the Act, as the information you have requested is publicly available. The Report and proactively released documents on our website confirm that the Secretary had not issued any delegation.

We also refer you to our previous response dated 20 June 2024 (response to part 1 of OIA 48752 refers).

I trust my response satisfies your request and note that a hardcopy response be provided to you.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that Te Puni Kōkiri publishes some of its OIA responses on its website, after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact us at [oa@tpk.govt.nz](mailto:oa@tpk.govt.nz).

Ngā mihi



Terina Cowan  
Hautū, Te Puni Rautaki | Deputy Secretary, Strategy