

# Waitangi Tribunal Claims Update

Section 81 Report 1 July 2021 To 30 June 2022



Presented to the House  
of Representatives under  
Section 81 of the Treaty  
of Waitangi Act 1975.





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Kei aku rangatira huri noa i Aotearoa  
me Te Waipounamu rere atu ki Rēkohu,  
ki Rakiura tēnā koutou katoa.

I am pleased to present the annual Section  
8I report, providing an update on the Crown's  
progress on addressing Waitangi Tribunal  
recommendations during the 2021/22 year.



Māori Development Minister,  
Willie Jackson.

# He kupu takamua nā te minita

## Minister's Foreword

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I am pleased to present the 2021–2022 Section 8I annual report, providing an update on the Crown's progress on addressing Waitangi Tribunal recommendations.

This Government continues to strive for an Aotearoa New Zealand that recognises and celebrates te ao Māori as an important and unique part of our national identity. We welcome and support te ao Māori that is its culture, language, identity, knowledge and values, and its wider contribution to achieving sustainable economic, environmental, social, and cultural benefits for us all.


This year's report includes updates for 36 Tribunal reports (five released within 1 July 2021 and 30 June 2022) and includes a feature section focusing on the Wai 2575 report *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry*. It identified that some of our primary health care frameworks are inconsistent in achieving equitable health outcomes for Māori. Te Aka Whai Ora, the Māori Health Authority, has been established to lead and monitor transformational change in the way the entire health system understands and responds to the health and wellbeing needs of whānau Māori.

Te Pae Tawhiti is the Government's work with Māori, here and abroad, to enable mātauranga Māori and taonga to flourish in accordance with tikanga Māori. In January 2022, Cabinet agreed to the whole-of-government work programme *Te Tumu mō te Pae Tawhiti* to better respond to the finding and recommendations of the Wai 262 Report and address related issues raised in other Treaty settlements, legislative reviews, and other domestic and international forums.

Through this work programme government agencies are collaborating to achieve meaningful progress across the high priority and widespread focus areas. Some examples include the revitalisation of te reo Māori and taonga species protections including Resource Management Act reforms, and the Plant Variety Rights Bill.

I encourage you to read this report as a rich source of knowledge, information and context to understanding the issues we as a nation work through together, and to realise the commitment this Government has to creating the conditions that recognise the value of te ao Māori and support a productive, inclusive and sustainable economy.

E tau ana,



Nāku iti nei, nā

**Nā Hōnore Willie Jackson**  
**Minita Whanaketanga Māori**

# Abbreviations

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<b>CFL</b>	Crown Forest Land
<b>Corrections</b>	Department of Corrections
<b>CMA</b>	Crown Minerals Act
<b>CPTPP</b>	Comprehensive and Progressive Trans-Pacific Partnership
<b>DHB</b>	District Health Board
<b>DIA</b>	Department of Internal Affairs
<b>DoC</b>	Department of Conservation
<b>DPMC</b>	Department of the Prime Minister and Cabinet
<b>ISDA</b>	International Swaps and Derivatives Protocol
<b>ISDS</b>	Investor state dispute settlement
<b>LINZ</b>	Land Information New Zealand
<b>MAF</b>	Ministry of Agriculture and Fisheries
<b>MBIE</b>	Ministry of Business, Innovation, and Employment
<b>MCH</b>	Ministry of Culture and Heritage
<b>MDC</b>	Māori Development Corporation
<b>MFAT</b>	Ministry of Foreign Affairs and Trade
<b>MfE</b>	Ministry for the Environment
<b>MfMD</b>	Minister for Māori Development
<b>MFTOWN</b>	Minister for Treaty of Waitangi Negotiations
<b>MoE</b>	Ministry of Education
<b>MoH</b>	Ministry of Health
<b>MPI</b>	Ministry for Primary Industries
<b>MTA</b>	Muaūpoko Tribal Authority
<b>NHF</b>	Nature Heritage Fund
<b>NPS FM</b>	National Policy Statement Freshwater Management
<b>NWOMTB</b>	Ngāti Whātua o Ōrākei Māori Trust Board
<b>PHO</b>	Primary Health Organisation
<b>PVR</b>	Plant Variety Rights
<b>RMA</b>	Resource Management Act
<b>SILNA</b>	The South Island Landless Natives Act
<b>TAMA</b>	Te Aitanga a Māhaki and Affiliates
<b>TIMA</b>	Tūhoronuku Independent Mandated Authority
<b>TPK</b>	Te Puni Kōkiri
<b>TPP</b>	Trans-Pacific Partnership
<b>UPOV 91</b>	International Convention for the Protection of New Varieties of Plants
<b>UPR</b>	Universal Periodic Review
<b>WPCT</b>	Whakatōhea Pre-Settlement Claims Trust

# Section 8I reporting: Introduction

Each year the Section 8I Report is released, which provides Parliament with an update on the Crown's progress implementing recommendations from the Waitangi Tribunal. This report covers the period between 1 July 2021 and 30 June 2022.

The Treaty of Waitangi Act 1975 provides for the observance and confirmation of the principles of te Tiriti o Waitangi through the establishment of the Waitangi Tribunal. The Tribunal has jurisdiction to make recommendations on claims relating to the practical application of te Tiriti, and to determine whether certain matters are inconsistent with the principles of te Tiriti.

Many of the Tribunal's reports address claims of Crown breaches of te Tiriti o Waitangi and its principles that occurred before 21 September 1992 (the date used to demarcate between historical and contemporary claims). The Minister for Treaty of Waitangi Negotiations has responsibility for negotiating settlements of these historical claims.

There are only a few situations where the Waitangi Tribunal can make recommendations that are binding on the Crown<sup>1</sup>. In most cases, the Crown may choose whether to adopt the Tribunal's recommendations (in part or in full) or negotiate with Māori based on these recommendations. In practice, the Crown recognises that the Waitangi Tribunal's findings and recommendations make an important contribution to the relationship between Māori and the Crown, including the processes of settling Treaty claims. In this way, Waitangi Tribunal findings and recommendations provide a comprehensive starting point for engagement between the Crown and Māori on issues of importance to both parties.

Over the last two decades, the Waitangi Tribunal has often proposed that the Crown and claimants address issues raised by claims or negotiate a settlement on the basis of its general findings, rather than make a series of prescriptive recommendations. This approach, combined with the Crown's increasing experience over the past twenty years in negotiating and settling historical Treaty claims, has in many respects superseded the 'by recommendation' approach to reporting envisaged in the Treaty of Waitangi Act 1975.

A negotiated settlement produces an agreement between the Crown and claimants that is consistent with the spirit of the Tribunal's recommendations. The purpose of an agreement is to settle any breaches of te Tiriti and to reflect the interests of the parties concerned.

This report presents the year's results of many government agencies that work to honour the Waitangi Tribunal's direction on claims. A wide range of government agencies have contributed to the Section 8I Report. At the end of the report is a summary on the status of all Waitangi Tribunal claims.

This year's report also highlights two significant kaupapa; 'A Hauora Journey: Fundamental Reform of Primary Health Care for Māori and Aotearoa' and a featured update on Wai 262: *Ko Aotearoa Tēnei*. As well highlighting as 'the kaupapa approach' being implemented by the Waitangi Tribunal to address Kaupapa Inquiries.

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<sup>1</sup> The Tribunal has the power to make binding orders with respect to: Crown forest land that is subject to a Crown forestry licence; 'memorialised lands', which are lands owned, or formerly owned, by a State-owned enterprise or a tertiary institution; or former New Zealand Railways lands, that have a notation on their title advising that the Waitangi Tribunal may recommend that the land be returned to Māori ownership

## 2021/22

# Feature Presentation

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This Section 8I Report 2021/22 will take a deeper dive into the Waitangi Tribunal's Wai 2575 report *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Hauora), and Wai 262: *Ko Aotearoa Tēnei*.

This year's Section 8I Report will also provide an overview of the Kaupapa Inquiry approach being implemented by the Waitangi Tribunal.



# A Hauora Journey: Fundamental Reform of Primary Health Care for iwi Māori and Aotearoa

## The Hauora Report and Primary Health Care in Aotearoa

### What is ‘Primary Health Care’ and what was in scope for the Waitangi Tribunal in Stage One?

The Waitangi Tribunal (the Tribunal) focused on the legislative, strategic and policy framework of New Zealand’s primary health care system.<sup>2</sup> This included the New Zealand Public Health and Disability Act 2000 (the Act), along with those “operational policies and strategies that govern the design and delivery of primary healthcare in accordance with the Act”.<sup>3</sup> Under the New Zealand Public Health and Disability Act 2000, the public health system was “primarily funded and overseen by the Ministry of Health and District Health Boards (DHBs), which are primarily responsible for the system and its performance.”<sup>4</sup>

The Waitangi Tribunal defined Primary Health Care as encompassing: “services provided in the community by general practitioners, nurses, pharmacists, counsellors, dentists, and others.”<sup>5</sup> As the Waitangi Tribunal noted, “the core purpose of primary health care is the treatment and prevention of health issues before they become serious enough to need care at a higher level.”<sup>6</sup> At this time, the primary health care system was delivered by DHBs.

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2 Ibid.

3 Including the *New Zealand Health Strategy, the Primary Health Care Strategy and He Korowai Oranga* (the Māori Health Strategy); Ibid.

4 Ibid, p. 17.

5 Ibid, p. 1.

6 Ibid.

## The Parties and Causes of the Wai 2575 Claims

The Wai 2575 Report relates to two claims concerning the legislative and policy framework for the primary health care system in Aotearoa.<sup>7</sup>

Stage One of the Wai 2575 inquiry involved the consolidation of a number of claims. In its scoping of the inquiry, the Tribunal granted interested party status to over seventy claims, and named claimant status to the following two claims: Wai 1315 (a coalition of some Māori Primary Health organisations)<sup>8</sup> and Wai 2687 (National v Hauora Coalition).<sup>9</sup> Crown agencies involved during the inquiry included the Ministry of Health, DHBs (which were responsible for administering the Public Health and Disability Act 2000), and Te Puni Kōkiri (which has a statutory responsibility to promote increases of levels of achievement attained by Māori).

The Tribunal noted that the Crown sought to take a cooperative and proactive role in its provision of key acknowledgements, statistics and evidence that assisted the Tribunal in its findings,<sup>10</sup> and evidence submitted by claimants was largely undisputed by Crown counsel.<sup>11</sup> Both the claimants and the Crown acknowledged that Māori health inequities were influenced by the cumulative effects of colonisation over the past 180 years<sup>12</sup> and by a range of social determinants (such as income, poverty, employment, education, and housing).<sup>13</sup>

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7 Ibid, p. 1.

8 The first statement of claim was filed in November 2005 by Taitimu Maipi, Tureiti Lady Moxon, Elaine Tapsell and Hakopa Paul on behalf of a coalition of Tauranga-based Māori Primary Health organisations. The claim concerned health issues on a national scale and a request for an urgent inquiry because of an imminent threat to the survival of their organisations. The claim was not heard under urgency and was included in the kaupapa inquiry programme following its announcement in 2015; *ibid*, pp. 2, 5.

9 A later claim was filed in October 2017 by Henare Mason and Simon Tiwai Royal on behalf of the National Hauora Coalition. The National Hauora Coalition is a national primary health organisation, operating in five district health board catchment areas across the North Island (Counties Manakau, Waitematā, Waikato, Whanganui, and Auckland). The focus of the Wai 2687 claim was on the flaws they identified in the primary health care system. *Ibid*, p. 9.

10 Judge Stephen Clarke to Hon. Dr David Clarke, Hon. Nanaia Mahuta and Hon. David Parker, Letter of Transmittal, 28 June 2019, *Hauora*, p. xix.

11 Ibid; Judge Stephen Clarke to Minister Clark, Minister Mahuta and Minister Parker, 28 June 2019, *Hauora*, p. xix.

12 *Hauora*, p. 20.

13 Ibid.

## How Does the Treaty of Waitangi Relate to Hauora?

As part of its inquiry, the Tribunal considered how hauora was embodied in Te Tiriti, and found the following areas were relevant to Stage One:

<b>Partnership</b>	In partnership, the Crown recognises that Māori have the right to organise themselves and needs to be willing to work with Māori through whatever means they are organised and represented <sup>14</sup>
<b>Active Protection</b>	When directly applied to health issues, active protection requires the Crown “to make available to Māori, as citizens, health care services that reasonably and adequately attempt to close inequitable gaps in health outcomes with non-Māori.” <sup>15</sup>
<b>Equity</b>	Article 3 of Te Tiriti confirms that Māori have all the rights and privileges of British citizens. “The Tribunal has found that this article not only guarantees Māori freedom from discrimination but also obliges the Crown to positively promote equity.” <sup>16</sup>
<b>Options</b>	Relating to health services, “the Crown has a Treaty duty to enable Māori to have available the options of Māori or mainstream providers as they wish, and that either or both of these pathways are ensured equitable protection by the Treaty. Both pathways should be sufficiently supported by the Crown, meaning that each option offers a genuine, well-supported choice for Māori.” <sup>17</sup>

The above relevant principles and the guarantee of Tino Rangatiratanga were recommended by the Tribunal to be adopted as the Treaty principles for the healthcare system.<sup>18</sup>

### Giving Effect to the Treaty Partnership and Empowering Tino Rangatiratanga

The Tribunal found that an effective partnership begins with Crown acknowledgement of Tino Rangatiratanga and the right of Māori to manage their own affairs in a way that aligns with Māori customs and values.<sup>19</sup> The guarantee of Tino Rangatiratanga requires the Crown to not just partner with Māori but to actively protect Māori right to Tino Rangatiratanga and keep the partnership balanced.<sup>20</sup>

### Māori Health Inequalities

The Tribunal noted that “despite a few years of hope and some areas of improvement since 2000”<sup>21</sup>, significant financial investment,<sup>22</sup> and attempted reforms and adjustments, “the statistics paint a grim picture of the state of Māori health”.<sup>23</sup> The Tribunal found that health inequalities persisted under the New Zealand Health and Disability Act 2000.<sup>24</sup>

<sup>14</sup> *Hauora*, p. 28.

<sup>15</sup> *Hauora*, p. 31.

<sup>16</sup> *Hauora*, p. 33.

<sup>17</sup> *Hauora*, p. 35.

<sup>18</sup> *Hauora*, p. 162 –164.

<sup>19</sup> *Hauora*, p. 28.

<sup>20</sup> *Hauora*, p. 30.

<sup>21</sup> *Hauora*, p. 23.

<sup>22</sup> \$220 billion since 2000; *ibid*, p. 25.

<sup>23</sup> Statistics provided for the inquiry by the Director-General of Health, Dr Ashley Bloomfield; *ibid*, p. 23.

<sup>24</sup> *Ibid*.

For example:<sup>25</sup>

- **Life expectancy:** Overall, the gap in life expectancy at birth between Māori and non-Māori is 7.3 years for males and 6.8 years for females;
- **Amenable mortality rates:** (i.e. premature deaths (deaths under age 75) that could potentially be avoided, given effective and timely healthcare): were almost two and a half times higher for Māori than non-Māori;
- **Cancer:** A higher risk of dying from cancer than non-Māori (1.7 times more likely).<sup>26</sup> For breast and cervical screening programmes, coverage rates were lower for Māori than non-Māori;<sup>27</sup>
- **Sudden unexplained death of infants (SUDI):** The rate amongst Māori infants is nearly five times as high as among non-Māori infants; and
- **GP visits:** Māori adults were less likely to have reported seeing a GP in the last 12 months and were more likely to report cost as a barrier to seeking health care from a GP.<sup>28</sup> A lack of transport was also more likely to be reported as a barrier to accessing a GP or after-hours healthcare.

### Why the *Hauora* Report Matters

Primary health care is a key time to intervene in health issues, to assess and treat early signs of health problems and to prevent them from becoming worse. The statistics and other evidence provided by the parties led the Tribunal to conclude that the primary health care framework fails to consistently state a commitment to achieving equity of health outcomes for Māori.<sup>29</sup> This was reflected, for example:

- In the Treaty clause in the New Zealand Health and Disability Act 2000 through to lower-level documentation (often omitting Treaty references or insufficiently embedding);<sup>30</sup>
- Māori primary health organisations being underfunded from the outset, often as a direct result of the devolution of power and the allocation of funding to DHBs;<sup>31</sup> and
- The Crown not collecting sufficient qualitative and quantitative data to know how the primary health care sector was performing in relation to Māori health.

The Crown was found to have known about the failure of the DHB system to serve high-needs populations for well over a decade and failed to adequately amend or replace the current arrangements.<sup>32</sup> The Tribunal also viewed that Te Puni Kōkiri had failed to carry out its statutory duty to monitor the health sector (as under section 5 of the Māori Development Act 1991).<sup>33</sup>

25 All statistics provided here are from the period from 2010 and 2014 and can be found at pages 23 and 24 of *Hauora*.

26 In 2010–2012.

27 To 31 March 2015.

28 In 2013–2014.

29 Judge Stephen Clarke to Minister Clark, Minister Mahuta and Minister Parker, 28 June 2019, *Hauora*, p. xv; Te Puni Kōkiri, *Section 81 Report 2021–2022* (Wellington, 2022), p. 22.

30 Ibid.

31 Ibid, pp. xv, xvi.

32 Ibid, p. xv.

33 *Hauora*, p. 136.



# Major Reform of the Health System

We are aware that the Crown has taken action intending to address the recommendations in the *Hauora* report (recommendations in Appendix A).

On 21 April 2021, the Government announced its decision to commence reforms and build “a truly national New Zealand Health Service”<sup>34</sup> which would involve significant reform to the health and disability system, including:

- Replacing all DHBs with Te Whatu Ora (Health New Zealand), a single entity with four regional arms;
- Establishing an independent Māori Health Authority (Te Aka Whai Ora) following the interim recommendation given by the Waitangi Tribunal;
- Strengthening the Ministry of Health’s (Manatū Hauora) focus to stewardship, policy, strategy, and monitoring. Its commissioning role would be devolved to Te Whatu Ora and Te Aka Whai Ora;
- Tailoring services to meet the needs of particular communities and geographic regions through a ‘locality approach’. These would comprise networks of primary health and community services such as general practitioners, primary health nurses, maternity carers, and optometrists;<sup>35</sup> and
- The implementation of Iwi-Māori Partnership Boards (IMPBs) with a statutory mandate.

The principal vehicle for these changes was the passage of the Pae Ora (Healthy Futures) Act 2022 (the Pae Ora Act), which entered into effect on 1 July 2022.<sup>36</sup>

**“Many Māori don’t like going to the doctor. And it’s not because we don’t care about our health, or the health of our whanau. It’s because our experiences of the health system, the experiences of our parents and grandparents have been negative. That’s why we must change. That is why we must transform our Māori health system. Māori must be enabled to provide effective leadership and partnership throughout the health system. And we will require all organisations to share responsibility for improving outcomes for Māori.”<sup>37</sup>**

34 Hon. Andrew Little and Hon. Peeni Henare, ‘Building a New Zealand Health Service that works for all New Zealanders’, media release, 21 April 2021, as cited in *Hauora*, p. 173.

35 Department of the Prime Minister and Cabinet, *Our Health and Disability System: Building a Stronger Health and Disability System that Delivers for All New Zealanders*, (Wellington, 2021), pp. 6–8, as cited in *Hauora*, p. 173.

36 Pae Ora (Healthy Futures Act) 2022; [www.legislation.govt.nz/act/public/2022/0030/37.0/LMS575405.html](http://www.legislation.govt.nz/act/public/2022/0030/37.0/LMS575405.html); accessed 12 July 2023.

37 Hon. Peeni Henare, ‘Building a New Zealand Health System that works for all New Zealanders’, Speech, 21 April 2023; [www.beehive.govt.nz/speech/building-new-zealand-health-service-works-all-new-zealanders](http://www.beehive.govt.nz/speech/building-new-zealand-health-service-works-all-new-zealanders); accessed 12 July 2023.

The Pae Ora Act was intended to address several recommendations from the Hauora report:

- **Section 6 adopts a comprehensive Te Tiriti clause** – including practical steps for embedding a te ao Māori lens within its structures and how Te Tiriti is given effect to by different actors within the health system. For example, s6(f) provides for IMPBs to enable Māori to have a meaningful role in the planning and design of local services.
- **Section 7 sets out new principles** – The Waitangi Tribunal noted<sup>38</sup> that in 2020 Manatū Hauora included principles (Tino rangatiratanga, Equity, Active Protection, Options, and Partnership) in their reissued Māori health action plan,<sup>39</sup> which applies to the whole health sector. Section 7 of the Pae Ora Act sets out new principles for the health sector, which alongside section 6 and the structural and system changes enacted through Part 2 of the Pae Ora Act,<sup>40</sup> embodies the relevant and recommended principles listed on pages 2–3. For example, s7(1)(a) states that the health sector should be equitable, which includes ensuring Māori and other population groups have access to services in proportion to their health needs, receive equitable levels of service, and achieve equitable health outcomes.
- **Partnership** – The Pae Ora Act strengthens the partnership approach that Māori and the Crown have within the public health system. This can be seen in sections 6 (Te Tiriti), 7 (Principles) of the Pae Ora Act, the establishment of Te Aka Whai Ora as an independent statutory entity, the establishment of IMPBs, and how Māori health plans, strategies and commissioning will take place under the Pae Ora Act.

## New Bodies

With the passage of the Pae Ora Act, the Government has taken action to restructure the health care system. Claimants were involved in various points of the reform process (such as hui with officials and Minister Henare, and a claimant being a member of the interim Māori Health Authority Board). This exploration has included the creation / reform of four core national health organisations.

### Manatū Hauora / Ministry of Health

Manatū Hauora is the Government agency with primary responsibility for health policy, strategy, and regulation. “In [their] role as kaitiaki (chief steward) of New Zealand’s health system, Manatū Hauora is the chief adviser to the Government on policy, sets direction, and regulates and monitors the health system to ensure it performs well and delivers better health outcomes for everyone.”<sup>41</sup>

### Te Whatu Ora / Health New Zealand

Te Whatu Ora is a new Government agency that has taken over the planning and commissioning of services and functions from the 20 former DHBs. Te Whatu Ora operates nationally, with four regional offices.

38 In 2021 the Tribunal published a tenth chapter in the report which reviewed some of the changes since original report was published in 2019; *Hauora*, p. 180.

39 Manatū Hauora – Ministry of Health, *Whakamaua: Māori Health Action Plan, 2020–2025* (Wellington, 2020), p. 15.

40 Part 2, Pae Ora (Healthy Futures) Act 2022; [www.legislation.govt.nz/act/public/2022/0030/37.0/LMS575557.html](http://www.legislation.govt.nz/act/public/2022/0030/37.0/LMS575557.html); accessed 17 July 2023.

41 Manatū Hauora/Ministry of Health, ‘What we do’, updated 24 April 2023; [www.health.govt.nz/about-ministry/what-we-do](http://www.health.govt.nz/about-ministry/what-we-do); accessed 12 July 2023; Department of the Prime Minister and Cabinet, *Our Health and Disability System: Building a Stronger Health and Disability System that Delivers for All New Zealanders*, (Wellington, 2021), pp. 1, 6.

## Te Aka Whai Ora / Māori Health Authority

Te Aka Whai Ora is a new independent statutory entity with primary responsibility for managing Māori health policies, services, and outcomes. Te Aka Whai Ora operates nationally.

## Te Pou Hauora Tūmatanui / Public Health Agency

Te Pou Hauora Tūmatanui leads all public health and population health policy, strategy, regulatory, intelligence, surveillance, and monitoring functions, and has a key role in providing advice to Ministers on all public health matters. Te Pou Tūmatanui sits within Manatū Hauora.

## Iwi-Māori Partnership Boards<sup>42</sup>

IMPBs represent local Māori perspectives on hauora Māori needs and aspirations, how the health sector is performing relative to hauora Māori outcomes, and the design and delivery of health services within localities.

These organisational changes, and the additional features outlined below, intend to respond to the Waitangi Tribunal's recommendations about strengthening the monitoring and accountability mechanisms in the public health system. For example:

### Te Aka Whai Ora

Under section 19,<sup>43</sup> the functions of Te Aka Whai Ora specifically include providing policy and strategic advice to the Minister; monitoring the delivery of hauora Māori services by Te Whatu Ora and providing public reports on the results of that monitoring; and monitoring, in cooperation with Manatū Hauora and Te Puni Kōkiri, the performance of the publicly funded health sector in relation to hauora Māori.

This sits alongside a suite of other functions that will enhance Māori health outcomes, such as improving service delivery and outcomes for Māori at all levels of the health sector, designing and delivering programmes for the purpose to improve the capability and capacity of Māori health providers and the Māori health workforce, and evaluating the delivery and performance of services provided or funded by Te Aka Whai Ora.

### Iwi-Māori Partnership Boards

Under section 30,<sup>44</sup> the functions of IMPBs include engaging with whānau and hapū regarding local health needs, working with Te Whatu Ora and Te Aka Whai Ora to agree on locality plans, monitoring the performance of the health sector in a relevant locality, and reporting on the activities of Te Aka Whai Ora within its area.

### Reporting on the Charter

Under section 50, Te Aka Whai Ora and Te Whatu Ora must prepare a report on how the New Zealand Health Charter has been given effect to in the health sector and present it to Parliament / make it publicly available.

42 Section 29, Pae Ora (Healthy Futures Act) 2022; [www.legislation.govt.nz/act/public/2022/0030/37.0/LMS575405.html](http://www.legislation.govt.nz/act/public/2022/0030/37.0/LMS575405.html); accessed 12 July 2023.

43 Section 19, Pae Ora (Healthy Futures Act) 2022; [www.legislation.govt.nz/act/public/2022/0030/37.0/LMS575405.html](http://www.legislation.govt.nz/act/public/2022/0030/37.0/LMS575405.html); accessed 12 July 2023.

44 Section 30, Pae Ora (Healthy Futures Act) 2022; [www.legislation.govt.nz/act/public/2022/0030/37.0/LMS575405.html](http://www.legislation.govt.nz/act/public/2022/0030/37.0/LMS575405.html); accessed 12 July 2023.

## Te Puni Kōkiri

Te Puni Kōkiri retains its monitoring function under section 5 of the Ministry of Māori Development Act 1991. Under section 19 of the Pae Ora Act, Te Puni Kōkiri is also required to monitor the performance of the public health sector relating to hauora Māori in cooperation with Te Aka Whai Ora and Manatū Hauora.<sup>45</sup> Te Puni Kōkiri has refreshed the way it performs its monitoring function and is now ‘walking alongside’ the new health agencies as they develop strategies, plans and other forms of implementation.

## Health Strategies and Plans

The Waitangi Tribunal made specific recommendations about the Māori health strategy, the New Zealand Health Strategy, the Primary Health Care Strategy, and the strategies’ relevant action plans.

The Māori Health Strategy, *He Korowai Oranga*, was initially launched in 2002 providing a 10-year outlook with an overall aim of whānau ora (healthy families).<sup>46</sup> It was updated in 2014 to have pae ora as the overall aim of the Government’s vision for Māori health, with three elements of mauri ora, whānau ora and waiora. These elements are interconnected and mutually reinforcing, and further strengthen the strategic direction for Māori health for the future.<sup>47</sup>

In 2020, following the release of the Hauora report, the *Whakamaua Māori Health Action Plan 2020–2025* was released by Manatū Hauora. When Manatū Hauora released *Whakamaua* in 2020, it recommended that all five Treaty principles outlined by the Tribunal (see page 9) be adopted for the primary health care system.

### The Pae Ora Act<sup>48</sup>

Sections 41 to 46 of the Pae Ora Act outline several strategies that the Minister of Health must prepare and determine, including:

- Hauora Māori Strategy, which must be jointly prepared with Te Aka Whai Ora;
- New Zealand Health Strategy;
- Pacific Health Strategy;
- Health of Disabled People Strategy;
- Women’s Health Strategy; and
- Rural Health Strategy.

Sections 47 to 49 of the Pae Ora Act outline the process of developing a health strategy and monitoring its success for the respective populations. Section 49 specifies that health entities must have regard to all health strategies in the exercise of their powers and performing their duties. These changes more clearly articulate the expectations for how each

45 Section 19(m), Pae Ora (Healthy Futures Act) 2022; [www.legislation.govt.nz/act/public/2022/0030/37.0/whole.html?search=sw\\_096be8ed81c67aec\\_K%c5%8dkiri\\_25\\_se&p=1#LMS575499](http://www.legislation.govt.nz/act/public/2022/0030/37.0/whole.html?search=sw_096be8ed81c67aec_K%c5%8dkiri_25_se&p=1#LMS575499); accessed 18 July 2023.

46 The strategy continues to set the direction for Māori health underpinning the current action plan to improve Māori health outcomes between 2020 and 2025 and provides guidance at a strategic level on how the health and disability system can support Māori health aspirations and health equity. Manatū Hauora – Ministry of Health, *Whakamaua: Māori Health Action Plan 2020–2025*, (Wellington, 2020), p. 16.

47 Manatū Hauora – Ministry of Health, ‘The Guide to He Korowai Oranga – Māori Health Strategy’, published 20 June 2014; [www.health.govt.nz/our-work/populations/maori-health/he-korowai-oranga/pae-ora-healthy-futures](http://www.health.govt.nz/our-work/populations/maori-health/he-korowai-oranga/pae-ora-healthy-futures); accessed 12 July 2023.

48 This section refers to the strategies and plans required under sections 41–55, Pae Ora (Healthy Futures) Act 2022; [www.legislation.govt.nz/act/public/2022/0030/latest/whole.html#LMS575525](http://www.legislation.govt.nz/act/public/2022/0030/latest/whole.html#LMS575525); accessed 26 June 2023.



priority population, including Māori, is treated in the health sector and a central point of oversight of the progress and outcomes for each population group.

Sections 50 to 53 of the Pae Ora Act outline the development, content, and performance reporting of a New Zealand Health Plan. The purpose is to provide a jointly developed 3-year costed plan for the delivery of publicly funded services by Te Whatu Ora and Te Aka Whai Ora. The first jointly developed plan, *Te Pae Tata Interim New Zealand Health Plan (Te Pae Tata)* was developed in 2022. It is described as ‘an interim plan only’, designed to establish the national service coverage following the retirement of the DHB system.<sup>49</sup> The plan sets out six priority actions for the formative period:

- Place whānau at the heart of the system to improve equity and outcomes;
- embed Te Tiriti o Waitangi across the health sector;
- develop an inclusive health workforce;
- keep people well in their communities;
- develop greater use of digital services to provide more care in homes and communities; and
- establish Te Whatu Ora and Te Aka Whai Ora to support a financially sustainable system.<sup>50</sup>

Sections 54 and 55 of the Pae Ora Act set out the provision of determining localities and the development of respective locality plans. IMPBs now have a mandated role in the Pae Ora Act. Locality plans must be developed in consultation with communities, local authorities, and Te Aka Whai Ora, along with the relevant IMPB. The provision of locality plans and insights from communities and IMPBs allows the new national health system to access and use valuable local knowledge. In doing so, the Pae Ora Act created a national health service that is locally planned, locally funded, and locally delivered.

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49 Te Aka Whai Ora – Māori Health Authority, Te Whatu Ora – Health New Zealand, *Te Pae Tata: Interim New Zealand Health Plan 2022*, (Wellington, 2022), p. 5.

50 Ibid.

## Funding, Data, and Monitoring

The Crown remains in conversation with claimants from Stage One of Wai 2575 about issues related to funding. However, some additional funding has already been provided; in 2022, the Government committed to providing an additional funding boost for Māori primary and community healthcare providers as part of the \$71.6 million in commissioning investments by Te Aka Whai Ora.

The Tribunal made several recommendations about the collection and use of data and information relevant to Māori health outcomes.<sup>51</sup> Some of these were addressed by the passage of the Pae Ora Act and others are part of active departmental and cross-agency work programmes.

As the new health agencies are established, there are regular Cross-Agency System Monitoring for Hauora hui, led by Manatū Hauora. The first of these cross-agency hui covered an overview of monitoring across the sector, while the second hui looked deeper into how monitoring is taking place or being established.

### Manatū Hauora

Manatū Hauora receives data from different parts of the health sector through the utilisation of health services or mandatory reporting national collections, and from national population health surveys.<sup>52</sup>

For example, the annual New Zealand Health Survey (NZHS) that asks respondents to recall their experiences from the past 12 months across a range of topics and indicators. An interactive data explorer presents latest results by ethnic group, gender, age, disability status and neighbourhood deprivation, as well as changes over time.<sup>53</sup> It also provides a break-down by total Māori population, gender, and Māori/non-Māori comparison and trends over time.

Manatū Hauora additionally provides public access to an electronic dashboard that provides data and information about Whakamaua, which guides Manatū Hauora, the health and disability system, and Government to give effect to He Korowai Oranga. Quantitative monitoring via measures identified for the online dashboard report are designed to provide a broad view of the current state of system performance against Whakamaua's four objectives, rather than to reflect progress on any individual action.

### Te Whatu Ora

Te Whatu Ora is the primary owner of health sector data and collects a range of different data, statistics and information that are disseminated in many ways, including via descriptive reports, fact sheets, data tables, journal articles, and data sets.<sup>54</sup> A range of data sets are publicly accessible through Te Whatu Ora's Data and Statistics New Zealand webpage.<sup>55</sup> Te Whatu Ora is responsible for data it collects to monitor and evaluate its programmes and campaigns.<sup>56</sup>

51 See 'accountability' recommendations at appendix 1. The complete list can be found at *Hauora*, p. 168.

52 Manatū Hauora – Ministry of Health, 'About data collection', updated 18 January 2010; [www.health.govt.nz/nz-health-statistics/about-data-collection](http://www.health.govt.nz/nz-health-statistics/about-data-collection); accessed 12 July 2023.

53 New Zealand Health Survey, 'Annual Data Explorer: July 2021–July 2022', published November 2022; [minhealthnz.shinyapps.io/nz-health-survey-2021-22-annual-data-explorer](http://minhealthnz.shinyapps.io/nz-health-survey-2021-22-annual-data-explorer/); accessed 12 July 2023.

54 Te Whatu Ora, 'Te Whatu Ora Data Access Policy for External Researchers', published November 2022; [www.hpa.org.nz/sites/default/files/Te%20Whatu%20Ora%20Data%20Access%20Policy%20for%20External%20Researchers%20updated%202022.doc](http://www.hpa.org.nz/sites/default/files/Te%20Whatu%20Ora%20Data%20Access%20Policy%20for%20External%20Researchers%20updated%202022.doc); accessed 13 July 2023.

55 Te Whatu Ora, 'Data and statistics'; [www.tewhatuora.govt.nz/our-health-system/data-and-statistics/](http://www.tewhatuora.govt.nz/our-health-system/data-and-statistics/); accessed 13 July 2023.

56 Te Whatu Ora, 'Te Whatu Ora Data Access Policy for External Researchers', published November 2022; [www.hpa.org.nz/sites/default/files/Te%20Whatu%20Ora%20Data%20Access%20Policy%20for%20External%20Researchers%20updated%202022.doc](http://www.hpa.org.nz/sites/default/files/Te%20Whatu%20Ora%20Data%20Access%20Policy%20for%20External%20Researchers%20updated%202022.doc).

## Te Aka Whai Ora

Te Aka Whai Ora has a key role in the new health system for monitoring and driving improved outcomes for Māori. They are developing a Māori health research agenda with Māori health experts and building a monitoring and evaluation team. This mahi will be supported by insights from local communities, IMPBs, and others working in the health sector.

## Te Puni Kōkiri

Te Puni Kōkiri has enhanced its data and analytics capability in recent years, creating tools to harness data and insights on Māori wellbeing, and has utilised lessons learned from monitoring, research, and evaluation to support initiatives in improving public sector effectiveness for Māori.

A cloud-based data and analytics platform, 'Mahi Tahī' has been developed by Te Puni Kōkiri. This platform enables Te Puni Kōkiri kaimahi to make evidence-based decisions and supports kaimahi to analyse what is and is not working for Māori across different sectors to best advise Government and public sector agencies.<sup>57</sup>

Since August 2021, Te Puni Kōkiri has been collecting COVID-19 vaccination data for reporting purposes. The creation and implementation of the Māori Communities COVID-19 Fund (MCCF) is an example of Te Puni Kōkiri walking alongside mainstream agencies while they design and deliver locally-led, indigenously designed interventions. The MCCF was established to respond to the significant gap between Māori and non-Māori COVID-19 health outcomes. Te Puni Kōkiri partnered with Whānau Ora commissioning agencies, iwi, and the Māori community to invest over \$128 million to increase Māori vaccination rates and improve community resilience.<sup>58</sup> Commissioning providers with in-depth knowledge of the unique needs within their communities to provide wraparound support needed was the best approach to lift Māori vaccination rates.<sup>59</sup> They also investing \$19.91 million over four years to increase Māori community resilience through data capability and access with a focus on climate and waiora data.<sup>60</sup>

As part of its legislative role under section 19 of the Pae Ora act to monitor the performance of the public health sector relating to hauora Māori, Te Puni Kōkiri is collaborating with the cross-agency group led by Manatū Hauora as it develops monitoring systems and frameworks.

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doc; accessed 13 July 2023.

57 Te Puni Kōkiri, *Annual Report 2022*, (Wellington, 2022), p. 45.

58 Ibid, p.5.

59 Ibid, p.4.

60 Te Puni Kōkiri, *Vote Māori Development*, (Wellington, 2023), p. 8.

# Looking Ahead

The current implementation of the Waitangi Tribunal's recommendations is taking place in a particular context for Māori and Aotearoa. Population estimates in June 2021 estimated the Māori population was 17.1% of the total population. There was estimated to be 436,000 Māori males and 439,300 Māori females, with median ages of 27.3 and 25.3 years.<sup>61</sup> Although this is a youthful profile, the largest growth in the Māori population will be in the 65+ year age group,<sup>62</sup> which will have implications for the future health needs of Māori.

Te Puni Kōkiri's *Long-term Insights Briefing* (LTIB) has forecasted that by 2030, the Māori population will reach 1 million.<sup>63</sup> The forecasting also revealed that by 2040 on average, this Māori population within New Zealand are likely to remain worse off overall, and relating to health, 'outcomes will improve, but not the extent required to ensure wellbeing'.<sup>64</sup> For example, although average Māori life expectancy is expected to improve from 75 years to 80 years, it remains six years less than the average for non-Māori.<sup>65</sup>

The Waitangi Tribunal's *Hauora* report has provided new opportunities for improving both the Treaty partnership and Māori health outcomes. *Hauora*, like other key aspects of life and wellbeing are directly related to how Te Tiriti is respected, and the Treaty partnership is honoured. The changes to the health system to embed Treaty principles, elevate a focus on partnership and equity, and enable more meaningful local insights and approaches to health policy, design, and delivery provide an opportunity to innovate and transform the health system and set a course for a more equitable and responsive future. We look forward to supporting the health system and our communities as they respond to changes, and to receiving the Waitangi Tribunal's the next Wai 2575 Stage Two report.

**"We need to remember that Te Tiriti was, and continues to be, a means to bring us together and benefit our society."<sup>66</sup>**

61 Te Puni Kōkiri, *Long-term Insights Briefing – Evidence Brief*, (Wellington, 2022), p. 12. Also see Appendix, p. 66, of the same document.

62 Ibid, p. 13.

63 Te Puni Kōkiri, *Long-term Insights Briefing – Evidence Brief*, (Wellington, 2022), p. 4.

64 Ibid, p. 23.

65 Te Puni Kōkiri, *Thriving Whānau in 2040 – Te Puni Kōkiri's Long-term Insights Briefing*, (Te Puni Kōkiri, Wellington, 2023), p. 28. These projections assume that there will be no significant changes or reductions in the services and supports delivered by the public system over the next twenty years; *ibid*, p. 24.

66 Hon. Willie Jackson, Speech, Speech, Tuesday 7 March 2023, Waitangi Tribunal Members Conference 7-8 March 2023.



# Appendix A: Recommendation Areas

Interim recommendations		
Recommendations	Updated/final recommendations (2021)	Page numbers
<p><b>That the Crown commit to exploring the concept of a stand-alone Māori primary health authority</b></p> <ul style="list-style-type: none"> <li>That the Crown and representatives of the Wai 1315 and Wai 2687 claimants design a draft term of reference to explore the possibility of a stand-alone Māori health authority.</li> <li>That the Crown fund the process and provide the necessary secretariat support.</li> <li>Timebound – joint memorandum due 20 January 2020.</li> </ul>	<p>That the Crown and the stage one claimants continue working together on the operational details of the Māori Health Authority and Iwi / Māori Partnership Boards, including their core functions and final budgets, to achieve a tino rangatiratanga-compliant model.</p>	<p>165–166, 171, 183.</p>
<p><b>That the Crown review, with a view to redesigning, its current partnership arrangements across all levels of the primary health care sector.</b></p> <ul style="list-style-type: none"> <li>This process should be co-designed with Māori health experts, including representatives from the Wai 1315 and Wai 2687 claimants.</li> <li>Not timebound.</li> </ul>		<p>169, 171, 175–176.</p>
<p><b>That the Crown and representatives of the Wai 1315 and Wai 2687 claimants agree upon a methodology for the assessment of the extent of underfunding of Māori primary health organisations and providers.</b></p> <ul style="list-style-type: none"> <li>The methodology should include a means of assessing initial establishment and ongoing resource underfunding since the commencement of the New Zealand Public Health and Disability Act 2000.</li> <li>That the Crown fund the process and provide the necessary secretariat support.</li> <li>Timebound – joint memorandum due 20 January 2020.</li> </ul>	<p>That the Crown engage with greater commitment than it appears to have done.</p> <p>The Crown and claimants should make sure Māori health providers' views too are taken into account in any further work, including through a formal consultation or submission process.</p> <p>Once the parties have agreed on an underfunding methodology (as set out in our interim recommendation), the Crown fully compensate for the underfunding determined by that methodology.</p>	<p>167–168, 171, 191–192.</p>

## Overarching recommendations

Theme	Recommendations	Page numbers
<b>The Treaty of Waitangi and its principles</b>	<p>That section 4 of the New Zealand Public Health and Disability Act 2000 be amended to read as follows:</p> <p><b>4 Treaty of Waitangi and its principles</b></p> <p>This Act shall be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi.</p> <p>That the following are adopted as the Treaty principles for the primary health care system:</p> <ul style="list-style-type: none"> <li>(a) The guarantee of tino rangatiratanga.</li> <li>(b) The principle of equity</li> <li>(c) The principle of active protection</li> <li>(d) The principle of options</li> <li>(e) The principle of partnership</li> </ul> <p>That commitment to the Treaty/te Tiriti should be expressly stated in all documents that make up the policy framework of the primary health system: the strategies, the plans, and the so-called lower-level documentation.</p>	<b>162–164</b>
<b>Equity</b>	<p>That the Crown commit itself and the health sector to achieve equitable health outcomes for Māori.</p> <p>That section 3(1)(b) of the New Zealand Public Health and Disability Act 2000 be amended to read as follows : ‘to achieve equitable health outcomes for Māori and other population groups’ and section 3(2) remain as is, to account for prevailing factors.</p> <p>That commitment to equitable health outcomes should be expressly stated in all documents that make up the policy framework of the primary health system: the strategies, the plans, and the so-called lower-level documentation.</p>	<b>164</b>
<b>Structural Reform</b>	<p>That the Crown commit to exploring the concept of a stand-alone Māori primary health authority (see interim recommendations).</p>	<b>164–166, 183.</b>

Specific recommendations		
Theme	Recommendations	Page numbers
<b>Funding</b>	<p>That the Crown and representatives of the Wai 1315 and Wai 2687 claimants agree upon a methodology for the assessment of the extent of underfunding of Māori primary health organisations and providers (see interim recommendations).</p> <p>That the Crown conduct an urgent and thorough review of the funding for primary health care, to better align it with the aim of achieving equitable health outcomes for Māori.</p>	<b>166–167, 171, 191–192</b>
<b>Accountability</b>	<p>That He Korowai Oranga is reviewed and that, along with the New Zealand Health Strategy, the Primary Health Care Strategy, and their relevant action plans, it states expressly how the overarching recommendations (above) are to be integrated across the primary health care sector.</p> <p>That section 8(4) of the New Zealand Public Health and Disability Act 2000 be amended to include a Māori health strategy.</p> <p>That the Crown action plan for the Māori health strategy is co-designed with Māori health experts, including representatives of the Wai 1315 and Wai 2687 claimants.</p> <p>That the Crown, in conjunction with Māori health experts, including representatives of the Wai 1315 and Wai 2687 claimants, co-design a primary health research agenda.</p> <p>That the Ministry collect robust quantitative and qualitative primary care data and information relevant to Māori health outcomes and that it should be publicly available and accessible. That the Crown should, in conjunction with Māori health experts, including representatives of the Wai 1315 and Wai 2687 claimants, co-design measures specific to Māori as a population group.</p> <p>That the Crown ensure that measures relevant to Māori health outcomes are reported on separately, and that both the measures and the reporting against them are public information.</p> <p>District health boards and primary health organisations prepare, and make publicly available, an annual Māori health plan, to a set national standard.</p> <p>That all health sector contracting documents should have a reference to the Treaty of Waitangi and its principles (see overarching recommendations).</p> <p>That the Crown review, with a view to redesigning, the current arrangements for the monitoring of the Ministry by external agencies, which are intended to ensure the sufficiency of the design and delivery of health services to Māori.</p>	<b>167–169</b>
<b>A Treaty compliant primary health care framework</b>	<p>That, after considering the findings in chapters 5 and 8, the Crown review, with a view to redesigning, its current partnership arrangements across all levels of the primary health care sector. This process should be co-designed with Māori health experts, including representatives from the Wai 1315 and Wai 2687 claimants (see interim recommendations).</p>	<b>169, 171, 183</b>

# Wai 262: *Ko Aotearoa Tēnei* Update

Wai 262: *Ko Aotearoa Tēnei* (Wai 262) is the 262nd Waitangi Tribunal claim, registered by six claimants in 1991<sup>67</sup>. The claim inquired into Crown policies and laws impacting mātauranga Māori and taonga, such as indigenous flora and fauna, te Taiao, and Māori culture and its products. It is significant as it is the first whole-of-government Waitangi Tribunal report (addressing more than 20 government agencies), and the first to consider the future of the Treaty relationship following the settlement of historical grievances and demographic changes.<sup>68</sup>

In January 2022, Cabinet agreed to the whole-of-government work programme *Te Tumu mō te Pae Tawhiti* to better respond to the finding and recommendations of the Wai 262 Report. The work programme builds the foundational architecture needed to address the issues and opportunities relating to the active protection and appropriate use of mātauranga Māori and other taonga, much of which was covered within the Wai 262 claim.

Te Pae Tawhiti is the government's work with Māori, here and abroad, to enable mātauranga Māori and other taonga to flourish in accordance with tikanga Māori to create benefits for all of Aotearoa New Zealand. Te Puni Kōkiri, as stewards of Te Pae Tawhiti, oversees Te Tumu mō te Pae Tawhiti work programme. The work programme involves 11 cross-agency, high priority, and far-reaching focus areas where key agencies partner together to deliver Ministerial priorities. Alongside these focus areas, are an additional nine areas of 'Te Pae Tawhiti-aligned mahi' that are discrete projects currently underway and are vital for the delivery of the work programme as they continue to be progressed by their lead agencies.<sup>69</sup>

This work programme lays the foundations needed to promote innovation and protection of mātauranga Māori. It is likely this will occur across many years and will require a cross-government commitment to work alongside each other, Māori, and the wider public. This engagement was demonstrated at the Wai 262 Symposium in August 2021 with 400 people registered to attend, 9,600 collective streams and a reach of 15,300 on social media platforms. It includes a balance of mahi already underway, achievable in the near term, alongside goals for the longer-term. Over the last year the work programme has been focused on three levers (*system, domestic, and international*).

An update of the cross-agency mahi that has occurred within the last year are discussed in further detail on the following pages.

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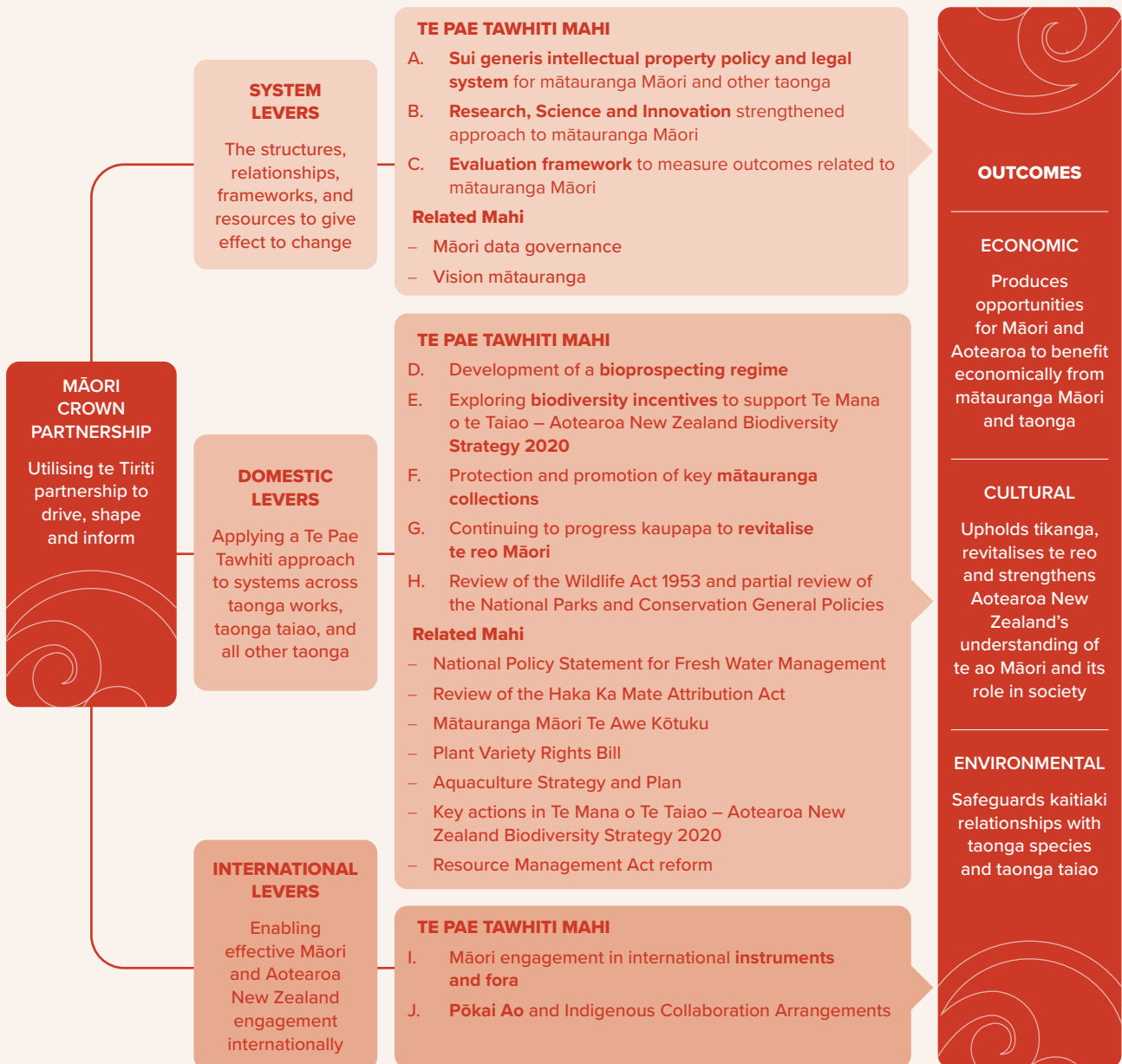
67 *Ko Aotearoa Tēnei: Report on the Wai 262 Claim Released* (Waitangi Tribunal, 2 July 2011).

Available here: [waitangitribunal.govt.nz/news/ko-aotearoa-tenei-report-on-the-wai-262-claim-released/](https://waitangitribunal.govt.nz/news/ko-aotearoa-tenei-report-on-the-wai-262-claim-released/)

68 Ibid.

69 *Te Pae Tawhiti: Wai 262* (Te Puni Kōkiri, 20 October 2022).

Available here: [www.tpk.govt.nz/en/a-matou-whakaarotau/te-ao-maori/wai-262-te-pae-tawhiti](https://www.tpk.govt.nz/en/a-matou-whakaarotau/te-ao-maori/wai-262-te-pae-tawhiti)



# System levers

## The structures, relationships, frameworks, and resources we use to give effect to change

### **Sui generis intellectual property (IP) policy and legal system:**

Te Puni Kōkiri is leading the development of a sui generis intellectual property (IP) policy and legal system for mātauranga Māori and taonga. The development of a sui generis (bespoke) IP system will address concerns raised in relation to the control and benefits of mātauranga Māori both domestically and internationally. Te Puni Kōkiri has developed policy frameworks to understand the role of government and desired outcomes across the value chain of mātauranga Māori.

### **Research, Science & Innovation (RSI) strengthen approach to mātauranga Māori:**

The Ministry of Business, Innovation and Employment is leading Te Ara Paerangi – Future Pathways, a multiyear programme focussed on the future of New Zealand’s Research, Science, and Innovation system. Te Ara Paerangi – Future Pathways will develop and implement ways to affirm and embed Te Tiriti o Waitangi and provide appropriate opportunities for mātauranga Māori, Māori researchers and Māori-led research including:

- Advancing Māori aspirations in the RSI system;
- Investing in mātauranga Māori, Māori knowledge, and;
- Ensuring the Crown leads by example.

### **Evaluation and monitoring framework to measure outcomes related to mātauranga Māori:**

Te Puni Kōkiri is leading the development of an Evaluation framework to measure outcomes related to mātauranga Māori. The evaluation framework will measure and monitor policy settings that influence the Crown’s interaction with mātauranga Māori and ensuring that future opportunities are identified and appropriately assessed. Te Puni Kōkiri has worked alongside key initiatives to understand the qualitative outcomes being seen through appropriate use of mātauranga. This is helping to understand how a measurement framework could assist in quantifying and qualifying successes and priority issues.

### **Māori Data Governance:**

Throughout this period Statistics New Zealand (Stats NZ) continued working alongside the Data Iwi Leaders Group with Māori data technicians and experts within government on matters relating to Māori data:

- Māori Data Governance: A workstream under the Mana Ōrite work programme between Stats NZ and the Data Iwi Leaders Group to provide an approach to data governance that reflects Māori needs and interests in data.
- Community Data Hub: As part of the Digital Government Partnership Innovation Fund, Stats NZ and Te Rūnanga o Ngāti Whātua (Te Rūnanga), supported by Ngā Maunga Whakahii o Kaipara Development Trust (Ngā Maunga), collaborated on a Pilot Datahub project aimed at working with iwi Māori to achieve their strategic goals and support the uplift of data capability within iwi.



## Domestic levers

Taonga works, taonga taiao and species are the lenses that encompass all our mahi within Te Pae Tawhiti

### Development of a domestic bioprospecting regime:

Te Puni Kōkiri is leading the development of a domestic bioprospecting regime. An effective and efficient bioprospecting regime for Aotearoa will protect iwi and hapū interests in taonga species and mātauranga Māori, while ensuring the benefits from access to genetic material, including commercial benefits are realised for all of Aotearoa. As with the work on sui generis intellectual property, the focus for Te Puni Kōkiri has been the development of the policy frameworks to understand the role of government and desired outcomes across the value chain of mātauranga Māori.

### Exploring biodiversity incentives to support Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020:

The national policy statements (NPS), national environmental standards (NES) and regulations directly influence how local government manages the environment. In the case of NPS, NES and certain regulations, the Minister for the Environment must consult with iwi authorities and the public when developing these tools. In some cases, advisory groups have informed the development of these tools and iwi have been involved in these forums. A representative of the Iwi Advisors Group was on the Biodiversity Collaborative Group that has drafted a National Policy Statement for Indigenous Biodiversity (NPSIB).

The report of the Biodiversity Collaborative Group was published in October 2018 and has since been progressed by the Ministry for the Environment. Public consultation and hui took place in 2019/2020 and feedback was incorporated into an exposure draft which was released for public submissions and online hui in June and July 2022.

The exposure draft NPSIB promotes the maintenance of indigenous biodiversity, as well as the role of Māori in indigenous biodiversity management in councils' Resource Management Act processes, including through:

- A strengthened role for tangata whenua in the management of, and decision making for indigenous biodiversity;
- A pathway for tangata whenua to identify and protect taonga species in local government plans – to the extent tangata whenua wish to;
- The incorporation of te ao Māori and mātauranga Māori into the way councils work and in local plan development, and;
- More flexible and locally developed provisions for the management of indigenous biodiversity and taonga species on Māori land through partnership between councils and tangata whenua.

The need for support and resourcing is recognised – to enable tangata whenua to engage in NPSIB processes – from participating in the management of indigenous biodiversity to developing provisions on Māori lands. Funding has been secured through Budget 2022 to support implementation and broader biodiversity outcomes.

The NPSIB is expected to be finalised in 2023.

Supporting and incentivising positive biodiversity action is a crucial part of the response to ongoing biodiversity decline. One way of achieving this is by improving access to a range of financial and non-financial incentives that support landowners. Three biodiversity pilot projects were planned throughout 2021–2022, which will focus on improving information, coordination of biodiversity effort and enabling innovative approaches to biodiversity management. These will be rolled out in 2023.

Officials are also exploring the development of biodiversity markets, where indigenous biodiversity can be accorded a financial value alongside its other values. This would be a way of recognising tangata whenua kaitiakitanga and support tangata whenua to maintain indigenous biodiversity.

### **Protection and promotion of key mātauranga collections:**

The Department of Internal Affairs, as the Department supporting the National Library and Archives, works in collaboration with the Ministry of Culture and Heritage, Heritage New Zealand Pouhere Taonga, Museum of New Zealand Te Papa Tongarewa, the National Library and Archives New Zealand. Collectively these culture and heritage agencies are known as Te Ara Taonga. Te Ara Taonga has a focus on supporting the culture and heritage aspirations of iwi, hapū, whānau, Māori.

As the holders of significant collections of taonga and mātauranga, the culture and heritage agencies have worked together over this time through a range of relationship avenues with iwi, hapū, whānau to:

- Enable access to the collections and support iwi to undertake research;
- Enhance the descriptions of the collections to enable easier identification of iwi, hapū, and whānau relevant taonga in the care of the institutions;
- Provide opportunities to share knowledge and expertise, including supporting iwi capability growth in archiving and the preservation and conservation of taonga;
- Develop plans alongside iwi, hapū, whānau, and Māori for the ongoing care of their taonga and mātauranga in our collections, and;
- Support iwi, hapū, and whānau to tell their stories in their own way.

Alongside this collective work, over this period the Department of Internal Affairs, National Library and Archives have worked in collaboration with Ngā Taonga Sound and Vision (the institutions) to establish Te Ara Tahī programme of work. This programme is looking at how the institutions can bring together their resources and expertise to better meet the changing needs and expectations of whānau, hapū, iwi, Māori, and the diverse communities of Aotearoa.

Initiatives over this time have included:

- Establishing a mātauranga Māori workstream that looks at ways in which the institutions can better embed mātauranga Māori into their work. A set of quality assurance standards have been designed to support kaimahi to recognise the unique rights and interest Māori have throughout the development, design, and ongoing operation of their work;

- Developing a new governance structure to oversee the programme that brings together the heads of the institutions, with the Deputy-Chief Executive from the Department responsible for the programme, to enable collective decision-making and the identification of opportunities for collaboration. This new structure also sees the involvement of iwi representatives from rohe where the institutions buildings are based, given that the programme will likely change the way in which the institutions deliver services;
- Establishing new senior Māori leadership positions, Kaihautū, within the National Library and Archives to support with capability building and strengthening services provided to Māori; and

Working closely with mana whenua to design a new purpose-built Archives facility in Wellington that sees their stories told in the identity of the building.

### Progressing kaupapa to revitalise te reo Māori:

Over this period Te Puni Kōkiri worked in close partnership with Te Mātāwai on the review of Te Ture mō Te Reo Māori 2016 – within the framework of Te Whare o Te Reo Mauri Ora (the house of the living language). This included establishing a Steering Group (and convening several hui as the secretariat) and undertaking stakeholder engagement with Māori Language Entities and Maihi Karauna agencies. The Steering Group's draft report was also initiated in this period.

In May 2022, Te Puni Kōkiri, in partnership with Te Mātāwai, supported the Minister of Māori Development and Co-Chairs of Te Mātāwai to reconvene Te Rūnanga Reo. Te Rūnanga Reo is the strategic leadership partnership forum between key Government Ministers and Te Mātāwai Board, which was established by Cabinet to set the shared direction of Te Whare o te Reo Mauriora.

The forum had previously been dormant for nearly three years, due to disruptions from COVID-19. This first meeting provided the opportunity to re-establish the shared expectations around Te Rūnanga Reo as a partnership forum, so that its members can continue to provide strategic leadership and governance of Māori language revitalisation.

Also, over this period, Te Puni Kōkiri published the first update to the baseline indicators report for the Maihi Karauna, which was released in September 2019 and updated in 2022. The report continued to provide support for Maihi Karauna and Maihi Māori through Te Papa Kōrero (Chief Executive's group) and Tokomatua (Official's group). Additionally, it played an active role within Te Rangakura o te Whare o te Reo Mauriora (Shared Research Agenda group) which commissioned *He Ara Poutama mō te Reo Māori* published in October 2021. *He Ara Poutama mō te Reo Māori* is a microsimulation tool which can forecast the level of fluent and conversational te reo speakers between now and 2040.

### Review of the Wildlife Act 1953:

The Wai 262: *Ko Aotearoa Tēnei Report* recommended that conservation legislation be reviewed with the aim of bringing together and reconciling the differing approaches to conservation management represented by mātauranga Māori and te ao Pākehā, and that such a review should identify and respond to any statutory barriers to kaitiakitanga.

In October 2021, Cabinet agreed to initiate a review of the Wildlife Act and invited the Minister of Conservation to report back in 2023 with an update on that review. The then Minister of Conservation, Hon Kiritapu Allan, announced the review of the Wildlife Act 1953 in December 2021. The review will also help to inform Cabinet decisions on progressing broader conservation law reform.

The first phase of the review in 2022 was targeted engagement to better understand views on the current species system and the opportunities and aspirations for the future. Between May and July 2022, the Department of Conservation held 40 hui, including 17 with tangata whenua, and 23 involving stakeholders, government agencies, local government, and statutory bodies. The feedback from the hui with tangata whenua broadly aligned with the Tribunal's recommendations on 'Taonga and the Conservation Estate' in Ko Aotearoa Tēnei.

The Minister also appointed an independent strategic oversight group with expertise in te ao Māori, conservation, law, environmental policy, tourism, science, game animal management and governance, to provide advice on the review.

### **Partial review of the National Parks and Conservation General Policies:**

In August 2019, the Minister of Conservation and New Zealand Conservation Authority (NZCA) directed the Department of Conservation to undertake concurrent reviews of the general policies to better reflect Treaty of Waitangi responsibilities. The Options Development Group (ODG) was established to support the Department of Conservation in the partial reviews. The ODG delivered a report to the Director-General in December 2021, which was publicly released in April 2022. The ODG recommendations recognised that some changes could be made now, whereas others would require future legislative change. As of 30 June 2022, the Department of Conservation was considering the recommendations and developing a proposed approach to respond to them.

### **Essential Freshwater:**

Following gazettal in 2020, feedback received through ongoing engagement with councils and other stakeholders indicated the National Policy Statement for Freshwater Management (NPS-FM), National Environmental Standards for Freshwater (NES-F), and Resource Management (Stock Exclusion) Regulations would require amendments to address issues and better support implementation.

The Government agreed to undertake public consultation on proposed changes to address implementation issues as follows:

- Stock exclusion regulations: Proposed changes to the low slope map, from 26 July to 7 October 2021.
- Managing our wetlands, from 1 September to 27 October 2021.
- Exposure draft of proposed changes to the NPS-FM and NES-F (including wetland regulations), from 21 May to 10 July 2022.
- Managing our wetlands in the coastal marine area, from 10 August to 21 September 2022.

Following consultation, it is expected amended instruments will be gazetted in December 2022.

### **Review of the Haka Ka Mate Attribution Act:**

Te Puni Kōkiri is working alongside Ngāti Toa Rangatira and Ministry of Business, Innovation and Employment on the review of the Haka Ka Mate Attribution Act 2014. The Act provides Ngāti Toa Rangatira with a legislative means to protect Haka Ka Mate as a taonga. The statutory review of the Act will provide Ngāti Toa Rangatira and the government with an understanding how effective legislative attribution has been in actively protecting and enabling appropriate use of this taonga. It will also provide insight into what is needed to protect such taonga here and abroad. The review will be progressed throughout 2023.

### **Mātauranga Māori Te Awe Kōtuku Programme:**

Between 1 July 2021 and June 30 2022, Manatū Taonga is continued to lead the Mātauranga Māori Te Awe Kōtuku programme, in collaboration with partner Arts, Culture and Heritage agencies to support Māori communities to safeguard and revitalise their mātauranga,

through intergenerational transmission and the preservation of taonga. The programme is part of the Government's COVID-19 Cultural Recovery Programme, in response to the increased risks to arts, culture and heritage mātauranga Māori from the global pandemic.

By 30 June 2022, across the programme agency initiatives had delivered over 40 wānanga in the first year of the programme (reaching 20–100 people per wānanga), over 140 kapa haka practice wānanga and 130 employment opportunities in the sector. Four contestable grants programmes funded 123 projects covering traditional Māori arts, vulnerable mātauranga and taonga on marae, built heritage and cultural mapping. The Mātauranga Māori Marae Ora contestable fund directly funded 78 marae for marae-based mātauranga projects. The programme was initially supported with two years' COVID-19 funding (\$20 million over 2020/21 and 2021/22). The programme was extended with \$4.5 million reprioritised COVID-19 funding for 2022/23. Evaluation of the programme is currently underway to identify impacts and insights from this investment.

### **Plant Variety Rights Bill:**

In 2017, the Ministry for Business, Innovation and Employment initiated a review of the current Plant Variety Rights (PVR) Act. It was agreed that consideration of the Wai 262: *Ko Aotearoa Tēnei* recommendations on the PVR regime would form part of the review.

The Plant Variety Rights Bill (the Bill) was introduced to Parliament in May 2021 and completed its first reading on 19 May 2021. The Bill replaces the Plant Variety Rights Act 1987 by modernising the regime and implementing the Crown's obligations under the Treaty of Waitangi in relation to the plant variety rights regime and New Zealand's obligations under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). This includes the establishment of a Māori Plant Varieties Committee (the Committee). The Committee will support early engagement between breeders and kaitiaki, assess the impact of PVR grant on kaitiaki relationships, and make determinations on proceeding certain applications related to new plant varieties bred in New Zealand from indigenous plant species and other species of significance to Māori.

A discussion document setting out the Ministry of Business, Innovation and Employment's proposals for regulations to support the new PVR regime opened for consultation on 14 July 2021 and closed on September 2021. During this time, the Ministry for Business, Innovation and Employment engaged with industry stakeholders to discuss the proposed list of non-indigenous species of significance under the new regime.

The Bill progressed through the remaining parliamentary stages during 2022 and is expected to receive royal assent late 2022.

### **Aquaculture strategy and plan:**

The Ministry for Primary Industries has concluded the delivery of the Crown's pre-commencement space obligations under the Māori Commercial Aquaculture Claims Settlement Act 2004 (the Act). Please refer to Wai 953 for further information.

### **Key actions in Te Mana o te Taiao – Aotearoa Biodiversity Strategy (ANZBS) 2020:**

Te Mana o te Taiao – Aotearoa-New Zealand Biodiversity Strategy 2020 (ANZBS) sets the strategic direction for biodiversity in Aotearoa, specifying goals for achievement by 2025, 2030 and 2050. The first and current Implementation plan for the ANZBS<sup>70</sup> is a stocktake of actions (work) under way or planned by central and local government bodies that contribute to the ANZBS objectives and 2025 goals. The Minister of Conservation launched the implementation plan in April 2022.

70 [www.doc.govt.nz/nature/biodiversity/aotearoa-new-zealand-biodiversity-strategy/te-mana-o-te-taiao-implementation-plan/](http://www.doc.govt.nz/nature/biodiversity/aotearoa-new-zealand-biodiversity-strategy/te-mana-o-te-taiao-implementation-plan/)

The following ANZBS objectives are the most relevant to Wai 262 recommendations:

- **ANZBS Objective 2:** Treaty partners, whānau, hapū, iwi and Māori organisations are rangatira and kaitiaki – 17 actions in the implementation plan contribute to this objective.
- **ANZBS Objective 5:** Mātauranga Māori an integral part of biodiversity research and management – 11 actions in the implementation plan contribute to this objective.
- **ANZBS Objective 9:** Collaboration, co-design and partnership are delivering better outcomes – 16 actions in the implementation plan contribute to this objective.

The nine central government agencies, Ngā Whenua Rāhui and local government who have actions captured in the implementation plan provided initial feedback on progress to the Department of Conservation in July 2022, primarily to determine that work had started. At that time:

- **Objective 2:** all implementation actions were underway and ongoing.
- **Objective 5:** 8 of the 11 actions were underway and ongoing.
- **Objective 9:** 15 of the 16 actions were underway and ongoing.

The ANZBS also sets two goals for Aotearoa New Zealand regarding biodiversity incentives:

- **8.2:** Nature to be part of the everyday life and identity of New Zealanders, and individuals are motivated, supported and, where appropriate, incentivised to make decisions that ensure sustainable use, reduce negative impacts, and restore and protect indigenous biodiversity.
- **8.4:** Landowners, businesses, resource users/owners and industry are supported and, where appropriate, incentivised to contribute to the protecting and restoring indigenous biodiversity.

The current ANZBS implementation plan captures 10 actions from five central government agencies and regional, unitary and district councils, that contribute to these two incentive-related goals. Initial feedback in July 2022 was that these actions were ongoing.

The ANZBS implementation plan will continue to be implemented in 2022/23. The ANZBS also requires that progress of the implementation plan actions is regularly monitored and reported — agencies will be asked for a more detailed progress report in 2023, allowing time for the work to progress.

### Resource Management Act reform:

In the reporting period, significant policy work was undertaken on the resource management reforms. The reforms include content that has drawn on and is relevant to the recommendations in Wai 262: *Ko Aotearoa Tēnei*, Chapter 3: Relationship with the Environment.

The resource management reforms are aimed at creating a new system that is different than the context of the current system as at 2011, which was the context at the time for the Wai 262: *Ko Aotearoa Tēnei* recommendations. The intention is that some of these chapter 3 recommendations, or at least aspects of them, are being progressed through the reforms. Albeit sometimes this occurs in different ways than was recommended by the Tribunal, to reflect the different context of the future system.

The Natural and Built Environments and Spatial Planning Bills are the legislative vehicles for replacing the Resource Management Act and are expected to be passed before the end of this parliamentary term.



# International levers

## How Māori and Aotearoa engage in international instruments and fora

### Pōkai Ao and Indigenous Collaboration Arrangements (ICA):

Te Puni Kōkiri and the Ministry of Foreign Affairs and Trade continued to progress mahi related to trade and indigenous collaboration. In relation to ICAs, key achievements included the implementation of the programme of work under the Australian ICA, and the negotiation of a similar arrangement with Canada, which has subsequently been signed in August 2022. Both ICA's connect governments to facilitate indigenous to indigenous collaboration and learn from each other to uplift indigenous wellbeing.

The Indigenous Peoples Economic and Trade Cooperation Agreement (IPECTA) was also announced in December 2021. This will facilitate greater economic cooperation between participating indigenous peoples and economies. The IPECTA was concluded alongside work in the APEC context. Work then commenced on the establishment of the IPECTA Partnership Council, a joint decision-making body of both economy representatives and Indigenous Peoples, including Māori representation and leadership.

### Māori engagement in international instruments and fora:

Te Puni Kōkiri and the Ministry of Foreign Affairs and Trade continued work on a range of international instruments and processes to improve engagement with Māori in the international context. This included beginning work to consider how to build consistency across government in the involvement of Māori in the making of international instruments and discussions at international fora. There are increasingly positive examples of this, and a strategic approach is a key step forward toward to strengthening our Aotearoa New Zealand perspective internationally.

### Additional updates

Additional progress and mahi that has occurred throughout the broader Te Pae Tawhiti kaupapa:

#### Updating Curricula for Aotearoa New Zealand's Kura and Schools

The redesign of *Te Marautanga o Aotearoa (TMOA)* and refresh of *The New Zealand Curriculum (NZC)* aim to support the position of Te Tiriti o Waitangi, and of te reo and mātauranga Māori in both curricula. In September 2021, Minister Davis and Associate Minister Tinetti agreed to *Te Tamaiti Hei Raukura* as the conceptual framework for the redesign of TMOA to support the design of a more authentic and indigenous curriculum for te reo Māori education. Te Tāhuhu o te Mātauranga (Te Tahuhu) continued work on TMOA with an engagement approach involving ākonga, kaiako, kura, whānau, hapū, and iwi. For the NZC refresh, the design of Te Mātaiaho | the refreshed curriculum framework began in early 2022 and will continue into mid-2023.

### Early Childhood Curricula

Te Tāhuhu continued work towards gazetting *Te Whāriki: He whāriki mātauranga mō ngā mokopuna o Aotearoa Early childhood curriculum*. Once gazetted, all licensed early childhood services and certified playgroups (except ngā kōhanga reo) will need to implement the updates to meet licensing or certification requirements. Te ao Māori interpretations of the goals and learning outcomes will strengthen the bicultural intent of the curriculum, and support both Māori language pathways and alignment of local curricula to te ao Māori.

Te Whāriki includes two pathways, and Te Kōhanga Reo National Trust has agreed to include Te Taura Whāriki | Te Katoa o te Mokopuna in its legal framework, *Te Whāriki a te Kōhanga reo*.

### Mātauranga Māori:

#### Te Takanga o te Wā and Aotearoa New Zealand's Histories:

Two *Te Takanga o te Wā* modules were developed to support teachers in schools using TMOA to design and deliver curriculum that includes rohe historical contexts as a part of Aotearoa New Zealand's histories. The modules were designed in partnership with four iwi and will provide examples of approaches taken by iwi, hapū and kura to act as kaitiaki towards Māori knowledge and kōrero.

#### Other ongoing mātauranga Māori initiatives:

*Te Aho Ngārahu* promotes local stories, pūrākau, and mātauranga Māori through the development of resources based on stories from around Aotearoa. There are 112 completed resources and a further 39 in development.

The *Toikuranui Investment Fund* supports iwi and hapū to develop and implement education plans. Te Tāhuhu aligns investments with iwi and hapū aspirations, including the creation of mātauranga-a-iwi based resources.

*Te Ara Puoro* is a self-directed music education programme providing ākonga with an introduction to learning music through a mātauranga Māori perspective.

*Atua Matua* is a hauora-based framework that uses traditional Māori environmental knowledge to understand health from an indigenous perspective.

*Te Kawa Matakura* supports iwi to re-establish their traditional wānanga approaches to learning, providing opportunities for selected rangatahi to learn from iwi and hapū leaders.

### Te Reo Māori:

Te Tāhuhu continues to contribute to the Maihi Karauna, the whole-of-government Māori Language Strategy, through Tau Mai Te Reo, the cross-agency strategy for the education sector. Individual initiatives are detailed below:

- *Te Aho o te Reo Māori* strengthens the te reo Māori capability and proficiency of the education workforce so that all kura and schools can integrate te reo Māori into the learning of all ākonga in Aotearoa. During the reporting period, 3,918 participants completed the course.
- *Kura Whānau Reo* supports whānau to create the conditions for long-term use and sustainability of te reo Māori in the home by building the Māori language capability of whānau whose tamariki and mokopuna are learning te reo Māori as a subject or learning in and through te reo Māori.

### Rauemi (Resources)

Te Tāhuhu continued to work on developing a range of te reo Māori resources to support high quality teaching and learning of te reo Māori. *Ngā Kete Kōrero* is a series of 346 reading resources to support ākonga learning to read in te reo Māori. A further 30 are in development. *Te Pae Ākonga* is a suite of resources that support pānui and tuhituhi for

ākonga from years 1 – 10. *Papa Kupu/Pae Kupu* is a collection of dedicated dictionaries for TMoA learning areas to support access to the specialist language corpus of each learning area. The dictionary *Te Reo Hangarau* was recently completed and includes 2,413 new kupu. A further two dictionaries are in development.

Hardcopy te reo Māori rauemi are regularly distributed to 305 kura and schools with Māori immersion settings. Digital te reo Māori rauemi are made available to all educational settings and their communities.

#### **Ministry of Health review of rongoā Māori providers in 2020/21:**

The review of the Ministry of Health-funded rongoā sector (the review) was published by Manatū Hauora in February 2022. This review was conducted to identify the current state of rongoā services and the challenges and opportunities in strengthening evidence and expanding access to rongoā Māori services, in parallel with developing the rongoā Māori workforce. Specifically, Manatū Hauora sought feedback on contracting, reporting, workforce development, impact, benefits for clients, and mātauranga Māori and Kaupapa Māori approaches.

The review gathered feedback from all 20 Hauora Māori and rongoā contract holders through two face-to-face and one online Zoom workshops with contract managers and rongoā practitioners. The reviewers facilitated a fourth online Zoom workshop with Te Kāhui Rongoā (Trust). In total, 46 participants contributed to the review. A sample of provider contract monitoring reports and a Department of Conservation research report on rongoā rākau also informed this review.

The review recommended various opportunities for the rongoā sector, including re-establishing the relationship with Te Kāhui Rongoā, contract monitoring and reporting, and workforce development and pathways.

#### **Ministry of Health rongoā Māori service providers contracts:**

In 2021, Manatū Hauora undertook a request for proposals process to put in place a new contract cycle for rongoā Māori services for the period 1 July 2021 to 30 June 2024, with the right of renewal for another three years. This contract cycle increased from \$2,000,000 per annum for 20 contracts to \$3,000,000 per annum for 30 contracts.

On 1 July 2022, the Pae Ora (Healthy Futures) Act 2022 came into force. This established Te Aka Whai Ora (Māori Health Authority) and Te Whatu Ora (Health New Zealand). Part of the function of Te Aka Whai Ora is the commissioning of kaupapa Māori health services, including rongoā. Manatū Hauora has transferred the rongoā Māori service providers' contracts to Te Aka Whai Ora as part of the health reforms.

#### **Relational agreement with Te Kāhui Tāwharautanga o Ngā Rongoā:**

In February 2022, Manatū Hauora and Te Kāhui Rongoā signed a relational agreement. This agreement sets out mutual objectives and goals. The agreement also establishes governance structures to keep the expectations and interests of Te Kāhui Rongoā and the Ministry aligned over the long term.

#### **Taumata Whakapūmau**

Te Puni Kōkiri continues to work in partnership with Wai 262 Taumata Whakapūmau as kaitiaki of the mauri of the Wai 262 claim including their mahi engaging within and across iwi at local, domestic, and international levels to focus on next steps of the claim.

# The “kaupapa approach” being implemented by the Waitangi Tribunal to address Kaupapa Inquiries

In 2014, the Waitangi Tribunal launched a new ten-year strategic plan<sup>71</sup>, which clarified the priority of claims being scheduled for consideration. The strategic direction awarded primacy to completion of remaining district-based inquiries, followed by progression of certain high-priority contemporary (kaupapa) claims.<sup>72</sup>

The Waitangi Tribunal have stated that the “kaupapa inquiries programme provides an inquiry pathway for claims outside of district inquiries, which raise nationally significant issues affecting Māori as a whole or a section of Māori in similar ways, and which have not previously been fully heard, reported, or settled. Each kaupapa inquiry will focus on a single issue or cluster of related issues.”<sup>73</sup>

The kaupapa programme was designed to meet two of the Tribunal’s strategic goals, namely:

- To achieve a significant reduction in the backlog of kaupapa claims by 2020. These include claims with kaupapa grievances that are likely to be included in the historical Treaty settlements, as well as other claims with high priority issues.
- To substantially advance or complete the remaining kaupapa claims by 2025. These comprise claims with non-district-specific historical grievances that are not included in historical Treaty settlements, such as those raised by national organisations rather than tribal groups and claims with contemporary kaupapa grievances.<sup>74</sup>

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71 *Strategic Direction 2014–2025* (Waitangi Tribunal, 2 July 2014).  
Available here: [www.waitangitribunal.govt.nz/news/waitangi-tribunal-strategic-direction-launched-2/](http://www.waitangitribunal.govt.nz/news/waitangi-tribunal-strategic-direction-launched-2/)

72 *Strategic Direction 2014–2025* (Waitangi Tribunal, 2 July 2014).  
Available here: [www.waitangitribunal.govt.nz/news/waitangi-tribunal-strategic-direction-launched-2/](http://www.waitangitribunal.govt.nz/news/waitangi-tribunal-strategic-direction-launched-2/)

73 The 2015 Memorandum, paragraphs 2–3, pg. 2.

74 *Strategic Direction 2014–2025* (Waitangi Tribunal, 2 July 2014).  
Available here: [www.waitangitribunal.govt.nz/news/waitangi-tribunal-strategic-direction-launched-2/](http://www.waitangitribunal.govt.nz/news/waitangi-tribunal-strategic-direction-launched-2/)

## Key Features of the Kaupapa Inquiry Programme

In 2019, in response to feedback from some claimants over different inquiries, the Waitangi Tribunal Chair issued a new memorandum concerning how it was planning to run kaupapa inquiries going forward, following a continuous review approach. The Chair clarified that:

“The purpose of a kaupapa inquiry is not to conduct a general exploration of all aspects of its thematic topic or one of the totality of Māori experience of Crown actions and omissions. Rather it is to investigate and make findings on the Treaty breaches and prejudice alleged by the claimants in respect of the kaupapa issue or issues of national significance that fall within the scope of that topic. Kaupapa issues may themselves be broadly or narrowly defined and may be given differing levels of priority by claimants.”<sup>75</sup>

At the outset, it was intended that kaupapa inquiries would follow a similar process to that used in most district inquiries. This meant proceeding to hearing once the eligible claims have been combined for joint inquiry, a sufficiency of technical, claimant and Crown evidence has been filed, the issues for inquiry have been determined, and the parties have confirmed their readiness to proceed.<sup>76</sup> The Waitangi Tribunal Chair advised, however, that the Tribunal would have some flexibility in its process – for example, there may be agreement on early hearing of claimant oral evidence.<sup>77</sup>

In 2019, the Tribunal Chair announced<sup>78</sup> an additional two steps may be introduced at the discretion of the Chair prior to appointing a presiding officer and panel for the inquiry, to speed up the process and appear to be useful innovations:

1. **Claimants intending to participate:** The Tribunal will:
  - a. Distribute a preliminary list of claims registered with the Tribunal that appear to relate to the inquiry’s kaupapa issues and request that claimants indicate whether they wish to participate in the inquiry; and
  - b. Request any claimant intending to participate particularise or otherwise amend their claim and identify any issues that they think that the Tribunal should prioritise for early inquiry.
  
2. **Exploratory scoping report:** To assist with planning and identifying the principal issues, the Tribunal would commission an exploratory scoping report as a preliminary step. Terms of reference may vary but generally this would include:
  - a. A preliminary outline and analysis of statements of claim likely to fall within the scope of the inquiry and of the kaupapa issues to which they appear to relate;
  - b. An indication of whether and to what extent any such issues concern current Crown policy and practice; and
  - c. A brief description and select, annotated bibliography of the main evidential resources in the public domain that are likely to be relevant to the identified kaupapa issues.

<sup>75</sup> *Memorandum of the Chairperson concerning the Kaupapa Inquiry Programme* (Waitangi Tribunal, 27 March 2019) “The 2019 Memorandum”, paragraph 13, pg. 3.

<sup>76</sup> The 2015 Memorandum, paragraph 36, pg. 8.

<sup>77</sup> The 2015 Memorandum, paragraph 37, pg. 8.

<sup>78</sup> The 2019 Memorandum, paragraphs 28 to 31, pages 5 to 6.

A list of scheduled, current, and completed claims is outlined in the table below. Significant mahi has been done by the Waitangi Tribunal in hearing substantial kaupapa inquiries. At this stage there are six kaupapa inquiries yet to commence and one kaupapa inquiry that has been completed.

Priority	Kaupapa Inquiry	Status
Pre-2015	The National Fresh Water and Geothermal Resources Inquiry (Wai 2358). This inquiry was commenced prior to the formal kaupapa inquiry programme being established. <sup>79</sup>	Stages 1 and 2 complete, hearings to commence in 2024
1	The Military Veterans Kaupapa Inquiry (Wai 2500) <sup>80</sup>	Commenced
2	The Health Services and Outcomes Kaupapa Inquiry (Wai 2575) <sup>81</sup>	Stage 1 complete, hearing stage 2.
3	The Marine and Coastal Area (Takutai Moana) Act Inquiry (Wai 2660) <sup>82</sup>	Stage 1 complete, Stage 2 hearings complete
4	The Mana Wāhine Kaupapa Inquiry (Wai 2700) <sup>83</sup>	Commenced in inquiry research phase
5	The Housing Policy and Services Kaupapa Inquiry (Wai 2750) <sup>84</sup>	Stage 1 complete
6	Constitution, self-government, and the electoral system services	Commenced
7	Education and outcomes	Scheduled
8	Social services and social development	Scheduled
9	Economic development	Scheduled
10	Identity and culture	Scheduled
11	Natural resources and environmental management	Scheduled
12	Report on Whakatika ki Runga, a Mini-Inquiry Commencing Te Rau o te Tika: The Justice System Inquiry <sup>85</sup>	Completed in 2023
13	Citizenship rights and equality	Scheduled
14	Trans-Pacific Partnership Agreement – Stage 2 (Wai 2522)	Completed in 2021

79 [www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/national-fresh-water-and-geothermal-resources-inquiry](http://www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/national-fresh-water-and-geothermal-resources-inquiry)

80 [www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/military-veterans-inquiry](http://www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/military-veterans-inquiry)

81 [www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/health-services-and-outcomes-inquiry](http://www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/health-services-and-outcomes-inquiry)

82 [www.waitangitribunal.govt.nz/news/the-marine-and-coastal-area-takutai-moana-act-inquiry](http://www.waitangitribunal.govt.nz/news/the-marine-and-coastal-area-takutai-moana-act-inquiry)

83 [www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/mana-wahine-kaupapa-inquiry](http://www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/mana-wahine-kaupapa-inquiry)

84 [www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/housing-policy-and-services-inquiry](http://www.waitangitribunal.govt.nz/inquiries/kaupapa-inquiries/housing-policy-and-services-inquiry)

85 [www.waitangitribunal.govt.nz/news/tribunal-releases-report-on-claimant-funding](http://www.waitangitribunal.govt.nz/news/tribunal-releases-report-on-claimant-funding)



## Eligibility for Kaupapa Inquiry

In a 2015 Memorandum, the Waitangi Tribunal Chair stated that each kaupapa inquiry will usually have the following characteristics of scope and significance:

- The inquiry will be organised around a theme that brings together all aspects of a kaupapa claim issue or a cluster of related issues.
- The kaupapa issue should extend to Māori as a whole or to a section of Māori on a national scale, whether or not the issue by its nature is limited to particular geographical areas.
- The claim grievance should have broadly similar features, as should the nature and impacts of the Crown legislation, policies, acts, and omissions alleged to be in breach of the Treaty.
- The kaupapa issue should be of national significance to Māori in terms of the seriousness of the Treaty breaches alleged or to the nation in terms of potential impact on government policy or resources.

The range of kaupapa issues will also be influenced by the extent to which an issue (or sub-issue) has been addressed in previous Tribunal inquiries<sup>86</sup> and whether an issue met the national scale threshold. The Waitangi Tribunal's *Strategic Directions* document states that it intends to provide alternative processes for claims that fell into these excluded categories. In 2019, the Tribunal Chair stated that it had established a "Standing Panel process for hearing remaining historical claims and a process for remaining contemporary claims would commence once the district inquiries have been completed."<sup>87</sup>

The Chair advised that the overall thematic scope of the kaupapa inquiry programme was intended to enable claimants to bring all eligible claims to the Tribunal for a hearing – an "inclusive approach"<sup>88</sup> which entails a three-part threshold test for participation of claims raising specific and local issues in a kaupapa inquiry<sup>89</sup>:

- 1. Nationally significant claim issues:** Once the Tribunal is satisfied that the national significance threshold has been met, any claimant whose claim relates to the issue (including specific and local claims brought on behalf of others, e.g. whānau, hapū) may seek to participate in the subsequent kaupapa inquiry. Claims are not required to meet the threshold individually.
- 2. Māori widely affected:** At its simplest, this threshold may be met by a single claim brought on behalf of all Māori said to have suffered prejudice as a result, provided that the claimant is a member of the affected group. The threshold is also met where a group of claims brought by individuals and groups on their own behalf that, taken together, can be regarded as representing most of the affected Māori (e.g. in the Māori Military Veterans Inquiry).
- 3. Similarity of experience of the Crown policy or action complained of:** The Tribunal will hear and report on such claims on the basis that the claimants assert that they have been similarly affected in respect of the alleged Treaty breaches.

<sup>86</sup> i.e. no hearing of a claim or part claim a second time (unless a claim's kaupapa grievance was severed from the inquiry and the Tribunal noted it was excluded from the report or only partially inquired into e.g. under urgency) and for registered claims yet to be heard but which raise kaupapa issues that were heard and reported on in a previous inquiry eligibility depends on the extent to which they raise new and substantive aspects of the kaupapa issue. The 2015 Memorandum, paragraph 15, pg. 4.

<sup>87</sup> The 2019 Memorandum, paragraph 44, pg. 8.

<sup>88</sup> The 2015 Memorandum, paragraph 13, pg. 4.

<sup>89</sup> The 2019 Memorandum, paragraphs 36 to 43, pg. 7.

## How are Kaupapa Inquiries prioritised?

In 2015, the Chair of the Tribunal established that the following factors<sup>90</sup> would be taken into account to determine priority of kaupapa claims, with some flexibility as the programme progressed:

- **Removal of the Tribunal’s ability to inquire** (i.e. is something about to happen that would prevent the Tribunal from hearing some or all of the claims if they are given a lower priority?)
- **Immediacy of the take or potential remedy** (i.e. can something meaningful still be done to remedy the grievances, is it time bound, is the take both live and current?)
- **Seriousness of the alleged breach or prejudice** (i.e. how significant is the issue having regard to the Treaty relationship – taking into account the severity of the alleged Treaty breach and the severity and extent of the prejudice alleged to have resulted from it?)
- **Importance of the take to claimants** (i.e. what is the weight of claimant interest in the take and how important is the kaupapa take within the context of their claims as a whole?)
- **Importance of take to Māoridom** (i.e. how significant is the issue to Māori as a whole today? This factor considers the overall significance of the take for Māori as a whole, by looking at the numbers of Māori actually or potentially affected and the importance of the issue to Māori generally).
- **Importance of the issue to the nation** (this factor particularly applies to matters affecting major aspects of economic, social and environmental policy, particularly where there are large scale financial implications or political / legal uncertainty).

In the 2019 Memorandum, the Chair provided further advice on how the Waitangi Tribunal would be enabling pressing contemporary issues to be prioritised for rapid inquiry where early reporting. The six factors above still apply, with a stronger focus on contemporary kaupapa issues giving additional weight to the immediacy of the take or potential remedy.<sup>91</sup> In addition, the Tribunal would:

- continue a targeted approach where appropriate to the nature of the issue (e.g. housing policy);
- take a proactive approach to consulting affected claimants and the Crown on contemporary matters that may merit an early and rapid kaupapa inquiry; and
- prioritising issues within inquiries.<sup>92</sup>

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90 The 2015 Memorandum, paragraph 22, pp. 5–6.

91 The 2019 Memorandum, paragraph 10, pg. 3.

92 The 2019 Memorandum, pg. 4.

The Tribunal Chair also clarified the process for starting unlisted kaupapa inquiry claims where an early start may be requested (effectively, a request for prioritisation). In these circumstances, the Tribunal may take into account the following matters:

- Clarifying the issues that the claimants and the Crown propose to include in the kaupapa inquiry;
- Establishing whether the issue(s) satisfy the threshold test for starting a kaupapa inquiry;
- Identifying which claims the claimants wanted the Tribunal to hear, particularly pressing contemporary claim issues concerning current Crown policy and practice;
- Confirming claimant and Crown readiness to proceed; and
- Any consequential impacts of delaying other claims that are scheduled.

In 2019, the Waitangi Tribunal Chair advised that the Tribunal's resources were heavily committed and that this would limit the Tribunal's ability to progress the next inquiries in the Kaupapa Inquiry Programme.<sup>93</sup> In 2020, the strategic goals were revised to better allow for flexibility within the kaupapa inquiry process – the new strategic goal being to complete or advance at least of the 13 major kaupapa inquiries by 2025.<sup>94</sup>

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93 The 2019 Memorandum, paragraphs 24–25, pg. 5.

94 *The Strategic Direction in 2020*, (Waitangi Tribunal, 2020). Available here: <chrome-extension://efaidnbmninnbpcjpcglclefindmkaj/https://www.waitangitribunal.govt.nz/assets/Uploads/Strategic-Direction-in-2020.pdf>

# Progress implementing recommendations 2021/22

In accordance with Section 81 of the Treaty of Waitangi Act 1975, this section provides information on the progress of implementation of Waitangi Tribunal recommendations by the Crown in the period between 1 July 2021 and 30 June 2022 (2021/2022).

It provides the status of all reports that are in progress. This includes Tribunal reports with no specific actions this year, or that are in negotiation (including those where negotiations are on hold because of litigation).

It covers all claims that are 'in progress' or 'ongoing', and also includes 2020/2021 items where there have been updates (noting that it can take up to five years to settle a claim).

The information was provided by government agencies and is arranged by report. There are four status categories used.

## Status categories and definitions

**In progress** – report relates to claims currently under active negotiation or subject to work currently being undertaken by government.

**Ongoing** – indicates that the Tribunal is still hearing claims related to the inquiry.

**Partially settled** – indicates that a settlement has been reached with respect to some, but not all, claims inquired into by the Tribunal in the report. However, the settlement of any outstanding claims is not currently under active consideration by the Crown.

**Settled** – indicates that a settlement has been reached with a particular claimant group, even where particular recommendations do not immediately appear to have been addressed in the context of that settlement.

## If you are viewing this document digitally you can use Adobe Reader search function to look up your claim number or search using keywords.



In the top left hand corner of your browser you will see a set of tools like the ones to the left. Click on the magnifying glass to open the search dialogue box, then type your claim number or key word to locate in the document.

### WAI 2575: Haumarū: The COVID-19 Priority Report, 2021

#### Ministry of Health

##### Summary of Findings and/or Recommendations

In 2021, the Waitangi Tribunal held a priority hearing into alleged breaches of Te Tiriti arising from the COVID-19 vaccination strategy and the early transition to the COVID-19 Protection Framework (the Framework).

The Tribunal found:

- Breaches of active protection and equity through insufficient data collection by the Crown
- Cabinet's decision to reject its own officials' advice to adopt an age-adjustment for Māori in the vaccine rollout breached active protection and equity
- The transition to the Framework breached the principles of active protection, equity, tino rangatiratanga, options, and partnership, and placed Māori at a disproportionate risk of contracting COVID-19
- The Crown did not jointly design vaccine sequencing with Māori, which further breached tino rangatiratanga and partnership
- Severe, lasting, and immediate prejudice to Māori due to these Te Tiriti breaches.

##### Status Update

###### In Progress

###### **Funding and support provided by the Ministry of Health to Māori providers to support the COVID-19 response**

A total of \$39m was delivered to Māori providers throughout 2021 from the COVID-19 Vaccination and Immunisation fund (administered by the Ministry). An additional \$36m of funding was announced in October 2021 to support the Māori response to the COVID-19 Delta outbreak and enable providers to prepare for future outbreaks.

This funding has enabled Māori health providers to respond to COVID-19 beyond vaccinations and healthcare. This includes social supports such as kai and hygiene packs for whānau. Additionally, this funding has helped to provide over 718,000 COVID-19 vaccinations, 185,000 general practice consults, 57,000 mental health services, and 14,000 rongoā services so far.

The Māori Community COVID-19 Fund (administered by Te Puni Kōkiri, the Ministry of Health, and Te Arawhiti) totalled \$128,980,000 and was invested between October 2021 and June 2022:

## Summary of Findings and/or Recommendations

To amend the above breaches, the Tribunal issued a range of recommendations:

- The Crown urgently provide further funding, resourcing, Māori health and vaccination data, and other support to help Māori providers and communities address issues arising from the pandemic
- The Crown improve its collection of quantitative and qualitative ethnicity data relevant to Māori health outcomes, and (in partnership with Māori) in the quality of data on tangata whaikaha and whānau hauā
- The Crown strengthen its monitoring programme and partner with Māori to establish what should be monitored and how it should be reported
- The Crown partner with Māori to design and implement an equitable paediatric and booster vaccine sequencing framework for Māori
- A comprehensive list of principles to be reflected in future Crown-Māori engagement with the national collective proposed by the claimants and other Māori groups.

The Tribunal concluded that until the Crown ensures an equitable vaccine rollout, it will remain in active breach of Te Tiriti o Waitangi.

## Status Update

- In Phase One, \$70,546,000 supported rapid vaccination activities;
- in Phase Two, \$38,049,000 helped build the resilience of vulnerable Māori communities, and;
- in Phase Three, \$20,385,000 built on Phase Two to help Hāpori Māori manage the impacts of the Omicron strain.

#### **Additional data provided to Māori providers to support with the COVID-19 response**

The Ministry has strengthened its data sharing capability and capacity, which includes being able to share more data on COVID-19 vaccination uptake with Māori partners.

There are data-sharing agreements in place with the Ministry, DHBs and partner agencies such as Te Puni Kōkiri, which can then share data with providers on the Ministry's behalf. Data is also shared with service providers, in some cases down to an individual level, as well as released on the Ministry's website down to suburb level. This data supports local community activities to lift vaccine uptake rates.

The Ministry currently has 16 data-sharing agreements in place with iwi and Māori organisations to support outreach activities. This includes agreements with the Whānau Ora Commissioning Agency, Data Iwi Leaders Group and National Hauora Coalition, as examples of large organisations with extensive reach.

Some data-sharing agreements are for aggregated and anonymised data. Individual and identifiable information is also being made available on request to organisations which may be effective in increasing vaccination rates on the basis that:

- There remains a serious threat to public health;
- Disclosure of the information is necessary to prevent or lessen the threat, and;
- It is not practicable to obtain authorisation for disclosure from the individuals concerned.

#### **Short-term work underway to analyse the ethnicity data used in the vaccination roll out**

The Ministry has been working with Stats NZ to further analyse the ethnicity data as captured in the vaccination rollout. For example, putting data sets used to calculate vaccination coverage into the Integrated Data Infrastructure (IDI).



## Summary of Findings and/or Recommendations

## Status Update

The Ministry has also commissioned the Social Wellbeing Agency to create a disability indicator using the IDI and look at vaccination coverage for disabled people.

**Longer-term work to improving the collection of and reporting on ethnicity data in the health system**

Work is underway at the Ministry to improve the quality of ethnicity data used in the health system. For example, updating tools to help organisations assess their quality of ethnicity data and building tools for consumers to have better access to their health information.

The Ministry has also begun work on collecting Māori descent and iwi affiliation information, and work is underway to improve the quality of disability data as part of the Patient Profile and National Health Index project in partnership disabled people.

**Mechanisms for monitoring the COVID-19 response for Māori**

The Ministry has implemented several mechanisms for monitoring the COVID-19 response for Māori, including:

- The Māori Monitoring Group, which enables Māori leadership from across different sectors and communities to provide independent accountability and monitoring of the Ministry, and;
- Ngā Mana Whakahaere, a COVID-19 rōpū, which includes national Māori stakeholders. As part of this, the New Zealand Māori council has engaged with Māori community leaders, carried out a survey of Māori nurses and collaborated with agencies to address misinformation.
- The Ministry publishes monitoring reports on progress against the COVID-19 Māori Health Protection Plan. The first report was published in May 2022.

**Paediatric and booster roll out**

There is significant work underway to maximise the paediatric and booster rollout for Māori. For example, sprint vaccination events across the country, holistic health, and vaccination events for whānau, connecting Māori health providers with kura kaupapa and schools, and Ngā Mana Whakahaere work on vaccination misinformation and vaccine hesitancy.

## Summary of Findings and/or Recommendations

The Wai 2521 Report focuses on the kinship review undertaken by the Crown in 2015 and 2016, and through that review whether the Crown properly informed itself of the identity of the tangata whenua of Motiti Island. A secondary focus of this report is the Tribunal's findings as to who the tangata whenua of Motiti Island are. The third issue addressed is whether the tangata whenua of Motiti Island are a separate tribal entity, or whether the Ngāti Awa Claims Settlement Act settled their claims.

Regarding the kinship review process, the Tribunal did not find any breaches of Te Tiriti. It did, however, find that aspects of the review process were initially flawed, but corrected during the course of the review.

The Tribunal found that Te Patuwai are tangata whenua of Motiti Island and that they affiliate to Ngāti Awa. Therefore, the Tribunal found that the Ngāti Awa Claims Settlement Act 2005 did settle the historical claims of Te Patuwai – including of Te Hapū's descendants – in relation to Motiti Island. The Tribunal also found that Te Whānau a Tauwhao, a hapū of Ngāi Te Rangī, are tangata whenua of Motiti.

As the Tribunal did not find any breaches of Te Tiriti, no recommendations were made. However, the Tribunal suggested the Crown should initially engage with Te Patuwai Tribal Committee on future issues regarding Motiti and made suggestions on how the Crown should approach disputes about tribal identity in general.

## Status Update

**Ongoing**

In response to the report, Te Arawhiti wrote to:

- Te Puni Kōkiri (as the Ministry for Māori Development), the Department of Conservation (as they are the administrators of the Marine Reserve) and the Department of Internal Affairs (as the local territorial authority of Motiti) to share the findings of the report and clarify how agencies should engage on matters related to Motiti; and
- the claimants and Ngāti Awa to share the Tribunal's findings and advise them of Te Arawhiti's approach to engagement going forwards.

Once Ngāti Awa confirms the correct contact person, we will also write to Te Patuwai and offer to meet with them and Ngāti Awa to discuss the longer-term approach to Crown engagement.

Te Arawhiti also intends to develop internal guidance concerning tribal identity disputes, including implications for the overlapping interests policy.

Summary of Findings and/or Recommendations

Status Update

The Mangatū Remedies Report concerns remedy applications filed by groups affected by Crown Te Tiriti breaches in the Tūranga (Poverty Bay) district. These breaches were earlier identified in the Tribunal’s 2004 Tūranga inquiry and included the Crown’s acquisition of parts of the land now comprising the Mangatū Crown Forest. At that time, the Tribunal made no recommendations, giving rise to the remedies applications.

In the 2021 Remedies Report, the Tribunal made an interim recommendation that the Mangatū Crown Forest licensed land be returned to Māori ownership under section 8HB of the Treaty of Waitangi Act 1975 for claims throughout the district. Additionally, the Tribunal indicated the claimants should receive the entirety of the compensation available under clause 3, schedule 1 of the Crown Forest Assets Act 1989.

The Tribunal made general non-binding recommendations, including that the Crown issue a joint historical report and Crown apology and negotiate additional redress with the claimant groups.

**Ongoing**

The Crown (and one of the claimants) sought judicial review of aspects of the Tribunal’s interim recommendations and associated findings regarding statutory compensation. The High Court upheld the review in part and dismissed other aspects. All parties have appealed the High Court Judgment to the Court of Appeal. A hearing date is yet to be allocated.

Summary of Findings and/or Recommendations	Status Update
<p>The Priority Report on the Whakatōhea Settlement Process concerned the Tribunal’s inquiry into claims concerning the Crown’s negotiations with the Whakatōhea Pre-Settlement Claims Trust of a settlement of the historical Treaty claims of Whakatōhea. The issues reported on by the Tribunal were the parallel process offered to Whakatōhea in the proposed Whakatōhea settlement, under which the Tribunal would retain jurisdiction to inquire into and make findings, but not recommendations, on Whakatōhea’s historical Treaty claims, aspects of the mechanism to amend the Whakatōhea Pre-Settlement Claims Trust’s negotiations mandate, and the role of hapū during ratification and voting by Whakatōhea members on the Whakatōhea deed of settlement.</p> <p>The Tribunal found the Crown had breached Treaty principles in relation to aspects of the parallel process, the mechanism to amend the Trust’s mandate, and the deed of settlement ratification process.</p> <p>The Tribunal also made findings on some aspects of these issues that the Crown had not breached Treaty principles, and areas where potential future Te Tiriti breaches could be avoided by mitigating action.</p> <p>In relation to its findings of Treaty breach, the Tribunal recommended:</p> <ul style="list-style-type: none"> <li>• To remove prejudice, the Crown make initialling the Deed of Settlement conditional on amendments to the withdrawal mechanism and adequate time be provided following these amendments.</li> <li>• The Crown ensure hui-ā-hapū after the initialling of the Deed of Settlement and before the ratification hui and hapū postal vote.</li> </ul> <p>The Tribunal made suggestions that to avoid further Te Tiriti breaches, the Crown should amend its funding policy for groups seeking to utilise the mechanism to amend the Trust’s mandate, ensure suitable funding is available, and ensure the rangatiratanga of hapū that have decided to withdraw are actively protected in any decision-making on the outcome of that process.</p>	<p><b>In Progress</b></p> <p>The Crown and the Whakatōhea Pre-settlement Claims Trust initialled the Whakatōhea deed of settlement on 23 December 2021. In February 2022, officials reported to the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Development on the Tribunal’s recommendations in the Priority Report. In relation to the ratification process, officials reported the Whakatōhea Pre-Settlement Claims Trust intended to undertake face-to-face hapū hui on marae during the ratification voting period.</p> <p>From May to September 2022, ratification of the deed was put on hold while the Whakatōhea Pre-Settlement Claims Trust addressed a petition submitted by some members of Te Upokorehe to remove Te Upokorehe from the scope of the settlement, using the mechanism to amend the Trust’s negotiations mandate.</p> <p>In October 2022, the Whakatōhea Pre-settlement Claims Trust undertook a ratification process in which members of Whakatōhea voted on the deed of settlement. The information available to Whakatōhea members on ratification had been updated, following the Tribunal’s report, to make the implications of supporting the settlement clear.</p>

## Summary of Findings and/or Recommendations

The Waitangi Tribunal (the Tribunal) concluded that the disparity between the number of Māori and non-Māori entering State care could be attributed in part to the effects of land alienation and dispossession, but also to the Crown's failure to honour its Treaty guarantee to Māori of the right of cultural continuity. This is embodied in the guarantee of tino rangatiratanga over their kāinga.

The Crown must actively protect the availability and viability of kaupapa Māori solutions in the social sector and in mainstream services, in such a way that Māori are not disadvantaged by their choice. The Tribunal considered that the legislative and policy changes introduced since 2017 will not be sufficient to realise the kind of transformation required to achieve a Treaty (Tiriti)-consistent future.

The Tribunal refrained from overly prescriptive recommendations. The Tribunal's primary recommendation is for the establishment of a Māori Transition Authority led by Māori with support from the Crown, to identify the changes necessary to eliminate the need for State care of tamariki Māori, and to consider system improvements, both within and outside of the legislative and policy settings for Oranga Tamariki.

## Status Update

**In Progress**

The Tribunal's report includes many observations that the Crown is taking forward reflecting the need for immediate action to reduce harm to children and whānau involved in the care and protection system and reduce the numbers of those who come to the attention of Oranga Tamariki.

Recommendations from the Tribunal's report, along with the Ministerial Advisory Board's report *Te Kahu Aroha* (released in September 2021) and a range of other reviews into the care and protection system, set expectations for Oranga Tamariki to change the way it works with Māori and communities to deliver better outcomes for tamariki and whānau. These other reviews include;

- *The Hawke's Bay Practice Review* (an internal review by the Chief Social Worker into the attempted removal of a baby in their mother at Hawke's Bay Hospital in May 2019)
- *Ko te Wā Whakawhiti – The Māori-led inquiry* (Whānau Ora Commissioning Agency) (a report focused on the historical and current cases of state removal of tamariki Māori from their whānau)
- *He Take Kōhukihuki | A Matter of Urgency – Ombudsman inquiry* (an investigation into the policies, procedures, and practices of Oranga Tamariki for the removal of pēpi under interim custody orders)
- *Te Kuku o te Manawa – The Office of the Children's Commissioner Report* (a review focussing on what is needed to enable newborn pēpi Māori to remain in whānau care when Oranga Tamariki has been notified of care and protection concerns).

The Crown is not taking forward the Tribunal's recommendation to establish a Māori Transition Authority at this time. In the Cabinet paper 'Direction for Oranga Tamariki' (August 2021), the Minister noted that he is not minded to implement the Tribunal's primary recommendation at this time, as the focus is on acting quickly to address the known issues in the care and protection system.

## Summary of Findings and/or Recommendations

## Status Update

Oranga Tamariki has two roles:

- A high performing, highly trusted statutory care and protection and youth justice agency that works in an integrated way with other agencies and communities.
- An enabler and coordinator for Māori and communities, to empower them to put in place the support, the solutions, and the services they know will work for their people to prevent tamariki coming to our attention.

In September 2021, the Minister for Children announced that the Ministry is shifting to a locally-led, regionally-supported and centrally-enabled organisation. These changes are partially in response to the Waitangi Tribunal's report. The new direction includes a Future Direction Plan for transforming the system.

The Oranga Tamariki Future Direction Plan details a set of actions that will pave the way for the long-term shifts to bring to life the spirit and intent of *Te Kahu Aroha*. The intent of the Tribunal's report alongside the other reviews mentioned above were drawn on for themes and recommendations.

The five areas of the Future Direction Plan include:

- **Organisational blueprint** – to support and deliver transformation, Oranga Tamariki is developing a structure that aligns functions to best effect, has clear accountabilities, reduces duplication, and supports joined-up approaches across functions that need to work together.
- **People and Culture** – the long-term success of transformation hinges on the creation of a culture that acts as an accelerator of positive change.
- **Relationships, Partnering and Decision-Making** – to put tamariki and whānau at the centre of the system, Oranga Tamariki is building required levels of trust and capability, alignment, and transparency to achieve authentic and genuine partnership and participation, including the participation of tamariki and rangatahi.
- **Social Work Practice** – Oranga Tamariki will enhance the mana of social workers across both the agency and the wider care and protection sector so we can better support tamariki, rangatahi and whānau needs.

## Summary of Findings and/or Recommendations

## Status Update

- **Data, Insights and Evidence** – to ensure robust data, research and information flows that support ongoing transformation. This includes ensuring that our understanding of how tamariki are experiencing care is current, accurate and equitable.

The transformation is expected to take two to five years and means that, over time, many of the services and support for tamariki and their whānau currently delivered by and through Oranga Tamariki will change. Oranga Tamariki is currently making progress in the implementation of the actions underway in the Future Direction Plan, which can be found here: Future Direction Plan<sup>95</sup>.

Oranga Tamariki is delivering significant shifts in the Ministry's way of working. Work underway to support the Future Direction Plan actions and transformation includes:

- Increasing investment into Strategic Partners and iwi and Māori organisations. Since the establishment of the first Strategic Partnership Agreements (late 2018), the Ministry's overall investment in iwi and Māori organisations continues to increase. Funding has increased from \$62.9 million to \$146 million (a 232% increase).
- Development of the Health, Safety and Wellbeing Strategy for Oranga Tamariki staff.
- Currently working with five communities (Waikato, Taumarunui, Ōtautahi, Te Tai Tokerau, and Heretaunga) as part of 'Enabling Communities' programme to develop their own prevention/early support prototypes. Enabling Communities are community-led, regionally enabled, and nationally supported prototypes. The programme supports our Treaty partners to lead a shift in the way Oranga Tamariki responds to tamariki and whānau, provides an opportunity for partners to determine for themselves the aspirations and outcomes they want to achieve and how they get there. The work can involve any part of the Oranga Tamariki system from prevention, early support, care and protection, youth justice and transitions and is set at the pace of our Treaty partners and communities.

95 [www.orangatamariki.govt.nz/assets/Uploads/About-us/News/2021/MAB-report-action-plan-release/OT-Future-Direction-Action-Plan.pdf](http://www.orangatamariki.govt.nz/assets/Uploads/About-us/News/2021/MAB-report-action-plan-release/OT-Future-Direction-Action-Plan.pdf)



- A shift to practice framed by Te Tiriti o Waitangi drawing from Te Ao Māori principles, based on a mana enhancing paradigm, with oranga as the frame was introduced through regional hui and site-based learning activity in 2021. Models and tools to support the approach to practice are currently being trialled in Ōtautahi, in four sites in Tāmaki Makaurau and the National Contact Centre.
- Continued changes to practice including increasing the number of Kairaranga-a-whānau and Māori specialist roles, updated guidance on whānau searching/whakapapa research, implementation of a strengthened assurance process for Reports of Concern relating to newborn and unborn pēpi, and development of a framework for auditing and analysing case files of newborn and unborn pēpi entering care under a Section 78 custody order (Oranga Tamariki Act 1989) application.
- Following significant amendments to practice in 2019 and a rapid decrease in entries to care for unborn and newborn pēpi Māori under Section 78 'without notice' custody orders (Oranga Tamariki Act 1989), 'without notice' custody orders have stabilised over recent years. With particular regard to the use of Section 78 custody orders with pēpi Māori, we are seeing evidence in practice of earlier engagement with whānau, working more closely with other professionals, balancing historical concerns with current strengths and the provision of support aimed at keeping pēpi in the care of whānau.
- Progressing the Oranga Tamariki Amendment Bill which includes a partial repeal of subsequent child provisions (Oranga Tamariki Act 1989). (The Bill is at Committee of the Whole stage).
- Te Hāpai Ō was designed to focus on and enhance the cultural competency and capabilities of the organisation and kaimahi, to give practical effect to our Values and to respond with an approach that is Treaty-consistent. Te Hāpai Ō is intended to:
  - Strengthen practice approach in our frontline and enabling functions;
  - Strengthen work and engagement within Oranga Tamariki, partners, external stakeholders and children, young people and their whānau in a culturally appropriate way;

## Summary of Findings and/or Recommendations

## Status Update

- Enhance relationships with whānau and Māori, and;
- Create a positive organisational culture that enables cultural authenticity.
- Te Hāpai Ō focuses on Kaimahi development and organisational development. Te Hāpai Ō is comprised of five key workstreams:
  - **Tū Māia training programme:** development and delivery of a training programme to Oranga Tamariki staff in partnership with Te Tauihu o Ngā Wānanga
  - **Te Hāpai Ō Resources:** development of a suite of cultural capability resources available to all staff on our learning management system, MyLearn
  - **Māori Cultural Capability Baseline:** establishment of a cultural capability baseline to measure Oranga Tamariki's cultural capability
  - **Evaluation Framework:** create an evaluation framework to monitor the effectiveness of Te Hāpai Ō and inform its ongoing development
  - **Te Reo Māori Strategy:** develop a Te Reo Māori strategy for Oranga Tamariki.

There are also important initiatives underway that help build the foundations for wider system change. The development of a Disability Strategy, a Pacifica strategy, the Youth Justice and Care Residences work programme, and the ongoing work programme of the Oranga Tamariki Ministerial Advisory Board are vital work streams.

The Ministerial Advisory Board continues to provide independent advice and assurance to the Minister of Children, including monitoring the implementation of the Future Direction Plan and progress against the Board's phase 2 work programme (Residences and Disability Issues).

The Oranga Tamariki Action Plan was launched in July 2022, partly in response to the Tribunal's report and other reviews. The Oranga Tamariki Action Plan drives transformation across the children's sector to ensure that tamariki and rangatahi with the greatest needs are visible and prioritised across the work of all agencies.

## Summary of Findings and/or Recommendations

The Tribunal's stage 2 report covered both Resource Management Act (RMA) and policy reforms between 2009–2017. It recognised that the Crown's efforts to acknowledge and provide for Māori rights and interests through "Te Mana o te Wai" in the National Policy Statement on Freshwater Management, and the 'Mana Whakahono ā Rohe' mechanism in the RMA, while being good first steps, do not go far enough.

The Tribunal noted that the Crown and claimants agreed on a number of key points, however despite this, the Crown's position continued to be that 'no one owns the water'.

The report goes on to make several recommendations:

- Amendments to the principles that govern how decisions are made under the RMA (Part 2 of the Act)
- Crown establishment of a national co-governance body with Māori and that co-governance agreements should be provided for in all Treaty settlements
- The Crown should ensure that Māori are properly resourced to participate effectively in RMA processes
- Amendments to the water quality standards in the national policy statement, the introduction of long-delayed stock exclusion regulations and the commitment of long-term funding to restore degraded water
- Stronger recognition of Māori values in the national policy statement itself
- 'Urgent action' to develop measures of habitat protection and habitat restoration
- The continuation of Crown-Māori co-design in policymaking where Māori interests were concerned
- Any new allocation regime included regional allocations for iwi, Māori land, and for cultural purposes.

## Status Update

**In Progress****Resource management system reform**

Since the comprehensive review of the resource management system was announced, the Government has worked towards three proposed Acts to replace the Resource Management Act 1991. These are:

- The Natural and Built Environment Act
- The Spatial Planning Act
- The Climate Adaptation Act.

An exposure draft of the Natural and Built Environments Bill was released in June 2021 for consideration by the public and the select committee. Subsequent feedback informed development of the Natural and Built Bill.

The Government has also undertaken a programme of proactive and responsive engagement with hapū, iwi, and various Māori groups on the reform, including 36 regional hui run by the Ministry for the Environment. At these hui and fora, officials facilitated discussion around engagement material on the reforms and sought feedback, which has been considered in the policy development reform process. The Government has also continued to engage with Māori representative groups and collectives (such as the Iwi Leaders Group and Te Tai Kaha).

The Natural and Built Environment and Spatial Planning Bills were introduced to Parliament in November 2022 and are expected to be enacted in August 2023.

The new system is designed to improve the recognition of te Ao Māori and te Tiriti o Waitangi. It will require anyone exercising powers, functions or duties under the Acts to give effect to the principles of te Tiriti.

Natural and Built Environment Plans, required under the Natural and Built Environment Act, will be developed by regional planning committees comprising representatives from iwi, hapū, and Māori, along with local government. These plans will also include allocation content.

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Regional spatial strategies, required under the Spatial Planning Act, will see central government, local government and Māori working together, in consultation with the community, to identify how their region will grow, adapt, and change over the next 30-plus years.

Budget 2022 has provided funding to be used over the next four years for the transition to a new resource management system.

The Government committed to not precluding Māori rights and interests in freshwater in the resource management reform process.

#### **Stock exclusion regulations**

The Government consulted on a range of amendments to freshwater instruments in 2021 and 2022, including in relation to the stock exclusion low slope map, wetlands regulation and other technical changes. Subject to decisions by Ministers and Cabinet, any amendments will be in place by the end of the year.

#### **Proposed changes to intensive winter grazing regulations**

In 2021, the Ministry for the Environment consulted on proposed amendments to the intensive winter grazing regulations in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. Feedback included that effective implementation, and the achievement of improved environmental outcomes requires modification to the regulations. As a result of that feedback, the regulations were deferred until 2022 to consider changes. Amended regulations were finalised in April 2022. For more detail on these amendments, please refer to the Ministry's website here<sup>96</sup>.

#### **Freshwater farm plan regulations**

Freshwater farm plans were introduced as part of the Government's Essential Freshwater package in 2020.

These were consulted on in 2021 regarding:

- the content of freshwater farm plans
- what outcomes could be achieved
- how plans could be certified, audited, and amended.

96 [environment.govt.nz/acts-and-regulations/freshwater-implementation-guidance/agriculture-and-horticulture/intensive-winter-grazing/#:~:text=Intensive%20winter%20grazing%20is%20a,animal%20welfare%20and%20the%20environment.](https://environment.govt.nz/acts-and-regulations/freshwater-implementation-guidance/agriculture-and-horticulture/intensive-winter-grazing/#:~:text=Intensive%20winter%20grazing%20is%20a,animal%20welfare%20and%20the%20environment.)

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**Te Mana o te Wai funding**

The Te Mana o te Wai fund (\$30m) is targeted at iwi, hapū, marae and Māori landowners. In the 2021/22 financial year, the Ministry for the Environment funded 31 projects from this fund, with negotiations well underway for the remaining 4 projects. The Te Mana o te Wai Fund outcomes are to:

- Build capacity and capability for Māori to participate in and make decisions for freshwater management, including the implementation of the Essential Freshwater and the NPS-FM;
- support Māori to improve the health of freshwater bodies of importance to them, and;
- Create nature-based employment opportunities.

This funding will support tangata whenua to bring to life Te Mana o Te Wai, the key concept in the National Policy Statement for Freshwater Management 2020.

**The Rural Drinking Water Programme**

Te Hōtaka Wai Inu Taiwhenua – is intended to improve drinking water for marae, kōhanga reo, and papakāinga and other private rural supplies that are not connected to a town supply. Of the total \$30 million available to the Programme, \$20 million was set aside to provide water treatment systems for rural marae, kāinga and kōhanga reo, as well as training and maintenance to help whānau and hapū keep their water safe, and to meet new drinking water regulatory requirements.

The **Marae and Papakāinga Rural Water Services Technical Advisory Group** (the Group) was established, under the recommendation of the *Rural Supplies Technical Working Group*<sup>97</sup>. The Group – consisting of 12 representatives from Entity Iwi Collectives and 2 observers from Taumata Arowai – is providing the Department of Internal Affairs advice on:

- How water services entities should carry out their statutory service delivery roles, functions and duties in ways that will result in safe, reliable and affordable water services for whānau, hapū and Iwi;

97 [aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dia.govt.nz%2Fthree-waters-reform-programme-working-groups&data=05%7C01%7CK-arli.Rickard%40dia.govt.nz%7C36568fe6b76b434c715408db184141d9%7Cf659ca5cfc474e96b24d14c95df13acb%7C0%7C0%7C638130440781156485%7CUnknown%7CTWFPbGZsb3d8eyJWljoimc4wLjAwMDAiLCJQljoiv2luMzliLCJBTi6kthaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=qeWoZ-65jpANIVZayF54IkLs5LovdaMCn5mwBJNJmqU%3D&reserved=0](https://www.dia.govt.nz/2Fthree-waters-reform-programme-working-groups&data=05%7C01%7CK-arli.Rickard%40dia.govt.nz%7C36568fe6b76b434c715408db184141d9%7Cf659ca5cfc474e96b24d14c95df13acb%7C0%7C0%7C638130440781156485%7CUnknown%7CTWFPbGZsb3d8eyJWljoimc4wLjAwMDAiLCJQljoiv2luMzliLCJBTi6kthaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=qeWoZ-65jpANIVZayF54IkLs5LovdaMCn5mwBJNJmqU%3D&reserved=0)

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	<ul style="list-style-type: none"><li>• Resourcing required, including any further need for central government funding support, and;</li><li>• Taumata Arowai’s approach to regulation and assessment of water services provided to marae and papakāinga; and Ongoing central government role in stewardship and monitoring of the three waters system.</li><li>• Out of scope for the advisory group is advice on any substantive changes to the Water Services Entities legislation.</li></ul>

## Summary of Findings and/or Recommendations

The stage one report focuses on the legislative, strategic and policy framework that administers New Zealand's primary health care system, including in particular the New Zealand Public Health and Disability Act 2000, the New Zealand Health Strategy, the Primary Health Care Strategy and He Korowai Oranga, the Māori Health Strategy.

The Tribunal concluded the primary health care framework fails to state consistently a commitment to achieving equity of health outcomes for Māori. The Tribunal was also critical of the 'Treaty clause' in the New Zealand Public Health and Disability Act 2000 and that the articulation of Treaty principles in health system documents was out of date.

In the context of primary health care, the Tribunal also found deficiencies in funding, performance, and accountability mechanisms, and in decision-making and influence for the design and delivery of services. It found that the Act's provision for Māori representatives on district health boards does not fully reflect the principle of partnership, and that some boards do not prioritise cultural competency as a skillset intrinsic to their governance processes and responsibilities.

The Tribunal made a number of recommendations. The two overarching recommendations were that the New Zealand Public Health and Disability Act and its associated policies and strategies be amended to:

- Give effect to Treaty principles and ensure that those principles are part of what guides the primary health care sector; and
- Include an objective for the health sector to achieve equitable health outcomes for Māori.

In relation to structural reform of the primary health care system, the Tribunal made an interim recommendation that the Crown and the stage one claimants work together to develop terms of reference to explore the concept of a stand-alone Māori primary health care authority.

The Waitangi Tribunal released an additional final chapter of the stage 1 Hauora report in 2021. The final chapter reviewed and finalised the three interim recommendations made when the stage 1 report was initially released in 2019.

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**In Progress****Pae Ora (Healthy Futures) Bill**

The Pae Ora (Healthy Futures) Bill (the Bill) had its final reading on 7 June 2022 and was given royal assent on 14 June 2022. The Act came into effect on 1 July 2022 and provides several ways for the Crown to give effect to the principles of Te Tiriti o Waitangi, including:

- The Minister of Health, the Ministry, and all health entities will be required to be guided by the health sector principles outlined in the Bill, which are aimed at improving the health sector for Māori and improving hauora Māori outcomes;
- The Bill seeks to establish Te Aka Whai Ora, the Māori Health Authority and provide for the establishment of Iwi Māori Partnership Boards (IMPBs) (see section below), and;
- The Minister of Health would be required to establish a Hauora Māori Advisory Committee from which they would seek advice before exercising certain powers, including appointments to the Te Aka Whai Ora Board.

**Treaty-compliant primary health care framework**

The health system reform programme of work includes a review of the capitation model for primary health care. This work has been progressed through the Transition Unit, interim Health New Zealand and the interim Māori Health Authority, and the Ministry.

The Pae Ora Bill includes criteria for appointments to the Te Whatu Ora and Te Aka Whai Ora boards, including the boards having knowledge of, and experience and expertise in relation to, Te Tiriti and tikanga Māori.

**Māori Health Authority**

Under the Pae Ora (Healthy Futures) Act 2022, the Māori Health Authority came into being on 1 July 2022 as an independent statutory entity that would work in partnership with both the Ministry and Health New Zealand and be responsible for ensuring the health system works well for Māori.

The objectives under the Bill are for the Māori Health Authority to:

- Ensure that planning and service delivery respond to the aspirations and needs of whānau, hapū, iwi, and Māori;



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In reviewing progress on these interim recommendations, the Tribunal noted the Crown's health system reforms and the establishment of a Māori Health Authority earlier in 2021. It called on the Crown to keep working with Māori to create a health care system that aligns with tino rangatiratanga. However, on the second interim recommendation – relating to the development of a methodology to assess the extent of underfunding of Maori primary health organisations – the Tribunal noted a lack of progress which it said was compounding the prejudice Māori have suffered. It therefore reiterated the urgent need to agree an underfunding methodology without further delay.

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- b. Design, deliver, and arrange services to achieve the best possible health outcomes for Māori, and;
- c. Promote Māori health and prevent, reduce, and delay the onset of ill health for Māori, including by collaborating with others to address the determinants of Māori health.

**Underfunding methodology**

The Crown funded the Stage One claimants to develop a draft methodology for assessing historical underfunding of Māori primary health services. The resulting report was released by Sapere Group in July 2021 and the Crown has continued to engage with the claimants around the underfunding recommendations.

**Partnership arrangements –  
Hauora Māori Advisory Committee**

The Pae Ora Bill proposes a Hauora Māori Advisory Committee (the Committee), which advises the Minister of Health on matters relating to the board of the Māori Health Authority. The purpose of the Committee would be to ensure that the voices of Māori are heard at all levels of decision-making in the new health system, and by doing so, supporting the delivery of equitable health outcomes for Māori.

Under the Bill, the Minister of Health must seek and consider the Committee's advice before:

- Appointing or removing members of the board of the Māori Health Authority;
- Requiring the Māori Health Authority to develop an improvement plan;
- Issuing letters of expectation or issuing directions to the Māori Health Authority, and;
- Requiring amendments to the Māori Health Authority statement of intent or statement of performance expectations.

**Partnership arrangements –  
Iwi Māori Partnership Boards**

The Bill also proposes the establishment of Iwi Māori Partnership Boards (IMPBs), which are intended to act as a vehicle for Māori to exercise tino rangatiratanga and mana motuhake with respect to planning and decision-making for health services at the local level. The Bill requires the Māori Health Authority and Health New Zealand to engage with IMPBs to enable Māori to have a meaningful role in the planning and design of local services.

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Parts I and II of the pre-publication version of *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims* were centrally concerned with the negotiations between the Crown and leaders of Te Rohe Pōtae – especially Ngāti Maniapoto (Maniapoto) – regarding land, land laws, the extension of the North Island Main Trunk Railway into their district, and the respective spheres of Crown and Māori authority within the district. These negotiations, and the agreements that resulted, are known by Te Rohe Pōtae Māori as Te Ōhākī Tapu. This term is derived from Te Kī Tapu (the sacred word), a phrase Maniapoto leaders used to describe the conduct they sought from the Crown.

Parts I and II also reviewed numerous other aspects of the Crown's actions in Te Rohe Pōtae before 1905. The Tribunal found the claims covered in parts I and II of the report to be well founded. In summary, the Crown chose not to give practical effect to the Treaty principle of partnership in Te Rohe Pōtae from 1840 to 1900. It failed to recognise or provide for Te Rohe Pōtae Māori tino rangatiratanga before and during the negotiations collectively described as Te Ōhākī Tapu. This failure resulted in multiple breaches of the principles of the Treaty of Waitangi, and Te Rohe Pōtae Māori have suffered significant and long-lasting prejudice as a result.

The Tribunal therefore recommended the Crown take immediate steps to act, in conjunction with the mandated settlement group or groups, to put in place means to give effect to their rangatiratanga.

The Tribunal said that how this can be achieved will be for the claimants and Crown to decide. However, it recommended that, at a minimum, legislation must be enacted that recognises and affirms the rangatiratanga and the rights of autonomy and self-determination of Te Rohe Pōtae Māori.

In the case of Ngāti Maniapoto, or their mandated representatives, the Tribunal recommended that legislation must take into account and give effect to Te Ōhākī Tapu, in a way that imposes an obligation on the Crown and its agencies to give effect to the right to mana whakahaere.

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**Partially Settled**

On 11 September, Maniapoto and the Crown signed a deed of settlement agreeing to settle or partly settle 188 claims filed on behalf of the iwi. Legislation was introduced on 3 December and had its first reading on 14 December. By 30 June, select committee had reported back and settlement legislation has since been passed. Settlement date was 25 November 2022.

The Crown has continued to work with hapū and iwi of Waikato-Tainui towards the settlement of their remaining claims. This includes a number of claims around Whaingaroa, Aotea and Kāwhia Harbours which the Waitangi Tribunal reported on in *Te Mana Whatu Ahuru*. The parties are working towards an agreement in principle in 2023.

The Ministers' responsible for Primary Industries have issued a protocol to the Nehenehenui Trust as the representative of Maniapoto. The Protocol is legally binding and sets out how the Trust will be involved in the management of fisheries resources within the Rohe Pōtae.

The protocol commits the Ministry to support Maniapoto to develop iwi fisheries plans that identify the values and objectives that Maniapoto wish to promote as kaitiaki for their fishery resources. It also commits the Ministry to work with the Trust to take up customary fisheries regulations to enable Maniapoto to autonomously manage their customary fisheries.

Finally, the protocol sets out how the Ministry will consult the Trust on any legislative or policy changes that are promoted by the Ministry and that affect the area including the Rohe Pōtae.

Work will continue to finalise what the protocol will look like throughout 2022/23.

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In Part III of Te Rohe Pōtae Māori report the Tribunal recommended that during settlement negotiations with Te Rohe Pōtae Māori, the Crown should discuss a possible legislative mechanism (should they wish it) that will enable iwi and hapū to administer their lands, either alongside the Māori Land Court and Te Tumu Paeroa (the Māori Trustee) or as separate entities.

The Tribunal released part IV of Te Mana Whatu Ahuru in 2019 which looked at how the rapid alienation of Māori land affected tribal authority and autonomy in the district. Part V, released in 2020, examined the effects of Crown policies and actions on health, education and te reo Māori in Te Rohe Pōtae. In Part IV of the report, the Tribunal found that the Crown failed to sustain Te Rohe Pōtae self-government in a Treaty compliant way. While Te Rohe Pōtae Māori participated in a succession of representative structures and institutions expected to provide them with at least a form of mana whakahaere, these spheres of influence were limited, and many did not prove enduring.

The Tribunal found a number of Treaty breaches including:

- The Crown's failure to ensure structures within local government enabled Te Rohe Pōtae to exercise their mana whakahaere and tino rangatiratanga
- the compulsory taking of Māori land for public works development purposes, alienated large tracks of Māori land and Te Rohe Pōtae tribal authority. Without meaningful consultation or meeting tests of last resort, the Crown undertook the largest individual takings for public works in New Zealand history in the inquiry district during the twentieth century
- Crown regulation of the natural environment further diminished Te Rohe Pōtae Māori tribal authority over many taonga and sites of significance, and Crown regulation and mismanagement of the natural environment likely resulted in significant damage to many of these important sites.

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Based on its findings of Treaty breach in these areas, the Tribunal made recommendations to restore or better enable Te Rohe Pōtae Māori mana whakahaere, including amending the legislative and policy frameworks associated with each area under review and by accounting for identified breaches in any Treaty settlement processes with claimants.

In Part V of the report, the Tribunal found that breaches of the Treaty of Waitangi have led to long-term and ongoing poor health and wellbeing outcomes for many Māori in Te Rohe Pōtae.

The Tribunal found that Crown policies relating to land contributed to the erosion of the economic and resource base that could otherwise have been drawn upon to provide for Te Rohe Pōtae Māori experiencing hardship. As a result, Māori were disadvantaged within the local economy, earned less than other population groups, had worse health and lower quality housing, migrated away from the district out of necessity, had an often-fragile hold on employment, and for many years were unable to exert social autonomy over the health and well-being of their communities, including on matters such as alcohol use and regulation.

In the areas of education and te reo Māori the Tribunal found that the declining use of te reo Māori in the district throughout much of the twentieth century was clearly linked to the large-scale alienation of Te Rohe Pōtae land and the associated erosion of Māori mana whakahaere, customary ways of life and social organisation, as well as the spread of state-administered native and board schooling throughout the district.

Part VI – Take a Takiwā was released in 2020 and is an inventory of all the claims in this district inquiry and of the Tribunal’s claim specific findings.

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In the Kārewarewa Urupā Report, the tribunal found that treaty principles were systematically breached in relation to the exploratory authorities (those that conduct an invasive investigation of a site) and the requirements of section 56 of the Heritage New Zealand Pouhere Taonga Act 2014.

In respect of section 56 of the Heritage New Zealand Pouhere Taonga Act 2014, in order to prevent the recurrence of prejudice in the event of future applications relating to the Kārewarewa urupā or to other wāhi tapu, the Tribunal recommended that:

- Heritage New Zealand Pouhere Taonga should undertake a review, led by the Māori Heritage Council (Te Kaunihera Māori o te Pouhere Taonga), of the assessment process for section 56 applications concerning sites of interest to Māori. The Māori Heritage Council should then recommend a more Treaty-consistent timeframe for the evaluation and determination of those applications, so that the Crown's Treaty obligation of active protection of taonga can be met. Heritage New Zealand should then make the recommendation to the Minister for Arts, Culture and Heritage.
- The Minister for Arts, Culture and Heritage should introduce legislation as soon as possible to amend the timeframe in section 56 of the Act, in accordance with any recommendations from the Māori Heritage Council and Heritage New Zealand.
- In the case of applications relating to wāhi tapu including urupā (gravesites), section 56 should be amended to require applicants to provide an assessment of cultural values and the impact of proposed work on those values, in the same manner as for section 44 applications.
- These should regard the relationship of Māori with their culture and traditions with their wāhi tapu.

**In Progress**

Heritage New Zealand Pouhere Taonga has changed its section 56 assessment processes to reflect the Tribunal's recommendations. The other Tribunal recommendations require legislative change.

Manatū Taonga will explore possible legislative options to address any remaining issues once the legislation to replace the Resource Management Act 1991 has been enacted.

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This inquiry related to three claims that sought the repeal of section 80(1)(d) of the Electoral Act 1993 and was heard under urgency in May 2019. The Crown accepted that the enactment of this section of the Act has had a significantly disproportionate impact on Māori since 2010 when it was amended to exclude sentenced prisoners from registering as an elector and extend an existing voting ban to include all prisoners incarcerated at the time of a general election.

The Tribunal found that the Crown had acted inconsistently with the Treaty principles of partnership, kāwanatanga, tino rangatiratanga, active protection, and equity, and that its actions prejudicially affected Māori.

Recommendations included:

- Urgent amendments to legislation to remove the disqualification of all prisoners from voting, irrespective of their sentence. A return to the law as it was before 15 December 2010 is not recommended because even that law disproportionately affected Māori.
- The Crown start a process immediately to enable and encourage all sentenced prisoners and all released prisoners to be enrolled in time for the general election in 2020. This process needs to include providing electoral information to all prisoners and, where possible, released prisoners through media accessible and appropriate to their needs, and in te reo Māori and English.
- A process is implemented for ensuring that Crown officials provide properly informed advice on the likely impact that any Bill, including members' Bills, will have on the Crown's Treaty of Waitangi obligations.

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**In Progress**

In June 2020, the Electoral (Registration of Sentence Prisoners) Amendment Act was enacted. This enables people who are serving prison sentences of less than three years to enrol and vote. As required by the Act, the Department of Corrections (Corrections) established a process to engage with people in prison for the 2020 Election.

As part of the reception process, Corrections continues to require staff to engage with all eligible people sentenced to prison. During this process, staff discuss their ability to register to vote and encourage their enrolment. Staff also explain their ability to apply to have their details secured on the unpublished roll. Once completed, staff submit the forms to the Electoral Commission.

Supporting people to enrol aligns with Hōkai Rangī and Corrections' aim of assisting the people in its management to participate more fully in society.

The items below may impact on the Tribunal's recommendations in WAI 2870, including that "A process is implemented for ensuring that Crown officials provide properly informed advice on the likely impact that any Bill, including members' Bills, will have on the Crown's Treaty of Waitangi obligations." However, these items were not in response to, or in fulfilment of, those recommendations, rather they were as part of the Crown's broader efforts to support more effective policy and Treaty analysis in the design of legislation.

When developing or implementing policies Corrections' staff consider the implications for the Crown's Treaty of Waitangi obligations in a number of ways, and routinely advise decision makers on these impacts.

Corrections' staff consider the Crown's Treaty obligation as per the Cabinet Circular (19): 5 *Te Tiriti o Waitangi / Treaty of Waitangi Guidance*, and include analysis of any impact on these obligations within each Regulatory Impact Statement, Bill disclosure statement, and Cabinet paper seeking to introduce a Bill.

Because the above advice only refers to Corrections it does not fully address the recommendation of implementing a process that ensures advice on any Bill or Members' Bill is properly informed of any impact on the Crown's Treaty of Waitangi obligations. Such a process will require a cross-government approach to cover all Bills.

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**Electoral reform**

Current work in the electoral reform area includes the Independent Review of Electoral Law. An independent panel was appointed in May 2022 to lead a review of New Zealand’s electoral law. The Independent Review will look at all aspects of the electoral system, including voter eligibility and enrolment. The Independent review released its consultation document in September 2022 and in May 2023 the panel will release its draft recommendations and invite feedback from the public.

**Guidance on providing for the Treaty of Waitangi in legislation and the Treaty Provision Oversight Group (TPOG)**

In March 2022, Te Arawhiti published new guidance<sup>98</sup> on providing for the Treaty of Waitangi in legislation and supporting policy design.

The guidance seeks to guide policy makers in their analysis of when and how to provide for the Treaty of Waitangi in legislation. It encourages policy makers to consider the Treaty early in the policy process and to think about the broad range of options available to reflect the Treaty relationship – both legislative and non-legislative. If a legislative reference to the Treaty is appropriate, the guidance assists in the design of suitable provisions.

In April 2022, the Treaty Provisions Oversight Group was established, independently of WAI 2870, as part of the Crown’s broader efforts to support more effective policy and Treaty analysis in the design of legislation.

In prompting critical thinking and good process, TPOG may contribute to the Tribunal’s stated objective of agencies providing clearer advice on how legislation provides for the Treaty. However, it should not be seen as providing systemic assurance this is happening as recommended by the Tribunal.

In addition, we note that the establishment of the TPOG does not fully address the recommendation and did not intend to as it was established independently.

98 [www.tearawhiti.govt.nz/assets/Tools-and-Resources/Providing-for-the-Treaty-of-Waitangi-in-legislation.pdf](http://www.tearawhiti.govt.nz/assets/Tools-and-Resources/Providing-for-the-Treaty-of-Waitangi-in-legislation.pdf)



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The inquiry is being held in two stages. In stage 1, the Tribunal prioritised hearing issues of Crown procedure and resources under Te Takutai Moana Act 2011 (the Act), particularly applicant funding. The Tribunal reported on stage 1 on 30 June 2020.

The Tribunal found that aspects of the procedural and resourcing regime did fall short of Treaty compliance. Among other things, the regime failed to:

- Provide cultural competency training for registry staff, to improve the experiences of Māori interacting with the High Court, both on marine and coastal matters and more generally.
- Provide adequate and timely information about the Crown engagement pathway for applicants to seek recognition of their customary rights in the marine and coastal area
- Provide adequate policies to ensure that the High Court pathway and the Crown engagement pathway operate cohesively
- Actively and practically support efforts to resolve overlapping interests in the marine and coastal area
- Cover 100 per cent of all reasonable costs that claimants incur in pursuing applications under the Act
- Manage real or perceived conflicts of interest in the administration of funding
- Provide sufficiently independent, accessible, and transparent mechanisms for the internal reviewing of funding decisions
- Enable timely access to funding for applicants in the Crown engagement pathway
- Fund judicial review for Crown engagement applicants and Māori third parties.

The Tribunal found that, in these respects, Māori had been and remained significantly prejudiced. However, it said that other deficiencies in the regime had not ultimately prejudiced the claimants.

The Tribunal urged the Crown to remedy the shortcomings identified in the report. It said that Māori would continue to be prejudiced until the Crown took steps to make the Act's supporting procedural arrangements fairer, clearer, more cohesive, and consistent with the Crown's obligations as a Treaty partner.

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**Ongoing**

In response to the Stage 1 report, Te Arawhiti has taken steps to ensure the resourcing and procedural arrangements supporting the Marine and Coastal Area (Takutai Moana) Act 2011 are fairer, clearer, more cohesive, and consistent with the Crown's obligations as a Treaty partner.

In addition to the issues which were substantially addressed in the section 8I report of 2020–21, Te Arawhiti has made the following additional progress:

**Applicant funding**

The takutai moana financial assistance scheme (the scheme) was comprehensively reviewed in 2020–21. In February 2022 Cabinet agreed in principle, subject to Budget 22 decisions, to make changes to the scheme. Budget decisions were confirmed in May 2022.

The review included consultation with applicants, and their legal counsel, an independent review of the scheme's administration and consideration of applicants' views given during High Court case management conferences and substantive hearings.

The changes will:

- improve the structure of the scheme, including improved budget templates and updated guidelines and information about how to use the scheme
- increase the overall funding allocation for all applicant groups
- enable costs incurred in High Court hearings, interlocutory hearings, case management conferences and appeals to be met
- fund collaborative projects and activities between applicant groups where it would assist in progressing their respective applications
- enable up-front funding through small and large grants, alongside reimbursement payments.

Te Arawhiti is working to have the changes fully implemented in early 2023.

**Cohesion between the pathways**

The takutai moana engagement strategy (agreed to by Cabinet in May 2021) and the changes to the financial assistance scheme (outlined above) improve the operation of the two pathways. However, if some

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applications in an area are to be decided in the High Court, and others by the Crown, the Act does not say how this should work – this is the dual pathway problem.

In September 2022, Cabinet agreed to consultation with applicant groups on options to address the dual pathway problem. Following consultation, policy work is ongoing.

Summary of Findings and/or Recommendations	Status Update
<p>The Tribunal's overall finding was that the Crown's recognition of the Maniapoto Māori Trust Board's mandate was reasonable given the board's community support, infrastructure, and extensive involvement in previous settlements. However, it also found that aspects of the process to recognise the Trust Board's mandate were neither fair nor undertaken in good faith.</p> <p>The Tribunal did not recommend a halt to negotiations but made several practical recommendations to guide the Crown and parties towards reaching an amicable, durable, and robust settlement. These recommendations included that:</p> <ul style="list-style-type: none"> <li>• the Crown provide distinct recognition in the claimant definition for Ngāti Paretāpoto, Ngāti Paia, Ngāti Paretakawa, and Ngāti Apakura having regard to their relationship with Ngāti Maniapoto</li> <li>• the Crown disregard its qualification in the claimant definition that Ngāti Apakura claims are recognised only insofar as they are based on Ngāti Maniapoto whakapapa (genealogy) and instead endeavour to settle all outstanding non-Waikato-Tainui raupatu (land confiscation) and non-raupatu Ngāti Apakura claims in this settlement</li> <li>• the Crown give serious consideration to the possibility of Te Ihingārangi combining in any prospective post-settlement governance entity with Ngāti Rereahu</li> <li>• should the outstanding non-Waikato-Tainui raupatu and non-raupatu Ngāti Apakura claims be included in this settlement, the Crown adjust the resourcing for negotiations and the quantum for settlement</li> <li>• the Crown clarify point 3 of the removal or amendment of mandate process, particularly the wording of '[a] quorum of 350 Maniapoto members'</li> <li>• the Crown communicate to all parties to the Maniapoto Māori Trust Board's mandate, the nature of the funding available to them should they wish to proceed with the removal or amendment of the mandate process</li> <li>• the Crown prioritise its Treaty relationship with Ngāti Maniapoto by having an active regard to its duty of whanaungatanga.</li> </ul>	<p><b>Settled</b></p> <p>The issues reported on by the Tribunal in the Maniapoto Mandate Inquiry Report were substantially addressed in the section 8I report of 2020–21.</p> <p>Ngāti Apakura's relationship with Maniapoto as huānga and the partial settlement of their claims were recognised in the Maniapoto deed of settlement and settlement legislation. This arrangement had been endorsed by Ngāti Apakura at hui-a-iwi.</p>

Summary of Findings and/or Recommendations	Status Update
<p>The Tribunal found that the claims of Ngāti Porou ki Hauraki were not well founded, but upheld the claims of Ngāi Te Rangi, Ngāti Ranginui, and Ngātiwai. It found the Crown had breached its Treaty obligations to the iwi in several ways and criticised the policies and processes guiding the Crown’s actions.</p> <p>The Tribunal recommended the Crown halt progress of the legislation giving effect to the Pare Hauraki Collective settlement deed, and individual Hauraki iwi settlement deeds, until the contested redress items have been through a proper process to resolve overlapping claims.</p> <p>It also recommended that the Crown, when undertaking overlapping engagement processes during settlement negotiations, fully commits to and facilitates consultation, information-sharing, the use of tikanga-based resolution processes at appropriate times, and for the Red Book (a guide to the Treaty of Waitangi claims settlement process) to be amended accordingly.</p> <p>The Tribunal set out substantive new recommendations on the use of tikanga-based processes to resolve overlapping interests.</p>	<p><b>In Progress</b></p> <p>Since the Waitangi Tribunal released the Hauraki Settlement Overlapping Claims Inquiry Report in December 2019, the Crown has provided time, space and support for Pare Hauraki and overlapping groups to address the issues between them.</p> <p>Good progress has been made between Pare Hauraki and Ngā Hapū o Ngāti Ranginui. The result is a tikanga process agreed to address the issues between them, with an open invitation for Ngāi Te Rangi and Ngāti Pūkenga to join that process at a time, and in a manner, which suits them.</p> <p>Ngātiwai and the Hauraki groups have been engaging on their overlapping interests since 2020 and have asked the Crown to make decisions on the contested redress. The Crown has sought submissions from the groups to help inform the decision-making process. As part of this process, advice on tikanga implications is also being sought. This process is ongoing.</p> <p>Te Arawhiti has updated sections of the Red Book relating to overlapping interests.</p>

## WAI 2573: *The Mana Ahuriri Mandate Report, 2019*

### Te Arawhiti

#### Summary of Findings and/or Recommendations

The Tribunal found flaws in both the accountability of Mana Ahuriri Trust to claimants and in keeping their mandate, and the ratification process that occurred during settlement negotiations with the Crown.

It recommended that the Crown should proceed with the Mana Ahuriri settlement legislation with some urgency but also require Mana Ahuriri to hold an election for all nine trustee positions before the Bill was enacted.

The Tribunal also recommended:

- the Crown should pay the election costs and arrange independent oversight of election information
- improvements to the mandate monitoring process to avoid similar problems in the future (legal review of constitution and mandate, monitoring accountability, governance training and funding enrolment of mandated members, more equitable facilitation arrangements).

#### Status Update

##### Settled

The Ahuriri Hapū Claims Settlement Bill was introduced to the House of Representatives in December 2019. The Mana Ahuriri Trust held trustee elections were in mid-2021 and the Ahuriri Hapū Claims Settlement Act was enacted in December 2021.

## WAI 45: *The Muriwhenua Land Report, 1997*

### Waitangi Tribunal

#### Summary of Findings and/or Recommendations

This report covers seven claims in Muriwhenua, the country's most northerly district. The Tribunal concluded that the Muriwhenua claims were well-founded.

The claims relate to:

- the disposal of the pre-Treaty transaction land by grant or the presumptive acquisition of the scrip lands and surplus
- land purchases by the Government
- impacts in terms of land tenure reform and disempowerment.

#### Status Update

##### Partially Settled

Settlements of the historical Treaty claims of four Muriwhenua iwi have been completed: Ngāti Kuri, Ngāi Takoto, Te Aupōuri and Te Rarawa.

##### Ongoing

Ngāti Kahu has decided to pursue its remedies through the Waitangi Tribunal rather than through a negotiated settlement with the Crown.

The Tribunal's Muriwhenua Land panel has resolved to hear all unsettled historical claims in Muriwhenua before considering remedies for any Ngāti Kahu, Ngāpuhi and Whangaroa claimants with remaining well-founded claims. The Renewed Muriwhenua inquiry panel is currently in the research preparation stage of its inquiry.

### WAI 143: *The Taranaki Report: Kaupapa Tuatahi, 1996*

#### Te Arawhiti

Summary of Findings and/or Recommendations	Status Update
<p>The Taranaki Report – Kaupapa Tuatahi dealt with 21 claims relating to issues including the Crown’s purchase of land in Taranaki, the Taranaki land wars, the confiscation of 1.2 million acres of land under the New Zealand Settlements Act 1863, the Crown’s invasion, and destruction of Parihaka in 1881, and the placement of reserves under the administration of the Public Trustee. The Tribunal described the history of Crown actions in Taranaki as “the antithesis to that envisaged by the Treaty of Waitangi” and found that the Taranaki claims could be the largest in the country. The Tribunal recommended reparations that reflected not only the scale of land loss, but the destruction of Taranaki society and culture, economic destabilisation, personal injury, and the denial of rights over generations.</p>	<p><b>Partially Settled</b></p> <p>The final comprehensive Treaty settlement in the Taranaki region was completed through the enactment of the Ngāti Maru Claims Settlement Act 2022.</p> <p>The individual deeds of settlement for each of the eight iwi of Taranaki included a commitment by the Crown to negotiate cultural redress in respect of Taranaki Maunga and the national park. Ngā Iwi o Taranaki signed a Record of Understanding with the Crown in December 2017 in respect of Taranaki Maunga/Egmont National Park and are working towards signing a Collective Redress deed.</p> <p>The negotiations relating to Taranaki Maunga remain ongoing.</p>

### WAI 145: *Te Whanganui a Tara me ōna Takiwā Report on the Wellington District, 2003*

#### Te Arawhiti

Summary of Findings and/or Recommendations	Status Update
<p>The Tribunal’s main finding was that the Crown seriously breached the Treaty in the Port Nicholson block causing prejudice to Te Atiawa, Ngāti Toa, Ngāti Tama, Ngāti Rangatahi, Taranaki and Ngāti Ruanui.</p> <p>The Tribunal recommended that, given the relative complexities of the issues and the interrelationships of these groups affected by a number of Treaty breaches, the parties should clarify matters of representation and enter negotiations with the Crown.</p>	<p><b>Partially Settled</b></p> <p>Settlement legislation has been enacted for:</p> <ul style="list-style-type: none"> <li>• Taranaki Whānui ki Te Upoko o Te Ika (July 2009).</li> <li>• Ngāti Toa Rangatira (April 2014).</li> </ul> <p>As part of the settlement, the Crown agreed that should Ngāti Tama (Wellington) achieve a Crown recognised mandate, the Crown will negotiate with those members of Ngāti Tama (Wellington) who consider that their historical claims are not represented by the Port Nicholson Block Settlement Trust.</p> <p>Ngāti Tama Mandate Limited achieved a Crown recognised mandate in September 2013; Settlement negotiations are currently on hold because of a gap between the Crown’s settlement offer and the aspirations of the iwi.</p>

WAI 201: *The Mohaka ki Ahuriri Report, 2004*

Te Arawhiti, Ministry for Primary Industries

Summary of Findings and/or Recommendations

The Tribunal identified serious breaches of the Treaty and recommended that the Crown and claimants should negotiate for the settlement of these claims accordingly.

With respect to Ngāti Pāhauwera, the Tribunal recommended that the Crown take steps to negotiate a settlement of the Mōhaka River Claim. The Tribunal also recommended that in consultation with Ngāti Pāhauwera, the Crown continue to explore policy initiatives on how to turn the patchwork of small, multiply held fragments of land, such as those remnant holdings of Ngāti Pāhauwera, into a useable land base.

Status Update

**Settled**

The Ahuriri Hapū Claims Settlement Act was enacted in December 2021.

The Ministry for Primary Industries has funded several projects within the rohe of Ngāti Pāhauwera since 2016 through its Māori Agribusiness programmes. The projects have looked at matters such as best land use options for blocks, building capability, and collective approaches to working across multiple land blocks.

WAI 215: *Te Raupatu o Tauranga Moana: Report on the Tauranga Confiscation Claims, 2004*  
*Tauranga Moana, 1886–2006: Report on the Post-Raupatu Claims Vol 1 & 2, 2010*

Te Arawhiti

Summary of Findings and/or Recommendations

The Tribunal found that the Crown was not justified in taking military action against Tauranga Māori in the 1860s. Tauranga Māori suffered considerable prejudice as a result of breaches of the principles of the Treaty arising from the Crown's confiscation, return and purchase of Māori land in the Tauranga district before 1886.

The Tribunal recommended that the Crown move quickly to settle the Tauranga claims with generous redress.

Status Update

**Partially Settled**

Settlement legislation was enacted for Ngāti Pukenga in 2017 and for Ngāti Hinerangi in 2021.

Legislation to settle the claims of Ngāi Te Rangi and Ngā Hapū o Ngāti Ranginui awaiting second reading. Further progress is expected in 2023.

Hauraki iwi settlements are progressing; several bills to settle Hauraki claims were introduced in 2022, and further bills are expected to be ready for introduction in 2023.



**WAI 262: *Ko Aotearoa Tēnei: A Report into the Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Taumata Tuarua (Vol 1 and 2), 2011***

Te Puni Kokiri, Ministry of Culture and Heritage, Ministry of Health, Ministry of Education, Ministry of Business, Innovation and Employment, Department of Internal Affairs, Ministry of Foreign Affairs and Trade, Department of Conservation, Ministry for the Environment, Ministry of Primary Industries, Statistics New Zealand

**Summary of Findings and/or Recommendations**

Wai 262 claims are about Māori participating in decisions about taonga Māori. These encompass legislation, Crown policy and practices relating to intellectual property, indigenous flora and fauna, resource management, conservation, the Māori language, arts, culture, heritage, science, education, health and the making of international agreements.

In summary the Tribunal recommended:

- Establishment of new partnership bodies in education, conservation, and culture and heritage
- A new commission to protect Māori cultural works against derogatory or offensive uses and unauthorised commercial uses; a new funding agent for mātauranga Māori in science
- Expanded roles for some existing bodies including Te Taura Whiri (the Māori Language Commission), the newly established national rongoā body Te Paepae Matua mō te Rongoā
- Māori advisory bodies relating to patents and environmental protection.
- Improved support for rongoā Māori (Māori traditional healing), te reo Māori (language), and other aspects of Māori culture and Māori traditional knowledge.
- Amendments to laws covering Māori language, resource management, wildlife, conservation, cultural artifacts, environmental protection, patents and plant varieties.

Following a comprehensive report on progress on Ko Aotearoa Tēnei in the 2017/18 Section 8I Report, the sections below focus only on the recommendations for which agencies have reported progress in the 2020/21 year.

The Tribunal's recommendations relating to Plant Variety Rights included legislative amendment to the Plant Variety Right Act to provide for:

- the commissioner to have more control over plant variety names
- the clarification that discovered varieties do not qualify for a plant variety right

**Status Update**

**In Progress**

Please refer to 'Wai 262: *Ko Aotearoa Tēnei* Update' in the 'Feature Section'.

**WAI 262: *Ko Aotearoa Tēnei: A Report into the Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Taumata Tuarua (Vol 1 and 2), 2011***

Te Puni Kokiri, Ministry of Culture and Heritage, Ministry of Health, Ministry of Education, Ministry of Business, Innovation and Employment, Department of Internal Affairs, Ministry of Foreign Affairs and Trade, Department of Conservation, Ministry for the Environment, Ministry of Primary Industries, Statistics New Zealand

**Summary of Findings and/or Recommendations**

- a power to refuse a plant variety right on the ground it would affect kaitiaki relationships with taonga species.
- the commissioner to be supported by a Māori advisory committee.

Note that further details on Plant Variety Rights can be found under Wai 2522.

The Culture and Heritage recommendations included that Te Puni Kōkiri (TPK) and the Ministry for Culture and Heritage (MCH) take leadership roles to improve coordination and collaboration between themselves over mātauranga Māori and forming a Māori Crown partnership entity for the culture and heritage sector.

The Tribunal's recommendations relevant to rongoā Māori included:

- Recognising that rongoā Māori has significant potential as a weapon in the fight to improve Māori health. This will require the Crown to see the philosophical importance of holism in Māori health, and to be willing to draw on both of this country's two founding systems of knowledge.
- Identifying and implementing ways of encouraging the health system to expand rongoā services.

The Tribunal's recommendations for the Ministry of Education (MOE) include establishing a Crown Māori partnership entity in the education sector, and developing specific indicators for mātauranga Māori (language, culture and knowledge).

In respect of the Protected Objects Act, the Tribunal recommended that:

- prima facie Crown ownership of newly discovered protected objects remain in place as a matter of practicality, but be statutorily renamed 'interim Crown trusteeship'
- a body of Māori experts share in decision making with the Chief Executive of the MCH on applications for export of Māori objects; customary ownership of newly found taonga; and whether individual examples of 'scientific material' should qualify for protection as taonga tūturu

**Status Update**

**WAI 262: *Ko Aotearoa Tēnei: A Report into the Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Taumata Tuarua (Vol 1 and 2), 2011***

Te Puni Kokiri, Ministry of Culture and Heritage, Ministry of Health, Ministry of Education, Ministry of Business, Innovation and Employment, Department of Internal Affairs, Ministry of Foreign Affairs and Trade, Department of Conservation, Ministry for the Environment, Ministry of Primary Industries, Statistics New Zealand

**Summary of Findings and/or Recommendations**

- the Act be amended to exempt kaitiaki who reacquire taonga from having to register as collectors with the Ministry for Culture and Heritage
- the Crown establish a restitution fund to help kaitiaki to reacquire their taonga on the open market. Iwi may wish to contribute to such a fund as their resources permit.
- Te Papa Tongarewa develop best-practice guidelines for private collectors of taonga who are willing to involve kaitiaki in their care of the objects they own.

**Status Update**

**WAI 789: *The Mōkai School Report, 2000***

Land Information New Zealand

**Summary of Findings and/or Recommendations**

The Tribunal made specific recommendations concerning the reopening of Mōkai School. The Tribunal, however, put the onus on the community to ensure a stable and viable school roll.

**Status Update**

**In Progress**

Mōkai School was not reopened, and the property, including a house, is currently being offered back under section 41 of the Public Works Act 1981, as the land is now not required for a public work. The land is currently the subject of a vesting application before the Māori Land Court. The vesting application was made in September 2017 and is awaiting final decisions.

Summary of Findings and/or Recommendations	Status Update
<p>The Tribunal recommended that:</p> <ul style="list-style-type: none"> <li>the current public works regime be changed to give effect to the Treaty of Waitangi, through amending the Public Works Act 1981 and amendments to Section 134 of Te Ture Whenua Māori Act 1993 and Section 342 and Schedule 10 of the Local Government Act 1974</li> <li>the bed of the Wairarapa Moana be returned</li> <li>Te Reo Māori be better supported in the area</li> <li>the Local Government Act 2002, Resource Management Act 1991, Historic Places Act 1993, and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and other relevant legislation be amended to provide Māori the level of input that recognises their status as a Treaty partner.</li> </ul>	<p><b>Settled</b></p> <p>Settlement legislation has been enacted for Rangitāne o Wairarapa and Rangitāne o Tāmaki Nui ā Rua in August 2017. The settlement includes \$32.5 million of financial and commercial redress, and cultural redress including vesting of discrete culturally significant sites and a gift back of Pukaha/Mt Bruce.</p> <p>Settlement redress has also been enacted for Ngāti Kahungunu ki Wairarapa, ki Tāmaki nui-a-Rua in 2022 together with associated Te Rohe o Rongokako Joint Redress legislation. The redress package includes financial and commercial redress and cultural redress over the Wairarapa Moana and other culturally significant sites.</p> <p>The settlement provided for the Ministry to work with both iwi to develop customary fishing regulations to enable the iwi to jointly manage the indigenous fisheries in Wairarapa Moana and the Ruamahanga catchment to recognise the special relationship the iwi have with these areas as customary fisheries.</p> <p>The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 has not been amended. In respect of the hapū and iwi within the Wairarapa ki Tararua Inquiry area, the Ministry for Primary Industries has worked closely with hapū and iwi to reach agreement on how their rights and interests in fisheries will be exercised, given that for most hapū and both iwi their fisheries rights extend beyond the Inquiry area.</p> <p>The Ministry and hapū have agreed that input and participation in fisheries management will be provided through a regional iwi fisheries forum, which covers the Fisheries Management Area (FMA) in which they have rights and interests. In addition, the Ministry has, over time, assisted all hapū in the Inquiry area to take up customary fishing regulations to enable them to autonomously manage their customary fishing.</p> <p>The Forum is very active in participating in fisheries management and has been supported by the Ministry, through its programmes, to undertake research on customary fisheries issues of importance to them as well as programmes to improve marine safety and well-being when undertaking fisheries activities.</p>

## Summary of Findings and/or Recommendations

The He Whiritaunoka: Whanganui Land Report identified a large number of Treaty breaches by the Crown, relating to issues including the Crown's military conduct between 1846 and 1848, its purchase of the Whanganui Block in 1848 and the Waimarino Block in 1887, the operation of the native land laws, the acquisition of Whanganui lands for scenic reserves, and the development of native townships. The Tribunal described the serious economic, social, and cultural damage that these breaches caused the iwi of Whanganui and recommended that the Crown take this serious prejudice into account when it negotiated Treaty settlements.

## Status Update

**Partially Settled**

The Ngāti Rangī Trust signed a deed of settlement in August 2018, and the Ngāti Rangī Claims Settlement Act was enacted in August 2019.

Uenuku Charitable Trust, representing Whanganui Central (Te Korowai o Wainuiārua) initialled a deed of settlement in December 2022 and are now working towards signing their deed of settlement.

Ngāti Hauā Iwi Trust representing Ngāti Hauā in the northern Whanganui region signed an agreement in principle in October 2022 are currently working towards initialling a deed of settlement.

Whanganui Land Settlement Negotiation Trust representing Whanganui South signed an agreement in principle in August 2019 and are now working towards initialling a deed of settlement.

The Tribunal recommended that:

- the period before the introduction of the new Bill be used by the Crown to establish a mechanism (resourced by the Crown) for consultation and negotiation with Māori
- the consultation should focus on the existence of Treaty rights in the coastal space, which include rights (the extent of which are yet to be determined) to aquaculture and marine farming.

### Partially Settled

The Ministry for Primary Industries (MPI) has concluded the delivery of the Crown's pre-commencement space obligations under the Māori Commercial Aquaculture Claims Settlement Act 2004 (the Act). This relates to aquaculture development between 21 September 1992 and October 2011.

- There is an ongoing settlement obligation under the Act for the Crown to provide relevant Iwi Aquaculture Organisations with regional settlement assets that are representative of 20% of new aquaculture space created or anticipated from 1 October 2011.
- This obligation is delivered prospectively based on anticipated growth, to provide space early and at an economically viable scale to facilitate the development of iwi aquaculture alongside private development.
- The Act required settlement assets to be delivered in four specified regions within a certain period. In other regions negotiations are required to commence following the receipt of a resource consent application.
- MPI has settled in all regions where this is currently required, except Otago, Bay of Plenty and Waikato West where negotiations are underway.
- It is expected that Crown offers will be made to Iwi Aquaculture Organisations in the Bay of Plenty and Waikato West regions in 2023 and in Otago in 2024.
- MPI has worked closely with Bay of Plenty Iwi and research providers to identify opportunities for aquaculture in the Bay of Plenty region, including: the development of opportunities assessments (stocktake of current research including species and technology); an analysis of preferred options with the highest potential for aquaculture; and the development of a business case based on the analysis of options with highest potential for aquaculture.
- MPI will commence an opportunities assessment with eight iwi organisations in Te Tai Tokerau in November 2023.

Summary of Findings and/or Recommendations	Status Update
	<ul style="list-style-type: none"><li data-bbox="810 394 1430 629">• MPI consulted with Iwi Aquaculture Organisations on key proposals for aquaculture in the new resource management system and will seek Select Committee approval to engage on key Ministerial decisions, once the Natural and Built Environment and Spatial Planning Bills are introduced into the House of Representatives.</li><li data-bbox="810 645 1382 741">• MPI intends to engage with Iwi Aquaculture Organisations on the review of the 2014 New Space Plan, in the first half of 2023.</li><li data-bbox="810 757 1425 1025">• In the first half of 2023, MPI intends to undertake engagement and negotiations (when relevant) with Iwi Aquaculture Organisations on the reconciliation of existing Regional Agreements. The Crown has entered into Regional Agreements with Iwi Aquaculture Organisations in the Auckland, Waikato-East, Tasman, Marlborough, Canterbury and Southland regions.</li></ul>

## Summary of Findings and/or Recommendations

## Status Update

The Tribunal noted that the Treaty principles of dealing fairly and with utmost good faith have been breached, that substantial restitution is due, and that the quantum should be settled by prompt negotiation.

The Tribunal recommended that the Crown undertake further research on the Ōkahukura 8M2 acquisition to ascertain whether compensation was ever paid to the owners.

The Tribunal recommended an expression of recognition and respect for the spiritual regard that the claimants express for Tongariro as a special maunga (mountain), in the form of joint management of the Tongariro National Park by the Crown and the former owners. It should be taken out of DOC control and managed jointly by a statutory authority of both Crown and Ngā Iwi o Te Kāhui Maunga representation. Title should also be held jointly between these two groups, in a new form of 'Treaty of Waitangi title'.

The land used for quarrying and metal extraction should not only be returned but be made clear and safe: returned in a usable condition at no cost to the former owners or their successors. The Tribunal further recommended that there be compensation for the damage and destruction caused to the land and ancestral remains.

Finally, the Tribunal recommended that waterways of Te Kāhui Maunga, including Lake Rotoaira, should be monitored, and the Crown should fund this research.

**In Progress**

The Crown has committed to collective negotiations over Tongariro National Park with iwi with interests in the national park. Negotiations have not yet begun.



## Summary of Findings and/or Recommendations

This report describes the Tribunal's inquiry into approximately 120 claims from three districts: Rotorua, Taupō and Kaingaroa.

The Tribunal found that substantial redress was necessary. It recommended that the Crown and claimants negotiate.

## Status Update

**Partially Settled**

A number of recommendations have been addressed through Treaty of Waitangi settlements with iwi. Settlements have been signed with the following claimant groups who have interests in the districts of Rotorua, Taupō and Kaingaroa:

- Te Pumautanga o Te Arawa (2008).
- Ngāti Whare (2009).
- Ngāti Manawa (2009).
- Maraeroa Blocks (Rereahu) (2011).
- Waitaha (2011).
- Ngāti Mākinō (2011).
- Ngāti Ranginui (2012).
- Ngāti Rangiwewehi (2012).
- Tapuika (2012).
- Raukawa (2012).
- Ngāi Te Rangī & Ngā Pōtiki a Tamapahore (2013).
- Ngāti Rangiteaorere (2013).
- Ngāi Tūhoe (2013).
- Ngāti Pūkenga (2013).
- Ngāti Hineuru (2015).
- Ngāti Tūwharetoa (2017).
- Ngāti Rangitīhi (2020).
- Ngāti Maniapoto (2021).

The Crown is yet to settle with Ngāti Whakaue.

## Summary of Findings and/or Recommendations

## Status Update

The Tribunal has convened three inquiries into this settlement, with the first two examining mandate issues while negotiations were in progress.

This report focuses on mandating and overlapping claims, noting that the Tribunal has separately heard and will report on matters associated with licensed Crown forestry land.

The Tribunal recommended that:

- the Minister of Māori Affairs commission annual audits of the Office of Treaty Settlements to ensure its management and policy operations are aligned with the Crown's Treaty obligations
- a number of non-exclusive redress items apply to groups outside the affiliate Te Arawa iwi/hapū.
- the Crown use a process to re-engage with non-affiliate groups to discuss redress sites.
- the Crown commence negotiations with Ngāti Makino
- the Crown facilitate mandating hui with identified groups outside of the affiliate Te Arawa iwi/hapū mandate.

**Partially Settled**

Negotiations with Ngāti Whakāue, the last remaining Te Arawa group, were paused throughout the 2021–22 year.

Summary of Findings and/or Recommendations

Status Update

The urgent inquiry was triggered by the publication in 2011 of the report of the Early Childhood Education (ECE) Taskforce, which, the claimants said, they had not been consulted on and had seriously damaged their reputation. They argued that the report, and government policy development based on it, would cause irreparable harm to the kōhanga reo movement.

The Tribunal endorsed the conclusion of the Wai 262 report that urgent steps were needed to address recent Crown policy failures if te reo is to survive. The Tribunal noted that survival requires both Treaty partners – Māori and the Crown – to collaborate in taking whatever reasonable steps are required to achieve the shared aim of assuring the long-term health of te reo as a taonga of Māori.

It recommended that the Crown, through the Prime Minister, appoint an interim advisor to oversee the implementation of the Tribunal’s recommendations to redevelop the engagement between government agencies and the Trust.

The Tribunal recommended that the Crown, through the Department of the Prime Minister and Cabinet and the independent advisor, oversee the urgent completion of a work programme addressing:

- i. a policy framework for kōhanga reo
- ii. policy and targets for increasing participation and reducing waiting lists,
- iii. identification of measures for maintaining and improving the quality in kōhanga reo.
- iv. supportive funding for kōhanga reo and the Trust
- v. provision of capital funding to ensure that kōhanga reo can meet the standards for relicensing
- vi. support for the Trust to develop the policy capability to collaborate with Government in policy development for kōhanga reo.

The Tribunal further recommended that the Crown discuss and collaborate with the Trust to scope and commission research on the kōhanga reo model.

The Crown, through TPK, the Ministry of Education, and the Trust, must inform Māori whānau of the relative benefits for mokopuna in attending kōhanga reo for te reo Māori and education outcomes.

**In Progress**

As part of Budget 2021 and Budget 2022, the Crown set aside funding to support improved pay for kōhanga staff at the same time that funding of additional pay was allocated for teachers in education and care services. This recognises the equitable funding principle referenced in the Tribunal’s report. The Crown and Trust have worked together over the past year on how this funding should be applied, and the Trust has consulted with kōhanga whānau on a proposed pay scheme. Funding will be drawn down and used to improve kaimahi pay before the contingency expires in June 2023.

Summary of Findings and/or Recommendations

Status Update

Finally, the Tribunal recommended that the Crown formally acknowledge and apologise to the Trust and kōhanga reo for the failure of its ECE policies to sufficiently provide for kōhanga reo. The Crown should also agree to meet the reasonable legal expenses of the Trust in bringing this claim.

**Summary of Findings and/or Recommendations**

The Tribunal recommended that any future review of the Māori Community Development Act be led by Māori – specifically the New Zealand Māori Council, in coordination with regional and urban iwi authorities, and bodies like District Māori Councils, Māori Wardens, the Iwi Chairs Forum, Māori Women’s Welfare League, and the Kiingitanga.

The Tribunal suggested that the review take the Kōhanga Reo review model, and through this report, could recommend the future directions of the New Zealand Māori Council (NZMC) and the institutions and kaupapa it is responsible for.

The Crown’s role would be to resource the review process and support the amendment process to the 1962 Act. It would also need to ensure that the review led by the New Zealand Māori Council was robust and the reforms were widely supported.

The Tribunal found that all reasonable costs flowing from the review and consultation process should be met by the Crown. The Crown should commit, through legislative amendment, to reasonable funding to give effective to the resulting strategic direction and to maintain the structure of the representative national body that is determined through the consultation process.

The Tribunal further recommended that the Māori wardens project continue but that an interim advisory group or governance board be appointed from among the New Zealand Māori Council and Māori wardens to provide Māori community oversight of the funding, training, and other support delivered under the project.

The Tribunal also recommended that the Crown enter discussions with the New Zealand Māori Council for reimbursement of legal costs incurred by the New Zealand Māori Council that have not been covered by legal aid.

**Status Update**

**In Progress**

In late 2018, a strong working relationship was initiated between the New Zealand Māori Council (NZMC) and Te Puni Kōkiri. NZMC leadership attended the Māori Warden’s conference in 2019 and heard first-hand the aspiration for greater self-management and autonomy from Māori Wardens. The Director and Chair of the NZMC were also appointed members of the Māori Wardens Modernisation Working Group.

Following the 2021 New Zealand Māori Council Triennial Elections, the leadership of the NZMC changed, and the new leadership is less comfortable with the direction of the modernisation kaupapa. Officials within Te Puni Kōkiri continue to work closely with the NZMC to find a way forward.

Discussions include:

- a. the review of the Māori Community Development Act 1962
- b. a review of their annual appropriation; and
- c. the modernisation of Māori Wardens.

## Summary of Findings and/or Recommendations

## Status Update

The Tribunal identified flaws in the structure and processes of the Tūhoronuku Independent Mandated Authority (IMA) and found the Crown to have breached the Treaty. It did not, however, believe that the Crown should withdraw its recognition of the mandate and require that a new mandate process take place. The Tribunal recommended that the Crown halt negotiations with the Tūhoronuku IMA until the Crown could be satisfied:

- that Ngāpuhi hapū had been able to discuss and confirm whether they wanted the Tūhoronuku IMA to represent them in negotiations
- that Ngāpuhi hapū who did want to be represented this way had been able to confirm (or otherwise) their hapū kaikōrero (speaker) and hapū representatives on the board
- that Ngāpuhi hapū had been able to discuss and confirm whether there was appropriate hapū representation on the board
- that there was a workable withdrawal mechanism.

The Crown should also make it a condition of its recognition of the mandate that a majority of hapū kaikōrero remain involved in Tūhoronuku. Finally, the Tribunal also recommended that the Crown support those hapū who did withdraw to enter settlement negotiations as soon as possible.

**In Progress**

In December 2019, the Crown discontinued its recognition of the Tūhoronuku Independent Mandated Authority mandate and invited proposals from hapū groupings to negotiate the settlement of their historical Treaty claims.

Since the call for proposals, hapū groupings have been forming. Two groupings (Te Whakaaetanga Alliance and Te Rūnanga o Ngāti Hine) have been confirmed. These groupings are now developing mandate strategies.

The intention is that groupings who obtain a Crown-recognised mandate will negotiate all redress. It is anticipated that some shared redress will need to be discussed and/or negotiated collectively.

In 2021 Tupu Tonu (trading as Ngāpuhi Investment Fund Limited) was established to acquire and grow a portfolio of commercial assets that can be offered to ngā hapū o Ngāpuhi in redress discussions.

In November 2022, Tupu Tonu launched its inaugural disbursements round, Tukua.

## WAI 2522: Reports on the Trans-Pacific Partnership Agreement, 2016, 2020, 2021

Ministry of Foreign Affairs and Trade, Ministry of Business, Innovation and Employment,  
Ministry for Primary Industries

### Summary of Findings and/or Recommendations

Following its 2016 report on stage one of this inquiry (which concerned the Treaty exception clause in the Trans-Pacific Partnership (TPP)), the Tribunal set down four issues for stages two and three of the inquiry. The first and second issues, which concerned Crown engagement with Māori during the negotiation of the TPP and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), were settled in a mediation between the Crown and claimants in October 2020. The Tribunal conducted a hearing on the fourth issue, which concerned claims regarding the e-commerce chapter of the CPTPP, in November 2020 and is currently writing its report.

The Tribunal held a hearing on the third issue in November 2019 (for stage two of the inquiry). The third issue concerned whether the Crown's process for engagement with Māori in the review of the plant variety rights regime and its policy on whether or not New Zealand should accede to the 1991 International Union for the Protection of New Varieties of Plants, is consistent with its Tiriti / Treaty obligations to Māori.

In its stage two report released in May 2020, the Tribunal found that both the Crown's engagement with Māori during the Plant Variety Rights Act review was conducted in good faith and was reasonable in the circumstances, and its policy decisions on the plant variety rights regime did not misunderstand or misapply the Wai 262 Tribunal's characterisation of kaitiakitanga in relation to plant variety rights. The Tribunal supported Cabinet's decision to implement and go further than relevant recommendations of the Wai 262 Tribunal.

The Tribunal concluded the Crown's actions were consistent with its Tiriti obligations and therefore made no recommendations.

The Stage 3 report was the Tribunal's final Report into claims regarding the Comprehensive and Progressive Trans-Pacific Partnership Agreement (CPTPP). The Report focuses on Te Tiriti consistency of the electronic commerce (e-commerce) provisions in the CPTPP.

The Tribunal was unable to make definitive findings on a definition of 'Māori data'. However, the Tribunal

### Status Update

#### Partially Settled

In its Wai 2522 Stage 1 report on the Trans-Pacific Partnership Agreement, the Waitangi Tribunal did not make any recommendations as it did not make findings of Treaty breach by the Crown. However, the Tribunal suggested the Government adopt a protocol, in dialogue with Māori, to guide New Zealand procedure should Aotearoa New Zealand become a party to an ISDS case in which the Treaty of Waitangi exception is likely to be relied upon.

The Government considered this suggestion, and agreed that the development of a protocol would be a valuable way of strengthening Aotearoa New Zealand's ability to respond to such a case, should it arise. To develop such a protocol, MFAT engaged with interested Māori groups and the public between 2018 and 2022. MFAT received constructive feedback and engagement and made changes to the protocol at each stage of the process in light of this. The ISDS Protocol<sup>99</sup> was finalised and published on MFAT's website in late 2022.

As noted, the Waitangi Tribunal did not make any recommendations as a part of its third and final report on CPTPP and commented favourably on developments between the Crown and Māori in this sector taken in parallel to and subsequent to the inquiry. Nevertheless, the Ministry of Foreign Affairs and Trade has made a concerted effort to consider the findings of the Tribunal. The Ministry, with input from other agencies including MPI and MBIE, has provided an update to Ministers on steps that have been taken before and after the report's release, as well as advice on a proposed response to the Tribunal's report. This has been proactively released by the Ministry (submission on WAI2522 e-commerce report<sup>100</sup>) and notes a range of domestic initiatives under way to respond to Māori interests in the digital arena.

MBIE contributed to MFAT's report to Ministers on "Wai 2522 E-commerce Report – Findings and proposed response" in late 2022 with information on domestic work underway relevant to the digital and data issues raised in Wai 2522. This report was

99 [www.mfat.govt.nz/en/trade/trade-law-and-dispute-settlement/an-isds-protocol/](http://www.mfat.govt.nz/en/trade/trade-law-and-dispute-settlement/an-isds-protocol/)

100 [www.mfat.govt.nz/assets/Trade-agreements/CPTPP/Submission-on-Wai2522-E-Commerce-Report.pdf](http://www.mfat.govt.nz/assets/Trade-agreements/CPTPP/Submission-on-Wai2522-E-Commerce-Report.pdf)

Summary of Findings and/or Recommendations	Status Update
<p>found that Māori data has the potential to be mātauranga Māori, and therefore has the potential to be taonga and should be subject to the Crown's duty of active protection. The Tribunal considers there are risks to Māori interests and Te Tiriti regarding cross-border data flows, regulatory chill, and the location of computing facilities and source code.</p> <p>The Tribunal sees a cumulative, significant risk to Māori interests arising from the e-commerce provisions and considers the reliance on exceptions/exclusions to mitigate the risk as inadequate to the Crown's duty of active protection. It does not share the Crown's confidence that Māori rights and interests in the digital domain are un-affected by the CPTPP and does not consider that the Crown is actively protecting the taonga of mātauranga Māori.</p> <p>Overall, the Tribunal finds the Crown has failed to meet the required standards of partnership and active protection. The Tribunal views that the main prejudice to Māori stems from the potential constriction of domestic policy and options regarding securing Māori data in Aotearoa.</p> <p>The Tribunal did not make any recommendations after noting the initiatives and actions taken by the Crown in parallel to the inquiry, and placed weight also on the existing findings and recommendations from Stage 2 of the Wai 262 Report (see <i>the Wai 262 response</i>).</p>	<p>proactively released by MFAT (Māori interests   New Zealand Ministry of Foreign Affairs and Trade (mfat.govt.nz)<sup>101</sup>).</p> <p>In particular, MBIE with DIA, DPMC and Stats NZ led work with a range of agencies to develop the Government's Digital Strategy for Aotearoa (The Digital Strategy for Aotearoa   NZ Digital government<sup>102</sup>), which recognises that a thriving and equitable digital future provides an unprecedented opportunity to realise the aspirations for tāngata whenua and Treaty partners. The Strategy aims to give effect to the Treaty and its principles, was developed with Māori engagement, and includes initiatives on Māori data governance, accelerating Māori innovation in the digital sector, and ongoing efforts to provide Marae with broadband connectivity, amongst others.</p> <p>The guidance provided by the Tribunal will inform future Strategy implementation measures, including under the Digital Technologies Industry Transformation Plan, as well as ongoing and emerging work on issues such as artificial intelligence. Having this overarching strategy in place will enable MFAT to undertake a Digital Trade Review in the subsequent reporting period regarding New Zealand's digital settings for international trade, as was recommended by the Trade for All Advisory Board and endorsed by the Waitangi Tribunal in its report.</p> <p>Agencies continue to work together, and with Māori, to ensure relevant knowledge on digital and data policy issues is shared, including in regard to understanding, advocating for and protecting Māori digital and data interests.</p> <p>The Ministry for Primary Industries is supporting the Ministry of Foreign Affairs and Trade as this work progresses.</p>

101 [aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.mfat.govt.nz%2Fen%2Ftrade%2Ffree-trade-agreements%2Ffree-trade-agreements-in-force%2Fcptpp%2Fmaori-interests%2F&data=05%7C01%7CMaddy.Lambert%40tpk.govt.nz%7Cae30e57aac63469ee74a08daf4f10282%7C-3114765b871e4130aaabb28f4c297926%7C0%7C0%7C638091613495560069%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAilLCJQljoilV2luMzliLlCjBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=2vLB6sTfyCi0sEXrvmysm1Q%2BT%2FRzncwm5PxH%2F6EK9s%3D&reserved=0](https://www.mfat.govt.nz/en/Trade/free-trade-agreements/free-trade-agreements-in-force/cptpp/maori-interests/)

102 [www.digital.govt.nz/digital-government/strategy/digital-strategy-for-aotearoa-and-action-plan/the-digital-strategy-for-aotearoa/#:~:text=The%20Digital%20Strategy%20for%20Aotearoa%20aims%20to%20secure,Tahi%20—%20Inclusion%2C%20and%20Mahi%20Ake%20—%20Growth](https://www.digital.govt.nz/digital-government/strategy/digital-strategy-for-aotearoa-and-action-plan/the-digital-strategy-for-aotearoa/#:~:text=The%20Digital%20Strategy%20for%20Aotearoa%20aims%20to%20secure,Tahi%20—%20Inclusion%2C%20and%20Mahi%20Ake%20—%20Growth)



## Summary of Findings and/or Recommendations

Among the Tribunal's recommendations was that the Department of Corrections revise the Māori Advisory Board's terms of reference to enhance the board's influence in high-level discussions with the Department of Corrections concerning the protection of Māori interests. There should be a continuing focus on widening iwi membership of this board.

It recommended that the department work with the enhanced board to design and implement a new Māori-specific strategic framework and that it set and commit to Māori-specific targets for the department to reduce Māori reoffending rates substantially and within reasonable timeframes. Progress towards this target should, the Tribunal said, be regularly and publicly reported on. The Tribunal also said the Crown must include a dedicated budget to appropriately resource the new strategic focus on Māori.

The Tribunal recommended that the department provide greater Treaty-awareness training for senior staff, to incorporate mātauranga Māori into Departmental culture, practice, and operations.

Finally, the Waitangi Tribunal recommended that the Corrections Act 2004 be amended to state the Crown's Treaty obligations to Māori due to their disproportionate presence in correctional facilities.

The Waitangi Tribunal has recommended not only greater levels of partnership between the Department and Māori, but also a re-orientation of the Department's approach to Māori re-offending.

## Status Update

**In Progress****Revise the terms of reference of the Māori Advisory Board**

The terms of reference for Te Poari Hautū Rautaki Māori were revised and updated during 2021/22, to be approved at the August 2022 governance meeting. As well as continuing to provide strategic leadership around the development of policy and initiatives to improve outcomes and reduce Māori offending, the revised purpose of the Poari is to ensure Ara Poutama Aotearoa acts in accordance with te Tiriti to achieve the goals of *Hōkai Rangī*, those of the individual, and the family.

The updated terms of reference provide for an iwi Poari member to be elected/appointed to co-chair alongside the Chief Executive.

**Design and implement a revised strategy with the Māori Advisory Board**

*Hōkai Rangī* was launched in 2019 as the department-wide strategy, with a particular focus on addressing the significant over-representation of Māori in the Corrections system. Recommendations from *Tū Mai te Rangī!* were translated into actions within the strategy.

As at 30 June 2022, 27 of the 37 *Hōkai Rangī* short-term actions have been substantively delivered, with a further two expected to be delivered early in the new financial year. COVID-19 has slowed delivery on some actions, but good progress has been made and they are now entering their next delivery phase.

Significant progress is being made on six of the remaining eight short-term actions; these are large initiatives being implemented over multi-year timeframes.

Of the remaining two actions, one is being delivered through an existing workstream and the other has been severely impacted by COVID-19 as it requires site visits which had been paused intermittently.

**Include measurable targets in the Māori strategy and relationship agreements**

We continue to develop a *Hōkai Rangī* Measurement Framework to help us track our progress. This was co-designed with Māori. The framework has seven indicators of change, that work together, reflecting the holistic and interconnected nature of *Hōkai*

*Rangi's* six outcome domains: partnership and leadership, humanising and healing, whānau, incorporating a Te Ao Māori worldview, whakapapa, and setting the foundations for participation.

During the year we undertook an initial pilot of a first wave of prioritised measures at a small number of prison and Community Corrections sites. The pilot gathered experience and insight data from people in our management and Māori partners. Further piloting is planned in between July 2022 and June 2023 where we will continue to test, evaluate, and refine our measures.

We have also developed, and are implementing, a relationship integrity approach. This will grow staff understanding of, and engagement with, our iwi Māori partners.

#### **Include a dedicated budget**

Because Hōkai Rangi is the department-wide strategy, it is envisaged that the entirety of Corrections budget will be used to achieve the long-term goals of the strategy. Some areas that give effect to Hōkai Rangi are as follows:

- Budget 2019 invested \$98 million of operating and capital funding over four years into a pathway for people to experience a kaupapa Māori and whānau centred approach for all their time with Corrections, from pre-sentence to reintegration and transition in their community.
- Corrections continues to provide Māori focused programmes and initiatives, including five Te Tirohanga units, two Whare Oranga Ake facilities and the Tiaki Tangata reintegration service.
- Budget 2020 invested \$49.6m of operating and capital funding over four years into a pre-trial service that provides people remanded in custody (or at risk of being remanded) greater opportunities to achieve positive change earlier in their justice system journey, reducing additional harm.
- Budget 2021 invested \$10.018m of operating and capital funding over four years to provide a co-ordinated, seamless, end-to-end kaupapa Māori experience for wāhine Māori in the care and management of Corrections in Ōtautahi and across the wider Canterbury region

## Summary of Findings and/or Recommendations

## Status Update

- Budget 2021 also invested \$51.21m of operating and capital funding over four years towards operationalising the Waikeria Prison Development, to deliver an integrated, person-centred, humanising, healing, accessible and needs-based kaupapa Māori model of care for the whole site. This will significantly improve rehabilitation and reintegration outcomes for Māori within the context of whānau, hapū, iwi, and communities.

**Provide greater Treaty-awareness training for senior level Department staff**

Corrections is improving its Māori Crown relations capability. We have focused on two work programmes to support our leaders to build their own Māori Crown relations capability, and that of their people:

- Whāinga Amorangi phase one: Empowering people. Specifically, building capability in te reo Māori and New Zealand history/Tiriti o Waitangi literacy
- Māori Language Planning: The Whāinga Amorangi focus area of capability in te reo Māori is linked to language planning.

We introduced new classes to build staff capability in te reo Māori at beginner, intermediate, and advanced level. In 2022–23 we will build on this and focus on how to further support and strengthen te reo Māori in the regions.

We have also delivered a range of New Zealand history and Treaty of Waitangi programmes, with some targeted towards this specific focus area, and others providing broad cultural capability uplift alongside having strong links to New Zealand history and Treaty of Waitangi literacy.

**Amendments to the Corrections Act**

Proposals are being developed to amend the Corrections Act 2004 to provide for the Crown's intention to give effect to the principles of Te Tiriti o Waitangi/The Treaty of Waitangi.

These proposals will be informed by public consultation undertaken in August and September 2022, as well as feedback from the Treaty Provisions Advisory Group and other agencies.

Summary of Findings and/or Recommendations

Status Update

The Tribunal recommended that the negotiations process be paused, and that the following steps be undertaken:

- i. Mediation or facilitated discussions be held to debate the unsatisfactory elements of the Deed of Mandate
- ii. In the event these mediated discussions were rejected by the parties, the Tribunal recommended withdrawing the mandate and setting up of a new entity such as a rūnanga or taumata (congress).

In the event these mediated discussions proposed changes, the Tribunal recommended that these would need to be put to hapū for approval.

**In Progress**

Crown funding is available for a proposed Ngātiwai process to address unsatisfactory elements of the Deed of Mandate. This would include discussions between the Ngātiwai Trust Board and those who raised particular issues in the mandate inquiry (Patuharakeke, Te Waiariki-Ngāti Korora-Ngāti Takapari and Te Whakapiko).

Summary of Findings and/or Recommendations	Status Update
<p>The Tribunal found that the Crown should not have recognised the mandate of the Whakatōhea Pre-settlement Claims Trust, to negotiate a settlement of Whakatōhea historical Treaty claims, in December 2016 and that the decision to recognise the Trust’s mandate was not fair and reasonable, and breached the Treaty principle of partnership.</p> <p>The Tribunal also found that:</p> <ul style="list-style-type: none"> <li>including the Mokomoko whānau claim in the Pre-Settlement Trust mandate without the whānau’s consent and honouring commitments previously made breached duties of good faith, conduct and partnership</li> <li>the way in which the Crown included and described the Te Kahika claimants in the Deed of Mandate fell short of Treaty requirements of good faith conduct and partnership.</li> </ul> <p>The Tribunal’s main recommendation was that the Crown meet the reasonable costs of implementing a vote process enabling Whakatōhea hapū to decide on how they now wish to proceed with their historical claims. It also recommended the Crown:</p> <ul style="list-style-type: none"> <li>suspend substantive work on the Whakatōhea negotiations until completion of the vote</li> <li>commit to maintaining the baseline redress offered in the Whakatōhea Agreement-In-Principle</li> <li>pay interest at commercial rates on the cash component of the settlement offer.</li> </ul>	<p><b>In Progress</b></p> <p>In response to the Tribunal’s recommendation, the Crown implemented a vote process in October 2018 in which Whakatōhea members voted on whether they wished to progress their historical Treaty claims through the settlement negotiations process or Tribunal district inquiry process. The Crown had paused negotiations with Pre-Settlement Claims Trust in May 2018. The results of the October 2018 vote were balanced, showing strong support for the Tribunal inquiry and a slight majority of support for settlement negotiations to continue. On 26 June 2019, the Waitangi Tribunal commenced a district inquiry the North-Eastern Bay of Plenty to hear the historical claims of Whakatōhea and others with claims in the district. On 30 September 2019, the Minister for Treaty of Waitangi Negotiations notified Whakatōhea that the Crown will continue negotiations with the Whakatōhea Pre-Settlement Claims Trust while the district inquiry proceeded.</p>

Summary of Findings and/or Recommendations

The Tribunal recommended that the Crown negotiate with Muaūpoko a Treaty settlement that will address the harm suffered, and that the settlement include a contemporary Muaūpoko governance structure with responsibility for the administration of the settlement.

The Tribunal further recommended that the Crown legislate as soon as possible for a contemporary Muaūpoko governance structure to act as kaitiaki for Lake Horowhenua and the Hōkio Stream, and associated waters and fisheries, following negotiations with the Lake Horowhenua Trustees, the lakebed owners, and all Muaūpoko on the detail.

The Tribunal recommended that the Crown provide to the new Lake Horowhenua Muaūpoko governance structure annual appropriations to assist it to meet its kaitiaki obligations in accordance with its legislative obligations.

Status Update

**Ongoing**

In 2013 the Crown recognised the Muaūpoko Tribal Authority’s (MTA) mandate to represent Muaūpoko in Treaty settlement negotiations. Negotiations were placed on pause in 2015 due to the gap between the Crown’s settlement offer and the iwi’s aspirations.

The Wai 2200 Porirua ki Manawatu District Inquiry is still underway. The final, “Wider Inquiry” phase of the inquiry commenced in 2022 and is running concurrently with the Ngāti Raukawa phase, last of the iwi-by-iwi phases which have formed the basis of the Inquiry structure. Some Muaūpoko claimants are participating in further hearings during this phase. The Waitangi Tribunal has not indicated when it expects hearings for the final, Wider Inquiry phase to be complete.

The Tribunal has signalled that their final findings and recommendations, at the conclusion of the Wider Inquiry phase, may address grievances of iwi whose claims have been heard during the previous phases.

## Summary of Findings and/or Recommendations

## Status Update

The Tribunal found that there are systemic flaws in the operation of the current regime for managing the petroleum resource. Its recommendations included that:

- settlement packages include petroleum assets for affected iwi
- petroleum royalties be used to establish a fund to assist iwi and hapū to participate in petroleum management processes
- the Crown produce National Policy Statements and National Environmental Standards to provide guidance to territorial authorities on enhancing and protecting taonga and wāhi tapu
- joint consent hearings by local authorities be put to greater use
- the Resource Management Act 1991 be amended to require decision-makers to act consistently with the Treaty principles
- the Crown Minerals Act 1991 be amended to require decision makers to act consistently with Treaty principles and provide greater protection to Māori land through compulsory notifications for applications concerning Māori land.

**In Progress**

While MBIE has not directly addressed some of the broader issues raised by the Waitangi Tribunal for Wai 796, it has continued progress towards addressing elements of them by focusing its efforts on changes to the Crown minerals permitting regime to improve how iwi interests are accommodated under the current regime.

**Crown Minerals Act 1991 (CMA) Review**

The CMA is currently under ongoing review (the CMA Review). A discussion document was released in November 2019 and considered, among a wide range of issues, ways to address the following issues identified by Māori:

- Māori feel there is a lack of quality engagement from the Crown during the permit allocation process.
- Māori feel there is a lack of quality engagement with permit holders during the duration of the permit.
- Māori feel there is insufficient protection of sites of significance.
- Resource constraints affect the capacity of iwi and hapū to effectively engage with other parties.

Following feedback on this discussion document the Minister of Energy and Resources introduced the Crown Minerals Amendment Bill in November 2022, which has since been referred to Select Committee. The Bill seeks to, amongst other things, improve permit/licence holder and permit applicant engagement with hapū and iwi through new provisions which include:

- providing iwi or hapū whose rohe include some or all of the permit or licence area or who otherwise may be directly affected by the permit or licence with opportunities to review iwi engagement reports;
- enabling annual meetings between iwi or hapū, permit and licence holders and the MBIE for the purpose of discussing the content of annual iwi engagement reports; and
- making explicit that decision-makers may have regard to feedback from iwi or hapū on the quality of past engagement with permit and licence holders for future permit allocation decisions.

Summary of Findings and/or Recommendations	Status Update
	<p>Further changes to the regulations that sit alongside the CMA will be progressed separately to:</p> <ul style="list-style-type: none"> <li>introduce minimum content requirements for iwi engagement reports;</li> <li>require, as part of certain application types, the provision of permit or license holder (and permit applicant) contact information to be passed on by MBIE to iwi or hapū whose rohe includes some or all of the permit area or who otherwise may be directly affected by the permit if granted.</li> </ul> <p>The Bill is expected to pass into law in mid-2023.</p> <p><b>Improving Crown engagement with iwi</b></p> <p>MBIE actively utilises Crown Minerals Protocols and other relationship instruments when engaging with relevant iwi.</p> <p>MBIE has Relationship Agreements with some iwi, which provide for specific annual fora for iwi to discuss matters related to petroleum exploration and mining activities. MBIE also proactively engages with iwi when Block Offers are being considered over their rohe, and regularly engages with iwi who have existing petroleum and minerals operations in their rohe.</p> <p>In Budget 2022, MBIE successfully obtained additional funding to address functional gaps within the regulatory system for petroleum and minerals. This additional funding will provide the regulator with the resources, processes and systems needed to improve and sustain how it engages with iwi under the CMA and related Crown Mineral Protocols and Relationship Agreements. It will also support work to examine how the regulator can give better effect to section 4 of the CMA which requires all persons exercising functions and powers under the CMA to have regard to the principles of the Treaty of Waitangi.</p>



# Status Update for all Waitangi Tribunal Claims

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This final section lists all reports that have been released by the Waitangi Tribunal. It allows progress with implementation of recommendations to be tracked over time.

The table below lists the Crown's position on the status of the reports according to the categories in the previous section. Some reports have changed their status since 2021/22 because of new information.

WAI	Report	Year	Status
1	<i>Report of the Waitangi Tribunal on a Claim by J P Hawke and others of Ngāti Whātua, concerning the Fisheries Regulations</i>	1978	No further action
2	<i>Report of the Waitangi Tribunal on the Waiou Pa Power Station Claim</i>	1978	No further action
3	<i>Report on Proposed Discharge of Sewage at Welcome Bay</i>	1990	No further action
4	<i>Report of the Waitangi Tribunal on the Kaituna River Claim</i>	1984	In progress
5	<i>Report on Imposition of Land Tax</i>	1990	No further action
6	<i>Report of the Waitangi Tribunal on the Motunui– Waitara Claim</i>	1983	Settled
8	<i>Report of the Waitangi Tribunal on the Manukau</i>	1985	In progress
9	<i>Report of the Waitangi Tribunal on the Orakei Claim</i>	1987	In progress
10	<i>Report of the Waitangi Tribunal on the Waiheke Island Claim</i>	1987	In progress
11	<i>Report of the Waitangi Tribunal on the Te Reo Māori Claim</i>	1986	Partially settled
12	<i>Report of the Waitangi Tribunal on a Mōtiti Island</i>	1985	Partially settled
13	<i>Report on Fisheries Regulations</i>	1990	Settled
14	<i>Report on Tokaanu Building Sections</i>	1990	No further action
15	<i>Report of the Waitangi Tribunal on the Te Weehi Claim to Customary Fishing Rights</i>	1987	No further action
17	<i>Report of the Waitangi Tribunal on the Mangonui Sewerage Claim</i>	1988	In progress
18	<i>Report of the Waitangi Tribunal on Lake Taupo Fishing Rights</i>	1986	Settled
19	<i>Report of the Waitangi Tribunal on a Claim Relating to Māori 'Privilege'</i>	1985	No further action
22	<i>Interim Report to Minister of Māori Affairs on State-Owned Enterprises Bill</i>	1986	Settled
22	<i>Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim</i>	1988	Settled
25	<i>Report of the Waitangi Tribunal on a Claim Relating to Māori Representation on the Auckland Regional Authority</i>	1987	Settled
26, 150	<i>Radio Frequencies</i>	1990	No further action
27	<i>The Ngāi Tahu Report 1991 (3 volumes)</i>	1991	Settled
27	<i>The Ngāi Tahu Claim: Supplementary Report on Ngāi Tahu Legal Personality</i>	1991	Settled
27	<i>The Ngāi Tahu Sea Fisheries Report 1992</i>	1992	Settled
27	<i>The Ngāi Tahu Ancillary Claims Report 1995</i>	1995	Settled
32	<i>The Ngāti Rangiteaorere Claim Report 1990</i>	1990	Settled
33	<i>The Pouakani Report 1993 Part 1, Part 2</i>	1993	Settled
34	<i>Report on Proposed Sewage Scheme at Kakanui</i>	1990	No further action
38	<i>The Te Roroa Report 1992</i>	1992	Settled
45	<i>Report on Kaimaumuau Lands</i>	1991	No further action

WAI	Report	Year	Status
45	<i>Muriwhenua Land Report</i>	1997	Partially Settled
45	<i>The Ngāti Kahu Remedies Report</i>	2013	Ongoing
46	<i>Report on Disposal of Crown Land in the Eastern Bay of Plenty</i>	1995	Settled
46	<i>The Ngāti Awa Raupatu Report</i>	1999	Settled
55	<i>Te Whanganui-a-Orotū Report</i>	1995	In progress
64	<i>Rēkohu: A Report on Māori and Ngāti Mutunga o Wharekauri claims in the Chatham Islands</i>	2001	In progress
67	<i>Report on the Oriwa 1B3 Block</i>	1992	No further action
83	<i>Report on the Waikawa Block</i>	1989	Settled
84	<i>The Turangi Township Report</i>	1995	Settled
84	<i>Turangi Township Remedies Report</i>	1998	Settled
103	<i>Report on Roadman's Cottage, Mahia</i>	N/A	Settled
119	<i>The Mohaka River Report</i>	1992	Settled
143	<i>The Taranaki Report: Kaupapa Tuatahi</i>	1996	Partially settled
145	<i>Te Whanganui a Tara me ona Takiwa: Report on the Wellington District</i>	2003	Partially settled
153	<i>Preliminary Report on the Te Arawa Representative Geothermal Resource Claims</i>	1993	In progress
167	<i>Interim Report and Recommendation in Respect of the Whanganui River Claim</i>	1993	Settled
167	<i>The Whanganui River Report</i>	1999	Settled
176	<i>Report on Broadcasting Claim</i>	1994	No further action
201	<i>The Mohaka ki Ahuriri Report</i>	2004	Settled
202	<i>Report on the Tamaki Māori Development Authority Claim</i>	1991	No further action
212	<i>Interim Report on the Rangitaiki and Wheao Rivers Claim</i>	1993	Settled
212	<i>Te Ika Whenua – Energy Assets Report</i>	1993	Settled
212	<i>Te Ika Whenua Rivers Report</i>	1998	Partially settled
215	<i>Te Raupatu o Tauranga Moana: Report on the Tauranga Confiscation Claims</i>	2004	Partially settled
215	<i>Tauranga Moana, 1886–2006: Report on the Post-Raupatu Claims Volume 1, Volume 2</i>	2010	Partially settled
261	<i>Interim Report on the Auckland Hospital Endowments Claim</i>	1991	Settled
262	<i>The Interim Report of the Waitangi Tribunal in Respect of the ANZTPA Regime</i>	2006	No further action
262	<i>The Further Interim Report of the Waitangi Tribunal in Respect of the ANZTPA Regime</i>	2006	In progress

WAI	Report	Year	Status
262	<i>Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Taumata Tuatahi (Volume 1)</i>	2011	In progress
262	<i>Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Taumata Tuarua (Volume 2)</i>	2011	In progress
264	<i>Report on Auckland Railway Lands</i>	1992	No further action
264	<i>Report on Wellington Railway Lands</i>	1992	Settled
264	<i>Report on Railway Land at Waikanae</i>	1992	Settled
264	<i>Report on South Auckland Railway Lands</i>	1993	In progress
273	<i>Report on Tapuwae 1B and 4 Incorporation</i>	1993	Settled
276, 72, 121	<i>Interim Report on Sylvia Park and Auckland Crown Asset Disposals</i>	1992	Settled
304	<i>Ngāwhā Geothermal Resource Report</i>	1993	Ongoing
307	<i>The Fisheries Settlement Report</i>	1992	Settled
315	<i>Te Maunga Railways Land Report</i>	1994	Settled
321	<i>Appointments to the Treaty of Waitangi Fisheries Commission Report</i>	1992	In progress
322	<i>Report of the Waitangi Tribunal on the Tuhuru Claim</i>	1993	Settled
350	<i>Māori Development Corporation Report</i>	1993	Partially settled
411	<i>The Tarawera Forest Report</i>	2003	In progress
413	<i>Māori Electoral Option Report</i>	1994	In progress
414	<i>Te Whānau o Waipareira Report</i>	1998	No further action
449	<i>Kiwifruit Marketing Report</i>	1995	No further action
655	<i>Report on Aspects of the Wai 655 Claim</i>	2009	Settled
663	<i>The Te Aroha Maunga Settlement Process Report</i>	2015	No further action
674	<i>The Kaipara Interim Report</i>	2002	In progress
674	<i>The Kaipara Report</i>	2006	In progress
686	<i>The Hauraki Report (3 volumes)</i>	2006	Ongoing
692	<i>The Napier Hospital and Health Services Report</i>	2001	In progress
718	<i>The Wānanga Capital Establishment Report</i>	1999	Settled
728	<i>The Hauraki Gulf Marine Park Report</i>	2001	Partially settled
758, 142	<i>The Pakakohi and Tangahoe Settlement Claims Report</i>	2000	Settled
776	<i>Radio Spectrum Management and Development, Interim and Final Report</i>	1999	Partially settled
785	<i>Te Tau Ihu o te Ika a Maui: Preliminary Report on Customary Rights in the Northern South</i>	2007	In progress
785	<i>Te Tau Ihu o te Ika a Maui: Preliminary Report on Te Tau Ihu Customary Rights in the Statutory Ngāi Tahu Takiwā</i>	2007	In progress

WAI	Report	Year	Status
785	<i>Te Tau Ihu o te Ika a Maui: Report on Northern South Island Claims (3 volumes)</i>	2008	In progress
788, 800	<i>The Ngāti Maniapoto/Ngāti Tama Settlement Cross claims Report</i>	2001	In progress
789	<i>The Mōkai School Report</i>	2000	In Progress
790	<i>Taranaki Māori, Dairy Industry Changes, and the Crown</i>	2001	In progress
796	<i>The Petroleum Report</i>	2003	In progress
796	<i>The Report on the Management of the Petroleum Resource</i>	2011	In progress
814	<i>Turanga Tangata Turanga Whenua: The Report on the Turanganui a Kiwa Claims (2 volumes)</i>	2004	In progress
814	<i>The Mangatū Remedies Report</i>	2021	Ongoing
863	<i>The Wairarapaki Tararua Report (3 volumes)</i>	2010	Settled
893	<i>The Preliminary Report on the Haane Manahi Victoria Cross Claim</i>	2005	No further action
894	<i>Te Urewera (8 volumes)</i>	2017	In progress
898	<i>The Priority Report concerning Maui's Dolphin</i>	2016	No further action
898	<i>Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims parts III</i>	2019	Partially Settled
898	<i>Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims (Part VI)</i>	2020	Partially Settled
903	<i>He Whiritaunoka: The Whanganui Land Report</i>	2015	Partially settled
953	<i>Ahu Moana: The Aquaculture and Marine Farming Report</i>	2002	Partially settled
958	<i>The Ngāti Awa Settlement Cross Claims Report</i>	2002	In progress
996	<i>The Ngāti Tūwharetoa ki Kawerau Settlement Cross-Claim Report</i>	2003	In progress
1024	<i>The Offender Assessment Policies Report</i>	2005	In progress
1040	<i>He Whakaputanga me te Tiriti/The Declaration and the Treaty: The Report on Stage 1 of the Te Paparahi o Te Raki Inquiry</i>	2014	Ongoing
1071	<i>Report on the Crown's Foreshore and Seabed Policy</i>	2004	No further action
1090	<i>The Waimumu Trust (SILNA) Report</i>	2005	No further action
1130	<i>Te Kāhui Maunga: The National Park District Inquiry Report</i>	2013	In progress
1150	<i>The Te Arawa Mandate Report</i>	2004	Settled
1150	<i>Te Arawa Mandate Report: Te Wahanga Tuarua</i>	2005	Refer above
1177	<i>The Interim Report of the Waitangi Tribunal on the Te Tai Hauāuru by-election</i>	2004	No further action
1200	<i>He Maunga Rongo: Report on Central North Island Claims: Stage One (4 volumes)</i>	2008	Partially settled
1298	<i>The Report on the Aotearoa Institute Claim concerning Te Wānanga o Aotearoa</i>	2005	Settled
1353	<i>The Te Arawa Settlement Process Reports</i>	2007	Partially settled
1362	<i>The Tāmaki Makaurau Settlement Process Report</i>	2007	In progress

WAI	Report	Year	Status
1750	<i>The Priority Report on the Whakatōhea Settlement Process</i>	2021	In Progress
2190	<i>The East Coast Settlement Report</i>	2010	In progress
2200	<i>The Kārewarewa Urupā Report</i>	2020	In progress
2200	<i>Horowhenua: The Muaūpoko Priority Report</i>	2017	Ongoing
2235	<i>The Port Nicholson Block Urgency Report</i>	2012	Ongoing
2336	<i>Matua Rautia: The Report on the Kōhanga Reo Claim</i>	2013	In progress
2358	<i>The Stage 1 Report on the National Freshwater and Geothermal Resources Claim</i>	2012	In Progress
2358	<i>The Stage 2 Report on the National Freshwater and Geothermal Resources Claim</i>	2019	In progress
2391, 2393	<i>The Final Report on the MV Rena and Motiti Island Claims</i>	2015	Ongoing
2417	<i>Whaia te Mana Motuhake/In Pursuit of Mana Motuhake: Report on the Māori Community Development Act Claim</i>	2015	In progress
2478	<i>He Kura Whenua ka Rokohanga: Report on Claims about the Reform of Te Ture Whenua Māori Act 1993</i>	2016	In progress
2490	<i>The Ngāpuhi Mandate Inquiry Report</i>	2015	In progress
2521	<i>Motiti: Report on the Te Moutere o Motiti Inquiry</i>	2022	Ongoing
2522	<i>Report on the Trans-Pacific Partnership Agreement</i>	2021	Partially settled
2540	<i>Tū Mai te Rangī! Report on the Crown and Disproportionate Reoffending Rates</i>	2017	In progress
2561	<i>The Ngātiwai Mandate Inquiry Report</i>	2017	In progress
2573	<i>The Mana Ahuriri Mandate Report</i>	2019	Settled
2575	<i>Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry</i>	2019	Partially settled
2575	<i>Haumarū: The COVID-19 Priority Report</i>	2021	In Progress
2662	<i>The Whakatōhea Mandate Inquiry Report</i>	2018	In progress
2870	<i>He Aha I Pera Ai The Māori Prisoners Voting Report</i>	2020	In progress
2660	<i>The Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry Stage 1 Report</i>	2020	Ongoing
2858	<i>The Maniapoto Mandate Inquiry Report</i>	2019	Settled
2840	<i>The Hauraki Settlement Overlapping Claims Inquiry Report</i>	2019	Ongoing
2915	<i>He Pāharakeke, he Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry</i>	2021	In progress

## Published by

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