


OC240738

26 July 2023



Tēnā koe 

I refer to your email dated 1 July 2024, requesting the following under the Official Information Act 1982 (the Act):

*“39 Doocey/ cc Brown OC240470 17/05/2024 Meeting with the Maritime NZ Chair – 21 May 2024
53 Brown OC240407 29/05/2024 Cook Strait Resilience Phase One Report”*

Of the two briefings requested, one is released with some information withheld and one is withheld in full.

The document schedule attached at Annex 1 outlines how the documents you requested have been treated under the Act. Certain information is withheld under the following sections of the Act:

9(2)(a)	to protect the privacy of natural persons
9(2)(f)(iv)	to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials

With regard to the information that has been withheld under Section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman’s website www.ombudsman.parliament.nz

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'HAR' followed by a stylized flourish.

Hilary Penman

Manager, Accountability and Correspondence

Annex 1: Document Schedule

Doc #	Reference number	Title of Document	Proposed decision on request
1	OC240470	Meeting with the Maritime NZ Chair – 21 May 2024	Released with some information withheld under Sections 9(2)(a).
2	OC240407	Cook Strait Resilience Phase One Report	Withheld in full under Section 9(2)(f)(iv).

17 May 2024

OC240470

Hon Matt Doocey
Associate Minister of Transport

cc Hon Simeon Brown
Minister of Transport

MEETING WITH THE MARITIME NZ CHAIR – 21 MAY 2024

Snapshot

You are meeting with the Maritime New Zealand (Maritime NZ) Chair Dame Jo Brosnahan on 21 May 2024. To support you in your meeting, Te Manatū Waka Ministry of Transport (the Ministry) has provided suggested talking points in **Annex 1**.

Time and date	3.15pm, 21 May 2024
Venue	Executive Wing 4.1R
Attendees	Dame Jo Brosnahan, Chair, Maritime NZ Authority Kirstie Hewlett, Chief Executive, Maritime NZ
Officials attending	Harriet Shelton, Manager, Crown Entity Monitoring Johnny Crawford, Senior Advisor, Crown Entity Monitoring
Agenda	1. Introductions 2. Maritime NZ Accountability Documents
Talking points	Suggested talking points are in Annex 1

Contacts

Name	Telephone	First contact
Richard Cross, Acting Deputy Chief Executive, Investment & Monitoring	s 9(2)(a)	
Harriet Shelton, Manager, Crown Entity Monitoring		✓
Johnny Crawford, Senior Advisor, Crown Entity Monitoring		

Meeting with the Maritime NZ Chair – 21 May 2024

Key points

- You are meeting with Dame Jo Brosnahan, Chair and Kirstie Hewlett, Chief Executive of Maritime NZ on 21 May 2024. This will be your second meeting with the Maritime NZ Chair, following your earlier meeting on 28 February 2024.
- The only substantive agenda item they have suggested is **Maritime NZ Accountability Documents**. This relates to its 2024/25 Statement of Performance Expectations (SPE) and 2024 – 2028 Statement of Intent (SOI) which were provided to your office on 1 May 2024. The meeting is an opportunity to discuss items relevant to these documents and Maritime NZ's financial situation going into 2024/25.
- We provided you our initial feedback on these documents earlier in the week (OC240258 refers) including a draft letter to Dame Jo Brosnahan. You are required to provide this within 15 working days of receipt (by 23 May 2024). We suggest you use the timing of this meeting to pre-empt some of the points raised in the letter.
- As noted in this briefing, the draft SPE is not statutorily compliant. According to section 149I(2)(i) of the Crown Entities Act 2004, the draft SPE, including financial statements, should be provided to the responsible Minister "not later than 2 months before the start of the financial year to which the statement of performance expectations relates." This makes it difficult for you and the Ministry to provide considered feedback on the documents as any non-financial information is lacking the figures to back-it-up.
- Maritime NZ sent a letter to the Ministry's Chief Executive on 30 April 2024 outlining its reasons for withholding its draft financial statements. This included uncertainties resulting from 'Section 9' funding requests¹, Budget 2024 decisions, levies forecasts from the cruise sector and collective bargaining underway at Maritime NZ. The Ministry's Chief Executive sent a response to this letter on 17 May 2024 outlining our concerns about the incomplete SPE.
- We acknowledge that there are challenges involved in updating financial forecasts when working within an uncertain funding environment. However, these are uncertainties that entities regularly deal with as part of their yearly budget cycles and every other entity in Vote Transport have been able to provide financial information accompanying their SPEs.
- It is accepted practice for entities faced with financial uncertainty to continue to amend their financial statements based on feedback from Ministers and Monitoring Entities and as they receive more clarity on their revenue.
- The Ministry has raised its concerns with Maritime NZ, including at the level of our Senior Leadership Team and has reiterated the importance of providing up-to-date financial information.
- Talking points have been attached as **Annex One**.

¹ These are requests for Fuel Excise Duty (FED) funding under section 9(1) of the Land Transport Management Act 2003. Because FED is paid by recreational boaties, Maritime NZ uses it to fund some activities related to recreational boating safety activities, search and rescue coordination, the provision of navigation aids and maritime distress and safety communications

Annex One: Talking Points

Introductions

- This meeting is an opportunity to commend Maritime NZ for its work on its funding review to-date with the paper seeking legislative changes in support of the levies going to the Cabinet Legislative Committee on 23 May 2024.

Maritime NZ Accountability Documents

- We suggest you outline some of your feedback on Maritime NZ's draft accountability documents ahead of sending your feedback via letter later in the week.
- In the view of the Ministry, the most important message to relay about the draft SPE is that the lack of draft 2024/25 financial statements makes it very difficult to provide considered feedback and it breaches the Crown Entities Act 2004.
- This meeting would be an opportunity to outline your own expectations about this and to gain an understanding of the expected timing that you and the Ministry can expect to receive its financial statements.
- You may also wish to gain a better understanding of the financial uncertainties raised by MNZ such as the likelihood of lower levy revenue than forecast following completion of the funding review.
- While you have the opportunity to amend the draft letter to include any of your own feedback, the version provided by the Ministry focused on the following points that you could relay:
 - The need for a 'plain-English' lens to be applied to the accountability documents
 - The need for continuous improvement of its non-financial performance measures throughout the terms of both accountability documents.
 - A reminder of the specific statutory roles held by organisations like the Ministries of Transport and Business, Innovation and Employment and the need to avoid duplication of work between these organisations.
 - During the period covered by the SOI, Maritime NZ will need to conduct another, full review of its levy funding and this work should be reflected in the document itself.