

31 October 2024

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OIA 29738

Tēnā koe

Thank you for your email of 7 October 2024 in which you request the following under the Official Information Act 1982 (OIA):

Could the following please be provided under the OIA:

- *Briefings, submissions, aide memoire, and other such papers regarding the arrest and sought immunity waiver of an Australian diplomat's partner from 3am Sunday, 29 October 2024 to Sunday, 6 October 2024.*
- *Correspondence between MFAT staff, including the legal team, the police, and Minister Winston Peters office between 3am Sunday, 29 October 2024 to Wednesday, 2 October 2024.*

The documents in scope of your request are withheld in full under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 6(c): to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial;
- 6(b)(i): to protect the passing of information from another government on a confidential basis;
- 9(2)(a): to protect individuals' privacy; and
- 9(2)(h): to maintain legal professional privilege.

For your information we have provided the below summary of events.

Summary of events

At approximately 3.30am on Sunday 29 September 2024, Police responded to an incident involving the spouse of an Australian diplomat. The individual claimed diplomatic status at the scene. This was later confirmed by Police when a Diplomatic ID card was found in the individual's wallet.

Police notified the Ministry of Foreign Affairs and Trade (the Ministry) of the incident on Monday 30 September 2024 and advised the Ministry that Police would likely request waivers of diplomatic immunity given the nature of the incident. On that day, the Ministry notified the Office of the Minister of Foreign Affairs, the Department of Prime Minister and Cabinet and the Australian High Commissioner of the incident.

On Wednesday 2 October 2024, Police made a formal request for the Ministry to seek waivers of diplomatic immunity from the Australian Government to enable Police to progress the matter. On that day, the Ministry advised the Australian Acting High Commissioner that a request for waivers had been received from Police and that the Ministry would be seeking internal approval to take appropriate next steps.

On Thursday 3 October 2024, the Ministry's Protocol Division obtained approval from the Secretary of Foreign Affairs and Trade to request waivers of diplomatic immunity from the Australian Government. The Ministry's Protocol Division formally requested such waivers via the Australian High Commission on Friday 4 October 2024.

The Ministry received a response from the Australian High Commission on Wednesday 9 October 2024 confirming that the Australian Government had granted waivers of diplomatic immunity. The Ministry then notified Police and the Office of the Minister of Foreign Affairs that waivers of diplomatic immunity had been granted. The matter is now with Police.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Secretary of Foreign Affairs and Trade