

Reference: 20240711



30 September 2024

Dear [REDACTED]

Thank you for your Official Information Act (OIA) request, received on 11 September 2024. You requested the following documents:

6 May 2024 Aide Memoire T2024/981: Minister for State Owned Enterprises meeting with the Minister of Conservation

AND

*13 Jun 2024 Aide Memoire T2024/1600: Meeting with Development West Coast
17 June 2024*

Information being released

Please find enclosed the following document:

Item	Date	Document Description	Decision
1.	13 June 2024	Aide Memoire T2024/1600: Meeting with Development West Coast 17 June 2024	Released in full (except contact details)

I have decided to release the document listed above, subject to information being withheld under section 9(2)(k) of the OIA, to prevent the disclosure of information for improper gain or improper advantage.

Direct dial phone numbers of officials have been redacted under section 9(2)(k) in order to reduce the possibility of staff being exposed to phishing, social engineering, and other scams. This is because information released under the OIA may end up in the public domain, for example, on websites including Treasury's website.

Information to be withheld

I have decided to withhold in full the below document under the following sections of the OIA:

- section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information,
- section 9(2)(ba)(i) – to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied,
- section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions,
- section 9(2)(i) – to enable the Crown to carry out commercial activities without prejudice or disadvantage, and
- section 9(2)(j) – to enable the Crown to negotiate without prejudice or disadvantage.

Item	Date	Document Description	Decision
1.	6 May 2024	Aide Memoire T2024/981: Minister for State Owned Enterprises meeting with the Minister of Conservation	Withheld in full

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA.

Please note that this letter (with your personal details removed) and enclosed document may be published on the Treasury website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

Reubhan Swann
Manager, Ministerial Advisory Service

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Reference: T2024/1600

Date: 13 June 2024

To: Minister of Finance (Hon Nicola Willis)

Deadline: For your meeting on 17 June
(if any)

Meeting with Development West Coast 17 June 2024

You are meeting with Development West Coast (DWC) on Monday 17 June from 5.30-6.00pm. We understand DWC attendees will include Renee Rooney (Chair and Elected Trustee) and Sam MacDonald (Council Appointed Trustee). Heath Milne (Chief Executive) may also attend.

They are primarily interested to formally meet you due to your inherited role as settlor of DWC. This will follow their meeting with the Minister for Regional Development earlier the same day, where they will likely have discussed potential support from the Regional Infrastructure Fund (RIF).

About Development West Coast (DWC)

DWC, formerly known as the West Coast Development Trust, was established as a Charitable Trust in 2001. The Crown provided it with a settlement of \$92 million as an economic adjustment package for the loss of indigenous forestry and the privatisation of much infrastructure on the West Coast in the late 1990s.

DWC is the regional economic development agency for the West Coast. It manages its funds to enable investment and distribution of income into the region, aiming to promote employment opportunities and generate sustainable economic benefits for the region. This is achieved through business finance, business support and advisory services, tourism and destination management and promotion, industry and sector support, and research and innovation projects.

DWC also seeks to support projects which are not the ordinary day-to-day running, maintenance and upgrade of the infrastructure that is normally the responsibility of local authorities or central government, provided such projects promote employment opportunities or generate sustainable economic benefits.

Trust governance and your role as settlor

DWC is governed by trust law and its Trust Deed. DWC is not listed in Schedule 4 of the Public Finance Act 1989 and is not considered part of the State sector. This reflects the fund DWC administers is not Crown property and the Crown has no claim to it. If DWC were to be wound up, the trust property would be distributed to the charitable objects of DWC.

The Minister of Finance is the settlor of the trust. As settlor, you have the following roles under the Trust deed:

- requesting a review of the operation of DWC (clause 5.1);
- being consulted by Trustees on appointments to an advisory body (clause 6.1);
- approving use/payment out of capital when certain limits have been reached (clause 11.3);
- consenting to certain proposed changes to the Trust Deed (clause 24);
- approving the winding up of DWC (clause 25);
- appointing the Independent Trustee only if the nominated appointers (which do *not* include the Crown) fail to do so in the relevant time (clause 6.7 of Schedule 3);
- being consulted by the Independent Appointment Panel on appointment of the Independent Finance, Audit Risk Trustee (clause 7.9 of Schedule 3); and
- determining the annual Trustees' fees (clause 9 of Schedule 3).

No other Ministers have a role under the Trust Deed (although the Attorney-General has powers and functions regarding all charitable trusts under the Charitable Trusts Act 1957).

Questions and points to raise with DWC

We understand DWC is meeting with the Minister for Regional Development earlier that day to discuss potential support from the RIF. You may wish to ask DWC what was discussed. You could also reiterate that, while the RIF is not yet open for applications, it will provide time-limited co-funding for eligible enabling and resilience infrastructure projects that meet the assessment criteria. Note that flood resilience projects we are aware of in the West Coast are under the West Coast Regional Council, not DWC.

You may also wish to ask whether DWC anticipates any upcoming action required from you as settlor. Note that you recently signed off on a variation to their trust deed in April, as witnessed by Hamish Dick.

Jimmy Bellam, Graduate Analyst, Regions Enterprise and Economic Development, [REDACTED]
s9(2)(k) [REDACTED]

John Marney, Manager, Regions Enterprise and Economic Development, s9(2)(k) [REDACTED]
[REDACTED]