

5 August 2021

File Ref: OIA 43470

9(2)(a)

Tēnā koe 9(2)(a)

Official Information Act request

Thank you for your information request dated 18 June 2021. You asked for copies of the papers listed in response to written parliamentary question 23563 (2021).

On 15 July 2021 you were notified of an extension to the timeframe to respond to allow time for the necessary consultations.

I am now in a position to respond. Your request has been considered in accordance with the Official Information Act 1982 (the Act).

Te Puni Kōkiri is leading the development of a whole-of-government work programme and announcements regarding this programme will be made later this year. Given this process is underway, the advice tendered is withheld as disclosure would harm the orderly and effective conduct of the decision-making process. Information has been withheld in accordance with the Act on the following grounds:

- Section 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.

The eight documents and my decisions with regard to the release of the information are set out in the table attached as Appendix A. Please note that there was an error with some of dates provided in the response to the written parliamentary question. These have been noted in the table.

I have considered the public interest considerations in section 9(1) of the Act.

I trust my response satisfies your request.

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.

Please note that Te Puni Kōkiri publishes some of its OIA responses on its website, after the response is sent to the requester. The responses published are those that are

considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact us at oiia@tpk.govt.nz.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'Geoff Short', with a stylized, cursive script.

Geoff Short
Hautū, Te Puni Kaupapa Here | Deputy Secretary, Policy Partnerships

Appendix A – documents OIA request from Andrew Ketels dated 18 June 2021

Item	Date	Document description	Decision
1.	27/11/2020 Correct date: 3/12/2020	Briefing paper # 42436 Te Pae Tawhiti – Wai 262: Decisions on next steps	Certain information withheld under section 9(2)(f)(iv)
2.	16/02/2021 Correct date: 17/02/2021	Aide Memoire # 42723 Te Pae Tawhiti – Wai 262: Work Programme A3 – Attachment: Proposed Te Pae Tawhiti – Wai 262 Work Programme	Certain information withheld under section 9(2)(f)(iv) Certain information is withheld from the aide memoire under section 9(2)(f)(iv) Attachment withheld in full under section 9(2)(f)(iv)
3.	17/02/2021 Correct date: 22/03/2021	Aide Memoire # 42733 Te Pae Tawhiti – Wai 262: Follow up to your meeting with Te Taumata Whakapūmau on 2 Hui-tanguru Attachment: Proposed Letter to Te Taumata Whakapūmau	Certain information is withheld from the aide memoire under section 9(2)(f)(iv) Attachment withheld in full under section 9(2)(f)(iv)

4.	5/05/2021	Aide Memoire # 43209 Te Pae Tawhiti - Wai 262 update	Withheld in full under section 9(2)(f)(iv)
5.	6/05/2021 Correct date: 5/05/2021	Aide Memoire #43211 NICF Haratua 2021 - Te Pae Tawhiti - Wai 262 update	Withheld in full under section 9(2)(f)(iv)
6.	6/05/2021 Correct date: 14/04/2021	Aide Memoire # 43218 Te Pae Tawhiti - Wai 262 update, Officials Meeting 15 Paengawhāwhā 2021	Withheld in full under section 9(2)(f)(iv)
7.	11/05/2021 Correct date: 18/05/2021	Briefing paper # 42349 Te Pae Tawhiti: Wai 262 – Mānuka	Certain information withheld under section 9(2)(f)(iv)
8.	2/06/2021	Aide Memoire # 43396 Te Pae Tawhiti – Wai 262 update	Withheld in full under section 9(2)(f)(iv)



HEI WHAKATAU | BRIEFING

Te Pae Tawhiti – Wai 262: Decisions on next steps

Date:	3 Hakihea 2020	Priority	High
Classification	In Confidence	Tracking Number	42436

Action sought	Date action required by
<p>It is recommended that you:</p> <ol style="list-style-type: none"> note that decisions are needed on the approach to Te Pae Tawhiti-Wai 262 in the current term of Government discuss with officials at your meeting on 8 Hakihea 2020 your preferences for the options for <ol style="list-style-type: none"> ministerial arrangements set out in paras 26-33 below clarifying the cabinet mandate for this mahi set out in paras 34-40 below. 	8 Hakihea 2020

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 st contact
Geoff Short	Deputy Chief Executive, Policy Partnerships	04 471 1788	021 704 645	
Tāmati Olsen	Director (Acting), Wellbeing	04 819 9297	021 243 7183	✓

Other Agencies Consulted					
<input type="checkbox"/> MBIE	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> Treasury	<input type="checkbox"/> MoH
<input type="checkbox"/> MHUD	<input type="checkbox"/> Other				

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments:



3 Hakihea 2020

Associate Minister for Māori Development

Te Pae Tawhiti – Wai 262: Decisions on next steps

Purpose

1. This briefing seeks your direction on next steps with all of government work Te Puni Kōkiri is leading to address issues arising from the Wai 262 claim and the whole of government inquiry which followed.
2. Officials are keen to discuss with you:
 - a. utilising the Māori Policy Framework in this mahi
 - b. options for ministerial arrangements
 - c. options for confirming the Cabinet mandate for this mahi.

Background

3. In April 2019, Cabinet agreed to develop a whole of government strategy to address Wai 262 issues. As Minister for Māori Development, you adopted the name Te Pae Tawhiti - Wai 262 (The Distant Horizon- Wai 262) for this kaupapa in 2019. This reflects its aspiration to connect a broad range of kaupapa across government, to realise tangible benefits for Māori and for all of New Zealand. Targeted engagement on the Crown's preliminary proposals for how the Crown organises itself was undertaken in the last quarter of 2019.
4. Wai 262 issues are complex and multi-faceted, encompassing topics as diverse as natural resources, te reo Māori, and intellectual property. A key common thread is the ability of Māori to act as kaitiaki for their mātauranga Māori and taonga. Addressing specific issues in a joined-up way which reflects the broad interests involved is crucial to success.
5. Within Government, work on Wai 262 issues has been organised into three Kete:
 - a. Kete Tuatahi (Kete 1): Taonga Works, Matihiko, Raraunga me te Mātauranga Māori
 - b. Kete Tuarua (Kete 2): Taonga Taiao me te Mātauranga Māori
 - c. Kete Tuatoru (Kete 3): Kawenata Aorere / Kaupapa Aorere.
6. A cross-agency Deputy Chief Executives group has also been established, although it has not met since the response to COVID began.
7. Budget 2020 allocated funding within Vote Māori Development of \$6.5 million in departmental expenditure over 2020/21 and 2021/22 to support Te Pae Tawhiti. A paper on the overall strategic approach (including feedback from targeted engagement) to this work, and an initial work programme was prepared by officials but not considered by Cabinet before the election.
8. In the absence of a Cabinet direction and as the Minister for Māori Development, you approved an interim work programme for Te Puni Kōkiri focussed on three areas:

a. 9(2)(f)(iv)

b. 9(2)(f)(iv)

c. a whole of government plan of action addressing the Crown's existing and proposed work on the matters a) through c) above, due to Cabinet by mid-2021.

Progress on interim work programme

Early Opportunities Work

9. We have worked closely with Te Taumata Whakapūmau¹ (the claimant representative rūpū, henceforth "Te Taumata") 9(2)(f)(iv)

9(2)(f)(iv)

10. 9(2)(f)(iv)

11. We have discussed with 9(2)(a) some opportunities to support activities they have underway to protect taonga species in their rohe. As we consider potential next steps, 9(2)(f)(iv)
9(2)(f)(iv)
9(2)(f)(iv) As this work progresses, we will brief you on options for support.

12. 9(2)(f)(iv)

13. The Chief Science Advisor network, along with Māori scientists and researchers, have been developing a revised approach to enabling and supporting mātauranga Māori. 9(2)(f)(iv)
9(2)(f)(iv)
Additionally, the Ministry of Education is undertaking some work with iwi on localised curriculums, drawing heavily on iwi mātauranga. This too may provide an early opportunity to support innovation in this area.

Māori to Māori Conversations

14. Te Taumata has received funding to begin work on Māori to Māori conversations with the aim of developing a national Māori voice (briefing 42033 refers). They have advised us that work has been delayed due to shortage of suitable project management personnel, most of whom are occupied on Provincial Growth Fund projects. We are working actively with Te Taumata to support progress to the extent practicable. They are looking to refine their work programme to minimise delays and we will update you on this again in the New Year.

¹ Te Taumata Whakapūmau includes representatives from the whānau of the original Wai 262 claimants and their iwi.

15. 9(2)(f)(iv)

Plan of Action

16. 9(2)(f)(iv)

Whole of Agency Focus

17. 9(2)(f)(iv)
9(2)(f)(iv) While we are standing up a project team to support you with whole of government coordination, we are also looking at the work we are doing across the organisation that will have a bearing on Wai 262 issues. 9(2)(f)(iv)

9(2)(f)(iv)

18. 9(2)(f)(iv)

19. We have been working on a Māori Public Policy Framework that could be used to assist agencies to understand how and when to consider Māori within the policy work they are progressing with each Kete. The Framework provides for an opportunity to better locate when indigenous interests need to be protected and when Māori as citizens need access to resources to enable development and innovation to be supported.

20. Te Puni Kōkiri is currently working on training staff across the organisation to understand and apply the Framework, to ensure there is greater consistency in our approach to policy, insights, monitoring and regional partnerships and investments.

Opportunities:

What can we do across Government and with Māori?

21. Leading a whole of government approach to Wai 262 issues requires:

- a. a coherent and cohesive approach to work across government with buy-in at Ministerial level; and
- b. ongoing engagement by Te Puni Kōkiri with other government agencies about their own work programmes.

22. Te Puni Kōkiri is currently working with other agencies and Māori partners on:

- a. strengthening the consistency, coherence and coordination of the government's engagement and policy responses to Wai 262 issues;

In practice this means working alongside agencies to encourage them to both consider specific recommendations and findings of Ko Aotearoa Tēnei and the need for a coherent whole of government approach to mātauranga and taonga.

- b. **supporting Māori-to-Māori conversations** and maintaining Māori-Crown dialogue; and

In practice this means working Te Taumata to ensure that their mahi is building towards a national Māori voice, and engaging with other groups to keep information flows between the Crown and Māori open.

- c. **advancing conversations with Māori about future joint work** as the Māori-to-Māori conversations progress.

9(2)(f)(iv)

23. Partnership is central to Te Pae Tawhiti – Wai 262. A “learning by doing” approach will support the building of a relationship that reflects the mutual interests and needs of both partners. In this model, over time, the Crown aspires to agree outcomes with Māori and then deliver these together.

24. **Tangible steps to improve consistency, coherence and coordination across Government** are critical to the ongoing credibility of Te Pae Tawhiti. Key to advancing this agenda within Government will be a clear early decision by Government committing to a whole of government approach grounded in “learning by doing” and developing a **three year Plan of Action utilising the Māori Public Policy Framework**

25. 9(2)(f)(iv)

Options for Ministerial Arrangements

26. The emergence and response to COVID-19 significantly impacted on the work programme and next steps for the approach we were taking. Rightly, the Government’s focus has been targeted on responding to the health crisis and identifying opportunities to fast-track economic recovery. As the incoming Government settles, we are keen to re-engage arrangements to provide for Ministerial oversight and across government leadership of Te Pae Tawhiti.

27. In 2019 we developed an architecture to support Ministerial oversight of the across government work to progress matters associated with WAI 262. This was part of a government engagement process which we sought feedback on. We do not propose that the Kete structures or the key matters within their scopes are altered but you may wish to change how reporting and Ministerial oversight might occur.

28. As an overarching Minister with responsibility for coordination, you may wish to consider utilising the **Māori-Crown relations Cabinet Committee to provide a vehicle for regular reporting and to drive activity strategically across Government. This may prove a more focused vehicle, rather than the 14 Minister Oversight Group initially considered.** *ogive*

29. In light of Ministerial portfolios and the Government’s priorities, as signalled in the Speech from the Throne, there are options you may wish to consider around how Ministers may be organised to provide for coherence across the wide scope of activity agencies and Ministers are using that impact on Te Pae Tawhiti.

9(2)(f)(iv)

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9(2)(f)(iv)

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9(2)(f)(iv)

33. We would be keen to discuss these options with you when we meet.

9(2)(f)(iv)

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9(2)(f)(iv)

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9(2)(f)(iv)

a.

b.

c.

9(2)(f)(iv)

i.

ii.

9(2)(f)(iv)

38. 9(2)(f)(iv)

a.

b.

c.

d.

9(2)(f)(iv)

9(2)(f)(iv)

39.

9(2)(f)(iv)

40. We are keen to discuss these options with you when we meet.

How does this relate to Government priorities?

41. Supporting Māori to exercise rangatiratanga in the protection, development and use of mātauranga and taonga is a strategic driver of sustained and equitable development of Māori wellbeing. Unlocking the economic, social and cultural potential of te ao Māori, inclusive of the whole of New Zealand, is a key objective of Te Pae Tawhiti.

42. The Speech from the Throne specifically identifies Māori-Crown relations as a priority for this Government. The Government's Māori Development Manifesto makes a commitment to "progress the findings of the Wai 262 Claim 'Ko Aotearoa Tēnei' as part of a wider commitment to "recognise the vital contribution of Mātauranga Māori". Specifically, the manifesto states:

Labour will recognise the vital contribution of mātauranga Māori (as an indigenous knowledge system) and respect the significant contribution that mātauranga Māori can have on wellbeing, innovation, protection and restoration of natural resources, habitat and biodiversity. We will:

- *commit to progressing the findings of the Wai 262 Claim 'Ko Aotearoa Tēnei'.*

- *support wider work in research, science and innovation to advance mātauranga Māori.*
43. Current approaches to the protection and use of mātauranga Māori and taonga are piecemeal and inconsistent across Government. Few enable and empower Māori to act as kaitiaki and exercise rangatiratanga. At the same time there is increased international interest in the commercialisation of indigenous intellectual property. *A coherent approach is long overdue if protection, preservation, use of mātauranga and taonga are to support Māori development.*

Risks, Issues and Challenges

9(2)(f)(iv)

44. Addressing Wai 262 issues has the potential be an exemplar for how to deliver the COVID recovery in a way that also strengthens the Māori-Crown partnership. However individual work programmes within government are already building their own momentum. Cross-agency work rests on a sense that the Government remains committed to Te Pae Tawhiti. The next phase of work will require significant cross-agency cooperation.

45 9(2)(f)(iv)

Māori to Māori conversations:

46. The Crown will need to partner with Māori to find common approaches to strategic and cross-cutting issues and to “learn by doing”. Te Taumata has been funded to initiate broader Māori-to-Māori conversations about how Māori engage with the Crown on this kaupapa. Te Taumata has received funding until June 2021 to support the establishment of a national Māori voice to engage with the Crown on Wai 262 issues, but this process will take much longer due to supply issues as discussed previously and the unprecedented nature of this process. Transitioning this mahi to some form of nationally representative group is both a major opportunity and a significant challenge. We will work closely with Te Arawhiti to ensure the engagement process meets the expectations of both the Crown and Māori.

47 9(2)(f)(iv)

Summary

48. The immediate context has changed considerably since Te Pae Tawhiti-Wai 262 was first announced. The basic framework and approach for this work remains sound. However, progress to date has been significantly affected by the priority given to the response and recovery from COVID, and the general election. Your delegations to coordinate the whole of government response offer scope to ensure addressing the protection, preservation and use of mātauranga Māori and taonga is an integral part of the COVID 19 recovery process.

9(2)(f)(iv)


Recommendations

49. It is recommended that you:

1. **note** that decisions are needed on the approach to Te Pae Tawhiti-Wai 262 in the current term of Government
2. **discuss** with officials at your meeting on 8 Hakihea 2020 your preferences for the options for
 - a. ministerial arrangements set out in paras 26-33 above
 - b. clarifying the cabinet mandate for this mahi set out in paras 34-40 above.

Geoff Short

Manahautū Tuarua Te Puni Hononga Kaupapa Here | Deputy Chief Executive, Policy Partnerships


Hon Nanaia Mahuta Associate Minister for Māori Development
Date: ____ / <u>12</u> / 2020

9(2)(f)(iv)

② please map out
a workplan with
high level objectives
as expressed in this
paper
③ Agree to application
of Māori Policy Framework

9(2)(f)(iv)

17 Hui-tanguru 2021

Associate Minister for Māori Development

HE PĀRONGO | AIDE MEMOIRE

Te Pae Tawhiti – Wai 262: Work Programme A3

Te Puni Kōkiri contact: Tāmati Olsen, Kaihautū (Kairiwhi), Te Puna Oranga
Phone: 021 243 7183
TPK tracking no: 42723

Purpose

1. The A3 attached to this Aide Memoire (**Attachment 1**) sets out possible components of a targeted work programme for Te Pae Tawhiti-Wai 262 for discussion with officials. The body of the Aide Memoire provides some context for this material.

Background

2. You recently met with iwi chairs from Te Taumata Whakapūmau (refer #42596). At that meeting you told Te Taumata Whakapūmau (“Te Taumata”) you were keen to:
 - a. see some agreement on a forward work programme (possibly via an MOU) addressing strategic initiatives as well as process, so that major pieces of work can progress in the current term of Parliament
 - b. begin this work programme with the right wairua to maintain the integrity of the claim and ensure Māori leadership on strategic direction as well as process
 - c. stay in contact with Te Taumata; you suggested meeting again in six to eight weeks.

3. 9(2)(f)(iv) [REDACTED]

Engagement with Te Taumata Whakapūmau

4. Officials are meeting weekly with representatives of Te Taumata. Discussions remain constructive and are operating on a high trust basis.

5. 9(2)(f)(iv) [REDACTED]

6. Last week (prior to the latest COVID incident), Te Taumata were confident that their work on Māori to Māori conversations would get underway in Poutū-te-rangi and Paenga-whāwhā as planned.
7. Te Taumata noted your suggestion of a further meeting, and their representatives recently raised with officials the idea of a meeting with both whānau and iwi representatives of Te Taumata. They envisage a similar attendance as for the hui you hosted in Haratua 2019 which launched the current work on Te Pae Tawhiti-Wai 262.

9(2)(f)(iv)

8. 9(2)(f)(iv)

a. 9(2)(f)(iv)

b. 9(2)(f)(iv)

c. 9(2)(f)(iv)

d. 9(2)(f)(iv)

9. 9(2)(f)(iv)

10. 9(2)(f)(iv)

9(2)(f)(iv)

11. 9(2)(f)(iv)

12. 9(2)(f)(iv)

Te Taumata Whakapūmau

- ### Work Programme:

- Page 3



22 Poutū-te-rangi 2021

Associate Minister for Māori Development

HE PĀRONGO | AIDE MEMOIRE

Te Pae Tawhiti – Wai 262: Letter to Te Taumata Whakapūmau and update on work programme

Te Puni Kōkiri contact: Tāmati Olsen, Kaihautū (Kairīwhi), Te Puna Oranga
Phone: 021 243 7183
TPK tracking no: 42733

Purpose

1. This aide memoire:
 - a. provides a letter to Te Taumata Whakapūmau for your signature (**Attachment 1**)
 - b. updates you on various matters relating to the Te Pae Tawhiti – Wai 262 work programme.

Background

2. You met via Zoom with iwi chairs from Te Taumata Whakapūmau (“Te Taumata”) on 2 Hui-tanguru. At that meeting you told Te Taumata you were keen to:
 - a. see some agreement on a forward work programme (possibly via an MOU) addressing strategic initiatives as well as process, 9(2)(f)(iv)
 - b. begin this work programme with the right wairua to maintain the integrity of the claim and ensure Māori leadership on strategic direction as well as process
 - c. stay in contact with Te Taumata, you suggested meeting again in six to eight weeks.
3. 9(2)(f)(iv)
4. On 19 Hui-tanguru you met with Te Puni Kōkiri officials to discuss possible areas for forward work within the Te Pae Tawhiti – Wai 262 work programme (AM#42723 refers). You were generally happy with the work areas set out, and asked officials to:
 - a. 9(2)(f)(iv)
 - b. 9(2)(f)(iv)

c. 9(2)(f)(iv)

d. 9(2)(f)(iv)

Engagement with Te Taumata Whakapūmau

5. Officials are meeting weekly with representatives of Te Taumata. Discussions remain constructive and are operating on a high trust basis.
6. Māori-to-Māori engagement: Te Taumata have, in recent days, approved a project team to begin the initial stages of Māori to Māori conversations about how Māori wish to engage with the Crown on Wai 262 issues. This has been a major focus for Te Taumata and represents a significant milestone in this mahi. We expect to receive more details on or about 25 Poutū-te-rangi.
7. 9(2)(f)(iv)
 - a. 9(2)(f)(iv)
 - b. 9(2)(f)(iv)
 - c. 9(2)(f)(iv)
8. These do not represent a final or definitive list but are indicative of a growing level of engagement by key figures in Te Taumata, and growing acceptance of the Crown's sincerity and goodwill.
9. 9(2)(f)(iv)
10. Letter to Te Taumata: Attachment 1 reflects your comments to Te Taumata, and the matters set out above. The letter was originally drafted soon after your hui, but we have delayed recommending it to you on the advice of Te Taumata representatives. They have reviewed a draft of the letter. Their advice is that the tone is appropriate and that sending it to all members (i.e. iwi chairs and whānau representatives) of Te Taumata now will help support momentum and focus.
11. Meeting with Te Taumata: After discussions with representatives of Te Taumata, officials advise that a formal meeting with Te Taumata could be more appropriate later this year. There may be value in allowing Te Taumata to make progress on tuku projects and on Māori-to-Māori engagement before the meeting. As noted above, Te Taumata recognise the sincerity and goodwill on the Crown side. A meeting later in the year will allow Te Taumata to achieve some progress in their mahi, which they can then bring to a more formal kōrero with you.
12. Officials will remain in close contact with Te Taumata representatives and will update you regularly on key developments in the topics addressed above.

9(2)(f)(iv)

13. 9(2)(f)(iv)

14. 9(2)(f)(iv)

15. 9(2)(f)(iv)

16. 9(2)(f)(iv)

Next Steps

Te Taumata Whakapūmau

17. Officials recommend you send the attached letter to members of Te Taumata.

Work Programme:

18. 9(2)(f)(iv)

Attachments

Attachment 1: Proposed Letter to Te Taumata Whakapūmau



Tāmāti Olsen
Kaihautū (Kairiwhi), Te Puna Oranga, Te Puni Hononga Kaupapa Here

NOTED

Hon Nanaia Mahuta
Associate Minister for Māori Development

Date: ____ / ____ / 2021



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

HEI WHAKATAU | BRIEFING

Te Pae Tawhiti: Wai 262 - Mānuka

Date:	18 Haratua 2021	Priority	Medium
Classification	In Confidence	Tracking Number	43249

Action sought	Date action required by
It is recommended that you:	19 Haratua 2021
1. 9(2)(f)(iv)	
2. 9(2)(f)(iv)	
3. agree protection of iwi and hapū rights and interests in mānuka is directly relevant to Te Pae Tawhiti: Wai 262	
4. agree Te Puni Kōkiri should provide a one-off grant of \$400,000 to support the new executive chair position at the Trust's subsidiary operating company Te Pītau Limited.	

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 st contact
Geoff Short	Deputy Secretary Policy	04 471 1788	021 704 645	✓
Tāmami Olsen	Director	04 819 9297	021 243 7183	
Laine Fisher	Project Lead	04 4707883	027 278 3871	

Other Agencies Consulted					
<input checked="" type="checkbox"/> MBIE	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input checked="" type="checkbox"/> MFAT	<input checked="" type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> Treasury	<input type="checkbox"/> MoH
<input type="checkbox"/> MHUD	<input type="checkbox"/> Other				

Attachments	No attachments
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Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments:

Forward to:	✓ or ✕
• Minister for Māori Development	
• Parliamentary Under-Secretary, Trade and Export Growth	

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



19 Haratua 2021

Associate Minister for Māori Development

Te Pae Tawhiti: Wai 262 - Mānuka

Purpose

1. To provide you with further information on how Te Pae Tawhiti: Wai 262 project could support the Mānuka Charitable Trust following your meeting with the Trustees on 5 Haratua 2021.

Background

2. Honey from mānuka (*Leptospermum scoparium*) is an exceptionally high value consumer product, generating domestic and international sales revenue of approximately \$300 million annually and growing. Mānuka honey is often able to command a premium in the market due to the asserted medicinal properties derived from mānuka.
3. In Hereturikōkā 2019, Regional Economic Development Ministers approved in principle a Provincial Growth Fund application for \$5.7 million to protect the term "MĀNUKA HONEY"¹ in key export markets.
4. This included a \$4 million grant to support a science programme and consultation and engagement with Māori and industry stakeholders. A further \$1.7 million loan was provided to support legal and advisory services in pursuit of intellectual property rights over the term "MĀNUKA HONEY" in both New Zealand and overseas markets.
5. The Provincial Growth Fund application was originally lodged by the Manuka Honey Appellation Society. The Mānuka Charitable Trust was established in Huitanguru 2020 as a condition of Provincial Growth Fund contracts specifically to oversee the initiatives to secure legal protection for Mānuka Honey and protect the interests of all Māori in mānuka, on the understanding that any intellectual property would be vested in the Trust
6. The current Trustees of the Trust are:
 - Pita Tipene – Chair
 - Haami Piripi
 - Victor Goldsmith
 - Paul Morgan
 - Aaron Taikato
 - Ngahere Wall
 - Lisa Tumahai
7. The Trust has also established a subsidiary company, Te Pītau Limited. Te Pītau Limited has delegated responsibility for establishing and implementing a strategy on behalf of the Trust.
8. The Trust (through the Mānuka Honey Appellation Society) has applications for Certification Trademarks (CTM) to protect the term "MĀNUKA HONEY" in both New Zealand and several overseas jurisdictions including the UK and China.

¹ This includes all derivatives, including macrons.

9. The current position of the Trust's CTM applications is:

- a. New Zealand – substantive opposition to application, primarily from Australian interests, hearing due to be held within next three months (likely Hōngongoi)
- b. United Kingdom (UK) – application filed and oppositions hearing Scheduled for Mahuru 2021
- c. China – initial application rejected. Appeal has been filed and awaiting decision on whether application for an appeal will be accepted.
- d. Applications in the USA, Singapore and the European Union are either on hold or they have requested time extensions for the applications.

Current position of the Mānuka Charitable Trust

Role of Mānuka Charitable Trust

- 10. The Trust has assumed interim responsibility for seeking legal protection for the term "MANUKA HONEY" both domestically and in key export markets in the absence of any other alternative structure representing Māori interests.
- 11. The Trust is undertaking 10 engagement hui around the motu seeking to give an update on the Trust's activities and discuss the future role of the Trust and the potential representation model in continuing to manage the mānuka taonga on behalf of Māori.

PWC Strategic Review

- 12. A recent review of the Trust and Te Pītau Limited highlighted a number of issues with the management and operation of both organisations.
- 13. The Trust have implemented several changes in response to the PWC review, including changes to the Trustees and Directors of Te Pītau Limited as well as appointing a new Executive Chair of Te Pītau Limited.
- 14. The establishment of this position was a recommendation of the recent PWC review and was not funded by the Provincial Growth Fund (PGF) grant.
- 15. The Trust has advised they have appointed Kristen Kohere-Soutar to the Executive Chair position of Te Pītau Ltd. Kristen is highly experienced in both governance and senior leadership roles and we expect will significantly strengthen the operation of Te Pītau Limited and communication with both industry and government stakeholders.

16. 9(2)(f)(iv)

- a.
- b.
- c.
- d.

9(2)(f)(iv)

9(2)(f)(iv)

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9(2)(f)(iv)

Provincial Growth Fund Grant

25. The Trust has drawn \$827,000 of the grant and has a further \$3.1 million available in staged allocations. Drawdown of this grant is conditional on meeting the agreed milestones over the 3-year period of the grant.
26. Most of the grant funding (\$3.366 million) is aligned with scientific work associated with mānuka honey. The remainder is spread across cultural and stakeholder engagement, communications and governance.

Role of Te Puni Kōkiri and interaction with Te Pae Tawhiti

27. The Mānuka Charitable Trust was originally established as an interim governance entity in response to external commercial risks to the wider New Zealand mānuka honey industry, primarily from the use of the term “manuka honey” by Australian honey producers. The focus of the Trust has subsequently extended beyond these origins in mānuka honey to purportedly include all aspects of the relationship of Māori with mānuka.
28. The government has continued to support the mahi of the Trust over the interceding period. To date Te Puni Kōkiri has been working in partnership with the Ministry for Primary Industries and Ministry of Foreign Affairs and Trade and the Ministry of Business, Innovation and Employment in their relationships with the Trust. However, given the close alignment of this work to Te Pae Tawhiti – Wai 262 mahi we intend to take a more direct interest in this kaupapa.

29. Mānuka, both the plant and the kupu, are clearly taonga and the Crown has obligations to provide active protection for these resources. However, these are just two examples of a wide range of taonga species that will generate similar issues.
30. We recommend the long-term protection of the kaitiaki relationship of Māori with their taonga needs to be considered as part of a more strategic response to addressing the range of intellectual property issues relating to taonga and taonga species through Te Pae Tawhiti: Wai 262. The experiences with mānuka honey and the Trust will be valuable in developing the Te Pae Tawhiti work programme to protect the rights and interests of iwi and hapū in these taonga.
31. We propose to provide a one-off \$400,000 grant to the Trust to support the ongoing work of the Trust and Te Pītau Ltd via the new Executive Director position. We expect that strengthening the governance and management of Te Pītau Ltd will have a positive impact on the operation of both Te Pītau Ltd and the Trust.
32. The Trust has indicated they are supportive of broader issues regarding the protection of taonga, including mānuka within Te Pae Tawhiti. The Trust has also expressed their view that the Mānuka Charitable Trust is a transitional trust and they are looking to reset and pivot into a new direction
33. As the Trust has highlighted, New Zealand's intellectual property regime does not adequately protect the rights and interests of iwi, hapū, whānau and Māori.
34. It will be critical that the ongoing mahi of the Trust aligns with and supports the rights and interests of iwi in mānuka. The PWC review notes concern from iwi that the industry focus on trademarks has derogated from the focus on iwi rights and interests.
35. Key issues to be addressed through Te Pae Tawhiti: Wai 262 will include:

- a.
- b.
- c.
- d.
- e.
- f.

9(2)(f)(iv)

9(2)(f)(iv)

36. 9(2)(f)(iv)

9(2)(f)(iv)

37. 9(2)(f)(iv)

38. 9(2)(f)(iv)

39. 9(2)(f)(iv)

Next Steps

40. We will discuss this matter with you at the Official's meeting on 19 Haratua 2021.

Consultation

41. We have consulted with the Ministry for Primary Industries, the Ministry of Business Innovation and Employment, and the Ministry of Foreign Affairs and Trade on this briefing paper.

Recommended Action

42. It is recommended that you:

1. **note** the Mānuka Charitable Trust have requested Te Puni Kōkiri provide additional financial support to cover the additional costs of the new position of Executive Chair with the Trust's subsidiary operating company Te Pītau Limited
2. **note** establishing the Executive Chair position is intended to strengthen the operation and governance of the Trust and its subsidiary in response to concerns about the overall operation and strategy highlighted in the recent PWC strategic review
3. **agree** that Te Puni Kōkiri will provide an upfront payment of \$400,000 to the Trust from departmental funding in the Te Pae Tawhiti: WAI 262 budget for the 2020/21 financial year

Yes / No

4. 9(2)(f)(iv)

5. 9(2)(f)(iv)

6. 9(2)(f)(iv)

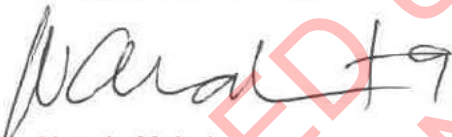
7. 9(2)(f)(iv)

8. 9(2)(f)(iv)

9. **agree** the wider issues relating to taonga and taonga species, including mānuka and mānuka honey, will also be addressed through the Te Pae Tawhiti: WAI 262 work programme. ☒ Yes ☐ No



Geoff Short
Hautū, Te Puni Kaupapa Here | Deputy Secretary, Policy Partnerships



Hon Nanaia Mahuta
Associate Minister for Māori Development

Date: 31 / 05 / 2021