



# Cabinet Policy Committee

**POL (04) 271**

5 October 2004

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## Title

### **Review of the Overseas Investment Act: Enforcement Issues and Foreign Investment in Fishing Quota**

**LATE PAPER:** This paper was submitted after the Cabinet deadline and has been accepted for the agenda by the Chair.

## Purpose

This paper seeks approval for proposed changes to the penalties available for breaches of the Overseas Investment Act 1973 (the Act), and to align the Fisheries Act 1996 provisions that cover investment in fishing quota by overseas persons with those for other sensitive assets.

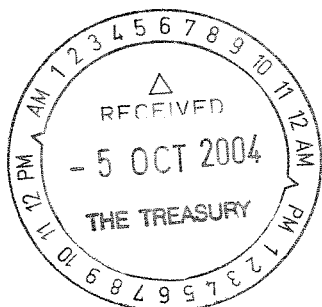
## Previous Consideration

In June 2004 Cabinet agreed to a number of changes to the monitoring and enforcement regime of the Overseas Investment Act [CAB Min (04) 22/6].

In August 2004 the Committee invited the Minister of Finance to report on issues related to monitoring and enforcement of the overseas investment regime, fishing quota issues and any further policy issues that are raised during the legislation drafting process following the review of the Overseas Investment Act [POL Min (04) 19/5].

## Summary

The paper outlines further changes including penalties for failing to provide information reasonably requested by the regulator, failing to comply with conditions of consent or failing to obtain consent, and civil penalties. See recommendations 2 – 9 below.



The Fisheries Act 1996 contains sections relating to overseas persons holding fishing quota. There are currently minor inconsistencies between the Fisheries Act and the Overseas Investment Act. Amendments are required to ensure the two Acts both require an overseas person to apply for permission to purchase sensitive New Zealand assets, and to clarify the separate powers for enforcement of breaches of the overseas investment regime administered by the overseas regulator and the Chief Executive of the Ministry of Fisheries.

## Baseline Implications

None.

**Legislative Implications**

The Overseas Investment Amendment Bill has a priority 4 category (to proceed to a select committee in 2004) on the 2004 Legislation Programme. The proposed changes to the enforcement provisions will be included in the Bill.

Minor amendments to the Fisheries Act will be required to align it with the overseas investment regime.

**Timing Issues**

None indicated.

**Announcement**

None indicated.

**Consultation**

The Acting Minister of Finance indicates that consultation will be required with the government caucuses and other parties represented in Parliament.

Paper prepared by Treasury. Fisheries, Justice and DPMC have been consulted.

## **The Acting Minister of Finance recommends that the Committee:**

### **Background**

- 1 note that in August 2004 the Cabinet Policy Committee, during consideration of the review of the Overseas Investment Act 1973, invited the Minister of Finance to report on issues related to monitoring and enforcement of the overseas investment regime, fishing quota issues and any further policy issues that are raised during the legislation drafting process [POL Min (04) 19/5];

### **Enforcement provisions in the Overseas Investment Act**

- 2 agree that the maximum level of fines in the Overseas Investment Act 1973 (the Act) be increased from \$100,000 for bodies corporate to \$300,000, and that this new level should apply to both individuals and bodies corporate;
- 3 agree that the Court, on application by the regulator, be able to impose civil penalties payable to the government or any other person specified by the Court for a failure by a consent holder to comply with any conditions of the consent;
- 4 agree that the maximum for civil penalties under the Act be set at the highest of:
  - 4.1 \$300,000; or
  - 4.2 any gain by the consent holder in relation to the property to which the consent refers; or
  - 4.3 the cost of remedying the breach of condition; or
  - 4.4 the loss suffered due to the breach of condition;

- 5 agree that the regulator will have the ability to impose administrative penalties for failure to supply any information or declaration reasonably required up to a limit of \$500;
- 6 agree that the existing power of the Court to order the disposal of property where an overseas person is in breach of the Overseas Investment Act should be retained with the following changes:
  - 6.1 the two year time limit should be removed;
  - 6.2 the Court should be authorised to control the sales process;
  - 6.3 the penalty should apply to failure to comply with the Act as well as the current wording "in contravention" of the Act.
- 7 agree that the Court should be able to order that a mortgage be registered against any land of a consent holder for the purpose of securing any amount owed to the government or any other person under the conditions of a consent, or payment of a fine or penalty including interest on any such amount;
- 8 agree that the regulator, after obtaining a warrant from a judge, should be able to search premises and seize property for the purpose of ascertaining whether a person is contravening the Act;
- 9 agree that, instead of having to prove that there was an "intent to deceive" on the part of an overseas person who has provided false information or made false or misleading statements, the regulator will only have to prove that the overseas person *knowingly or recklessly* provided false information or made false or misleading statements;

#### **Aligning the Fisheries Act and the overseas investment regime;**

- 10 agree that the wording of the Fisheries Act 1996 be changed to align with the requirements to obtain permission in the Act;
- 11 agree that overseas persons who currently legally hold shares in fishing quota owning companies will not be required to apply for permission to hold the existing level of quota as a result of the change agreed in paragraph 10 above but any increase in their shareholding in future will require permission;
- 12 agree that the existing split of responsibility between the overseas investment regulator (responsible for enforcing all breaches under the Act except for breaches relating to ownership of fishing quota) and the Chief Executive of Fisheries (responsible for taking action against overseas persons holding fishing quota without permission) should be retained and clarified if necessary in legislation;

#### **Other policy issues arising from drafting**

- 13 note that the Minister of Finance has delegated authority to deal with technical issues that arise during the drafting process but if there are any substantive issues that require approval during the drafting process officials will report to Cabinet Policy Committee;

## Consultation

- 14 note that the Acting Minister of Finance indicates that consultation will be required with the government caucuses and other parties represented in Parliament.

Bob Macfarlane  
for Secretary of the Cabinet

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### Copies to:

Cabinet Policy Committee  
 Chief Executive, DPMC  
   Director PAG, DPMC  
 Secretary to the Treasury  
 Chief Executive, Ministry of Economic Development  
 Secretary for Justice  
   Secretary of Foreign Affairs and Trade  
 Director-General, Ministry of Agriculture and Forestry (Agriculture)  
   Director-General, Ministry of Agriculture and Forestry (Forestry)  
   Director-General, Ministry of Agriculture and Forestry (Rural Affairs)  
 State Services Commissioner  
 Chief Executive, Ministry of Economic Development, (Commerce)  
 Chief Executive, Te Puni Kokiri  
 Minister of Immigration  
   Secretary of Labour (Immigration)  
 Minister for Land Information  
   Chief Executive, Land Information New Zealand (LINZ)  
 Minister of Conservation  
   Director-General of Conservation  
   Secretary for Internal Affairs (Local Government)  
 Minister of Fisheries  
   Chief Executive, Ministry of Fisheries  
 Chief Parliamentary Counsel

Chair  
CABINET POLICY COMMITTEE

## **REVIEW OF THE OVERSEAS INVESTMENT ACT – ENFORCEMENT ISSUES AND FOREIGN INVESTMENT IN FISHING QUOTA**

### **PROPOSAL**

1. On 30 August 2004 Cabinet invited the Minister of Finance to report to POL by the end of September 2004 on issues related to monitoring and enforcement of the overseas investment regime, fishing quota issues and any further policy issues that are raised during the legislation drafting process. [CAB Min (04) 28/3 refers].
2. This paper seeks Cabinet approval for proposed changes to the penalties available for breaches of the overseas investment act; and seeks Cabinet approval to align the Fisheries Act provisions that cover investment in fishing quota by overseas persons with those for other sensitive assets.

### **EXECUTIVE SUMMARY**

3. Cabinet has agreed to a number of changes to the overseas investment regime including strengthening the monitoring and enforcement of conditions on overseas persons making investments in sensitive New Zealand assets. These included introducing administrative penalties for failure to supply statutory declarations confirming an overseas person was complying with conditions, and introducing civil penalties for breaches of the Act.
4. This paper seeks more detailed decisions from Cabinet including:
  - Setting limits on the administrative and civil penalties;
  - Increasing the level of penalties for breaches of the Act from the current \$100,000 to \$300,000 and removing the distinction between individuals and natural persons;
  - Retaining the existing power for the Courts to order the disposal of property in the event of a breach of the Act with some minor modifications;
  - Authorising the Courts to order a mortgage be registered on a property when civil penalties or fines are imposed;
  - Allowing the regulator to have the power to request a warrant from the Courts to search premises and seize documents in the course of investigating serious breaches of the Act; and
  - Removing the requirement for the regulator to prove that applicants were intending to deceive them in a situation where the applicant provides false or misleading information.

5. The Fisheries Act 1996 contains four sections relating to overseas persons holding fishing quota. These sections need to be consistent with the new overseas investment regime. There are currently some minor inconsistencies between the Fisheries Act and the existing Overseas Investment Act which will require amendments to:
- Ensure the two Acts both require an overseas person to apply for permission to purchase sensitive New Zealand assets (currently under the Fisheries Act in some cases no permission is required or a company already holding consent needs to apply instead of the overseas person); and
  - Clarify (but not alter) the separate powers for enforcement of breaches of the overseas investment regime administered by the overseas regulator and the Chief Executive of the Ministry of Fisheries.

## **BACKGROUND**

### ***Monitoring and enforcement***

6. On 28 June 2004 Cabinet agreed to a number of changes to the Overseas Investment Act [CAB Min (04) 22/6 refers]. The key changes agreed to the monitoring and enforcement regime were:
- Reasonable compliance with representations made and plans submitted in support of an application will be made conditions of consent; and
  - The courts will have greater flexibility in the area of penalties for contravening the Act.
7. At the time it was noted that there was likely to be further work required to finalise these enforcement proposals and that a report back to Cabinet would be required. This paper details the major changes to the enforcement regime that still require Cabinet approval.

### ***Fisheries Act***

8. As part of the supplementary issues arising from the overseas investment review, Cabinet requested a report on fishing quota issues (CAB Min (04) 28/3 refers). The Fisheries Act 1996 contains four sections setting out the restrictions on investment in fishing quota by overseas persons. Two of these sections are to be read as if they were part of the Overseas Investment Act 1973 but the two Acts are worded slightly differently with the unintended consequence that some purchases of fishing quota by overseas persons do not require permission.

## **MONITORING AND ENFORCEMENT**

### ***Offences under the Act***

9. Offences under the Overseas Investment Act generally fall into two categories:
- i Failure to comply with conditions of consent; and
  - ii Failure to obtain consent.

10. Penalties under the Act, including monetary penalties and sale ordered by the Court, currently apply to both offences. The enforcement regime will also ensure that penalties apply to failure to provide information reasonably requested by the regulator; that civil penalties can be imposed; and that overseas persons will be required to maintain an address for service in New Zealand.

### ***Failure to supply information***

11. Investigating breaches can require the regulator to obtain information about the breach. Cabinet has agreed that the regulator will have the ability to impose administrative penalties for failure to supply any information or declaration reasonably required. The level of penalty is limited to \$500 by Legislation Advisory Committee guidelines. The experience of the Overseas Investment Commission has been that having the power to apply to the courts for a search warrant would have been a significant help in a small number of their investigations of serious breaches of the Act. I propose that this additional power be included in the revised Overseas Investment Bill.
12. Under the current Overseas Investment Act, the regulator needs to prove that false or misleading information was supplied "with intent to deceive". This is a very high test which has proved difficult to enforce, particularly against non-residents. It is not possible to simply delete the words "with intent to deceive" as this is a criminal provision and therefore it is not sufficient to merely establish that a false or misleading statement has been made - there must be proof of some knowledge or recklessness to establish the offence. Therefore I propose that the words "intent to deceive" be replaced with "knowingly or recklessly". A precedent for these new words is section 21(3)(b) of the Children's Commissioner Act 2003.

### ***Failure to comply with conditions of consent or failure to obtain consent***

13. Existing penalties include imprisonment for up to 12 months, fines of up to \$30,000 for individuals or \$100,000 for companies; and power for the High Court to order a sale of the property.
14. Cabinet has agreed to provide more flexibility around the Court's powers to impose fines, recognising any gain made by the person in breach, or the cost of remedying the breach. I propose that the level of fines should be increased from the current maximum of \$30,000 for individuals and \$100,000 for bodies corporate to \$300,000 and that there be no distinction between individuals and bodies corporate. This amount has been determined by reference to similar offences in the Securities Act (section 60).
15. The courts are rightly reluctant to order a sale of property but I consider that this power should remain as a necessary sanction for overseas persons who do not meet the criteria for owning sensitive New Zealand assets or are in irreconcilable breach of conditions. I propose that the power to order the sale of a property should be retained with the following changes:
  - i The two year time limit should be removed;
  - ii The Court should be authorised to control the sales process and could sell the property without the involvement of the consent holder; and
  - iii The penalty should apply to failure to comply with, as well as contraventions of the Act.

### ***Civil penalties***

16. The Act does not currently allow the Court to impose civil penalties. In some circumstances civil penalties may be appropriate - for example where it can be shown

that a third party has suffered loss as a result of a failure to comply with a condition of consent. The Act should authorise the Court, on application by the regulator, to impose monetary penalties payable to the Government or any other person specified by the Court for a failure by a consent holder to comply with any conditions of the consent. I recommend that that flexibility be given to the Courts to set civil penalties that relate to the breach of the Act. The maximum civil penalties should be set at the higher amount of \$300,000; or

- Any gain by the consent holder in relation to the property to which the consent relates; or
- The cost of remedying the breach of condition; or
- The loss suffered due to the breach of condition.

### ***Further protection mechanisms***

17. Because any penalties imposed under the Overseas Investment Act will necessarily be imposed on persons who are not New Zealand resident, the Courts should have access to some further protection mechanisms. First, Cabinet has already agreed that as part of the revised Overseas Investment regime non-residents will be required to maintain an address in New Zealand as a condition of consent. This will help with enforcing the regime against non-residents. Non-residents in breach of their consent conditions can be issued with a court order at their listed address for service.
18. Secondly, I recommend that the Courts be authorised to order that a mortgage be registered against any land to which the consent relates. This will have the effect of ensuring any outstanding penalties are paid before the property can be sold. It also gives the court another power of sale should that be required.



## ALIGNING THE FISHERIES ACT WITH THE REVISED OVERSEAS INVESTMENT REGIME

### *Who needs to apply for permission*

19. The table below shows who needs to apply for consent when an overseas person purchases fishing quota<sup>1</sup> under the Fisheries Act 1996, and compares it with the applicant if the asset is land or business being purchased under the Overseas Investment Act. There are two situations where there are differences which I recommend be aligned:

Situation	Applicant for: Fishing quota	Applicant for: Land / Business
1. An overseas person (OP) purchases 25% or more of a company owning sensitive assets.	<p>The company the OP is buying into.</p> <p>Under s56 of the Fisheries Act, permission is required to own quota, or an interest in quota.</p> <p>Owning shares in a company that owns quota does not translate into the shareholder owning the quota.</p> <p>Thus, the company the OP is buying into is required to seek consent to continue to own its quota.</p>	The OP
2. An OP shareholder (OP1) sells its (greater than 25%) share of a company (NZ Ltd) that owns sensitive assets to another OP (OP2)	<p>No consent required</p> <p>The company already has permission for it to hold quota as an overseas person (obtained under situation 1).</p>	OP2

20. There are two problems raised by situation 1:

- i. The overseas person does not have to meet the investor test that applies to all foreign investors under the overseas investment regime.<sup>2</sup>
- ii. A shareholder wishing to sell their shares to an overseas person cannot do so without the consent of the company. This is because the company must apply for permission prior to the transaction occurring, or be in breach of the Act for the period between the OP buying into the company and the permission / consent being granted (or not). The consent of the company may not always be forthcoming.

21. Under situation 2, the change in ownership is not subject to screening, therefore no good character or economic development test is applied to the new owner.

<sup>1</sup> Quota refers to provisional catch history, quota, annual catch entitlement or any interest in any such provisional catch history, quota, annual catch entitlement.

<sup>2</sup> The investor test requires that the overseas person be of good character, have business acumen and be able to show financial commitment.

22. I propose that the wording relating to fishing quota be changed to align with the requirements for other sensitive assets. This change is likely to make the process clearer for participants in the industry, but is not expected to change the nature of the decisions. It also ensures that the shareholders of companies owning quota are screened and are subject to the good character and economic development tests.
23. However it does mean a change for the fishing industry as some transactions that currently do not require permission / consent will do so under the revised regime. There will also be some overseas persons who have shares in fishing quota companies but who have not had to apply for permission under the current law. Since the company they are shareholders of will have permission to hold quota the main risk is that there are overseas shareholders that may not meet the investor test. I propose that overseas persons in this position be covered with a grand-parenting provision rather than be required to retrospectively apply for permission. That is, permission would only be required for new purchases of fishing quota. To do otherwise would be unreasonable as previous investments were made based on the law at the time.
24. There is a possibility that these changes may be perceived to be more restrictive by some parts of the industry and may attract adverse comment. However, the number of transactions affected by this change is likely to be very small. There have been no fishing quota applications in the last three years.

***Clarifying the relationship between the different enforcement mechanisms in the Fisheries and Overseas Investment Acts***

25. Cabinet agreed (POL Min (04) 15/3 recommendation 20) that the monitoring and enforcement provisions in respect of fishing quota contained in the Fisheries Act 1996 be aligned with the revised provisions of the Overseas Investment Act.
26. Any change to the enforcement provisions of the Overseas Investment Act outlined above will automatically become relevant to fishing quota. At present section 56 (Quota or annual catch entitlement not to be allocated to overseas persons) and section 57 (Minister may permit acquisition or continued holding of quota by persons to whom section 56 applies) of the Fisheries Act are to be read as if they were part of the Overseas Investment Act and Regulations.
27. The enforcement provisions contained in section 58 of the Fisheries Act are not read as part of the Overseas Investment Act and involve a different process to that envisaged in the overseas investment regime. However, I do not plan to alter the current process for breaches of ownership in fishing quota by overseas persons as set out in section 58 of the Fisheries Act. It is appropriate to keep the current power to order the forfeiture of illegally held fishing quota despite the fact that this enforcement mechanism is not available for breaches of the Overseas Investment Act relating to land and other sensitive assets. The power of forfeiture is used for other fisheries offences and is a clear and effective way of ensuring quota is made available to legitimate owners within a short time frame and serves as a clear disincentive to acquire quota without permission.
28. For clarity, the relationship between the enforcement provisions in the Fisheries Act and the Overseas Investment Act should be made explicit. This would be best done by clarifying in both Acts that the Overseas Investment Regulator is responsible for administering applications for purchase of all sensitive assets including fishing quota by overseas persons and determining and enforcing any conditions relating to consents. I propose that the new investment regulator continue to perform this role with some expanded powers as outlined above.

29. The Commission also enforces ownership breaches where an overseas person holds a sensitive asset without permission except in the case of fishing quota. Section 58 of the Fisheries Act sets out a clear process for situations where overseas persons hold fishing quota without permission. The enforcement process in this situation is administered by the Chief Executive of the Ministry of Fisheries. I propose that this division of responsibilities continue and that Section 58 be amended to remove reference to breach of consent conditions to align the Act with current practice.

#### ***Other minor changes to the Fisheries Act***

30. There are also some minor drafting changes required to section 57A of the Fisheries Act which contains a reference to the Overseas Investment Commission (the Commission is to be disestablished and its functions moved to LINZ); and a vaguely worded phrase "all other necessary modifications" which should not be necessary once the Fisheries Act is aligned with the new revised Overseas Investment Act.

#### **OTHER POLICY ISSUES ARISING FROM DRAFTING**

31. An issue has been identified as part of the review of foreign ownership of fishing quota relating to consents granted under the now repealed section 28z of the Fisheries Act 1983. These consents are still in effect but are very broadly worded, namely to "hold and acquire quota", and could allow holders to acquire new quota without requiring further permission / consent, or being subject to any economic development test. The risk may be quite small as only a limited number were issued and some companies may no longer be in operation.
32. I would not like to see these old consents used as a loophole allowing overseas persons to avoid applying for consent for new quota. Under the current Overseas Investment Act I have the power to alter or vary existing consents but Cabinet has agreed that this power will be limited once the revised legislation is in place. Officials will be tasked with providing further advice over the next few months to determine whether these consents need to be altered while that power is still available.

#### **CONSULTATION**

33. The Ministry of Fisheries, Ministry of Justice, Overseas Investment Commission, and Department of Prime Minister and Cabinet have been consulted.

#### **FINANCIAL IMPLICATIONS**

34. None

#### **LEGISLATIVE IMPLICATIONS**

35. If Cabinet agrees to the proposals in this paper there will be some minor amendments to the Fisheries Act to align it with the Overseas Investment regime particularly in terms of who needs to apply for permission when an overseas person is seeking to own fishing quota; and clarifying that the enforcement provisions in section 58 of the Fisheries Act relate to breaches of ownership.
36. Cabinet decisions on enforcement measures will be used as input into the drafting of the revised Overseas Investment Bill.

#### **RECOMMENDATIONS**

37. The Minister of Finance recommends that the Committee:

### ***Enforcement Provisions in the Overseas Investment Act***

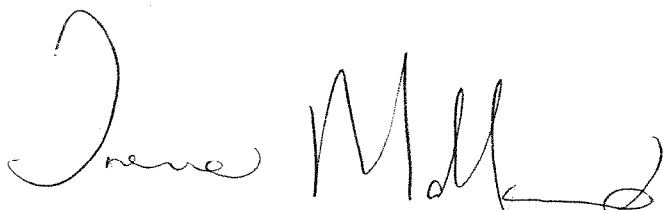
1. **Note** that Cabinet invited the Minister of Finance to report to POL by the end of September 2004 on issues related to monitoring and enforcement of the overseas investment regime, fishing quota issues and any further policy issues that are raised during the legislation drafting process [CAB Min (04) 28/3 refers].
2. **Agree** that the maximum level of fines in the Overseas Investment Act be increased from \$100,000 for bodies corporate to \$300,000, and that this new level should apply to both individuals and bodies corporate;
3. **Agree** that the Court, on application by the regulator, be able to impose civil penalties payable to the Government or any other person specified by the Court for a failure by a consent holder to comply with any conditions of the consent;
4. **Agree** that the maximum for civil penalties under the Act be set at the higher of:
  - i \$300,000; or
  - ii any gain by the consent holder in relation to the property to which the consent relates; or
  - iii the cost of remedying the breach of condition; or
  - iv the loss suffered due to the breach of condition.
5. **Agree** that the regulator will have the ability to impose administrative penalties for failure to supply any information or declaration reasonably required up to a limit of \$500;
6. **Agree** that the existing power of the courts to order the disposal of property where an overseas person is in breach of the Overseas Investment Act should be retained with the following changes:
  - i the two year time limit should be removed;
  - ii the Court should be authorised to control the sales process; and
  - iii the penalty should apply to failure to comply with the Act as well as the current wording "in contravention" of the Act.
7. **Agree** that the Courts should be able to order that a mortgage be registered against any land of a consent holder for the purpose of securing any amount owed to the Government or any other person under the conditions of a consent, or payment of a fine or penalty including interest on any such amount;
8. **Agree** that the regulator, after obtaining a warrant from a judge, should be able to search premises and seize property for the purpose of ascertaining whether a person is contravening the Overseas Investment Act;
9. **Agree** that the regulator will no longer have to prove that there was an "intent to deceive" on the part of an overseas person who has provided false information or made false or misleading statements;

### ***Aligning the Fisheries Act and the Overseas Investment Regime;***

10. **Agree** that the wording of the Fisheries Act 1996 be changed to align with the requirements to obtain permission in the Overseas Investment Act;
11. **Agree** that overseas persons who currently legally hold shares in fishing quota owning companies will not be required to apply for permission to hold the existing level of quota as a result of the changes agreed in recommendation 10 above but any increase in their shareholding in future will require permission;
12. **Agree** that the existing split of responsibility between the overseas investment regulator (responsible for enforcing all breaches under the Act except for breaches relating to ownership of fishing quota) and the Chief Executive of Fisheries (responsible for taking action against overseas persons holding fishing quota without permission) should be retained and clarified if necessary in legislation;

***Other Policy Issues Arising from Drafting***

13. **Note** that the Minister of Finance has delegated authority to deal with technical issues that arise during the drafting process but if there are any substantive issues that require Cabinet approval during the drafting process officials will report back to Cabinet.

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

Hon Trevor Mallard  
Acting Minister of Finance

## Consultation on Cabinet and Cabinet Committee Submissions

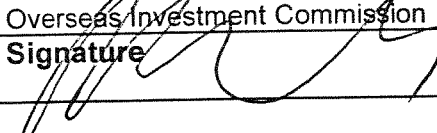
### Certification by Department

**Departments consulted:** The attached submission has implications for the following departments whose views have been sought and are accurately reflected in the submission:

Ministry of Fisheries, Ministry of Justice, and Department of Prime Minister and Cabinet.

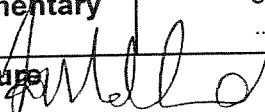
**Departments informed:** In addition, the following departments have an interest in the submission and have been informed: .....

**Others consulted:** Other interested groups have been consulted as follows:  
Overseas Investment Commission

<b>Signature</b> 	<b>Name, Title, Department</b> Steve Rylands, Principal Advisor, Treasury	<b>Date</b> 29/9/04
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### CERTIFICATION BY MINISTER

Ministers should be prepared to update and amplify the advice below when the submission is discussed at Cabinet/Cabinet committee. The attached submission:

<b>Consultation at Ministerial level</b>	<input checked="" type="checkbox"/> did not need consultation with other Ministers <input type="checkbox"/> has been the subject of consultation with the Minister of Finance <i>[required for all submissions seeking new funding]</i> <input type="checkbox"/> has been the subject of consultation with the following Minister(s) .....	
<b>Consultation with Government MPs</b>	<input type="checkbox"/> does not need consultation with the government caucuses <input type="checkbox"/> <b>has been or will be</b> <i>[specify which]</i> the subject of consultation with the following government caucuses: <input checked="" type="checkbox"/> Labour caucus <input checked="" type="checkbox"/> Progressive Coalition caucus	
<b>Consultation at Parliamentary level</b>	<input type="checkbox"/> does not need consultation at parliamentary level <input checked="" type="checkbox"/> <b>has been or will be</b> <i>[specify which]</i> the subject of consultation with the following other parties represented in Parliament: <i>To be determined</i>	
<b>Signature</b> 	<b>Portfolio</b> <i>Prime</i>	<b>Date</b> 30/9/04