

The Treasury

Release of Submissions: Mixed Ownership Model Consultation with Māori

Release Document

March 2012

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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.

Mrs.O.Ripia

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18th February 2012

Mixed Ownership Model Consultation with Maori
Commercial Transaction Group
The Treasury
PO.Box 372
Wellington 6140.

Dear Sit / Madam,

Section 27 A-D provides a regime for memorials to be placed on the titles of land that is transferred by the Crown to SOEs. This land must be resumed by the Crown if the Waitangi Tribunal makes a recommendation for its return to Maori ownership or if the Governor General by order in council requires the Crown to resume ownership of land that is wahi tapu.

Section 9 of the SOE Act provides that "nothing in this Act shall permit the Crown to act in a manner that is inconsistent with principles of the Treaty of Waitangi". The Government has yet to come to a view on the treatment of section 9. in the new legislation and sees three options.

No general Treaty clause; retaining section 9 as it applies to the Crown's shareholding; or including a new provision relating to the Crown's obligations under the Treaty.

Before making a decision, it would like to understand Maori views on the specific rights and interests that section 9, or a new Treaty clause, would protect in respect of the powers that Ministers will be able to exercise over the Mixed Ownership Model Companies.

Question 1.

What rights and interests if any do Maori have in the Mixed Ownership Model Companies that are not protected by the section 27A-D Memorial Regime or by any other legislation?.

Answer to Q.1.

Any rights or interests that Maori may have in the Mixed Ownership Model Companies are not protected by the section 27A-D Memorial Regime or by any other legislation but the land upon which the Power Stations were built were protected by Article 2 or Ture 2 of the 1840 Treaty / Tiriti o Waitangi. The Queen of England confirmed and guaranteed Full Exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries and other properties which they may collectively or individually possess so long as it was their desire and wish to retain the same in their possession, but the Chiefs of the United tribes and the Individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and person appointed by Her Majesty to treat with them in that behalf.

There, is the protection clause that Maori depend upon regarding their taonga tuku iho their land. The SOE must be able to show that a Monarch of England appointed a purchaser to exercise His or Her only, pre-emptive right to alienate Maori land before it

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can become Crown Land which in turn may become SOE.

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.

Answer to Q.2.

By the fact that if it has been purchased by the Monarch's appointed purchaser from the Maori proprietors it has then truly become Crown property and then and only then will Section 9. of the SOE Act provide that nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of Article 2 or Ture 2 of the 1840 Treaty / Tiriti o Waitangi.

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

Answer to Q.3. To begin the Commercial Transaction Group must understand that the Crown is the Monarch of England not a bunch of Ministers selected by their government's caucus. The Monarch is the person with whom the 1840 Treaty / Tiriti of Waitangi was named to represent the State of England and the Maori Chiefs were the persons named to represent their tribal / hapu groups, for the State of New Zealand; Therefore the Commercial Transaction Groups focus must be upon the 1840 Treaty of Waitangi's Article 2 or Ture 2. and furthermore a Treaty is a document embodying a formal contract between States relating to peace, truce, alliance, commerce etcetera in negotiating treating.

Additional Comments.

* The Holy Bible of the Advance Party to New Zealand, the Missionaries, states.

" Galatians 3. v. 15. - My brothers I am going to use an every day example; when two people agree on a matter and sign an agreement, no one can break it or add anything to it".

* Water. - Water is a resource of the land albeit under the land or upon the land. It comes in different forms, and if it were not present New Zealand would be a desert, where nothing of value to sustain human life exists. In particular Water and its Geothermal energy are the means that drive the Power Stations that are responsible for the Consultation with Maori.

* Democracy - New Zealand is said to be a Democracy, but its Foundation Document was between two ruling powers, who embraced a Monarchy rule. Therefore the rule of numbers played out by the Government is out of place, in matters bound by the rights and interests of both Foundation Documents partners in matters concerning it.

Naku noa.

Ohomauri Ripia nee Nikora

My name - Ohomauri Ripia - nee Nikora.

My Iwi affiliation - Te Aitanga a Hauiti

Address - refer page 1.