

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	Mereaira Hata
Your iwi affiliation	Ngati Rua hapu, Whakatohea iwi
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?

Maori have Treaty rights and Treaty interests in the Mixed Ownership Model Companies. When seven Whakatohea chiefs signed their allegiance on 26 & 27 May 1840, they entered a Treaty partnership with the Crown. The current government of the day, the National Party has a Treaty obligation to ensure Maori Treaty rights are not extinguished and Treaty interests are protected in New Zealand. By selling to foreign investors, the NZ government can no longer promise any protections to iwi Maori.

Maori are also taxpayers and have the same public rights as non-Maori citizens. Electricity is an essential public service and should be kept in the hands of NZers. Once the SOE assets are sold they are gone forever and no benefits will come back to benefit the public good in New Zealand. Electricity prices will rise making it more difficult to live in New Zealand. Selling the family silver has never been good for New Zealand.

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 Sec 9 of the SOE Act 1986

I support the continued application of Sec 9 not just in the SOE Act but right across all acts of legislation in New Zealand. By retaining it acknowledges the Treaty partnership that exists between the Government of the day and iwi Maori nationwide.

I would also support a constitutional framework that ensures protection for Maori Treaty rights and Maori interests. No public or private members bill or act of parliament should be inconsistent with the principles of the Treaty of Waitangi. The removal of this clause, would not be in good faith of the principles of the Treaty nor would it be in the best interests of our Treaty partnership.

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?

This is the constitutional document that the Maori Party was working on. Where is it? Why has this not been shared with iwi Maori or shared with the entire New Zealand public for that matter. Constitutional change has been discussed for years by both Maori and non-Maori. It's not a new idea but it's still as relevant as when it was first mooted.

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

Consultation hui not well advertised

I learned about the consultation meeting in Hamilton with 24hours notice on Facebook. I read the Waikato Times all the time and I did not read one public notice of this event.

Consultation process was unfair

- A total of 8 consultation hui were held within a short time frame of one week. Although 1 more hui was added to later, the time-frame was still too short to gather a wide range of NZ opinions on the issue.
- A public discussion booklet was not available unless you attended a consultation meeting at an area closest to you. In other words, the NZ public has not been well informed on this issue.
- For a kaupapa such as the sale of the State Owned Assets that impacts upon both Maori and non-Maori in New Zealand. Therefore, a general referendum should have been held to gather opinion by all New Zealanders. In the case of Section 9 where it requires feedback from iwi Maori, then a Maori referendum should have been carried out. To hold a total of 9 consultation meetings in the whole of New Zealand is an indicator that the consultation process was unfair and not in good faith on the part of the Key government.

The Maori Party was absent from the consultation table

The Maori Party leaders should have come out to consult with iwi Maori with an approach that is consistent with tikanga Maori, kanohi-ki-te-kanohi approach. For issues that have particular relevance to iwi Maori, it is only fair that the Minister of Maori Affairs would join the table with the Minister John English to face the hard questions with iwi Maori. It was disappointed that there was no representation from any of the Maori MP's from the Maori Party.

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.