

(Te Arawhiti,  
2020: 3)

# Vote Justice

**2020 Briefing for the Incoming Minister  
for Māori Crown Relations: Te Arawhiti**

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## He mihi ki te rangatira, ki te Minita

Nau mai e te maruata, he ao hou, he tīmatanga hou.

Nau mai hoki mai e hika, te Minita mō Te Arawhiti.

Kia mihiā anō koe, me te hunga tautoko i a koe i tēnei tūranga.

Kia mihiā anō te hunga kua whetūrangitia, inā tata nei, i mua atu hoki.

He kawenga tēnei ka whakatinana i te ngākau pono o te Karauna kia titiro whakamua, kia whakaaro nui ōna hononga ki a ngāi Māori.

He kawenga tēnei ka whakatinana i te ngākau pono o te Karauna kia hoa haere rangatira ia i raro i te Tiriti.

He kawenga tēnei mō te kaihautū e kaha ana, e māia ana, e niwha ana.

He kawengai tēnei e nui ai te hua ka puta i runga i te ngākau atawhai, i te ngākau marae.

Heoi, kei runga rawa o tēnei kawenga, ko te ara ka whāia ki tua e te Karauna me tōna hoa rangatira i raro i te Tiriti - e tū pakari tahi ai rāua ki te arawhiti o te Tiriti o Waitangi - *Te Arawhiti ē!*

## Greetings to the Incoming Minister

The break of day, the light that is a new beginning.

We welcome you back again as the i Minister for Māori Crown Relations.

We greet you again, and all that supports you in this role.

We acknowledge those who have passed, in times near, and times of past.

This portfolio embodies a commitment by the Crown to be forward looking and aspirational in its relationship with Māori.

This portfolio embodies a commitment by the Crown to build towards being a better Treaty Partner.

This portfolio is about stronger leadership – being brave, being bold.

This portfolio is about being productive, being kind, being helpful.

Above all, this portfolio is about the journey ahead of us as a Crown, and with our Treaty partner – standing with certainty on the bridge that is the Treaty of Waitangi – *Te Arawhiti e!*

## Māori Crown relations

Māori Crown relations describes, in its broadest sense, the interaction between two Treaty partners – Māori and the Crown. In 1840, the Treaty of Waitangi (te Tiriti o Waitangi) (te Tiriti/the Treaty) was signed and, despite the differences between the Māori and English texts, parties intended to establish an enduring partnership.<sup>1</sup>

The establishment of the Māori Crown Relations portfolio in 2017 signified a shift in Māori Crown relations, where the desired future state is one that delivers on the promise of te Tiriti/the Treaty. The journey towards true Tiriti/Treaty partnership is ongoing and there is a real desire across the Crown to understand and embed a better way of working with Māori to achieve greater outcomes.

### Your role in Māori Crown relations

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As the Minister for Māori Crown Relations: Te Arawhiti, you have a stewardship role as the leader for Māori Crown relations. You have oversight across the Crown's broad work on improving and developing relationships and partnerships with Māori. Your role is to provide strategic leadership and set priorities for Māori Crown relations, alongside leading the priorities of your portfolio and monitoring the health of Māori Crown relationships. You chair the Cabinet Māori Crown Relations: Te Arawhiti Committee (MCR).

The role of the Minister for Māori Crown Relations: Te Arawhiti has evolved since the portfolio was established. We have focused to date on resetting how the public service engages and partners with Māori, developing tools and guidance to lift the capability of every public servant, and supporting long term relationships between agencies and Māori.

You are responsible for the Māori Crown Relations appropriation within Vote Justice. The Office for Māori Crown Relations – Te Arawhiti (Te Arawhiti) will provide you with a supplementary briefing on Vote Justice finance.

### *Working with the Māori Development portfolio*

Te Arawhiti and the Ministry for Māori Development, Te Puni Kōkiri have complementary yet distinct roles in Māori Crown relations and work collaboratively to fulfil these roles. Broadly speaking, Te Arawhiti is the public service leader in the Maori-Crown relationship, focusing on moving from relationships to partnerships, lifting public sector capability to become a better Tiriti/Treaty partner, and developing guidance on systemic change (such as the contemporary issues' framework). Te Puni Kōkiri focuses on their principal policy advisor role for Māori outcomes and building Māori capacity to work with the Crown.

To provide clarity on the distinct roles, the Chief Executives of Te Arawhiti and Te Puni Kōkiri signed a relationship agreement outlining how their respective agencies, organisational roles, and

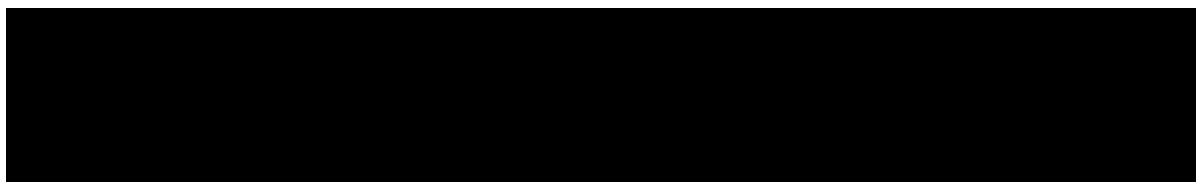
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<sup>1</sup> As is well-known, these two versions of the document were not accurate reflections of each other, with several important differences between them. The complex process of reconciling these differences is an ongoing one. Te Arawhiti recognises that te Tiriti o Waitangi and the Treaty of Waitangi are not interchangeable. However, until such time as the two can be reconciled, reference will be made to both.

responsibilities relate. The relationship agreement identifies areas of common interest where Te Arawhiti and Te Puni Kōkiri will place particular emphasis on working together, such as:

- understanding and enabling public sector capability in dealing with Māori outcomes and Māori issues;
- improvements in outcomes for Māori;
- enhancing Māori Crown relationships; and
- monitoring the performance of the Crown for Māori.

s 9(2)(f)(iv) of OIA



### *Leadership across the public service*

Similar to your stewardship role as the leader for Māori Crown relations, Te Arawhiti and the Tumu Whakarae – Chief Executive are the functional lead for Māori Crown relations across the public service.

In accordance with the Public Service Act 2020, the Chief Executives of Te Arawhiti, Te Kawa Mataaho – the Public Service Commission, and Te Puni Kōkiri are the public service system leads for Māori Crown relations. Their role is to lead and coordinate best practice in Māori Crown relations across the whole of the public service.

### **The Māori Crown Relations portfolio**

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#### *Engagement on the portfolio*

In 2017, the government established a dedicated portfolio to foster healthier relationships between Māori and the Crown. Between March and June 2018, a comprehensive engagement process on the initial scope of the portfolio was undertaken. The engagement process provided an opportunity for Māori to be part of the design, focus, and priorities of the portfolio.

The expectations from Māori were clear – be bold, be brave, be aspirational, and ensure:

- a stand-alone agency brings respect and integrity to Māori Crown relationships;
- the Crown engages meaningfully and effectively with Māori;
- Māori Crown partnerships are pursued, supported, and healthy;
- the Crown meets its settlement commitments;
- challenging relationship issues with Māori, particularly long-standing issues, are resolved; and
- there is stronger leadership and commitment to resolving issues that contribute to contemporary Tiriti/Treaty claims.

### *The scope of the portfolio*

In September 2018, the scope of the Māori Crown Relations portfolio was agreed by Cabinet and includes:

- ensuring the Crown meets its settlement commitments;
- developing engagement, co-design, and partnership principles that ensure agencies generate optimal solutions across social, environmental, cultural, and economic development;
- ensuring public sector capability is strengthened;
- ensuring engagement of public sector agencies with Māori is meaningful;
- providing an independent cross-Crown view on the health of Māori Crown relationships;
- providing strategic leadership and advice on contemporary Tiriti/Treaty issues;
- brokering solutions to challenging relationship issues with Māori; and
- providing strategic advice to the Prime Minister and Cabinet on risks and opportunities relating to Māori Crown partnerships.

### **The establishment of the Office for Māori Crown Relations – Te Arawhiti**

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Te Arawhiti was established on 1 January 2019 as a departmental agency hosted by the Ministry of Justice. Te Arawhiti means ‘the bridge’ which in the past, could be viewed as ‘one-way’ – Māori were expected to travel across the bridge from te ao Māori into te ao Pākehā. While Māori have traversed the bridge in the spirit of upholding te Tiriti/the Treaty, the need to move in two worlds can no longer be the exclusive commitment of one Tiriti/Treaty partner. The Crown needs to grow its understanding and ability to feel comfortable working with Māori as a true Tiriti/Treaty partner.

The establishment of Te Arawhiti is an important step forward in evolving Māori Crown relationships. It symbolises the Crown’s intent to work with Māori and understand their world view – te ao Māori. Te Arawhiti is an organisation that provides practical advice and assistance to agencies on their journey across the bridge and towards true Tiriti/Treaty partnership.

### *Te Arawhiti – our organisation*

Te Arawhiti (approximately 233 FTE) is led by the Tumu Whakarae – Chief Executive appointed by the Public Service Commissioner. The Tumu Whakarae – Chief Executive is supported by an Executive Team of four Deputy Chief Executives and a wider Leadership Team. The contact details of the Executive Team are set out at **Appendix A**.

Te Arawhiti comprises four kāhui and two hāpai: Te Kāhui Whakamana, Te Kāhui Hīkina, Te Kāhui Whakatau, Te Kāhui Takutai Moana, Te Hāpai Ō Strategy, Policy, and Legal, and Te Hāpai Ō Organisational Services.

You are supported by:

- a Partnerships Wāhanga, comprising of:

- **Te Kāhui Whakamana** which supports agencies to ensure settlement commitments are upheld, settlement relationships are fostered, and settlements support partnership opportunities; and
- **Te Kāhui Hīkina** which leads the work on Māori Crown engagement, significant national Māori events, partnerships, building the capability of the public sector to engage and partner with Māori, and monitoring the health of Māori Crown relationships.
- **Te Hāpai Ō Strategy, Policy, and Legal** which provides advice on contemporary Tiriti/Treaty issues, and works towards putting Māori Crown relationships at the heart of policy development across government; and
- **Te Hāpai Ō Organisational Services** which supports Te Arawhiti to operate effectively and provides technical expertise and advice to deliver the mahi. Its functions range from finance, human resources, contracts and procurement, to communications, business reporting, business services, land and implementation, and historical research.

Te Kāhui Whakatau and Te Kāhui Takutai Moana provide support to your colleague, the Minister for Treaty of Waitangi Negotiations, in focussing on resetting relationships with Māori through the settlement of historical grievances, and engaging with Māori under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

The interplay between the work of the Minister for Treaty of Waitangi Negotiations and your role as Minister for Māori Crown Relations: Te Arawhiti, and where this work sits under the overarching Te Arawhiti goal of working towards true Tiriti/Treaty partnership, is discussed further below.

## Working towards true Tiriti/Treaty partnership

To support you in leading the shift in the Māori Crown relationship, Te Arawhiti focusses on three phases:

- reset Māori Crown relationships;
- sustain Māori Crown relationships; and
- build Māori Crown relationships.

Under each phase is a set of strategic priorities that shapes Te Arawhiti's work and sets a clear direction towards its vision. These strategic priorities are not isolated, individual workstreams; they are a woven, related body of work which strives to move the Crown towards true Tiriti/Treaty partnership.

These phases are set out in more detail at **Appendix B**.

### Reset Māori Crown relationships

The Crown's initial focus is to reset relationships with Māori that have a difficult history and have resulted in a strong sense of Māori grievance. Te Arawhiti's work under the Minister for Treaty of



Waitangi Negotiations contributes to resetting Māori Crown relationships by settling historical Tiriti/Treaty claims (pre-1992)<sup>2</sup> and engaging with Māori on Takutai Moana.

There is a well-established framework for addressing Tiriti/Treaty issues that is based on Waitangi Tribunal inquiries, settlement negotiations, and associated legislation. This framework focuses on settling claims in a way that is fair, durable, and final.

Aspects of your portfolio which work towards resetting Māori Crown relationships include resolving longstanding grievances and contemporary Tiriti/Treaty issues (since 1992) and improving engagement with Māori including, but not limited to, resetting the Crown's relationship with the National Iwi Chairs Forum (NICF).

### *Resolving contemporary issues*

Contemporary Tiriti/Treaty issues arise in situations where Tiriti/Treaty partners are exploring whether contemporary Crown actions, omissions, or policies are consistent with te Tiriti/the Treaty. Historical Tiriti/Treaty settlements settle historical claims, but do not absolve the Crown of its underlying Tiriti/Treaty responsibilities or affect the ongoing Tiriti/Treaty rights of Māori. Contemporary Tiriti/Treaty issues:

- do not necessarily need to be defined by a Waitangi Tribunal process (or be a formal 'claim');
- are varied and therefore require varying responses; and
- are not subject to a systematic and formalised settlement process.

Unlike historical claims, there is no one agency or process for resolving contemporary Tiriti/Treaty issues. These issues are best resolved by the responsible agencies through Tiriti/Treaty-consistent engagement and responses that reflect the context.

One of your key responsibilities is to provide strategic leadership and advice on contemporary Tiriti/Treaty issues. A critical element of this is fostering capability and an understanding across government agencies of an approach to resolving issues that reflect Māori Crown relationships.

As part of this work, Cabinet has already approved two sets of guidance developed by Te Arawhiti with expert input:

- **Te Tiriti o Waitangi/Treaty of Waitangi Guidance CO(19)5** – to help agencies produce Tiriti/Treaty-consistent policy and practices, and prevent future Tiriti/Treaty issues; and
- **Better Co-ordination of Contemporary Treaty of Waitangi Issues CO(19)3** – to ensure there are procedures in place for Ministers and Te Arawhiti to identify Tiriti/Treaty issues across government.

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<sup>2</sup> The Crown has made a distinction between two types of claims – 'historical claims' and 'contemporary claims'. Historical claims are those arising out of Crown acts or omissions before 21 September 1992. Contemporary claims arise out of Crown actions or omissions after that date.

## Current contemporary and longstanding issues

Since its establishment, Te Arawhiti has helped the public sector navigate challenging contemporary issues with Māori, including:

- **culture** – advising on the Māori media sector shift and work on *Tuia – Encounters 250*;
- **environment** – providing significant policy support on resource management system reforms, including national direction on freshwater management, a comprehensive review of the Resource Management Act 1991 (RMA), and developing the COVID-19 Recovery (Fast-Track Consenting) Act 2020;
- **education** – supporting engagement with Te Kōhanga Reo National Trust and Te Wānanga o Raukawa about funding sustainability and the future of Māori-medium education, as well as providing advice on the reform of vocational education;
- **economic** – supporting engagement with the Māori Spectrum Working Group on Māori involvement in the telecommunications spectrum; and
- **social and health** – supporting a consistent approach to the Waitangi Tribunal’s kaupapa inquiry programme, and advising on reform programmes across the social sector, including urban housing.

Te Arawhiti will advise you on possible approaches to addressing contemporary issues in a supplementary briefing. Te Arawhiti will also provide you with strategic advice on important contemporary issues in Māori Crown relationships as they arise.

## Kaupapa inquiries

The Waitangi Tribunal is conducting a series of ‘kaupapa inquiries’ into issues of pan-Māori or national significance. Although they can cover both historical and contemporary claims, many of the inquiries are likely to have a significant contemporary policy aspect.

Contemporary Tiriti/Treaty claims being considered through the kaupapa inquiries programme appear symptomatic of a broader dissatisfaction with the Crown’s progress on improving outcomes for Māori. While the Crown prefers direct engagement, taking claims to the Waitangi Tribunal is often preferred by those who lack confidence in the Crown’s ability to engage, be timely and responsive, and resolve issues directly with Māori.

One of your roles, jointly with the Minister for Māori Development and the Minister responsible for the subject of a kaupapa inquiry, is to confirm the lead agency and Minister for that inquiry. In your capacity as Chair of MCR, as set out in CO(19)3, there is also a requirement for:

- Ministers leading kaupapa inquiries to report to the MCR to seek Cabinet agreement on their proposed approach to those inquiries; and
- Ministers to seek agreement from MCR before they (or their agencies) make decisions, or enter into formal discussions with Māori, about significant changes to policy, regulation, or public services that:
  - respond to a contemporary Tiriti/Treaty issue; or

- are intended to specifically improve outcomes for Māori.

Te Arawhiti is currently supporting the Ministry of Health in the health services and outcomes inquiry (Wai 2575), the Ministry for Women's Affairs and Te Puni Kōkiri (who are co-leads) in the mana wāhine inquiry (Wai 2700), and the Ministry of Housing and Urban Development in the housing policy and services inquiry (Wai 2750). Te Arawhiti originated and participates in six-weekly co-learning hui with agencies involved in kaupapa inquiries.

### *Resetting the relationship with the National Iwi Chairs Forum*

The Crown's broad and inclusive approach for engaging with Māori led to a reset of its relationship with the National Iwi Chairs Forum (NICF) in 2019. As the Minister for Māori Crown Relations: Te Arawhiti, you and the Minister for Māori Development lead the relationship with the NICF.

On 28 August 2019, at the NICF quarterly hui, the Crown and the NICF agreed a Statement of Engagement. It was further endorsed by Cabinet on 21 October 2019. The Statement of Engagement is a considered way of working in partnership. It provides the foundation for identifying mutual priorities, developing agreed work programmes, and reporting back on progress.

The Statement of Engagement provides the following guiding principles on how the Crown and the NICF work together:

- engaging with the NICF as a collective of Tiriti/Treaty partners;
- working at a rangatira to rangatira level; and
- identifying areas where parties can work together in partnership.

The NICF is structured under four pou: Pou Tikanga, Pou Tangata, Pou Taiao, and Pou Tahua. The Crown's engagement model currently replicates this structure.

As a lead for the relationship with the NICF, you provide the strategic leadership and coordination across Ministerial portfolios and the four pou. You are also the lead Minister for Pou Tikanga – which leads the overarching engagement with the Crown. The current focus for Pou Tikanga is:

- rangatira to rangatira engagement (including the development of Te Arawhiti tools and guidance);
- overlapping interests in the Tiriti/Treaty claim settlement process;
- justice sector reforms; and
- eliminating racism.

### **Sustain Māori Crown relationships**

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For Māori Crown relationships to progress beyond the settlement of historical claims, the Crown needs to uphold the commitments it has made to Māori in settlements.

It also needs a focus on institutional change through effective engagement with Māori and embedding Māori Crown relationships at the heart of policy development and the legislative reform process.

Proactive Tiriti/Treaty partnership is about pursuing opportunity and engagement, rather than reactive obligation or consultation.

### *Upholding the Crown's Tiriti/Treaty settlement commitments*

Tiriti/Treaty settlements are an important reset in the relationships between Māori and the Crown. They lay the foundation for reconciliation of historical wrongs through the Crown's acknowledgement of and apology for its breaches of te Tiriti/the Treaty, the provision of redress, and provide a platform for partnership opportunities.

Reconciliation with Māori is dependent on the Crown honouring these relationships and building trust and confidence with their Tiriti/Treaty partner by upholding the commitments to redress the Crown makes through settlements.

You have a key role to play in ensuring settlements support true Tiriti/Treaty partnership by:

- supporting iwi and agencies to deliver commitments and resolve settlement-related issues;
- considering advice on the impacts of policy initiatives on the durability of settlements; and
- fostering and growing partnerships with settled iwi.

### *Supporting iwi and agencies to deliver commitments and resolve settlement-related issues*

While you are responsible for ensuring the Crown upholds its settlement commitments, the responsibility for the commitments themselves lie across the Crown.

To give Ministers and agencies visibility of their commitments, Te Arawhiti launched Te Haeata – the Settlement Portal (Te Haeata) in June 2019. Te Haeata is an online database that records settlement commitments.

Part of healthier Māori Crown relationships is ensuring that when settlement commitment issues arise, the Crown engages in good faith and finds appropriate solutions. There will be times when you need to lead discussions with post-settlement governance entities (PSGE) and determine appropriate outcomes.

As Te Arawhiti continues to complete settlements, it will need to increase its focus on providing strategic oversight on the durability of settlements. This means continuing to enhance the capability of Te Haeata, working with agencies to increase their own capability in upholding their commitments, and supporting agencies to use settlements as renewed relationships and opportunities for partnerships.

Te Arawhiti will advise you on safeguarding the durability of settlements in a supplementary briefing.

### *Providing advice on the impacts of policy initiatives on the durability of settlements*

Te Arawhiti supports you to provide strategic advice to your Cabinet colleagues to ensure decisions are made with a clear understanding of how they may impact on settlement arrangements.

Some recent examples of initiatives where Te Arawhiti advice helped ensure settlement implications were understood and worked through include:

- the COVID-19 Recovery (Fast-track Consenting) Act 2020;
- the Kāinga Ora – Homes and Communities Act 2019; and
- the Urban Development Act 2020.

Te Arawhiti will continue to provide advice to agencies on how policies under development may impact on settlements. More broadly, there is a need to support agencies to build their own capability to consider Māori Crown relations issues, including settlement implications, in their policy-making.

In instances where there has been an error in a settlement, or where redress has not been delivered as intended, an amendment to the settlement may be required. Settlements also interact with policy and legislative settings that evolve over time. This context can mean that settlement commitments which interact with those settings also need to evolve. The ongoing challenge is to ensure amendments of this nature can be made to settlements in a way that does not undermine the integrity of settlements.

### *Fostering and growing post-settlement relationships*

Settlements are just one step on the Crown's journey towards true Tiriti/Treaty partnership with Māori. Key to this is ensuring relationships created through the settlement process are sustained and fostered. In the 2019/20 financial year, Te Arawhiti engaged with 28 PSGEs to maintain and build trust, discuss durability issues, and identify partnership opportunities.

Settlements do not limit the Crown's interaction with Māori to what was contained in a particular settlement. Nor do post-settlement relationships between Māori and Crown undermine the full and final principle of a historical Tiriti/Treaty settlement. Settlements are intended to resolve historical claims, lay a foundation for the future, and hold the promise of a renewed relationship between the settling group and the Crown. However, settlements are just one component of Māori Crown relationships. The focus of your portfolio is to continue to develop those Tiriti/Treaty partnerships into the future.

Te Arawhiti co-leads relationship agreements with two PSGEs and participates in the coordination of annual Ministerial hui under these agreements: the Ngāti Porou – Crown Taumata (summit), and the refreshed Ngaa Rauru Kiitahi Relationship Accord (Te Mata o te Here) and Paepae Rangatira hui. Te Arawhiti also contributes advice to other agencies responsible for leading similar arrangements. Ministers are invited to these hui to discuss issues at a rangatira to rangatira level.

### *Sustain relationships by putting Māori Crown relationships at the heart of policy development*

The health of Māori Crown relationships depends on government policy being Tiriti/Treaty-consistent and inclusive of te ao Māori perspectives. While responsibility for this falls to all Ministers and their agencies, you and Te Arawhiti have an important role lifting the capability of government to do this. There are a number of policy areas which will present issues of particular significance to Māori Crown relationships in the coming years.

## *Natural resources – te ao tūroa*

Other Ministers lead work on natural resources but given the relationship of Māori to the natural environment, your role often needs to ensure that Māori perspectives are at the heart of policy development.



- a comprehensive review of the resource management system;
- a new freshwater allocation system; and
- reforms to the ‘three waters’ system (drinking water, stormwater, and wastewater).

s 9(2)(g)(i) of OIA

Te Arawhiti will provide you with a natural resources supplementary briefing.

## *Sustain relationships by actively supporting Crown agencies to engage effectively with Māori*

Te Arawhiti has a responsibility to ensure that agencies engage meaningfully with Māori, to increase the opportunities for, and the quality of, Māori Crown engagement on important issues, and promote good practice.

Te Arawhiti provides direct advice and guidance to agencies on their engagement plans, strategies, and processes. In late 2018, Cabinet approved the Māori Crown Engagement Framework and Guidelines developed by Te Arawhiti. The key principles of the guidelines are to engage early, be inclusive, and think broadly. To date, Te Arawhiti has provided advice on 175 engagement processes. Assisting agencies to engage meaningfully with Māori reflects Te Arawhiti’s role in lifting the capability of the public sector to engage and partner with Māori.

Working in tandem with the Māori Crown Engagement Framework and Guidelines, Te Arawhiti has developed and facilitates an ‘Introduction to Engaging with Māori’ training workshop and a ‘Train the Trainer’ workshop to support the Crown’s implementation of this resource. In total, 46 workshops have been delivered across 26 agencies to over 1,000 participants. Te Arawhiti is currently developing advanced engagement workshops for both those with engagement experience and for public service leaders for rollout in the 2020/21 financial year.

## **Build Māori Crown relationships**

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The gains achieved through resetting Māori Crown relationships provides the platform for sustained long-lasting change and partnership opportunities that look towards the future. Building therefore focuses on ensuring relationships are moving towards Tiriti/Treaty partnerships.

## *Partner in the COVID-19 response and recovery*

It is broadly accepted that the situation brought about by COVID-19 (both the health and economic impacts) will have a disproportionate effect on Māori in the short and long term. Containment and elimination strategies have meant that the predicted effects of the virus on Māori have so far not

eventuated.<sup>3</sup> Whether this situation continues depends on the success of elimination efforts and the extent to which any potential future outbreaks can be contained.

In the medium and long term, efforts to contain and eliminate the virus are likely to have a disproportionately greater economic impact on Māori than on Pākehā. The Māori economy has been estimated to contract by as much as 20%, from an estimated \$50 billion to \$40 billion, due to effects on investments in sectors such as tourism and forestry.<sup>4</sup> During the global financial crisis, Māori unemployment increased from 7.4% to 14.6%, as opposed to an increase from 2.4% to 5% among Pākehā. These developments are likely to have compounding social impacts on Māori communities.

The exact economic and social impact on Māori will depend on a range of factors, including the possibility and extent of future outbreaks, how long New Zealand remains at the various alert levels, the extent of government intervention in the recovery effort, and the extent to which Māori are prioritised in the government's response.

The Māori Crown Relations portfolio continues to play an important role in the response to and recovery from COVID-19 for Māori by providing strategic leadership. Te Arawhiti is working to ensure that engagement and partnership with Māori form important parts of the approach taken to both the health response and economic recovery.

During the initial outbreak of COVID-19, Te Arawhiti supported 43 Māori organisations across the country to:

- develop pandemic response plans;
- effectively communicate with tribal members;
- support the care of kaumātua and kuia; and
- support volunteers and other emergency response resources.

Te Arawhiti also worked across government to share its expertise and resources, including:

- facilitating and acting as a critical point of contact between Māori leaders/groups and Crown agencies through regular hui at Deputy Chief Executive, Chief Executive, and Ministerial level; and
- deploying Te Arawhiti staff to lead and develop new workstreams focused on at-risk and vulnerable communities, particularly Māori.

In the long-term economic recovery, you will play a critical role in:

- providing leadership for Māori Crown relations to ensure opportunities to partner with Māori in the response to COVID-19 are identified and promoted;

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<sup>3</sup> Recent research indicates that, in the event of an uncontrolled outbreak of the virus, fatality rates for Māori could be 2.5 times that of Pākehā, or possibly higher. This mirrors the Māori experience of previous pandemics. *NZ Herald*, 17 April 2020, 'Covid 19 coronavirus: Death rate for Māori could be more than twice that of Pākehā'

<sup>4</sup> Joshua Hitchcock, *The Spinoff*, 8 April 2020, 'The effects of the Covid-19 recession will hit Māori hardest'

- facilitating relationships between central agencies, Māori, and local government to support COVID-19 response and recovery measures for communities (both nationally and locally);
- encouraging Ministers and agencies to work regionally with Māori in response to and recovery from COVID-19; and
- strengthening the Crown’s capability to design and deliver policy and services for, with, and by Māori.

### *COVID-19 Recovery (Fast-Track Consenting) Act 2020*

The COVID-19 Recovery (Fast-Track Consenting) Act 2020 (the Act) received royal assent on 8 July 2020. The Act is intended to urgently promote employment growth and support economic recovery by providing for alternative “fast track” processes for resource consent applications and confirming or modifying designations of land.

You and the Minister for Treaty of Waitangi Negotiations, along with a number of other Ministers, are invited to comment on applications under the Act by the Minister for the Environment and Expert Consenting Panels. The timeframe for providing comments is legislatively prescribed. Te Arawhiti will work with your office to ensure these timeframes are met.

The types of comments you may like to provide include whether the application:

- is compatible with existing settlement redress;
- presents opportunities for partnerships with Māori or other opportunities for Māori; and/or
- raises any apparent issues for Māori Crown relations.

In addition to your comments, Te Arawhiti is also required to work with the Ministry for the Environment on reports under section 17 of the Act, which provides the Minister for the Environment with information on settlements and customary rights and title (under the Marine and Coastal Area (Takutai Moana) Act 2011) that relate to the application and project area.

### *Brokering Māori Crown partnerships*

Within government, Te Arawhiti facilitates greater understanding of the aspirations of Māori and often serves as a connector and navigator for Māori into government. Supporting other agencies to understand at a practical level what it means to work in partnership with Māori is a key aspect of strengthening the Crown’s capability in Māori Crown relationships. It also links to Te Arawhiti’s role in lifting the capability of the public sector to engage and partner with Māori.

Some recent examples of successful Māori Crown partnerships in which Te Arawhiti acted as a broker or facilitator include:

- [REDACTED] – housing opportunities: Te Arawhiti supported [REDACTED] with its housing aspirations within [REDACTED] by brokering a connection to the Ministry of Housing and Urban Development (MHUD). [REDACTED] are working together with MHUD to develop a strategic housing plan for [REDACTED].

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- [REDACTED] – housing opportunities: Te Arawhiti provided a connection for [REDACTED] to MHUD for housing opportunities and provided information on the [REDACTED] for their information.
- [REDACTED]: Te Arawhiti worked to support [REDACTED] regarding the former [REDACTED] which was landbanked earlier in the year. Te Arawhiti facilitated between the Whangarei District Council, the Ministry of Education, and Land Information New Zealand to ensure the site was landbanked for [REDACTED].

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Te Arawhiti will advise you on Māori Crown partnerships in a supplementary briefing.

### *Whai Hononga - supporting significant National Māori events*

In Budget 19, the Whai Hononga funding programme was added to the scope of your portfolio. It is a \$1 million annual fund to contribute to the delivery of significant national Crown Māori events which strengthen a shared national identity that recognises, values, and encourages strong partnerships between Māori and the Crown. Te Arawhiti works with Māori organisations to support event planning and coordination of the Crown's participation (particularly where more than one agency is involved).

An annual review process is included in the design of the Whai Hononga funding programme to ensure that the distribution of funding continues to meet Crown priorities, that the support for significant Crown Māori events is adequate and appropriate, and that the process for administration of funding is supportive rather than restrictive for non-government organisations. The review of the 2019/20 funding programme is expected to be completed before formally committing to events in the 2020/21 financial year.

Te Arawhiti has coordinated the Crown's attendance and events for the last three annual Waitangi commemoration events (2018, 2019, and 2020), which take place over a week around Waitangi Day. The past three Waitangi commemoration events have provided an opportunity to continue building stronger Māori Crown relationships at Waitangi and a shared sense of national identity. The Whai Hononga funding programme was utilised to support Waitangi 2020.

In 2020, Te Arawhiti supported the Dame Whina Cooper commemoration event and supported the Ministry for Culture and Heritage with the rollout of the *Tuia – Encounters 250* national commemoration.

A challenge for the Whai Hononga funding programme will be continuing to build on the momentum that has been achieved while navigating the significant impact COVID-19 continues to have on events.

Te Arawhiti will provide you with a Whai Hononga supplementary briefing.

### *Lifting public sector capability to work with Māori*

Te Arawhiti is charged with ensuring public sector capability to work with Māori is strengthened and has developed a competency framework and training programme, at both the individual and organisational level, to support the lifting of the public sector's capability to engage and partner with Māori.

In 2019, Te Arawhiti developed and promoted a range of standards, tools and workshops for agencies to improve public service capability. Agencies (including non-government) are beginning to use these tools. To support agencies to implement these tools, Te Arawhiti:

- undertook a needs assessment of capability across the public service;
- shared insights and advice with agencies from the 2018 engagement hui with Māori;
- developed, promoted, and published the Māori Crown Relations Capability Framework (the Framework) – including both the Individual and Organisational Capability Components, and the Māori Crown relations skills survey – at various fora; and
- contributed to the development of cross-government tools to ensure Māori Crown relationships are included in them (for example, the Policy Quality Framework).

In 2020, Te Arawhiti refined its approach to the public sector capability-building programme. A broad approach was a helpful starting point to begin Te Arawhiti's journey of improving the level of Māori Crown relations capability across the public sector. However, with more than 50,000 people in the core public service, and a further 350,000-plus in the wider state sector (including Crown entities), the refined approach supports a deeper, targeted reach to achieve true cultural change.

The refined approach includes prioritising key groups and areas of work, such as:

- targeting tier one and tier two leaders;
- supporting Māori within the public service;
- supporting the development of additional cross-government tools, where applicable; and
- working alongside targeted agencies to provide tailored support with the development and implementation of their Māori Crown relations capability plans.

Te Arawhiti will provide you with a public sector capability supplementary briefing.

#### The Māori Crown Relations Capability Framework

The framework was finalised and published on Te Arawhiti's website in December 2019, making tools more accessible to agencies. It established standards for Māori Crown relations capability using a maturity model, set out what is expected at each stage and made recommendations for how to achieve the expectations. In total, Te Arawhiti advised more than 35 agencies and Crown entities on its use of the Framework. The framework includes:

- an Individual Capability Component;
- an Organisational Capability Component;
- an Individual Capability Survey; and
- an Organisational Assessment Tool.

## *Measuring the health of Māori Crown relationships*

One of your portfolio responsibilities is to provide an independent cross-Crown view on the health of Māori Crown relationships. To support you to achieve this, Te Arawhiti is designing a maturity framework that will look at the status of Māori Crown relationships and how they can evolve over the next 20 years, across different domains.

The maturity framework will include indicators across different aspects of the relationship, such as:

- **policies and programmes** – to what extent does te Tiriti/the Treaty, a Māori world view, and mātauranga Māori shape the design and delivery of policies and programmes? How are the rights and interests of Māori considered when policies and programmes are designed and delivered?
- **engagement and partnerships** – where are Māori and the Crown successfully working in partnership? What are the characteristics of successful engagement and partnerships between tino rangatiratanga and kāwanatanga?
- **capability of the Crown** – does the Crown have the cultural capability to work successfully for and in partnership with Māori? What experience do Māori have of working with Crown officials and does this meet Tiriti/Treaty-based expectations?
- **Tiriti/Treaty settlements** – are settlements being implemented successfully and are they providing a basis for enduring, forward-looking partnerships between Māori and the Crown?

Te Arawhiti will provide you with a health of Māori Crown relationships supplementary briefing.

## **Other material to support you**

This document has given you a brief overview of the Māori Crown Relations: Te Arawhiti portfolio. It will also be supported by supplementary briefings on finance – Vote Justice (MCR), contemporary Tiriti/Treaty issues, safeguarding settlement durability, natural resources, Māori Crown Partnerships, Whai Hononga, strengthening public sector capability, the National Iwi Chairs Forum, and the health of Māori Crown relationship.

Any further information or advice can be supplied upon your request.


Te Arawhiti looks forward to discussing this advice with you, in support of the priorities set out by you and the government.

## Appendix A – Contact details for Te Arawhiti Executive Team

		Direct Dial	Mobile Phone
<b>Tumu Whakarae – Chief Executive</b>	Lil Anderson	██████████	██████████
<b>Deputy Chief Executive – Partnerships</b>	Kelly Dunn	██████████	██████████
<b>Deputy Chief Executive – Strategy and Policy</b>	Warren Fraser	██████████	██████████
<b>Deputy Chief Executive – Organisational Support</b>	Darrin Sykes	██████████	██████████
<b>Deputy Chief Executive – Treaty settlements and Takutai Moana</b>	Rachel Houlbrooke	██████████	██████████

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## Appendix B – Three phases towards true Tiriti/Treaty partnership



# TOWARDS TRUE TREATY PARTNERSHIP

### RESET

- » Settle historical Treaty claims
- » Resolve longstanding and contemporary issues
- » Engage with Māori on Takutai Moana

### SUSTAIN



- » Uphold the Crown's Treaty settlement commitments
- » Actively support Crown agencies to engage effectively with Māori
- » Put the Māori Crown relationship at the heart of policy development

### BUILD

- » Lift public sector capability to work with Māori
- » Broker Māori Crown partnerships
- » Partner in Covid-19 response and recovery

**Mahi Tahī**      **Pono ki te Kaupapa**      **Atawhaitia**

Working together in good faith with humility and authenticity



## Appendix C – Covid 19 – Te Arawhiti Response

### Māori Crown Engagement

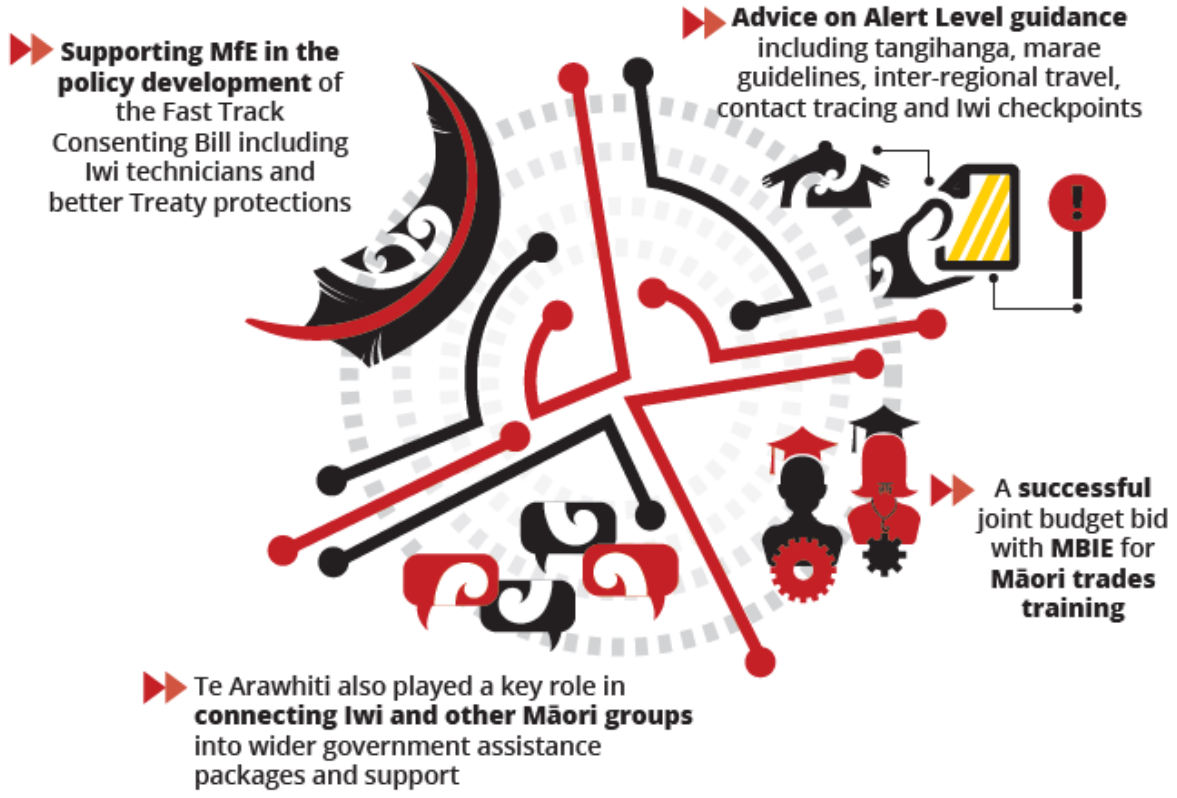
- ▶▶ Te Arawhiti **provided strategic oversight** across both internal and external workstreams
- ▶▶ Te Arawhiti demonstrated **broad and inclusive engagement** linking with the National Iwi Chairs Forum and the Māori community to recognise their unique role as a Treaty partner
- ▶▶ Te Arawhiti reached out to Iwi throughout Aotearoa, providing them with **information, advice and advocacy**, ensuring local and regional issues were being understood and acted on by the appropriate officials or agencies
- ▶▶ Te Arawhiti **led the engagement** with the National Iwi Chairs Forum, Iwi Māori and senior officials



### A Cross-Government Kaupapa



- ▶▶ Te Arawhiti invited over **12 agencies to systematically work together** in response to a range of issues raised by Iwi Māori. These agencies included DPMC, National Emergency Management Agency, TPK, MSD, MoH, MHUD, MoE, OT, Police and Corrections
- ▶▶ This cross-agency team delivered on the **\$56 million Māori Assistance Package**
- ▶▶ **Legislative change** to safeguard settlements and to modify restrictions on the operation of PSGEs, including entities under the Companies Act

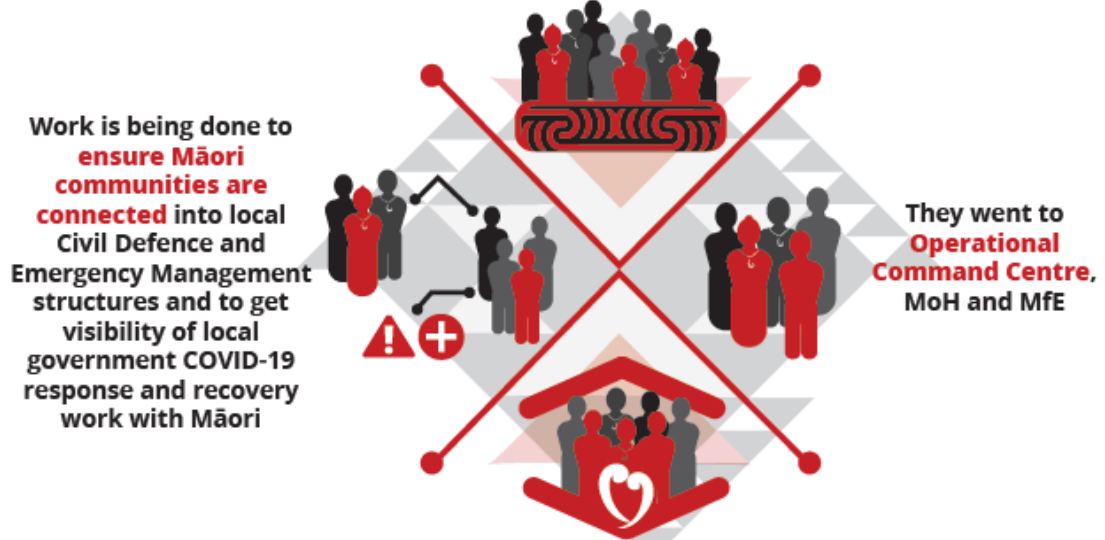


## Supporting Across the System

Te Arawhiti deployed a number of staff to support broader government efforts.

### By the Numbers

**10% of staff** (including our CE and DCE) were redeployed to support the COVID-19 response and recovery

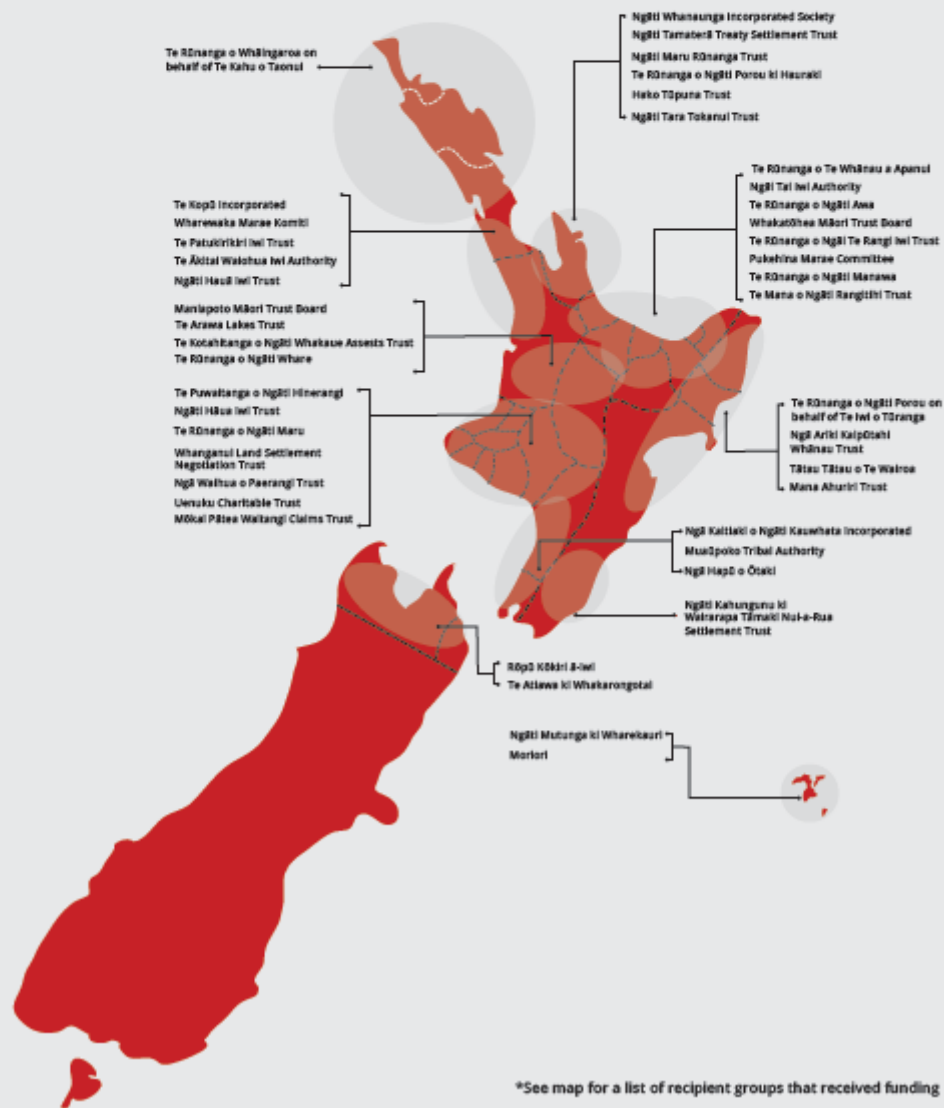


# Supporting Iwi Māori

As part of the Government's work to connect with Iwi, Te Arawhiti had \$470,000 available to support Iwi with their COVID-19 response planning. One-off grants were provided as contributions towards the following types of initiatives:

- ▶▶ the preparation of response plans
- ▶▶ the design and production of communications to hapū and whānau; and
- ▶▶ key work being undertaken by Iwi community response teams

## By The Numbers





## Appendix D – Glossary of Māori terms

<b>Kāhui</b>	Team
<b>Hīkina</b>	To lift, support
<b>Whakatau</b>	To settle, confirm
<b>Whakamana</b>	To uphold, adhere
<b>Hāpai Ō</b>	Support
<b>Tumu Whakarae</b>	Chief Executive
<b>Wāhi tapu</b>	Sacred place, sacred site
<b>Taonga</b>	Property, goods, possession, effects
<b>Raupatu</b>	To conquer, overcome, take without any right
<b>Hapū</b>	Sub-tribe
<b>Takutai Moana</b>	Foreshore and seabed
<b>Te Kawa Mataaho</b>	Public Service Commission
<b>Wāhanga</b>	Division (group)
<b>Kaupapa</b>	Topic, theme
<b>Te Ao Tūroa</b>	<i>Proper noun</i> to mean natural resources
<b>Te Pae Tāwhiti</b>	<i>Proper noun</i> given to the Crown's response to Wai 262
<b>Te ao Māori</b>	Māori world
<b>Pākehā</b>	Not of Māori descent
<b>Kaumātua</b>	Elder (male)
<b>Kuia</b>	Elder (female)



**The Office for Māori Crown Relations – Te Arawhiti**

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