



OIA: 41337

15 Paenga-whāwhā 2020

George Morrison

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Tēnā koe George

Official Information Act request

Thank you for your information request dated 6 Poutū-te-rangi 2020. You asked for the following information:

“Please provide me with all information held regarding a reported \$600,000 dividend received by Te Pou Matakana, which was subsequently paid out to private shareholders.

Specifically, please provide me with all information held regarding any review or advice received relating to this matter, including all communications within, to and from your office and TPK and/or Te Pou Matakana and/or National Urban Maori Authority and/or Te Whānau O Waipareira Trust”

I apologise for the delay in responding to your request, and the failure to meet the statutory deadline for the response. Regrettably, your incoming request was overlooked due to an administrative error.

The Whānau Ora Commissioning Agency (previously Te Pou Matakana) has received incentive payments, when appropriate, in recognition of Commissioning Agency achievements which exceed contractual performance targets. The incentive payment is not a dividend paid to Commissioning Agencies. The incentive payment mechanism is a standard provision in the Whānau Ora Commissioning contracts, implemented by the Government in 2014, to help drive improvements in service delivery. The Whānau Ora Commissioning Agency records incentive payments as a ‘surplus’ in its annual report, for accounting purposes.

In FY16/17 the Whānau Ora Commissioning Agency received an incentive payment of \$633,804 in recognition of progress on priority and difficult issues for the previous financial year, 2015/16. The Whānau Ora Commissioning Agency annual report for FY16/17 records a dividend payment of \$633,804 to its shareholders.

Unless otherwise specified in contracts, Commissioning Agencies are entitled to determine how the incentive payment is applied, including making distributions to shareholders.

Currently the Whānau Ora Commissioning Agency shareholders are:

- National Urban Māori Authority – a Charitable Trust, holding 88% of shares in Te Pou Matakana;
- Te Whānau o Waipareira Trust – a Charitable Trust, holding 9% of shares in Te Pou Matakana; and
- Manukau Urban Māori Authority - a Charitable Trust, holding 3% of shares in Te Pou Matakana.

The Whānau Ora Commissioning Agency shareholders are all charitable organisations that provide social services and support to New Zealand communities. Te Puni Kōkiri does not track the use of incentive payments by these recipient organisations.

A review of the incentive payment mechanism was undertaken by the Office of the Auditor General. A copy of the outcome of this review can be viewed on the Office of the Auditor General website here:

<https://oag.parliament.nz/media/2019/tpk>

On the 12 Hakihea 2018 I was asked an Oral Parliamentary Question regarding the Commissioning Agency incentive payments. I have attached the transcript for your information.

I have treated your request as related to formal written advice given and received. I believe this limitation is necessary and constitutes taking “reasonable steps” to ensure that what I have provided is accurate and complete. It is worth noting that formal written advice is the primary mechanism for the provision of substantive information, and decision making. It is unlikely there is further substantive information held that is not already reflected in the key formal documents identified. Any other related information, if it exists, is likely to be administrative in nature.

Four further documents have been identified in scope of your request. The documents and my decisions with regard to the release of the information are set out in the table attached as Appendix A.

Some information has been withheld in accordance with the Official Information Act (1982) on the following grounds:

- Section 9(2)(a) - protect the privacy of natural persons, including that of deceased natural persons;
- Section 9(2)(h) - maintain legal professional privilege.

In making the decision to withhold information, I have considered the public interest considerations in section 9(1) of the Act.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Peeni Henare', written in a cursive style.

Hon Peeni Henare
Te Minita mō Whānau Ora

Appendix A – documents – OIA request from George Morrison dated 6 Poutū-te-rangi 2020

Item	Date	Document description	Decision
1.	16/12/2016	Letter to Te Pou Matakana: Te Pou Matakana Incentive Verification of the 2015-2016 incentive payment	Release in full
2.	13/09/2018	Memorandum from Chapman Tripp to Te Puni Kōkiri: WHĀNAU ORA COMMISSIONING AGENCIES - CORPORATE AFFAIRS	Withhold in full
3.	06/12/2018	Aide Memoire: Information regarding specific issues raised in Māori Affairs Select Committee on 5 December 2018	Release in part
4.	12/12/2018	Oral Parliamentary Question: Whānau Ora Incentive Payments	Release in full
5.	10/04/2019	Aide Memoire: Public Release of a letter from the Office of the Auditor-General	Release in part