



14 December 2023

[REDACTED]

Ref: OIA-2023/24-0295

Dear [REDACTED]

**Official Information Act request relating to information provided to incoming PM Luxon regarding the Gaza/Israel conflict**

Thank you for your Official Information Act 1982 (the Act) request received on 16 November 2023. You requested:

*"I would like to put forward a request to be informed on exactly what information has been made available to National Party leader Christopher Luxon regarding the crisis in Gaza. Mr. Luxon has insisted that he has not seen any advice indicating breaches in International Law by the Israeli Defence Force, despite stating that he has been being informed by many officials who are supplying him with updated information. Many New Zealanders find this very puzzling, and would appreciate some clarity on exactly what information he has been given to stay informed upon as soon as possible."*

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

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.

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.

In addition, the former Prime Minister consulted the former 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 have asked that a series of decision submissions be shared with the former Leader of the Opposition through the former Prime Minister's Office.

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

DPMC do hold emails between our 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 some briefings provided by DPMC's Policy Advisory Group to the former Leader of the Opposition, in their 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 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**