

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	Wikitoria Katarina Timu
Your iwi affiliation	Te Hapū o Pukerangiora ki Te Āti Awa o Taranaki
Address	[1]
Email address	

On behalf of an organisation

Your name	N/A
Organisation you represent	N/A
Address	N/A
Email address	N/A

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?

It is my opinion that both Section 9 and Section 27 A-D are intended to operate in unison. If Section 9 is removed from the State Owned Enterprise Act 1986, **[OR]** Section 9 **is NOT** contained within any intended future legislation, **[OR]** indeed the four [4] said Assets are removed from the State Owned Enterprise Act 1986 and perhaps transferred to the Public Finance Amendment Act 2004 **[OR]** the Crown Entities Act 2004 then this duly nullifies Section 27 A-D. Section 9 clearly states, "Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi." If present or future majority Government **are NOT** required to act in a manner that is inconsistent with the principles of Te Tiriti o Waitangi, then it seems obvious that the Government or indeed any future potential investors, Foreign or otherwise **DO NOT** have to adhere to Section 27 A-D only. It is also important to note that present or future Government **are NOT** bound by any recommendations made by the Waitangi Tribunal a Crown Entity formed under the Treaty of Waitangi Act 1975. Without Section 9 the 'Memorial' regime as stated within this Question

and contained within Section 27 A-D **will ONLY** apply on the mere basis of 'Good Faith' between the said Treaty partners. This in itself is an enormous ask of the Native Treaty partner concerned, more so when one is required to take into consideration historical evidence presented regarding the specific issues surrounding 'Muru me te Raupatu' that is in direct relation to severe breaches of Te Tiriti o Waitangi within the Government recognised 'Confiscation Line'. The fact that this present Government is consulting with the Natives about their proposed 'Mixed Ownership Model' duly indicates that there is no 'Good Faith' to be had, given that the intent of this Government wish to replace this piece of legislation with another, **[OR]** perhaps transfer the said four [4] Assets to another piece of legislation. The question that is first and foremost in my mind is what other intended partial selling of State Owned Enterprise Assets are next on the Agenda? If it is the intent of this present Government to nullify the State-Owned Enterprise Act 1986, **[OR]** indeed replace it with another, **[OR]** transfer the said four [4] Assets and **any other** intended State Owned Enterprise Assets to another piece of legislation, then one can only assume that this information has been made public and the relevant Sections 9 and 27A-D within the State Owned Enterprise Act 1986 **will automatically be duly included and/or transferred.**

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?

One would assume that this has already been identified in the abovementioned question. Sections 9 and 27A-D are effectively operating as was intended. It is protecting the interests of one of the Treaty partners concerned and all those who reside within Aotearoa/New Zealand today. It seems that the only group who find Section 9 a hindrance is this present Government and perhaps any potential future investors – Foreign or otherwise and all those that support their intentions.

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?

Yes, ratification of Te Tiriti o Waitangi and its Principles acknowledged within all facets of Law, more so within Aotearoa/New Zealand Constitutional Law. This will ensure the protection of the interests of the Treaty of Waitangi parties concerned and that of all New Zealanders in perpetuity.

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

The current obligation of this and any future Government regarding any Free Trade Agreements and notwithstanding the current negotiations taking place regarding the Trans-Pacific Partnership Agreement is seriously impacting on the very rights of the indigenous peoples concerned. In this instance, the native peoples of Aotearoa/New Zealand harbour many doubts concerning the actual intent of this Government that is beginning to reveal that Te Tiriti o Waitangi 1840 is now in serious jeopardy. I wish to make clear that due to perhaps the nature of this intent, the natives of Aotearoa/New Zealand are being left with little or no options but to utilise Te Tiriti o Waitangi 1840 in retaining their status in Aotearoa/New Zealand as a Treaty partner and it is now the duty of the said natives of Aotearoa/New Zealand to ensure its status remains in perpetuity.

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.