

The Treasury

Release of Submissions: Mixed Ownership Model Consultation with Māori

Release Document

March 2012

www.treasury.govt.nz/publications/reviews-consultation/mixed-ownership/submissions

Key to sections of the Official Information Act 1982 under which information has been withheld.

Certain information in this document has been withheld under the following section of the Official Information Act, as applicable:

[1] 9(2)(a) - to protect the privacy of natural persons, including deceased people.

Where information has been withheld, a numbered reference to the applicable section of the Official Information Act has been made, as listed above. For example, an [1] appearing where information has been withheld in a release document refers to section 9(2)(a).

In preparing this Information Release, the Treasury has considered the public interest considerations in section 9(1) of the Official Information Act.

Mixed Ownership Model Submission Form

The Government welcomes your feedback on this consultation document, particularly the questions set out below.

You can make a submission by using this form, which is also available electronically at www.treasury.govt.nz/mixed-ownership-consultation

1 Contact Details

I am responding (please complete one):

As an individual

Your name	Mark Ross
Your iwi affiliation	Ngati Tuwharetoa
Address	[1]
Email address	

On behalf of an organisation

Your name	
Organisation you represent	
Address	
Email address	

2 Submission

Question 1: What rights and interests, if any, do Māori have in the Mixed Ownership Model Companies that are not protected by the section 27A-D memorials regime, or by other legislation?

Under the proposed MOM Maori could no longer rely on the Crown to have sufficient powers to call in or direct a company on any matter raised by Maori that potentially affected our rights & interests under the Treaty – as is able to occur now with SOE's

As well, the Crown intends allocating comprehensive user control of geothermal + water resources to companies when the governing authority or ownership / property rights over those resources has yet to be properly determined between the Treaty partners or by the Waitangi tribunal. Diminishing effectiveness of Treaty & Tangata Whenua provisions in the RMA undermines confidence that any other legislation would satisfactorily protect Maori rights & interests when these intersect the rights & interests of a MOM company

Question 2: How would any rights and interests identified in question 1 be protected by continued application of section 9 of the State-Owned Enterprises Act 1986?

Continued application of section 9 protects Maori rights & interests by enabling an operating & legislative environment for companies based on a framework of NZ constitutional values and sovereignty, rather than being aligned or exposed to global regulatory pressure or trade arrangements where both Maori & NZ interests are not a priority

Also, if HEP energy companies in the Tongariro region are unconstrained so as to solely control the flow of water to Lake Taupo and the Waikato & Whanganui rivers for maximum profit then Iwi rights & interests under the Treaty (cultural, developmental & ecological) will inevitably be compromised / undermined

Question 3: Could any rights and interests identified in question 1 be protected by an alternative, more specific, formulation of the Crown's obligations under the Treaty?

Not unless such equivalent was specifically provided for by each MOM company in its constitution; a general Treaty provision like section 9 is all encompassing and helps to both future proof the relevance of the Treaty going forward for the protection of Maori (& NZ) rights & interests, and clarify to potential shareholders the particular nature of the company that they will be investing in

Specific provision should be made in legislation for 40% of directors on the boards of any MOM companies to be appointed by agreement between the Crown & Maori as Treaty partners

Additional comments: Please insert any other comments you wish to make on this consultation document.

Given the significant interests & presence in Ngati Tuwharetoa of geothermal energy & HEP assets / resources there should have been at least one consultation hui in our rohe

Consultation period way too short & venues not big enough

All submissions will be publicly available

The Government will publicly release your submission, a summary of submissions and a list of the names of submitters, on The Treasury's website: www.treasury.govt.nz/mixed-ownership-consultation.

Your name will be made publicly available as part of your submission when it is released

Your contact details will be removed from your submission before it is posted on the website, recorded in the summary of submissions or released under the Official Information Act 1982 (OIA).

If you do not wish your name in your submission to be released, please clearly state this in your submission or tick the option below:

I request that my name be removed from my submission before it is released and that it is recorded as 'anonymous' in the summary of submissions.

If there is particular information in your submission that you wish to remain confidential, please clearly indicate this and explain your reasons for wanting the information kept confidential.

The Treasury is subject to the OIA and copies of submissions sent to The Treasury will normally be released in response to an OIA request from a member of the public. If your submission is subject to an OIA request, The Treasury will consider your confidentiality request in accordance with the grounds for withholding information outlined in the OIA. You can view a copy of the OIA on the New Zealand Legislation website: www.legislation.govt.nz.

The Privacy Act 1993 governs how The Treasury collects, holds, uses and discloses personal information about you which is contained in your submission. You have the right to access and correct this personal information.

Submissions can be sent by email to mixed-ownership-consultation@treasury.govt.nz or by post to:

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The deadline for receipt of submissions is **5pm on Wednesday 22 February 2012**. Late submissions will not be considered.