

3434

RECEIVED  
23 APR 2003  
IN THE OFFICE OF  
HON DR MICHAEL CULLEN

23<sup>rd</sup> April 2003

**John Key**  
MP for Helensville

Hon Dr Michael Cullen  
Minister of Finance  
Level 7 Exec Wing

OFFICIAL INFORMATION REQUEST	
Lodged	23 / 4 / 03
Due Treasurers Office	15 / 5 / 03
Due for Answer	22 / 5 / 03

Dear Dr Cullen

Further to your response to written question 03444(2003), I would like to request, under the Official Information Act, copies of the minutes of the meetings between Treasury officials and Tranzrail representatives, which were held on Tuesday 11 March, Wednesday 26 March and Wednesday 16 April, as well as minutes of any such meeting held after the date on which you responded to the above numbered written question.

In addition, I would like a copy of the list of invitees and attendees of the meetings, including their designation, if these are not included on the official minutes.

Yours sincerely



 John Key  
MP for Helensville

(MinofFinance2304)

Parliament House  
Wellington  
Ph (04) 471 9307  
Fax (04) 472 4208

PO Box 258  
(365 State Highway 16), Kumeu  
Ph (09) 412 2496  
Fax (09) 412 2497  
E-mail john.key@national.org.nz

[www.johnkeymp.co.nz](http://www.johnkeymp.co.nz)

**FILE COPY**

Drafted by: Fleur Hivon  
Date Created: 23/04/2003 11:58 AM  
Filename: K:\Corres\OIA\2003\April\Key J - Meetings between Treasury officials and  
Tranzrail representatives.doc

23 April, 2003

John Key  
MP for Helensville  
Parliament Buildings  
WELLINGTON

Dear John

On behalf of the Hon Dr Michael Cullen, Minister of Finance, I acknowledge receipt of your letter of 23 April 2003 requesting:

*"copies of the minutes of the meetings between Treasury officials and Tranzrail representatives, which were held on Tuesday 11 March, Wednesday 26 March and Wednesday 16 April, as well as minutes of any such meeting held after the date on which you responded to written question 03444(2003). In addition, I would like a copy of the list of invitees and attendees of the meetings, including their designation, if these are not included on the official minutes."*

Your request was received in this office on 23 April 2003 and will be responded to under the provisions of the Official Information Act.

Yours sincerely



Fleur Hivon  
Ministerial Assistant

3533

Office of the  Ombudsmen  
Nga Kaitiaki Mana Tangata

RECEIVED  
28 MAY 2003  
IN THE OFFICE OF  
HON DR MICHAEL CULLEN

Ref: W50303  
Our Contact: Andrew McCaw

27 May 2003

Hon Michael Cullen  
Minister of Finance  
Parliament Buildings  
WELLINGTON

OFFICIAL INFORMATION REQUEST	
Lodged	28 May
Due Treasurers Office	18 June
Due for Answer	25 June

Dear Mr Cullen

**OFFICIAL INFORMATION ACT COMPLAINT  
JOHN KEY, MP FOR HELENSVILLE**

In the temporary absence of Anand Satyanand, Ombudsman, I am writing to inform you that Mr Satyanand has received a complaint from Mr John Key, MP for Helensville, about your decision not to provide him with certain information. Mr Key has asked for an investigation and review of this decision under the Official Information Act.

Briefly I understand the background to be as follows. On 23 April 2003, Mr Key wrote to you requesting copies of the minutes from recent meetings between Treasury officials and Tranz Rail, and a list of attendees at those meetings.

You responded by letter dated 20 May 2003 refusing to release the information pursuant to sections 9(2)(a), 9(2)(b)(ii) and 9(2)(ba)(i). It is this decision that Mr Satyanand has been asked to investigate.

As a first step in the investigation and review, I would be grateful if you would provide Mr Satyanand with copies of the information at issue, any papers relevant to your consideration of the request, and a report on your essential concerns with release of the information.

Following receipt and preliminary consideration of the information, the investigating officer assisting Mr Satyanand with this matter, Andrew McCaw,

Level 14, Sun Microsystems House, 70 The Terrace, P.O. Box 10152, Wellington, New Zealand  
Telephone (04) 473 9593, Facsimile (04) 471 2254, Answerphone - complaints 0800 802 602  
Website: [www.ombudsmen.govt.nz](http://www.ombudsmen.govt.nz)

will be in touch with your contact officer to arrange a time, if necessary, to discuss the issues.

As usual this request is made pursuant to section 19(1) of the Ombudsmen Act and section 29A of the Official Information Act.

Yours sincerely

A handwritten signature in black ink, appearing to read "L. Donnelly". The signature is written in a cursive style with a large initial "L" and a long horizontal stroke.

Leo Donnelly  
Assistant Ombudsman

Encl: Acknowledgement form

W50303



**Office of Hon Dr Michael Cullen**  
**Deputy Prime Minister**  
Minister of Finance  
Minister of Revenue  
Leader of the House of Representatives

**PROCESSED**

24 JUN 2003

Mr Donnelly  
Assistant Ombudsman  
PO Box 10152  
WELLINGTON

Dear Mr Donnelly

**OFFICIAL INFORMATION ACT COMPLAINT – JOHN KEY MP FOR HELENSVILLE**

Thank you for your letter of 27 May 2003 reviewing my decision not to provide Mr Key with certain information regarding meetings Treasury officials have had with Tranz Rail.

You will be aware of the commercial issues surrounding Tranz Rail at the moment. In particular, the company's financial position, the recently announced Crown/Tranz Rail offer to Tranz Rail shareholders and the recent takeover offer made by Toll Holdings.

Negotiations with Tranz Rail on these commercial issues are still occurring but I envisage that we will be able to release the information requested by John Key, as well as other information relating to discussions with Tranz Rail and related parties, when we have some closure on these matters.

With regard to the specific meetings Mr Key is interested in, there were no formal minutes taken but the attendees present, as best as can be recalled, were as follows.

11 March 2003	26 March 2003	16 April 2003
John Wilson, Treasury Jeremy Harding, Treasury Wayne Collins, Tranz Rail (Speaker Phone) Jeff Heisler, Tranz Rail	John Wilson, Treasury Jeremy Harding, Treasury Wayne Collins, Tranz Rail Jeff Heisler, Tranz Rail	John Wilson, Treasury Ivan Kwok, Treasury Tim Robinson, First New Zealand Capital Wayne Walden, Tranz Rail Michael Beard, Tranz Rail

Subject matter discussed at the meetings included Tranz Rail's financial position, its request for a rescue package from the Crown and whether there would be any scope for a wider Crown / Tranz Rail transaction.

Treasury will be pleased to discuss my concerns over the release of this information with your staff. Jeremy Harding of Treasury can be contacted on 471 5108 to arrange a time to discuss the issues further.

Yours sincerely

Hon Dr Michael Cullen  
Minister of Finance

Parliament Buildings, Wellington, New Zealand. Telephone: (04) 470 6551, Facsimile: (04) 495 8442

MS-42-3685  
20030115

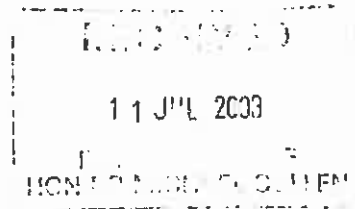
  
**Office of the Ombudsmen**  
 Nga Kaitiaki Mana Tangata

Ref: W50303  
Our Contact: Andrew McCaw



10 July 2003

Hon Dr Michael Cullen  
Minister of Finance  
Parliament Buildings  
WELLINGTON



Dear Dr Cullen

**OFFICIAL INFORMATION ACT COMPLAINT  
JOHN KEY, MP FOR HELENSVILLE**

I refer to your letter of 24 June 2003, and to the recent meeting between Jeremy Harding of the Treasury and Andrew McCaw of my investigating staff.

I understand that you may now consider it possible to release further information to Mr Key, as marked on the attached copy of your letter of 24 June 2003.

I would be grateful if you would now proceed to release the additional information to Mr Key, as this may effectively resolve the matter.

Yours sincerely



Anand Satyanand  
Ombudsman

OFFICIAL INFORMATION REQUEST	
Lodged	11 July.
Due Treasurers Office	1 August.
Due for Answer	8 August.

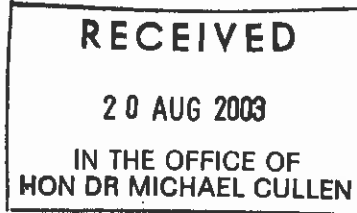
Encl. Copy of your letter of 24 June 2003 with information for release highlighted

Office of the  Ombudsmen  
Nga Kaitiaki Mana Tangata

784  
Not: relates  
to T2003/1215.

Ref: W50303

Hon Dr Michael Cullen  
Minister of Finance  
Parliament Buildings  
WELLINGTON



19 August 2003

Dear Dr Cullen

**OFFICIAL INFORMATION ACT COMPLAINT  
JOHN KEY, MP FOR HELENSVILLE**

I refer to your letter of 24 July 2003.

I am informed that you have now released all the information that falls within the scope of Mr Key's original request. I have discontinued my investigation accordingly.

Thank you for your assistance.

Yours sincerely

Anand Satyanand  
Ombudsman