

# 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](http://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](http://www.treasury.govt.nz/mixed-ownership-consultation)

## 1 Contact Details

*I am responding (please complete one):*

### As an individual

<b>Your name</b>	
<b>Your iwi affiliation</b>	
<b>Address</b>	
<b>Email address</b>	

### On behalf of an organisation

<b>Your name</b>	David Nonu
<b>Organisation you represent</b>	Caritas Aotearoa New Zealand in consultation with Te Rūnanga O Te Hāhi Katorika ki Aotearoa
<b>Address</b>	PO Box 12193 Wellington 6144
<b>Email address</b>	[1]

## 2 Submission

<b>Question 1:</b> 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?
There has been insufficient time given to respondents to fully consider this question. However, at a minimum we would expect the protections provided by these sub sections to be carried over into any new legislation.

**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?

There has been insufficient time given to respondents to fully consider this question. A much wider consultation period is needed to ensure that this question is given the attention it needs.

**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?

There has been insufficient time given to respondents to fully consider this question. Additionally, there is case law that needs to be considered in relation to Crown obligations under Te Tiriti o Waitangi.

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

- a. Caritas Aotearoa New Zealand is the Catholic agency for Justice, Peace and Development. We are mandated by the New Zealand Catholic Bishops Conference to work for the elimination of poverty and injustice through development and aid work internationally, and through advocacy and education for social justice in New Zealand. We are making this submission in consultation with Te Rūnanga o Te Hāhi Katorika ki Aotearoa.
- b. The New Zealand Catholic Bishops said in 1995:  
"Please, keep trying to address the grievances of the past with integrity and consultation. The indigenous people of our country, the Maori, deserve better than unilateral arrangements and imposed settlements for genuine, acknowledged wrongs. Treaty of Waitangi issues are not about party politics. They are about honouring with goodwill the covenant entered into by the Crown and Maori, on which this nation is founded. They are about the right of the first occupants to land, and a social and political organisation which would allow them to preserve their cultural identity. They are about a people still searching for the sovereignty guaranteed them 150 years ago. We ask then that you look boldly to a new process of consultation on the meaning and application of tino rangatiratanga and kawanatanga as encompassed in Te Tiriti."
- c. At the Consultation Hui in Te Whanganui-a-Tara many of the speakers stated that the wrong questions were being asked. This submission supports that viewpoint. This consultation process does not try to resolve any grievances but in fact creates more problems due to the limited scope of engagement.
- d. Meaningful consultation would include the time and resources being made available to affected parties to enable dialogue on what is proposed. The media release on 27 January 2012 to the deadline for submissions on 22 February 2012 is too short a time to have meaningful dialogue with Māori as it gives no time for Iwi in particular to hui amongst themselves.

- e. We are also mindful of other matters that would impact on the asset sale programme such as the NZ Maori Council claim to the Waitangi Tribunal, and the Constitutional Review. We believe there is both a need and an opportunity to review the wording of Section 9 of the State Owned Enterprises Act to capture significant legal decisions on the Treaty of Waitangi and the practical experience of working together for the past 25 years since the 1986 Act was passed. However, we believe the appropriate forum for that is the Constitutional Review.
- f. In view of these considerations, we support the retention of the provisions of Section 9 of the State Owned Enterprises Act 1986 as it relates to the new legislation being proposed under the Public Finance Act.
- g. Summary
- We support the retention of Section 9 of the State Owned Enterprises Act 1986 as it relates to the new legislation being proposed under the Public Finance Act.
  - Insufficient time has been allowed for meaningful consultation.
  - The Constitutional Review provides a better opportunity and a more appropriate forum for any reconsideration of the wording of Section 9.

### **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](http://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](http://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](mailto:mixed-ownership-consultation@treasury.govt.nz) or by post to:

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Commercial Transactions Group  
The Treasury  
PO Box 3724  
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The deadline for receipt of submissions is **5pm on Wednesday 22 February 2012**. Late submissions will not be considered.