

The Treasury

Mixed Ownership Model for Crown Commercial Entities: Treasury Advice Information Release

4 September 2012

Release Document

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Treasury Report: Annotated Agenda for Discussions with PM on Mixed Ownership Model and related Crown/Maori issues

Date:	17 February 2012	Report No:	T2012/254
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Action Sought

	Action Sought	Deadline
Minister of Finance (Hon Bill English)	Refer this proposed agenda to the Prime Minister Note Chris White or Ivan Kwok are available for a phone conversation over the weekend if you require	Sunday 19 February 2012
Associate Minister of Finance (Hon Steven Joyce)	Read this proposed agenda	Sunday 19 February 2012
Minister for State Owned Enterprises (Hon Tony Ryall)	Read this proposed agenda	Sunday 19 February 2012

Contact for Telephone Discussion (if required)

Name	Position	Telephone	1st Contact
Chris White	Manager	[1]	✓
Ivan Kwok	Principal Advisor		

Minister of Finance's Office Actions (if required)

Refer report to Prime Minister if Minister agrees

Enclosure: Yes (attached)

Treasury Report: Annotated Agenda for Discussions with PM on Mixed Ownership Model and related Crown/Maori issues

Purpose of Report

1. You are scheduled to have a teleconference with the Prime Minister at 8.30pm on Sunday 19 February to discuss the mixed ownership consultation, and also to meet with the Prime Minister at 2pm on Monday on a wider set of mixed ownership and related Crown-Maori issues (Cabinet finish time permitting, and presuming that you don't cover everything on Sunday).
2. This report proposes an agenda of interrelated issues which we suggest you cover over the two discussions.

Analysis

3. The discussions are an opportunity to consider:
 - a. a range of interrelated issues impacting on mixed ownership and the Crown Maori relationship together, and to find ways to positively progress each, within a very tight timeframe, and
 - b. timetabling risks to the MOM work programme in general.
4. The nexus of MOM and Maori issues includes:
 - a. The Maori response to the consultation on how the mixed ownership legislation will affect their rights and interests in the companies
 - b. The claims to the Waitangi Tribunal by the New Zealand Maori Council (NZMC) and others on the sale of shares in electricity generating SOEs (Wai 2657) and in water and geothermal resources (Wai 2658)
 - c. The letter from Tumu Te Heuheu to the Prime Minister, dated 9 February, setting out a number of concerns about the MOM process and Tuwharetoa rights and interests in natural resources, and
 - d. Processes to resolve Maori rights and interests in water, including the Iwi Leaders water summit at Hopuhopu on 23 and 24 February 2012.

[4]

[6]

6. An annotated agenda and a timeline of key dates is attached. A number of other papers are also provided to help with thinking about the issues:

- a. Aide memoire: initial summary of feedback from consultation with Māori on the mixed ownership model
- b. Aide memoire: options for Treaty clause in the Mixed Ownership Model bill
- c. Treasury report: Crown's response to application for urgent hearing on Waitangi claim on sale of power generating SOEs. Attached to the report is a draft of a proposed letter to the Tribunal setting out the Government's view that the mixed ownership model will not prejudice Maori rights and interests in water, and
- d. The draft reply to Tumu Te Heuheu from the Prime Minister.

Recommendations

We recommend that you **refer** the proposed agenda to the Prime Minister

Agree/disagree.

Chris White
Manager, Commercial Transactions Group

Hon Bill English
Minister of Finance

Proposed agenda for discussions with PM on mixed ownership model and related Crown/Māori issues

8.30pm Sunday 19, and 2.00pm Monday 20, February 2012

Agenda item	Issue	Recommendation
1. Maori Consultation on MOM	Crown's response to consultation feedback – particularly on s9 and on water.	Reflect on key high level themes from the consultation to inform agenda items 2-4.
2. Treaty clause in the MOM part of the PFA	<p>Treatment of s9 or s9-like provision in the MOM part of the PFA, including:</p> <ul style="list-style-type: none"> • How much direction can be signalled to iwi leaders and the Tribunal this coming week (ahead of close of consultation and Cabinet decision) • How to build consensus with Māori ahead of announcements. 	Discuss options in aide memoire. No decision should be made until consultation has closed.
3. MOM Claim (Wai 2357)	Waitangi Tribunal has directed Crown to respond to an application for urgent hearing by 24 February. Opportunities to mitigate Maori concerns about s.9; and to separate water from MOM.	<p>Agree to approach proposed in Treasury report</p> <p>Agree to Crown Counsel's draft submission</p>
4. Reply to Tumu Te Heuheu letter	[6]	Agree to reply being provided in time for Iwi Leaders Water Summit
5. Overall MOM timetable	[6]	Discuss

[6]