A Report to the House of Representatives on the implementation of Waitangi Tribunal Recommendations for 2023/2024

Presented to the House of Representatives
under Section 8I of the Treaty of Waitangi Act 1975.

Kei ngā mātāwaka o te motu e nōhia nei tēnei whenua taurikura o tātou, tēnā koutou katoa.

E waingōhia ana ahau ki te whakaatu atu i tēnei pūrongo ā-tau mō te Whakatinana Haere i ngā Tūtohinga a Te Rōpū Whakamana i Te Tiriti o Waitangi, koinei te mea tuatahi a tēnei Kāwanatanga haumi. Kei roto nei e tūhia nei ko ngā mahi mai i te 1 o Hūrae 2023 tae noa ki te 30 o Hune 2024, kei roto hoki ko ētahi kōrero whakamārama mō ngā pūrongo 37 a te Taraipiunara (e rima ngā mea i whakarewahia i te tau 2023 ki te tau 2024).

I am pleased to present this report to the House of Representatives on the implementation of Waitangi Tribunal Recommendations, the first under this coalition Government. This report covers progress from 1 July 2023 to 30 June 2024 and includes updates for 37 Tribunal reports (five released within 2023–2024).

Nā Hōnore Tama Potaka
Nā te Minita Whanaketanga Māori
Māori Development Minister

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Ko te Wāhanga 8I nei o te Ture mō Te Tiriti o Waitangi 1975 ka whakamahi i a au, hei Minita mō te Whanaketanga Māori, ki te tāpae atu i tētahi pūrongo ā-tau ki te Whare Pāremata mō ngā kauneketanga a te Karauna ki te urupare haere ki ngā tūtohinga a Te Rōpū Whakamana i Te Tiriti o Waitangi ki te Karauna.

Ka whakatakato atu te Pūrongo mō te Whakatinana Haere i ngā Tūtohinga a Rōpū Whakamana i Te Tiriti o Waitang (te Pūrongo) i tētahi whakahoutanga kōrero mō ngā kauneketanga a te Karauna ki te urupare haere ki ngā tūtohinga a te Te Rōpū Whakamana i Te Tiriti o Waitangi, he huarahi whakahirahira tēnei kia kite ngā whānau, Hapū, Iwi me Māori i ngā kauneketanga i ia tau, i ia tau. Hei āpiti atu, he huarahi takohanga tēnei ki waenga i ngā hoa rangapū ā-Tiriti (ko te Karauna, ko ngā Hapū me ngā Iwi), māna ka whakawhanake te mahi rangapū me te kōataata.

Ko te whāinga a te Kāwanatanga haumi nei kia noho a Aotearoa hei whenua iti e whakaihuwaka ana, e whatutoto ana hei te 2040. Kei te hiahia te Kāwanatanga haumi nei ki te waihanga i te ōhanga e uekaha ake ana, e whai hua ake ana koia ka teitei ake ngā paerewa ora, ki te whakawhiwhi atu i ngā ratonga tūmatanui e pai ake ana koia ka aromātaitia mā te arotahi haumitanga pāpori, ki te urupare pū ki te panonitanga āhuarangi.

E whai uara ana ngā mōhiohio me te horopaki o tēnei Pūrongo hei āwhina, hei whakamārama hoki i ngā take kei te aro nuitia e tēnei Kāwanatanga haumi me te mahi tahi ki ngā kaikerēme katoa me ngā tari e noho haepapa ana.

He Wāhanga Motuhake kei te Pūrongo nei mō *'Te take mauroa o te Whenua Māori e Karapotia ana me te whai pānga ki te whanaketanga Māori'*.

Kua whakamahia te pou tarāwaho ā-Tiriti a Te Puni Kōkiri, ko Te Tautuhi ō Rongo, hei kaupapa tātari mō te Wāhanga Motuhake nei kia tirohia ngā pānga o te whenua karapoti ki ngā huarahi whakawhanake ōhanga Māori, ki te āheinga o ngā whānau, hapū, Iwi me Ngāi Māori kia noho hei kaitiaki, ki te whakawhiwhi mātauranga tuku iho e pā ana ki te whenua ki ngā reanga e haere ake nei. Ko tā Te Tautuhi ō Rongo, he tūhura haere i ngā tika, i ngā pānga, i ngā kawenga hoki a ngā whānau, Hapū, Iwi hei kāhui tāngata whenua, i ērā anō hoki o te tangata Maori hei kirirarau takitahi i roto i te horopaki o te whenua karapoti.

E kawatau ana ahau tērā ka tipu haere te Pūrongo, ka raua mai he tirohanga hou, he whakahokinga kōrero hoki kia noho hāngai tonu, kia whai take anō hoki. He hanga waiwai tonu te tipu kia whakamaua te kōataata me te noho takohanga e pā ana ki ā te Karauna urupare ki ngā tūtohinga a te Rōpū Whakamana i Te Tiriti o Waitangi.

Tēnā tātau e whakapau kaha nei ki te waihanga i tētahi Aotearoa e whakahōnore ana, e whakanui ana i te kanorautanga o ngā ahurea katoa me ngā hapori katoa, e pūmau tonu ana te manawaroa ki Te Tiriti o Waitangi.

Minister's Foreword

I am pleased to present a Report to the House of Representatives on the implementation of Waitangi Tribunal Recommendations (the Report) for the 2023/24 reporting year. This Report includes updates for 38 Tribunal reports (five released within 2023/24).

Section 8I of the Treaty of Waitangi Act 1975 requires that I, Minister for Māori Development, present an annual report to the House of Representatives on the Crown's progress in the implementation of recommendations made to the Crown by the Waitangi Tribunal.

The Report provides an update on the Crown's progress in addressing the recommendations of the Waitangi Tribunal and is an important mechanism for whānau, Hapū, Iwi and Māori to see the progress made year-on-year. Additionally, it serves as an accountability mechanism between Treaty partners (the Crown and Hapū and Iwi), fostering greater partnership and transparency.

This coalition Government has intentions for New Zealand to become a leading small, advanced nation by 2040. The coalition Government seeks to create a more dynamic and productive economy with higher living standards, deliver better public services, evaluated through the lens of social investment, and comprehensively respond to climate change.

This Report offers valuable information and context to help with and understand the issues this coalition Government are dedicated to addressing in collaboration with all claimants and responsible agencies.

The Report also includes a Feature Presentation on *'The enduring issue of Landlocked Māori Land and the impact on Māori development'*.

Te Puni Kōkiri's Treaty based framework, Te Tautuhi ō Rongo has been applied to this Feature Presentation to consider the impacts that landlocked land has had on Māori economic development opportunities, the ability for whānau, hapū, Iwi and Māori to exercise kaitiakitanga, and the intergenerational transmission of mātauranga, in relation to whenua. Te Tautuhi ō Rongo allows for the rights, interests and responsibilities of whānau, Hapū, Iwi (as tangata whenua) as collectives and Maori as individual citizens to be explored in the context of landlocked land.

I expect the Report to continue to evolve, incorporating new insights and feedback to stay relevant and impactful. This evolution is crucial for maintaining transparency and accountability in how the Crown addresses the recommendations of the Waitangi Tribunal.

As we endeavour to create a New Zealand that truly honours and celebrates the diversity of all cultures and communities, our dedication to upholding the Treaty of Waitangi continues to be unwavering.

E tau ana,

Nā Hōnore Tama Potaka
Nā te Minita Whanaketanga Māori
Māori Development Minister

Te Pūrongo Te mō te Whakatinana Haere i ngā Tūtohinga a Te Rōpū Whakamana: He Kupu Whakataki

Ka tuku whakamārama tēnei pūrongo ki te Pāremata mō te kōkiri haere a te Karauna i ngā mahi hei whakatinana i ngā tūtohinga a Te Rōpū Whakamana i Te Tiriti o Waitangi i waenga i te 1 o Hōngongoi 2023 me te 30 o Pipiri 2024.

Ko tā te Ture mō Te Tiriti o Waitangi 1975 he whakarite kia whakatātaretia, kia whakakoia ngā mātāpono o Te Tiriti o Waitangi (Te Tiriti) mā te whakatūnga i Te Rōpū Whakamana i Te Tiriti o Waitangi (te Rōpū Whakamana). E whai mana ana Te Rōpū Whakamana ki te tuku tūtohinga mō te whakatinanatanga i te Tiriti, ki te whakatau hoki mehemea kei te hārakiraki ētahi āhuatanga ki ngā mātāpono o Te Tiriti.

He maha ngā pūrongo a Te Rōpū Whakamana ka aro ki ngā kerēme mō ngā takahanga a te Karauna i Te Tiriti me ōna mātāpono i mua i te 21 o Mahuru 1992 (ko te rā tēnei e tohu ana i te wehewehenga o ngā kerēme nō mua me ngā kerēme nō nāianei).

Kei te Minita Whiriwhiri Take Tiriti o Waitangi te kawenga ki te whiriwhiri i te whakataunga o ngā kerēme nō mua.

Hāunga ētahi okotahi ruarua nei[1] , kāore e taea e Te Rōpū Whakamana te tuku tūtohinga e here ana i te Karauna. I te nuinga o te wā, ka taea e te Karauna te kōwhiri mehemea ka hāpai ia i ngā tūtohinga a Te Rōpū Whakamana (ko te katoa, ko ētahi wāhanga rānei), ka whiriwhiri kōrero rānei ki ngā whānau, Hapū, Iwi hei kāhui tāngata whenua, ki ngā tāngata Māori hei kirirarau mō ngā tūtohinga nei. Heoi ko te mahi a te Karauna i ngā tau, he whai whakaaro ki ngā kitenga me ngā tūtohinga a Te Rōpū Whakamana me te wāhi nui ki te rangapūtanga ki waenga i ngā whānau, Hapū, Iwi me te Karauna, tae atu ki ngā tukanga hei whakatau take Tiriti. Nā te pēnei, ka noho ngā kitenga me ngā tūtohinga a Te Rōpū Whakamana hei tino kaupapa mō te whiriwhiri kōrero ki waenga i te Karauna me Ngāi Māori, e ārahina nei e Te Tautuhi ō Rongo. Ka whakamana tēnei huarahi i ngā tika me ngā take a Ngāi Māori – hei Iwi, hei kirirarau hoki – ka tautoko i te taiao kaupapahere e whakapokapū ana i ngā tirohanga, te ārahitanga me te waiora o Ngāi Māori ki roto i ngā mahi whakatau take, whakawhiwhi ratonga hoki.

Mō ngā kerēme nō mua, ka whiriwhiritia tētahi whakataunga, ka whakaaetia ki waenga i te Karauna me ngā kaikerēme. Ko te kaupapa o ngā whakataunga nei, he whakatau i ngā takahanga i Te Tiriti. Ko te tikanga, me aro ngā whakataunga nei ki te wairua o ngā tūtohinga a Te Rōpū Whakamana (tērā tonu ētahi wā ka āta whakatinana ngā whakataunga i ngā tūtohinga tonu), ko te whāinga ia a te whakataunga, he whakaāhua i ngā hiahia o te hunga whai wāhi, ko rātau ka kuhu herekore ki ngā whakataunga.

Ka tāpae atu tēnei pūrongo i ngā mahi a te Karauna i waenga i te 1 o Hōngongoi 2023 me te 30 o Pipiri 2024 ki te whakatinana i ngā tūtohinga a Te Rōpū Whakamana i tūtohi ai ki te Karauna. He maha tonu ngā tari kāwanatanga i tuku mai i ā rātau kōrero hei whakauru atu ki te Pūrongo. Kei te mutunga o te pūrongo ko tētahi whakarāpopototanga o te pēheatanga o ngā kerēme katoa kua tirohia e Te Rōpū Whakamana i Te Tiriti o Waitangi.

Kua raua atu hoki ki tēnei pūrongo ko tētahi Wāhanga Motuhake e tirotiro ana ki te whai pānga o ngā whenua karapoti ki te whanaketanga ōhanga Māori me te āheinga ki te mahi i ngā mahi a te kaitiaki. Ka titiro hoki tēnei wāhanga ki te whai pānga o tēnei hanga ki te tuku ihotanga o te mātauranga mō te whenua.

1 Kei te whai mana Te Rōpū Whakamana ki te tuku whakahau here e pā ana ki: te whenua ngahere Karauna e whai ana i te raihana ngahere Karauna; ‘te whenua whai tohu’, arā he whenua nō tētahi hinonga Karauna, nō tētahi whare wānanga, nō te Tari Rerewei i nāianei, i ōna wā rānei, e whai ana i te kupu tohu ki te taitara e kī ana ka taea e Te Rōpū Whakamana i TeTiriti o Waitangi te tūtohi kia whakahokia ki ngā ringaringa o te Māori.

A Report to the House of Representatives on the implementation of Waitangi Tribunal Recommendations: Introduction

This report provides Parliament with an update on the Crown's progress implementing Waitangi Tribunal recommendations between 1 July 2023 and 30 June 2024.

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

Many of the Tribunal's reports address claims of Crown breaches of the Treaty 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 is responsible for the negotiation of settlements for these historical claims.

With a few key exceptions[2], the Tribunal is unable to make recommendations that are binding for the Crown. In most cases, the Crown may choose whether to adopt the Tribunal's recommendations (in part or in full) or negotiate with whānau, Hapū and Iwi as tangata whenua and Māori as citizens 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 whānau, Hapū, Iwi, Māori and the Crown, including the processes of settling Treaty claims. In this way, Tribunal findings and recommendations provide a comprehensive starting point for engagement between the Crown and Māori, guided by the framework Te Tautuhi ō Rongo. This approach affirms the distinct rights and interests of Māori – both as collectives and as citizens – and supports a policy environment where Māori perspectives, leadership, and wellbeing are central to decision-making and service delivery.

In relation to historical claims, a settlement is negotiated and agreed to between the Crown and claimants. The purpose of these agreements is to settle any breaches of the the Treaty. While settlements are intended to be consistent with the spirit of the Tribunal's recommendations (and in some cases settlements directly implement recommendations), the purpose of a settlement is to reflect the interests of the parties concerned, and who freely enter into those settlements.

This report presents the Crown's progress between 1 July 2023 and 30 June 2024 on the implementation of recommendations made to the Crown by the Tribunal. Several Government agencies have contributed their updates to the Report. At the end of the report is a summary on the status of all Waitangi Tribunal Claims.

Also included in this report is a Feature Presentation exploring the effects of landlocked land on Māori economic development opportunities and their ability to exercise kaitiakitanga. It also explores the intergenerational transmission of mātauranga related to whenua.

2 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 lawns 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.

Kupu Whakarāpopoto
Abbreviations

CFL	Crown Forest Land
Corrections	Department of Corrections (Ara Poutama Aotearoa)
CMA	Crown Minerals Act
CPTPP	Comprehensive and Progressive Trans-Pacific Partnership
DHB	District Health Board
DIA	Department of Internal Affairs (Te Tari Taiwhenua)
DOC	Department of Conservation (Te Papa Atawhai)
DPMC	Department of the Prime Minister and Cabinet (Te Tari o te Pirimia me te Komiti Matua)
HUD	Ministry of Housing and Urban Development (Te Tūāpapa Kura Kāinga)
ISDA	International Swaps and Derivatives Protocol
ISDS	Investor state dispute settlement
Kāinga Ora	Homes and Communities
LINZ	Land Information New Zealand (Toitū Te Whenua)
MBIE	Ministry of Business, Innovation, and Employment (Hīkina Whakatutuki)
MCH	Ministry of Culture and Heritage (Manatū Taonga)
MDC	Māori Development Corporation
MFAT	Ministry of Foreign Affairs and Trade (Manatū Aorere)
MfE	Ministry for the Environment (Manatū Mō Te Taiao)
MfMD	Minister for Māori Development
MFTOWN	Minister for Treaty of Waitangi Negotiations
MoE	Ministry of Education (Te Tāhuhu o te Mātauranga)
MoH	Ministry of Health (Manatū Hauora)
MoJ	Ministry of Justice (Te Tāhū o te Ture)
MPI	Ministry for Primary Industries (Manatū Ahu Matua)
MSD	Ministry of Social Development (Te Manatū Whakahiato Ora)
MTA	Muaūpoko Tribal Authority
NHF	Nature Heritage Fund
NPS FM	National Policy Statement Freshwater Management
NWOMTB	Ngāti Whātua o Ōrākei Māori Trust Board
OT	Oranga Tamariki (Ministry for Children)
PHO	Primary Health Organisation
PSGE	Post-Settlement Governance Entity
PVR	Plant Variety Rights
RMA	Resource Management Act
SILNA	The South Island Landless Natives Act
Stats NZ	Statistics New Zealand (Tatauranga Aotearoa)
TAMA	Te Aitanga a Māhaki and Affiliates
Te Arawhiti	Office of Māori Crown Relations – Te Arawhiti
TIMA	Tūhoronuku Independent Mandated Authority
TPK	Te Puni Kōkiri (Ministry of Māori Development)
TPP	Trans-Pacific Partnership
UPOV 91	International Convention for the Protection of New Varieties of Plants
UPR	Universal Periodic Review
WPCT	Whakatōhea Pre-Settlement Claims Trust

Te Whakaaturanga Matua mō te Tau 2023/24

2023/24 Feature Presentation

The 2023/24 Feature Presentation takes a deep dive into the enduring issue of landlocked Māori land.

The first half builds a picture of land ownership and Māori economic growth both before and after the signing of the Treaty in 1840, and explores the impacts of legislation over the decades.

The second half examines landlocked Māori land in the context of the Wai 2180 inquiry report *He Whenua Karapotia, He Whenua Ngaro*. It explores how landlocked land affects Māori economic development, the exercise of kaitiakitanga, and the intergenerational transmission of mātauranga Māori. It also considers the Waitangi Tribunal's recommendations and how the recommendations foster accountability from the Crown while reflecting its commitment to the Treaty.

The enduring issue of Landlocked Māori Land and the impact on Māori development

Significance of Whenua Māori

Whenua tū-mokemoke[3]

Whenua Māori is fundamentally tied to whakapapa (genealogy), encompassing both familial ancestry and a profound connection to the land itself. The land serves as an essential extension of te ao Māori (Māori worldviews), whakapapa, pūrākau (stories), and history of whānau, Hapū and Iwi as tangata whenua. This deep-rooted connection is vital for whānau, Hapū and Iwi in understanding their identity and fulfilling their responsibilities of kaitiakitanga for future generations.

The concept of whenua Māori is not just about physical land; it is a powerful spiritual entity that plays a crucial role in Iwi and Māori worldviews. Whenua Māori provides individuals with a sense of belonging and identity. It represents the land where one's roots are established and where whānau and culture are nurtured. The land is often viewed as an essential aspect of both personal and collective identities.

Losing or being disconnected from one's whenua can and has led to profound dislocation and loss of identity. This historical loss has significantly disrupted the intergenerational transmission of essential resources, cultural practices, and for most, a fundamental sense of identity.[4,5,6] Whānau, Hapū and Iwi today are actively seeking reclamation of their land in an ongoing effort as part of broader movements to address historical grievances and restore Māori land rights.

3 Pg 50, Wai 2180 – He Whenua Karapotia, He Whenua Ngaro 2024

4 Wai 27 – The Ngāi Tahu Report 1991

5 Wai 45 – The Muriwhenua Land Report 1997

6 Wai 143 – The Taranaki Report: Kaupapa Tuatahi 1996

Te Tautuhi ō Rongo considers the layered rights and responsibilities of Māori both as collectives (tangata whenua, whānau, Hapū, and Iwi) and as individuals – recognising their dual status as tangata whenua and citizens. This dual lens not only reflects the complexity of whenua Māori issues but also highlights the wider implications for all citizens when these challenges remain unresolved.

Te Puni Kokiri's Treaty based framework, Te Tautuhi ō Rongo, has been used to explore the layers of complexity surrounding whenua Māori and landlocked land. Te Tautuhi ō Rongo considers the layered rights, interests and responsibilities of Māori both as collectives (tangata whenua, whānau, Hapū, and Iwi) and as individuals – recognising their pre-existing identity as tangata whenua and the establishment of citizenship through the signing of the Treaty[7]. This perspective not only reflects the complexity of whenua Māori issues but also highlights the wider implications for all citizens when these challenges remain unresolved. Throughout the feature, there will be discussions on legislation and approaches that uses outdated language or language that is not in alignment with Te Tautuhi ō Rongo, however, this will be explored as part of the application of Te Tautuhi ō Rongo to this kaupapa.

It is through this lens that the discussion of the following three themes has been explored:

- the impacts that landlocked land has had on Māori economic development opportunities;
- the ability for Māori, as tangata whenua, to exercise kaitiakitanga in relation to whenua Māori – as a taonga tuku iho grounded in rangatiratanga – as central to their role as kaitiaki; and
- intergenerational transmission of mātauranga related to whenua Māori.

7 New Zealand Royal Commission on Social Policy. (1988). The April Report: Report of the Royal Commission on Social Policy. Volume 2. Wellington, New Zealand: Royal Commission on Social Policy, p. 44.

Historical Challenges and Land Loss: A Comprehensive Overview

In the 19th century, Māori communities across Aotearoa New Zealand faced significant challenges relating to their land due to British colonisation. These challenges included:

- **Land Confiscations:** Large areas of Māori land were confiscated, particularly during the New Zealand Wars.[8]
- **Legislation:** Laws such as the New Zealand Settlements Act 1863 and the Native Lands Act 1865 facilitated the transfer of Māori land to European ownership.[9]
- **Disease and Population Decline:** The introduction of disease and other impacts of colonisation led to a steep decline in the Māori population.[10]

These factors collectively undermined Māori land ownership and control, leading to significant socio-economic disadvantages.

While the Treaty and Crown legislation aimed to safeguard the rangatiratanga of Hapū and Iwi with respect to their lands, these protections were undermined in a number of ways that the Crown has accepted were breaches of the Treaty, for example: land was acquired in some areas of the North Island through confiscation under the New Zealand Settlements Act 1863 and related legislation; in other parts of the country, such as Te Waipounamu, the Crown entered into large-scale purchasing of land from Māori. In many instances, the alienation of land contributed to enduring social, cultural, and economic repercussions for whānau, Hapū, Iwi and Māori communities. Land alienation also had a significant impact on Māori as tangata whenua. Through confiscation and large-scale purchasing, it was not just about the loss of land in a general sense, there was a significant disruption of whakapapa-based relationships to land, erosion of mana and rangatiratanga, and the undermining of collective identity as tangata whenua.

A key concept in te ao Māori is ‘kaitiakitanga’, which signifies a powerful commitment to guardianship and stewardship of the land. This concept is not just a tradition; but a taonga tuku iho, a responsibility grounded in rangatiratanga and passed down through generations. It ensures that whenua is cared for with an eye toward the future, encompassing resource management, and strengthening cultural and spiritual connections. Intergenerational knowledge, including traditional ecological practices, is essential for whānau, Hapū and Iwi to maintain their role as tangata whenua and exercise their responsibilities as kaitiaki of whenua Māori.

8 Māori land loss, 1860-2000

9 Colonisation context and impact | Practice Centre | Oranga Tamariki

10 Effects of colonisation on Māori – Te Ara Encyclopedia of New Zealand

Economic and Social Importance of Whenua Māori

Whenua Māori is a crucial foundation for the economic and social well-being of countless families and communities. The generational transfer of land not only helps to ensure access to food and natural resources but can also unlock a wealth of economic opportunities such as through farming, forestry, and fishing. In the 20th and 21st centuries, whenua Māori is and has been actively used for a variety of economic ventures, including tourism, agriculture, and business initiatives, all while firmly preserving its cultural significance.

Ongoing Efforts for Justice and Restoration

The Waitangi Tribunal was established in 1975, with changes made in 1985 that enabled the Tribunal to look at claims relating to historical injustices. Its role is to inquire into claims brought by Māori relating to legislation, policies, actions or omissions of the Crown that are alleged to breach the principles of the Treaty of Waitangi[11] and makes recommendations to the Crown in respect of well-founded claims.

The Crown has settled historical Treaty claims with many Iwi (or groups). Settlements typically include a Crown apology, the return of specific Crown-owned land within the group's rohe, and financial compensation. These settlements are essential for facilitating the intergenerational healing process for Māori – both in terms of their individual identity as tangata whenua, but also in the context of their collective identities as whānau, Hapū and Iwi.

In recent years, the restoration of whenua Māori has become a vital component of broader movements for cultural revitalisation and economic development opportunities to advance whānau, Hapū, Iwi, Māori and landowner aspirations. This restoration refers to both the ecological rehabilitation of the land and the return of ancestral lands to Hapū, Iwi and Māori ownership and control. These broader efforts include language reclamation, the revival of traditional customs, and the strengthening of landowner governance systems. The reclamation of land has become a powerful means for whānau, Hapū, Iwi and Māori to restore cultural pride, re-establish sustainable practices, and reconnect with their heritage. This approach is crucial for advancing whānau, Hapū, Iwi and Māori intergenerational healing and reinforcing cultural resilience.

11 Home | Waitangi Tribunal

Key Historical Events and Legislative Milestones in Māori Land Issues

Establishment of the Native Land Court

The Native Lands Act 1865 was a pivotal piece of legislation in New Zealand. Its primary aim was to facilitate the transfer of land from Māori ownership to European settlers. It established the Native Land Court (later renamed the Māori Land Court) to investigate Māori land titles and create individual titles, effectively replacing communal ownership with individual ownership. This process was intended to simplify land purchases for settlers, thereby accelerating colonisation. The Native Lands Act 1865 had profound implications for Māori land rights and ownership, as it often resulted in the loss of land for Iwi and Māori communities.

1975 March to Parliament led by Dame Whina Cooper

In October 1975, Whina Cooper led a march highlighting the ongoing alienation of whenua Māori. The purpose of the march was to protest government practices that led to the loss of whenua Māori through the Native Land Court, land sales, and policies that undermined whenua Māori ownership. This protest was one of several that led to the establishment of the Waitangi Tribunal in 1975.

Royal Commission on the Māori Land Court

In 1980, the Royal Commission on the Māori Land Court was tasked with examining the court's role in the administration and alienation of whenua Māori and whether the practices of the court were serving the interests of Māori. The Royal Commission on the Māori Land Court recommended a *"complete revision of Māori land law and separating judicial and administrative functions for Māori land."*[12]

Enactment of Te Ture Whenua Māori Bill

In 1987, the Te Ture Whenua Māori Bill was introduced to Parliament. This significant piece of legislation aimed to reform the management of whenua Māori and to tackle the systemic issues which had led to the alienation and fragmentation of whenua Māori. The Te Ture Whenua Māori Act (the Act) became law in 1993.

The Act recognises that whenua Māori is a taonga tuku iho of special significance to whānau, Hapū and Iwi, and tangata whenua. The Act also expresses the commitment to facilitate and promote the retention, use, development, and control of whenua Māori as taonga tuku iho by owners of whenua Māori and to protect wāhi tapu.[13]

12 History of whenua reform

13 Te Ture Whenua Māori Act 1993: Preamble and s2.

Māori Freehold Land

Māori freehold land makes up approximately 5% (about 1.4 million hectares) of all land in New Zealand and is predominately concentrated in the mid to upper North Island. 11% of Māori freehold land is managed through the Ngā Whenua Rāhui[14] programme that provides protection for Māori landowners through the use of a 25-year renewable Kawenata (covenants).

Unique features of Māori freehold land include:

- **Multiple Ownership:** Māori freehold land is commonly held by multiple owners (some have more than 1,000 owners). There are about 2.7 million interests in 27,212 Māori freehold land blocks. The average Māori land block is only 52 hectares with 100 owners. Multiple ownership creates additional costs and challenges in achieving consensus for action (although this process is managed through a specific regulatory system governed by the Māori Land Court). For example, it can take 18 times longer to change a Māori freehold land title compared to changing a general land title.[15]
- **Governance:** While a significant portion of Māori freehold land has governance structures in place (i.e. 7,864 governance structures spanning about 1.2 million hectares, covering 11,673 land blocks), there is still an opportunity to support other Māori freehold landowners to establish governance structures for their land. For those with structures in-place, there is variable governance capability.[16]
- **Māori freehold land tends to be more isolated, in smaller holdings and, less 'useable':** Up to 20% of land is considered landlocked, and about 16,000 (60%) Māori freehold land titles are smaller than five hectares, with approximately 11,000 (40%) being smaller than one hectare.[17]

14 Ngā Whenua Rāhui: Funding

15 Para 10, Cabinet Paper – Whānau Development through Whenua - Rating Matters

16 Ibid

17 Ibid

Addressing Landlocked Māori Land: Challenges, Reforms, and Opportunities

Significant areas of whenua Māori are "landlocked", that is, formally described in the Act as *"a piece of land that has no reasonable access to it that is (a) Māori freehold land; or (b) General land owned by Māori [that] ceased to be Māori land under Part 1 of the Māori Affairs Amendment Act 1967. Reasonable access means physical access to land for persons or services that is of nature and quality that are reasonably necessary to enable the owner or occupier to use and enjoy the land."*[18]

These circumstances present challenges for owners in connecting with their whenua Māori and exercising kaitiakitanga. However, addressing these issues can enhance their opportunities to derive both cultural and economic benefits from their taonga. With the right support and resources, Māori landowners can strengthen their relationship with the land and its treasures, ultimately fostering a more vibrant and sustainable future.

In 2012, an independent panel recommended changes to Māori land laws and administration; these changes proposed to enhance the autonomy and abilities of Māori landowners to connect with and utilise their whenua Māori; while ensuring strong safeguards are in place for the whenua. In 2013, Cabinet approved the review panel's recommendations to *"improve the utilisation of Māori land, and to progress the reforms through Te Ture Whenua Māori Bill"*.[19]

Between 2014 and 2019, several significant events occurred between the Crown and whānau, Hapū and Iwi which impacted on the issue of landlocked land. Hui were held across the nation to inform people about the proposed reforms and services of the Māori Land Service[20], Providing a platform for Māori landowners to raise concerns, including the challenge of landlocked land – block of whenua Māori without legal access. In response, the Te Ture Whenua Māori Ministerial Advisory Group was established to provide independent advice on the exposure draft of Te Ture Whenua Māori Bill and the Māori Land Service. Te Ture Whenua Māori Bill was introduced to Parliament in 2016, aimed to modernise land laws and remove barriers to the use and development of Māori land, including improving access to landlocked blocks. Although Cabinet expressed its commitment through Cabinet papers, agreements and directives[21], to addressing these barriers, the Te Ture Whenua Māori Bill was eventually withdrawn following public feedback. Nevertheless, the government maintained its focus on reform, and Budget 2018 confirmed funding to improve the administration of Māori Freehold land, assist with its development, enhance governance capacity, and support practical solutions to longstanding issues such as landlocked land.

The Waitangi Tribunal decided to adopt a particular focus on landlocked land as part of its regional inquiry in the Rangitīkei ki Rangipō (Taihape) region (WAI 2180). It took this approach because *"while landlocking is a universal problem affecting access to Māori land, it is particularly acute for Taihape because more than 70 per cent of remaining Māori landholdings are landlocked – in excess of 50,000 hectares. The Tribunal's recommendations on this issue are discussed towards the end of this paper."*[22]

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18 Te Ture Whenua Māori Act 1993 Section 326A

19 History of whenua reform

20 Māori Land Service

21 CAB-16-Min-0028

22 He Whenua Karapotia, he Whenua Ngaro: Priority Report on Landlocked Māori Land in the Taihape Inquiry District

Whenua Māori Programme: Enhancing Engagement and Addressing Landlocked Land Challenges

The Whenua Māori Programme, (the Programme), co-led by Te Puni Kōkiri and the Ministry of Justice, focussed on Māori freehold land, with one component addressing the challenges associated with landlocked Māori land. It also aimed to improve the engagement of owners of whenua Māori to promote greater participation in the governance and management of whenua Māori, empowering whānau to make more informed decisions regarding its use.
This initiative emphasised engagement through quality participation and partnership between Māori and Crown agencies. As part of the Programme, amendments were made to the Act and a Landlocked Land work programme was developed.

The Government of the time recognised the impact of landlocked land for owners of whenua Māori and sought to improve access over several years. An example of this work was the enactment of *Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020*[23] which aims to improve access to landlocked land. When making decisions to grant access to such land, the Māori Land Court will need to consider:

- the relationship that the applicant had with whenua Māori and with any water, site, place or cultural or traditional significance or other taonga associated with the land;
- the culture and traditions of the applicant with respect to the whenua Māori;[24]
- expanding the factors that the Māori Land Court must consider when evaluating access applications (including the applicant's relationship with the land and cultural and traditional practices related to the land); and
- directing all appeals regarding landlocked land decisions to the Māori Appellate Court[25] rather than the High Court, to reduce costs for applicants and leverage the specialised expertise of the Māori Appellate Court.[26]

Landlocked Work Programme

In 2021, Te Puni Kōkiri launched a dedicated Landlocked Land work programme. This initiative stemmed from issues identified during the consultation undertaken in 2016 on the Te Ture Whenua Māori Amendment Bill and was guided by Cabinet directives seeking practical options for providing access to landlocked land and the pending report into landlocked land issues within the Taihape District Inquiry.

Part of the landlocked land work programme was the development of regional case studies based in Te Tai Tokerau, Ikaroa-Rāwhiti and Te Tai Hauāuru. The regional case study in Te Tai Hauāuru included land blocks within the Taihape region. The owners of whenua Māori that participated in the case study were also involved in the *Wai 2180 Taihape: Rangitīkei ki Rangipō* Inquiry.

The initiative aimed to strengthen the cultural, whakapapa and economic connection of owners to their whenua Māori by giving effect to the rights and interests of the respective owners, including those of whānau, Hapū and Iwi. Through a series of case studies, the programme supported whānau and Hapū to reconnect with and utilise their land in ways that foster sustainable development opportunities and enduring connection for future generations.

23 www.legislation.govt.nz/act/public/2020/0051/latest/LMS156727.html?search=sw_096be8ed81a7b17d_landlocked_25_se&p=1&sr=1

24 New laws for matters related to whenua Māori

25 The Māori Appellate Court is a specialist judicial body that hears appeals from decisions made by the Māori Land Court, primarily concerning matters related to Māori Land Court and its governance.

26 www.tpk.govt.nz/en/a-matou-whakaarotau/te-ao-maori/te-ture-whenua-maori-act-1993/new-laws-for-matters-related-to-whenua-maori

Each case study engaged contracted providers to work directly with owners of whenua Māori, offering facilitation, technical advice, and funding support. A key component of the case studies was to enable landowners to tell their stories – highlighting both the opportunities and barriers they encountered, particularly in relation to landlocked land with the intention of informing government agencies understanding of how current systems and supports were working (or not working) for Māori landowners, and to inform future policy development that better reflects the lived experiences and aspirations of whānau, Hapū and Iwi.

There is a critical role for the Crown in supporting owners of whenua Māori in the following ways:

- offering connections and expertise; and
- capacity to provide the tools, frameworks and independent guidance needed to enable owners of whenua Māori to share their mamae and articulate their cultural connection.

Report on Landlocked Māori Land: WAI 2180 – He Whenua Karapotia, He Whenua Ngaro

Wai 2180: He Whenua Karapotia, He Whenua Ngaro[27] (the Wai 2180 Report), the Waitangi Tribunal's priority report on landlocked Māori land in the Taihape Inquiry District, was published in 2024.

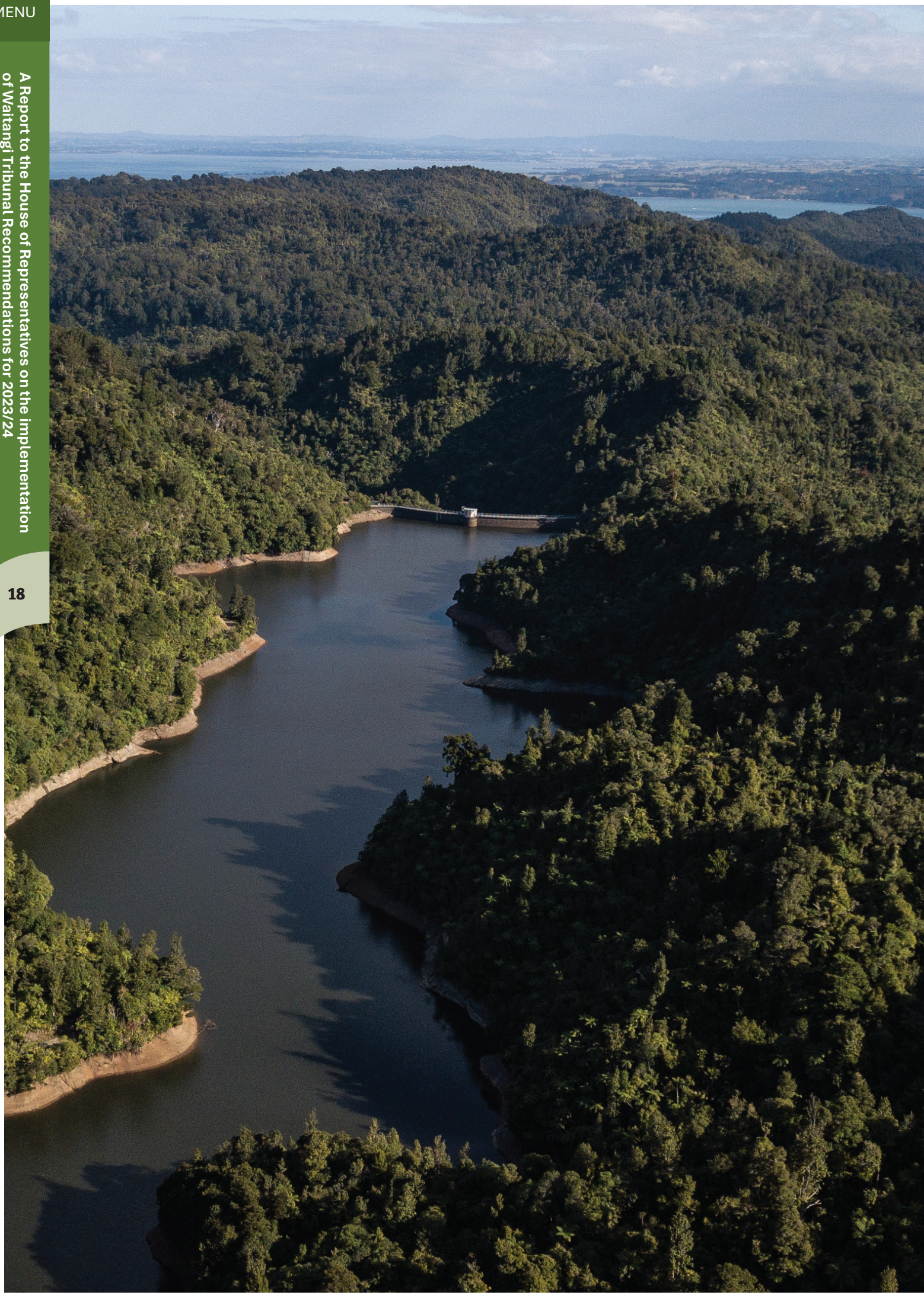
The Wai 2180 Report is organised into five chapters that provide, inter alia: an overview of the legislation and circumstances under which whenua Māori in the district became and remained landlocked, including the role of the Crown; the jurisprudence on landlocking and related issues; relevant Treaty principles and duties; and the impact of the Crown's attempted remedies since 1912.

The Waitangi Tribunal concludes its report by making a range of recommendations, which include:

- Take an active, not passive, role in solving the problem – the Crown should take additional active steps to resolve landlocking in the Taihape district in partnership with the Hapū and Iwi of the area.
- Focus on solutions specifically targeted at this inquiry – the Crown should focus any efforts to resolve the issue of landlocked land in the Taihape inquiry district.
- Partner with tangata whenua when developing solutions – the Crown should seek the agreement of tangata whenua of the inquiry district in its response to the recommendations they made in the report and any other steps the Crown takes to resolve landlocking in the district.
- Do not take funding for solutions from funds for general Treaty settlements – the Crown should develop its solutions without diminishing the funds that would otherwise be used for the settlement of the historical Treaty claims of this district.
- Establish a contestable fund to assist Māori with the costs of achieving access – the Crown should establish a contestable fund, allocated by a komiti or board and supported by a commission, dedicated to achieving lasting legal access solutions for landlocked Māori land in the Taihape district.

Te Puni Kōkiri and relevant agencies will explore and consider the recommendations from the Wai 2180 report to enhance collaboration with whānau, Hapū and Iwi, while fostering greater opportunities for access and promoting economic development. However, any efforts to progress these recommendations will be subject to Ministerial and Cabinet decisions.

27 Wai 2180 - He Whenua Karapotia, He Whenua Ngaro 2024



Te Nekehanga o te Whakatinana i ngā Tūtohutanga mō te Tau 2023/24
Progress Implementing Recommendations 2023/24

In accordance with Section 8I of the Treaty of Waitangi Act 1975, this section of the Report provides information on implementation progress of the Waitangi Tribunal recommendations by the Crown for the period 1 July 2023 to 30 June 2024 (2023/24).

This section of the Report provides the status of all Waitangi Tribunal reports that are being worked on. This includes reports from the Waitangi Tribunal with no specific actions, or those that are currently in negotiation (including those where negotiations are on hold because of litigation).

It covers all active claims and includes new Waitangi Tribunal reports released during the 1 July 2023 to 30 June 2024 period.

This section will be arranged in chronological order in the final publication, from the most recent claims lodged to the most long-standing claims.

Status categories and definitions

Two status classifications determine the status category used. Where applicable, some report updates have a category from each classification.

- **Classification: Work carried out by Crown to implement the Waitangi Tribunal recommendations**
  - **In progress** – the work to action the Waitangi Tribunal recommendations is currently being undertaken by the Crown.
  - **Completed** – indicates that the implementation of the Waitangi Tribunal recommendations has been completed by the Crown.
- **Classification: Status of the Treaty Claim**
  - **Ongoing** – indicates that the Waitangi Tribunal is still hearing claims related to the inquiry or related to claims currently under active negotiation.
  - **Partially settled** – indicates that a settlement has been reached with respect to some, but not all, claims inquired into by the Waitangi 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 recommendations do not immediately appear to have been addressed in the context of that settlement.

*Note:The Office for Māori Crown Relations – Te Arawhiti (Te Arawhiti) is now known as Te Tari Whakatau. As this change was made outside of this reporting period, Te Arawhiti is still referred to throughout this report. For future reporting, Te Arawhiti will be reflected as Te Tari Whakatau and Te Puni Kōkiri will be reflected as the responsible agency for the reports where reports now sit with Te Puni Kōkiri.

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 3365: *The Māori Wards and Constituencies Urgent Inquiry Report* – Pre-publication Version, 2024

Responsible Agency: Department of Internal Affairs

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

On 17 May 2024, the Waitangi Tribunal (the Tribunal) issued its report on its urgent inquiry into claims regarding the Crown's proposed repeal of amendments made to the Local Electowral Act 2001 by the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (the Amendment Act 2021). The Amendment Act 2021 removed the previous requirement that a binding local poll on the establishment of Māori wards be held if a petition of at least 5 percent of people on the council's electoral roll requested it. The Government intends to reinstate the previous requirement for binding polls on Māori wards and require councils that have established or resolved to establish a Māori ward or constituency without a poll since 2020 to either disestablish them/rescind their resolutions or hold a poll.

The claimants and interested parties said that the 2021 amendments have significantly increased Māori representation in local government. They argued that the Government's policy to effectively repeal the Amendment Act 2021 breaches the Crown's the Treaty obligations. Moreover, they claim, the proposed repeal will prejudicially affect Māori, by leading to a reduction in dedicated Māori representation, exposing Māori communities to racism and abuse and damaging their relationships with the Crown.

In its report, the Tribunal found that the Crown breached the Treaty principle of partnership by prioritising coalition agreement commitments and almost failing to consult with its Tiriti | Treaty partner or any other stakeholders. The Crown failed to adequately inform itself of its Tiriti | Treaty obligations and failed to conduct adequate Tiriti | Treaty analysis during the policy development process, in breach of its duties to act reasonably and in good faith. It inadequately defined the policy problem as restoring the right of the public to make decisions about Māori wards and constituencies, when no other type of ward or constituency requires a poll, in breach of the principle of equity.

In addition, the Tribunal found that the Crown failed to actively protect Māori rights and interests by ignoring the desires and actions of Māori for dedicated local representation, and it found breaches of the principles of mutual benefit and options. Combined, these Tiriti | Treaty breaches operate to cause significant prejudice to Māori.

The Tribunal recommended that the Crown stop the amendment process to allow proper consultation between the Treaty partners with a view to agreeing how Māori can exercise their tino rangatiratanga to determine dedicated representation at the local level. The Tribunal drew the Government's attention to the existing provisions in the Local Electoral Act 2001 for representation reviews that would better enable councils to seek public views on a range of representative arrangements, including Māori wards or constituencies.

Status Update — In progress

The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill was introduced on 20 May 2024. After first reading, the Bill was referred to the Justice Committee on 23 May 2024.[28] After receiving 10,614 submissions, the Justice Committee reported the Bill back to Parliament on 21 June 2024. The Justice Committee recommended, by majority, that it be passed with some minor technical changes. As at 30 June 2024, the Bill was awaiting second reading, with the intention that the Bill would be enacted by the end of July 2024. The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 received royal assent on 30 July 2024.

28 Government progresses Māori wards legislation | Beehive.govt.nz

Wai 3350: *The Oranga Tamariki (Section 7AA) Urgent Inquiry 10 May 2024 Report*, 2024

Responsible Agency: Oranga Tamariki

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

This report responds to claims inquired into by the Waitangi Tribunal (the Tribunal) under urgency regarding the Crown's policy to repeal section 7AA of the Oranga Tamariki Act 1989. Section 7AA imposes specific duties on the Chief Executive of Oranga Tamariki to provide practical commitment to the principles of the Treaty of Waitangi (the Treaty). A key policy objective of section 7AA was to reduce the disproportionate number of Māori entering into care and to improve outcomes for those tamariki already in care.

Under section 7AA Māori or Iwi organisations may enter into strategic partnerships with the Chief Executive. There are 10 strategic partnership agreements under section 7AA currently in place, as well as nine relationships with post settlement governance entities, some of whom are also strategic partners.

Claimants and interested parties argue that the repeal of section 7AA and the absence of consultation with Māori and the Crown's strategic partners breached the Crown's Tiriti | Treaty duties.

In this report, the Tribunal found clear breaches of the Tiriti | Treaty article 2 guarantee to Māori of tino rangatiratanga over kāinga and of the Treaty principles of partnership and active protection. The Tribunal also found that prejudice will arise from the rushed repeal of section 7AA, not only due to a failure to fully analyse the likely downstream effects but also due to the significant risk of actual harm to vulnerable tamariki and the risk of erosion of trust amongst Māori whānau and communities.

In the Tribunal's interim report, the Tribunal drew the government's attention to the periodic review of the legislation and policy provided under section 448B of the Oranga Tamariki Act. Such a review and report by the Minister is required in any event by July 1, 2025. Claimant counsel stated that this process would allow any concerns the minister may have to be the subject of a considered analysis within the broader context of the purpose, principles and imperatives of the act. The Tribunal recommend this option to government for consideration and recommended that the repeal of section 7AA be stopped to allow it to happen.

The Tribunal recommended that in the first step of the review, the Crown enters into good faith dialogue with all of its section 7AA strategic partners and Māori post settlement entities with whom it has established relationships under this section. They further recommended that the proposals for legislative amendments set out in their 2021 report also be considered as part of the review under section 448B.

Finally, the Tribunal recommended that the requirements under section 7AA(2)(b)[29] to develop strategic partnerships with Iwi and Māori organisations and the requirements to focus on the reduction of disparities by setting and publicly reporting on expectations and targets be retained.

Status Update **In progress**

The Coalition Agreement between the National Party and the ACT Party includes the agreement to repeal section 7AA of the Oranga Tamariki Act 1989.

The Crown did not adopt the Tribunal's recommendation to stop progressing the repeal of section 7AA to allow for the section 448B periodic review to take place before the repeal of section 7AA.

The Oranga Tamariki (Repeal of Section 7AA) Amendment Bill is currently before the Social Services and Community Committee (Committee). Proceedings of the Committee remain strictly confidential until the Committee reports to the House (SO 243(1)). The Committee is due to report to the House by 21 November 2024. At this time, the Departmental Report prepared by Oranga Tamariki will be made public.

29 The Oranga Tamariki (Section 7AA) Urgent Inquiry 10 May 2024 Report, 7AA Duties of chief executive in relation to Treaty of Waitangi (Tiriti o Waitangi), pg. 6.

Wai 2200: *He Kōpūtara Priority Report* – Pre-publication Version, 2024

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

The report concerns a claim about the Crown's failure to grant title or access to claimants and claimant Hapū[30] to the Kōpūtara reserve. The Kōpūtara reserve is made up of Carnarvon sections 382 and 383 and was vested in trustees (representing claimant Hapū) in 1969; the reserve is located at Lake Kōpūtara near Foxton and Hīmatangi Beach. It was set aside from the 240,000-acre Rangitikei–Manawatu purchase in 1870 but the claimants did not receive a title until 1964 or physical access until 2016. The Crown conceded that it breached the Treaty when it failed to grant title in a timely manner, and the Tribunal also found other breaches of Tiriti | Treaty principles.

The Crown accepted that it failed to provide access to the Kōpūtara reserve when it granted all the land surrounding the reserve to private owners. The Crown also acknowledged that this impacted the claimants' economic, social, and cultural well-being and their ability to exercise ownership and kaitiakitanga. Depriving the claimants of access also disrupted their cultural relationship with the lake and reserve.

The Tribunal found that the Crown's failure to provide access, when it alone had the power to do so, was a breach of the principles of the Treaty. The prejudicial result was that the claimants had no legal access until 1998 and no physical access until 2016. The Crown covered the trustees' legal fees in the 1980s in a long-running litigation to obtain access. The Crown accepted at that time that it should compensate the claimants and fund the construction of a right of way, but it failed to do either. The Tribunal found that this further breached Tiriti | Treaty principles.

The Crown also accepted that it negatively affected the environment of the reserve and Lake Kōpūtara while the claimants were locked out. The Himatangi Drainage Scheme was established and funded by the Crown. It over-drained the lake and contributed to serious sand drift. The Crown also accepted that the army's use of the reserve as a live shell range in the 1940s and 1950s worsened the sand drift.

The Tribunal found that the army's damage to the reserve, the deficient legislative framework, and the excessive drainage before, and by, the Himatangi Drainage Scheme were key factors in the degradation of the reserve and lake. The Kōpūtara owners were further disadvantaged because they had no title when the Hīmatangi Drainage Scheme was established and could not take action to stop sand drift even once they obtained a title due to their lack of access. The Tribunal found that the Crown failed to protect the reserve's environment and contributed actively and significantly to the environmental degradation of the reserve and lake, which was in breach of Tiriti | Treaty principles.

The Tribunal found that the claimants suffered significant prejudice from these Tiriti | Treaty breaches. They lost access to the mahinga kai of the reserve and of Lake Kōpūtara, they lost their ability to act as kaitiaki, and they lost the ability to transmit customary knowledge to later generations. The claimants were also significantly prejudiced by the high degree of damage to the reserve and to their taonga, Lake Kōpūtara.

Overall, the Tribunal concluded that the Kōpūtara claim was well-founded. To remove or mitigate the harm caused by the Crown's breaches, the Tribunal made the following recommendations:

- Limitations on access to the reserve and Laku Kōpūtara
- The Crown to take all necessary steps to enable the Kōpūtara Trustees to secure full and unrestricted access, for the entire Claimant group, to the Reserve over the adjoining lands
- The Crown to provide redress for its breach of the Treaty in not providing access by:
  - Assisting the claimants to investigate the reasons for the conditions that were agreed to back in 1998 (they may no longer apply) and whether those conditions can now be reassessed and amended by negotiation with the adjoining owner; and
  - Assisting with any negotiations by providing funding and mediation if necessary.

30 The Kōpūtara Priority Report (2024) by the Waitangi Tribunal identified the claimants as the five Hapū and marae of Ngāti Raukawa: Ngāti Parewahawaha (Ohinepuhiawe Marae at Bulls); Ngāti Pareraukawa (Ngātokowaru Marae at Hōkio); Ngāti Kikopiri (Kikopiri Marae at Ōhau); Ngāti Tūranga (Paranui Marae at Foxton); and Ngāti Tukorehe (Tukorohe Marae at Kuku); see para 1.1.2.

Wai 2200: *He Kōpūtara Priority Report* – Pre-publication Version, 2024

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Remediating the environment

- The Crown meet with the claimants to discuss appropriate redress and work with them to establish a programme for restoring the environment of the reserve and of Lake Kōpūtara
- The Crown fund a joint Crown research institute, regional council, and claimant project to investigate the impacts of the Himatangi Drainage Scheme and advise on remediation for the lake.

Compensation and reimbursements

- The Crown pay compensation; and reimburse Kōpūtara trustees for the costs of surveying, construction, and fencing of the accessway. `

Status Update **In progress**

The Crown has considered the Kōpūtara Report and its recommendations and is engaging with claimants to discuss potential next steps in addressing their grievances.

Wai 2180: *He Whenua Karapotia. He Whenua Ngaro. Priority Report on Landlocked Māori Land in the Taihape Inquiry District* – Pre-publication Version, 2023

Responsible Agency: Te Puni Kōkiri
Relevant agency: The Office for Māori Crown Relations – Te Arawhiti*, Land Information New Zealand, the Department of Conservation, and the Ministry of Defence

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

Landlocking affects Māori land nationally but is a particularly acute problem in Taihape, where more than 70% of remaining Māori land holdings are landlocked – exceeding 50,000 hectares. Māori have no legal or physical access to these lands, despite retaining ownership of them. In its report, the Tribunal found that the Crown allowed Māori land in Taihape to become landlocked and has failed to remedy the problem, breaching the Treaty principles and causing long-term prejudice.

The Tribunal concludes that flaws in the legislation caused landlocking in the inquiry district. In the decades before 1912, when most landlocking in Taihape occurred, native land legislation of the time did not require the Native Land Court to preserve access to Māori land as it was partitioned. Upon the sale or lease of a partition with road access, therefore, blocks of Māori land lying beyond it usually became landlocked. From 1886, Māori landowners could apply for access to their lands as they passed through the court or within five years thereafter. These provisions were ineffective in practice, however, as they still gave the court discretion on whether to grant access and required Māori owners to pay the significant cost of creating any access granted.

The Tribunal found that the Crown's general failure to address the risk of landlocking in its native land legislation before 1912 breached the Treaty principles of active protection, partnership, and equity. Moreover, the Crown's expectation that Māori landowners apply to the court to retain access to their own land, and pay for it, undermined the Treaty guarantee of 'full exclusive and undisturbed possession' of land. Māori should not have had to take such steps to retain access, the Tribunal found, because the risk of landlocking arose from legislation imposed on them, not actions they had taken.

The Tribunal also found that the Crown's attempts to remedy landlocked Māori land through legislation have been flawed and ineffective, breaching Tiriti | Treaty principles. From 1912, the Native Land Court (and later Māori Land Court) could order retrospective access to landlocked Māori land. However, if the neighbouring land to be crossed had left Māori ownership before 1913, the court had no power to order access or could do so only with the neighbouring owner's consent. This restriction in the law effectively removed the court's ability to restore access to landlocked Māori land in Taihape, which had almost entirely become landlocked – as neighbouring land was sold – before 1912 As a result of these measures, Māori in the Taihape district had no legal avenue to unlock their land for over sixty years. The Crown conceded that its remedies in this period were ineffective and prioritised European landowners' interests to the disadvantage of Māori landowners, breaching Tiriti | Treaty principles.

Since 1975 the Crown has tried to improve its remedies, but they have remained ineffective for owners of landlocked Māori land in Taihape, the Tribunal finds. From 1975, Māori owners could seek access via the Supreme Court (now the High Court) without the need for any other landowner's consent, but this remedy was very costly to pursue. In 1993, Te Ture Whenua Maori Act provided a less expensive pathway for Māori landowners to seek access via the Māori Land Court but reimposed a requirement for the neighbouring landowner's consent. This requirement was removed in 2002, but the neighbouring owner could simply appeal to the High Court. From 2020, appeals could finally be heard in the more accessible Māori Appellate Court. Despite these changes, no Māori landowners in Taihape have successfully used these remedies to unlock their land. The Crown's longstanding failure to provide effective remedies breaches several Tiriti | Treaty principles, including the principle of redress, the Tribunal finds.

Wai 2180: *He Whenua Karapotia. He Whenua Ngaro. Priority Report on Landlocked Māori Land in the Taihape Inquiry District* – Pre-publication Version, 2023

Responsible Agency: Te Puni Kōkiri
Relevant agency: The Office for Māori Crown Relations – Te Arawhiti*, Land Information New Zealand, the Department of Conservation, and the Ministry of Defence

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

The Tribunal concludes that the key flaw in the Crown's remedies is that they have continued to place the huge cost of restoring access on the owners of landlocked Māori land themselves. Not only being ineffective, this approach has also treated owners of landlocked Māori land no differently than owners of general land seeking to access landlocked land they have purchased. In this respect, the Crown's remedies breach the principle of equity.

The Tribunal found that lack of ready access to much of their remaining land base has caused significant prejudice to whānau and Hapū of the Taihape district, undermining their opportunities for economic development, ability to exercise kaitiakitanga, and intergenerational transmission of mātauranga relating to these lands.

To remedy landlocking in the Taihape district, the Tribunal recommends the Crown establish a contestable fund to which Māori owners of landlocked land can apply to achieve access. The fund would pay for access that may be granted by the Māori Land Court, including any compensation payable to neighbouring landowners. The Tribunal stresses that funds for this purpose should not be taken from the sum set aside to settle the district's historical claims.

The Tribunal made the following recommendations:

- Take an active, not passive, role in solving the problem – the Crown take additional active steps to resolve landlocking in the Taihape district in partnership with the Hapū and Iwi of the area.
- Focus on solutions specifically targeted at this inquiry – the Crown focus any efforts to resolve the issue of landlocked land in the Taihape inquiry district.
- Partner with tangata whenua when developing solutions – the Crown should seek the agreement of tangata whenua of the inquiry district in its response to the recommendations they made in the report and any other steps the Crown takes to resolve landlocking in the district.
- Do not take funding for solutions from funds for general Tiriti | Treaty settlements – the Crown develop its solutions without diminishing the funds that would otherwise be used for the settlement of the historical Tiriti | Treaty claims of this district.
- Establish a contestable fund to assist Māori with the costs of achieving access – the Crown establish a contestable fund, allocated by a komiti or board and supported by a commission, dedicated to achieving lasting legal access solutions for landlocked Māori land in the Taihape district.

Status Update — **In progress**

The Crown has reviewed this report and is considering its findings, particularly in the context of the Mōkai Pātea Tiriti | Treaty settlement negotiation. The Crown and Mōkai Pātea signed Terms of Negotiation in September 2021 and are working towards signing an Agreement in Principle.

Te Puni Kōkiri is establishing a working group to progress a memorandum of understanding between key agencies to enable access to landlocked land that either adjoins or is near Crown land. This will be done in collaboration with Land Information New Zealand, the Department of Conservation and the Ministry of Defence (primarily) and could also include KIwiRail and NZ Transport Agency.

Te Puni Kōkiri will consider the recommendations of the Wai 2180 report on landlocked land and provide an update in the next Report.

Wai 2660: *The Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry Stage 2 Report* – Pre-publication Version, 2023

Responsible Agency: The Office of Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

The Marine and Coastal Area (Takutai Moana) Act (the Act) was enacted in 2011 to replace the Foreshore and Seabed Act 2004. The Act restores customary interests extinguished under the 2004 Act, provides statutory tests and awards by which to recognise customary interests, and provides for public rights of access, navigation and fishing. Under the Act, Māori (Iwi, Hapū and whānau) can obtain legal recognition of their customary interests in the form of either customary marine title or protected customary rights. The Act provides two application pathways for this purpose. Applicants can apply to the High Court for a recognition order or to engage directly with the Crown for a recognition agreement. In each pathway, applications for customary rights had to be filed by the statutory deadline of 3 April 2017.

The Stage 1 report, which was released in 2020, found that aspects of the Crown's funding regime for applicants under the Act and its policy and processes breached the Treaty and prejudicially affected Māori.

The Stage 2 report, released in 2023, contains the Tribunal's findings on whether the Act itself breaches Tiriti | Treaty principles and causes prejudice to Māori. In this report, the Tribunal found the claimants have been, and will likely continue to be, prejudiced by aspects of the Act. In particular, the Tribunal finds that the Act is in various respects inconsistent with Tiriti | Treaty principles because (among other reasons):

- the Crown failed to allow properly informed and meaningful participation for Māori during the consultation process;
- the Act does not provide for a fair and reasonable statutory test for customary marine title (an interim finding, as the Court of Appeal was, at the time, considering how the relevant provisions should be interpreted);
- the statutory deadline was not, and is not, justified by any policy considerations that meet the standard of acting reasonably and in good faith toward Māori;
- the Act gives Māori no choice between having their applications under the Act heard in the High Court or in the Māori Land Court;
- certain exceptions to the scope of protected customary rights are unreasonable;
- the exceptions of accommodated activities and deemed accommodated activities undermine the permission rights (certain regulatory rights available to customary marine title holders);
- the wāhi tapu protection right does not allow Māori to effectively protect wāhi tapu and wāhi tapu areas; and
- the Act vests reclaimed land in the Crown, thus extinguishing customary marine title and protected customary rights without compensation.

Overall, the Tribunal finds that the rights under the Takutai Moana Act do not sufficiently support Māori in their kaitiakitanga duties and rangatiratanga rights and fail to provide a fair and reasonable balance between Māori rights and other public and private rights. Consequently, the Act is in breach of the Treaty.

To give effect to Tiriti | Treaty principles, the Tribunal recommends that the Crown make targeted amendments to the Act based on the claims that have been heard and upheld. Specifically, the Tribunal recommends that the Crown (among other points):

- improve the statutory test for customary marine title including by removing the aspect of the test that requires occupation 'without substantial interruption' (subject to the outcome of appeals following the High Court's *Re Edwards (Te Whakatōhea No 2)* judgment);
- repeal the statutory deadline;

Wai 2660: *The Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry Stage 2 Report* – Pre-publication Version, 2023

Responsible Agency: The Office of Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

- allow applicants the ability to transfer their applications between the High Court and the Māori Land Court with both having concurrent jurisdiction;
- repeal specific exceptions to the scope of protected customary rights;
- repeal specific exceptions to the scope of permission rights;
- increase the scope of the Act's compensation regime for exceptions to permission rights under Schedule 2 of the Act;
- decouple the wāhi tapu protection right from the customary marine title regime;
- compensate affected Iwi, Hapū, and whānau for all reclaimed land vested in the Crown;
- add the ability to impose temporary rāhui following death at sea to the award of protected customary rights; and
- engage in a longer conversation with Māori in order to mitigate the unequal treatment of Māori under the Takutai Moana Act as opposed to the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

The Tribunal emphasises that all recommendations should be implemented as a package to restore a fair and reasonable balance between Māori interests and those of the wider public in te takutai moana. It warns against 'cherry-picking' recommendations, as this will not restore the balance required by the principles of the Treaty.

Status Update **In progress**

The Office of Māori Crown Relations – Te Arawhiti (Te Arawhiti)* reviewed the Stage 2 report and has provided briefings on the report to the previous and current Ministers of Treaty of Waitangi Negotiations. Te Arawhiti undertook initial policy work on implementing some of the Tribunal's recommendations, but this was not progressed.

Instead, for this new term of government, Te Arawhiti has been principally focussed on responding to the coalition agreement between the National Party and the New Zealand First Party to amend section 58 of the Act "to make clear Parliament's original intent, in light of the judgment of the Court of Appeal in *Whakatōhea Kotahitanga Waka (Edwards)* & Ors v Te Kāhui and Whakatōhea Māori Trust Board & Ors [2023] NZCA 504" (Re Edwards). The proposed amendment to the statutory test is likely to make the test for customary marine title harder for applicants to meet.

Wai 2750: *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness* – Pre-publication Version, 2023

Responsible Agency: Ministry of Housing and Urban Development (HUD)
Relevant agency: Te Puni Kōkiri – Ministry of Māori Development, Ministry of Social Development, Statistics New Zealand, Kāinga Ora – Homes and Communities, Department of Corrections, Oranga Tamariki, Ministry of Health, and The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

The Stage One report is limited to the issues contained in the statement of issues for Stage One, being the Crown's strategies and policies concerning Māori homelessness 2009-2021. The Tribunal described its analysis as "significantly constrained" by the interconnection of homelessness to many housing matters it had not yet inquired into. Nonetheless, the Tribunal made certain breach findings in respect of matters where there had been a clear picture of the Crown's actions and omissions.

Specifically, the Tribunal found as follows:

- The Crown breached its Tiriti | Treaty duty of consultation through Statistics New Zealand's failure to consult with Māori in the development of its homelessness definition in 2009. It also further failed to rectify this in the following years.
- The Crown failed to adequately collect data on homelessness in New Zealand, breaching both principles of good government and active protection.
- The Crown conceded it had breached the Treaty in the 'early part' of the inquiry period through its inadequate response to homelessness. The Tribunal considered that this concession covered the period till at least the first half of 2016. Specifically, the Tribunal found that the Crown breached the principle of active protection by not providing homeless Māori with housing that meets a range of basic standards in terms of amenities, comfort, and security. In addition, the Crown breached the principle of equity through the growing overrepresentation of Māori with unmet housing needs, and the Crown breached the principle of good government by failing to implement or monitor progress with *He Whare Āhuru* (the Māori Housing Strategy).
- The Crown breached the principle of partnership by the narrowness of its consultation over the Homelessness Action Plan and the Māori and Iwi Housing Innovation (MAIHI) Framework.
- The ongoing fragmentation and congestion in the housing system were undermining Māori housing ambitions. The Tribunal found this to be a breach of good government for at least the majority of the period 2009-2021.
- As the Crown conceded in the Oranga Tamariki inquiry, it has failed over a long period to reform the welfare system in order to improve outcomes for Māori; at a minimum, the Tribunal found this to be a breach of the principle of good government.

With specific regard to rangatahi homelessness, the Tribunal found that the Crown had breached the principle of active protection in its failure to take vigorous action to protect this vulnerable group. The Tribunal also found that the Crown has breached the principle of good government through its failure to obtain adequate data on rangatahi homelessness.

Recommendation:

The Tribunal made one recommendation: that the Crown and Māori should work together in partnership to co-design a new definition of homelessness.

Status Update — In progress

Housing and Urban Development have considered the Tribunal's recommendation to work with Māori to co-design a new definition of homelessness definition.

Preliminary discussions about progressing this work have been had with Stats NZ.

Wai 3060: *Report on Whakatika ki Runga, a Mini-Inquiry Commencing Te Rau o te Tika: The Justice System Inquiry* – Pre-publication Version, 2023

Responsible Agency: Ministry of Justice
Relevant agency: Ministry for the Environment

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

The Tribunal Report on Whakatika ki Runga is the result of a mini-inquiry into the Crown's approach to funding the participation of claimants engaging in Tribunal proceedings. The mini-inquiry is the first stage of a larger inquiry into the justice system.

The Tribunal found that the Crown breached the principles of partnership, active protection, good government, and equity as it:

- did not develop nor implement a robust funding model for claimant funding for kaupapa and urgent inquiries;
- has taken too long to address this issue; and
- has failed to engage appropriately with Māori in developing a funding policy for claimants in the Tribunal.

The Tribunal additionally found that the Crown had breached the Treaty guarantee of rangatiratanga over taonga regarding translations from Te Reo Māori, and breached the principles of partnership, good government, and active protection as:

- the different and inconsistent rules leading agencies apply to funding claimants in kaupapa inquiries do not work for claimants. This has (and continues) to affect claimant participation. Funding claimants through lead agencies is ineffective and the Crown failed to fix this;
- In the context of funding claimants in Tribunal inquiries, the Crown did not seek alternatives to payment by reimbursement regarding funding claims in inquiries; and
- current processes do not support the ability of participants in inquiries to have their evidence and submissions translated without cost or inconvenience to them.

The Tribunal identified limitations that, collectively, adversely affect claimants' access to justice and put the Crown in breach of the principle of active protection. Specifically, it found that:

- the financial requirements in the Legal Services Act 2011 are inappropriate for claimants in the Tribunal jurisdiction, and may deter claimants who would be ineligible if those exacting requirements were applied;
- defining 'legal services' differently in the Tribunal jurisdiction is pointless and discriminatory, and could mean that claimants cannot get legal assistance in areas where they need it;
- reports under s 49 of the Legal Services Act 2011 are not in fact necessary for the commissioner to approve grants of legal aid in the Tribunal jurisdiction and the time they take causes unacceptable delays in decisions about grants;
- interim legal aid should be available for claimants in Tribunal proceedings;
- it is unfair that the administrative effort required to apply for and manage legal aid in this jurisdiction is not reimbursed;
- references in sections 11(3) and 16(4) of the 2011 Act to the Treaty of Waitangi Act 1975 are confusing;
- the criteria for expert witnesses do not take into account the different circumstances of experts in te Ao Māori, and do not provide for the circumstances when persons may need to be regarded as expert witnesses even though they are associated with the claimants; and
- the guidelines for applying for and managing legal aid are inadequate and not comprehensive.

In the long-term, the Tribunal recommended that the Crown and Māori engage in a process to design a suitable system to fund Tribunal claimants in inquiries where there is no other claimant funding.

In the short-term, the Tribunal recommended that the Crown urgently requires lead agencies to adopt a common set of protocols based on the Mana Wāhine General Claimant Funding Policy, with one minor variation; to develop

Wai 3060: *Report on Whakatika ki Runga, a Mini-Inquiry Commencing Te Rau o te Tika: The Justice System Inquiry* – Pre-publication Version, 2023

Responsible Agency: Ministry of Justice
Relevant agency: Ministry for the Environment

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

arrangements that do not depend on claimants submitting receipts for reimbursement; and take all necessary steps to ensure that the Waitangi Tribunal Unit provides for all evidence and submissions filed in Te Reo Māori to be translated as of right without cost or inconvenience to the claimant or creator of the document.

The Tribunal have no recommendations in relation to the Legal Services Act 2011, however, the Tribunal has recommended that the commissioner:

- Examine and amend the documents *Granting Aid for Waitangi Tribunal Matters – Operational Policy and Legal Aid Services Grants Handbook* to make them comprehensive, and descriptive of the actual process for assessing eligibility and managing legal aid grants to Tribunal claimants; and
- Work with the director of the Tribunal Unit to streamline the production of section 49 reports (as far as possible within the present legislative settings) and develop the office's protocol on expert witness called by claimants to ensure that they are clear, culturally appropriate, and workable.

Status Update **In progress**

Claimant funding

In July 2023, the previous Government endorsed an approach to respond to the Tribunal's short and long-term recommendations for claimant funding. The Cabinet minute setting out these decisions and the Cabinet paper are publicly available on the Ministry of Justice website.[31]

This approach included an interim claimant funding policy for all Tribunal Kaupapa inquiries to apply until a long-term claimant funding system is in place.

The interim funding policy is based on the Mana Wāhine inquiry claimant funding policy, as recommended by the Tribunal.

As part of the approach, the previous Government also agreed to officials carrying out targeted engagement with Māori to inform advice to the previous Government on next steps that could be taken to design a long-term funding system.

There are currently no further updates following the change of government.

Legal Aid Services

Since July 2023, Legal Aid Services has been working on minor operational improvements in response to the Waitangi Tribunal's recommendations. The following changes will be implemented by August 2024:

- Change in processes between Legal Aid Services, the lawyer, and the Tribunal to speed up the time taken to make a decision on a grant of aid.
- Amendments to the expert witness criteria to enable an expert witness, who have provided evidence to the Tribunal in that capacity previously, to be automatically approved, without seeking further information. This will reduce the administrative burden on the lawyer as well as expedite the grant. The legal aid lawyer will still be required to prove that the expert is necessary and relevant to progress the claim.
- Updates to the operational policy and the Legal Aid Services Grant Handbook to include the above changes and to reflect current practices. A separate factsheet has also been created to provide claimants with more information on how legal aid funding works for Tribunal claims.

Te Reo Māori translations

Work is ongoing to provide for te reo Māori translations of evidence and submissions filed in the Tribunal, in response to recommendations.

Wai 1040: *Tino Rangatiratanga me te Kāwanatanga: The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry* – Pre-publication Version, 2022

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

This report covers 415 Te Paparahi o Te Raki (Te Raki) claims that were submitted under the Treaty of Waitangi Act 1975. The first part of the stage 2 report into Te Raki claims primarily considered the interactions of Te Raki Māori with the Crown over the period from 6 February 1840 until the close of the nineteenth century.

The Tribunal recommended that:

- The Crown acknowledge the Treaty agreement it entered with Te Raki rangatira in 1840, as explained in the stage 1 report.
- The Crown make a formal apology to Te Raki Hapū and Iwi for its breaches of the Treaty and its mātāpono/principles for:
  - Failing to recognise and respect the tino rangatiratanga of Te Raki Hapū and Iwi.
  - The imposition of an introduced legal system that overrode the tikanga of Te Raki Māori.
  - The Crown's failure to address the legitimate concerns of Ngāpuhi leaders following the signing of the Treaty, instead asserting its authority without adequate regard for their tino rangatiratanga.
  - The Crown's conduct during the Northern War.
  - The Crown's imposition of policies and institutions that were designed to take control and ownership of land and resources from Te Raki Māori and effected a rapid transfer of land into Crown and settler hands.
  - The Crown's refusal to give effect to the Treaty rights of Te Raki Māori within the political institutions and constitution of New Zealand, or to recognise and support their paremata and komiti despite their sustained efforts in the second half of the nineteenth century to achieve recognition of and respect for those institutions in accordance with their tino rangatiratanga.
- All land owned by the Crown within the inquiry district be returned to Te Raki Māori ownership as redress.
- The Crown provide substantial further compensation to Te Raki Māori to restore the economic base of the Hapū, and as redress for the substantial economic losses they suffered due to the breaches of the Crown.
- The Crown enter discussions with Te Raki Māori to determine appropriate constitutional processes and institutions at national, Iwi, and Hapū levels to recognise, respect, and give effect to their Tiriti | Treaty rights. Legislation, including settlement legislation, may be required if the claimants so wish.

The Tribunal reserved the right to make further recommendations on the mat¬ters addressed in this part of the report in subsequent volumes.

Status Update — In progress

For Ngāpuhi, the Crown continues to engage with Hapū groupings on mandate development. The Crown's preferred approach remains to engage in a practical discussion on how tino rangatiratanga might be expressed in the 21st century as part of Tiriti | Treaty settlement negotiations.

For Ngātiwai, the Crown has made funding available for groups to address issues raised in the Wai 2561 Ngātiwai Mandate inquiry.

Ngāti Kahu claimants are currently participating in the Renewed Muriwhenua inquiry

Wai 2200: *Waikanae: Report on Te Ātiawa/Ngāti Awa Claims* – Pre-publication Version, 2022

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*
Relevant agency: Department of Conservation

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

The Porirua ki Manawatū inquiry heard 17 claims on behalf of Te Ātiawa/Ngāti Awa whānau, Hapū, and Iwi over 2017–2018. These claims related to the Crown's alleged interference with and diminishment of Te Ātiawa/Ngāti Awa's tino rangatiratanga, loss of land, degradation of the local environment, and the desecration of their cultural sites and wāhi tapu.

Recommendations:

Public Works Act 1981

The Tribunal recommended that:

- The Public Works Act 1981 urgently be amended to include a the Treaty clause and give effect to the principles of the Treaty.
- The offer-back provisions of the Public Works Act 1981 be amended to provide for offering land back to successive generations of descendants (not limited to immediate successors), and (if they do not or cannot take the offer), a second offer be given to Hapū or Iwi.
- The Tribunal noted that they may have more specific recommendations on reform of the offer-back regime and other aspects of the Public Works Act in a later volume of the report and urged the Crown to undertake the recommendations of the Wairarapa Tribunal, the Te Tau Ihu Tribunal, the Tauranga Tribunal, and the Te Rohe Pōtae Tribunal regarding reform of the Public Works Act.

Hemi Matenga Memorial Park

The Tribunal recommended that the Wi Parata Waipunahau Trust (the landowner of Ngarara West C41 lots 1–3), be consulted in any about the ownership and/or management of the Hemi Matenga Memorial Park.

As in the *Horowhenua* volume, the Tribunal recommended that the numerous findings of Tiriti | Treaty breach and prejudice found in this report make it urgent for the Crown to negotiate a Tiriti | Treaty settlement with Te Ātiawa/Ngāti Awa. The Tribunal noted that the parties may want to consider whether they await findings and recommendations on issues excluded from this volume (such as environmental claim issues).

Status Update — In progress

Historical claims of Te Ātiawa/Ngāti Awa ki Kapiti have not yet been settled and negotiations have not commenced.

The Department of Conservation (DOC) is awaiting the start of the Treaty settlement negotiations for these claims at which time the resolution of the claims will be addressed. In particular, for DOC/Crown and claimants, the issues relating to Hemi Matenga Memorial Park (REC 10.9.2). Until then, DOC has a watching brief for the commencement of the negotiations and no specific involvement.

Wai 2358: *The Interim Report on Māori Appointments to Regional Planning Committees* – Pre-publication Version, 2022

Responsible Agency: Ministry for the Environment

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

This report was prepared to assist the Crown with their final decisions before the Natural and Built Environment Bill is introduced to Parliament. It focuses on the issue of Māori representation on regional planning committees, particularly how Māori representatives on these committees should be selected (for example, the participation of Hapū, urban Māori, and groups with rights and interests, and agreement with the Crown around the appointment and dispute processes).

The Tribunal found that the Crown's proposal that Iwi and Hapū should lead and facilitate the process to decide an appointing body is Tiriti | Treaty compliant (noting that all the detail had not been decided at the time of the hearing). It also found that the Crown's proposal for a legislative requirement that Iwi and Hapū engage with their members and with groups who hold relevant rights and interests 'at place' (and keep a record of the engagement), is Tiriti | Treaty compliant. Details regarding the appointment process are still in development, but the Tribunal has made some suggestions as to how aspects of this should be implemented (including in respect of Māori landowners and urban Māori communities).

The Tribunal agreed that the proposal for Iwi and Hapū to lead and facilitate a decision-making process about an appointing body would be consistent with Tiriti | Treaty principles and found that the Crown is required to protect and empower the exercise of tino rangatiratanga. This would require the Crown to provide secretariat/administrative support and funding to enable successful implementation of the proposed self-determined processes.

The Tribunal did not reach an overall view as to whether the Crown's proposed process was Tiriti | Treaty compliant, as arrangements negotiated through Tiriti | Treaty settlements and other processes could potentially affect the proposed appointments process in some regions.

The Tribunal did not find any Tiriti | Treaty breaches in this report (and made no recommendations). The Tribunal noted that claimants and interested parties disagreed with the Crowns proposal for various reasons. There were calls for a pause and further consultation on a completed proposal, but the Tribunal bought this to the Crown's attention, but did not make suggestions for this to occur.

Status Update **Completed**

On 23 December 2023, the Crown repealed the Natural and Built Environment Act 2023.

As Regional Planning Committees ceased to exist with the repeal of the Act, no further action can be taken with respect to their implementation.

Wai 2521: *Motiti: Report on the Te Moutere o Motiti Inquiry*, 2022

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*
Relevant agency: Department of Conservation

Status of the Treaty Claim: Settled

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 descendants – in relation to Motiti Island. The Tribunal also found that Te Whānau a Tauwhao, a Hapū of Ngāi Te Rangi, are tangata whenua of Motiti.

As the Tribunal did not find any breaches of the Treaty, 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 — **Completed**

No further steps have been undertaken between July 2023 to June 2024.

Te Arawhiti* considers 2023 updates to the Crown's overlapping interests policy respond to the Tribunal's suggestions about how to approach disputes about tribal identity.

Te Arawhiti remain available to discuss with Ngāti Awa the appropriate way to contact and engage with Te Patuwai regarding the Crown approach to engaging on future matters relating to Motiti.

The Department of Conservation (DOC) was engaged on matters related to Motiti Island during the review of the Bay of Plenty Conservation Management Strategy (BOP CMS). The review of this BOP CMS was paused in late 2022 while DOC undertook work to address issues within its management planning system.

The new Bay of Plenty Conservation Board has been considering this management planning work. The Board's workplan will assist DOC to engage with mana whenua at place, including at Motiti Island. When the BOP CMS review restarts, this should support a CMS that meets the settlement obligations and aspirations of Iwi partners.

Wai 2575: *Haumaru: The Covid-19 Priority Report*, 2021

Responsible Agency: Ministry of Health

Status of the Treaty Claim: Completed

Summary of Findings and/or Recommendations

In 2021, the Tribunal held a priority hearing into alleged breaches of the Treaty 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 co-design the vaccine strategy or the Framework with Māori, which further breached tino rangatiratanga and partnership; and
- Lasting and immediate prejudice to Māori due to these the Treaty breaches.

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; and
- conduct future engagement with Māori and the national collective in accordance with specified, Tiriti | Treaty based principles.

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

Status Update **In Progress**

Wai 2575: *Haumaru: The Covid-19 Priority Report*, 2021

Responsible Agency: Ministry of Health

Status of the Treaty Claim: Completed

In September 2023, the Ministry of Health published the Aotearoa New Zealand Strategic Framework for Managing COVID-19[32] to set out the direction for the long-term management of COVID-19 in Aotearoa. The strategic framework embeds the principles for improving equity in health outcomes for Māori as outlined in the Pae Ora (Healthy Futures) Act 2022. The strategic framework is guided by two key principles: equity and proportionality. The three outcomes of the strategic framework are: Prepare, Manage and Integrate (the lessons learnt from COVID-19) for future outbreaks.

The Ministry of Health will be developing a new Pandemic Strategic Framework that will be disease agnostic and will take over the Aotearoa New Zealand Strategic Framework for Managing COVID-19. The new Framework will incorporate lessons learnt from the COVID-19 response and ensure that the Treaty obligations are at the forefront.

A total of $254 million funding was directed to the Māori health COVID-19 response, with a further $29.6 million allocated to support Māori health and disability providers to extend the reach of their services for whānau. This was the largest central investment in Māori health providers in over 20 years.

The Royal Commission into COVID-19 – Lessons learnt has now been divided into two phases. Interviews have been completed for Phase One, which included gathering insights from Māori. Lessons learnt from Phase One has been delivered in a report due on 28 November 2024. The Phase Two report is due in February 2026.

Phase One is inquiring into how to strengthen Aotearoa New Zealand's preparedness for future pandemics. This was mainly done by reviewing what had been done in response to COVID-19 between February 2021 and October 2022. Specifically, it will consider:

- The public health response
- The provision of goods and services
- The economic response
- Government decision-making, communication and engagement.

Phase Two will investigate key decisions taken by Government in New Zealand's response to COVID-19 between February 2021 and October 2022, regarding:

- Use of mandates and vaccine mandates
- Imposition and maintenance of lockdowns, specifically the national lockdown in August and September 2021, and the extended lockdown in Auckland and Northland in September 2021
- The procurement, development and distribution of testing and tracing technologies and non-pharmaceutical.

32 Aotearoa New Zealand Strategic Framework for Managing COVID-19 | Ministry of Health NZ

Wai 814: *The Mangatū Remedies Report*, 2021

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

The Mangatū Remedies Report concerns remedy applications filed by groups affected by Crown the Treaty 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 remedy's 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.

Status Update **In Progress**

In this reporting period the Court of Appeal had not yet heard the Crown's and other parties' appeals of the High Court's judgment.

Work in relation to the Tribunal's recommendations is on hold pending the outcome of the judicial review proceedings.

Wai 2915: *He Pāharakeke, he Rito Whakakīkinga Whāruarua: Oranga Tamariki Inquiry*, 2021

Responsible Agency: Oranga Tamariki

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

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 Tiriti | 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 Tiriti | Treaty 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**

As referred to in past updates, the Crown is not taking forward the Tribunal's recommendation to establish a Māori Transition Authority at this time. The focus remains on progressing action to address known issues in the care and protection system, and to improve outcomes for tamariki, rangatahi and whānau.

In 2023/24, Oranga Tamariki has continued to reflect the findings from the Wai 2915 inquiry, and other reviews, in the organisation programmes and its overall strategic direction.

Calls for change has been a common theme from various reviews, and from the voices of tamariki, children, rangatahi, young people, families and whānau. They say this change is needed to ensure Oranga Tamariki can meet current and future demand for services, and to make progress to reduce the disparity for tamariki and rangatahi who require intensive support. Oranga Tamariki acknowledges this and that the way it has operated has previously inadvertently caused harm. This has led to a greater commitment from government children's agencies to collaborate and deliver better outcomes for children and young people in Aotearoa.

Agencies continue to strengthen the children's system response through the Oranga Tamariki Action Plan

An important mechanism to support Oranga Tamariki to reflect the recommendations of the Tribunal is the Oranga Tamariki Action Plan (the Action Plan), which was launched in July 2022. The Action Plan is a statutory mechanism which requires Chief Executives of children's agencies to work together to achieve the outcomes of the Child and Youth Strategy for the core populations of interest to Oranga Tamariki.

In 2023/24, the Minister for Children agreed to a focused set of health, education, and housing priorities, along with improved information and data sharing. A key health and education priority has been the review and redesign of the Gateway Assessment service. The service aims to identify the health, disability and education needs of children and young people, tamariki and rangatahi engaged with Oranga Tamariki, and ensure there is a coordinated, cross-sector plan in place to meet those needs.

The Gateway Assessment Service can play a role in improving life-long wellbeing outcomes for tamariki in care, as well as preventing entry into the care and youth justice systems by responding to underlying health, disability, and education needs.

The Gateway Assessment Review has been completed, and Ministers endorsed the findings and the recommendation to redesign the Gateway service. Further advice will be provided to Ministers in late October 2024 on a proposed service redesign and options for implementation.

There has been significant engagement as part of the Gateway Review and redesign process including with care-experienced rangatahi Māori, Hauora Māori partners, and Iwi/Hapū mandated social service providers where their insights have informed key aspects of the design.

Wai 2915: *He Pāharakeke, he Rito Whakakīkinga Whāruarua: Oranga Tamariki Inquiry*, 2021

Responsible Agency: Oranga Tamariki

Status of the Treaty Claim: Ongoing

Delivering our core purpose remains at the centre of the organisation's change.

In 2021, Oranga Tamariki began its transformation journey with changes to its leadership structure, its strategy and its operating model to ensure it reflects the core purpose of protecting and caring for tamariki and rangatahi with the greatest needs.

Since the beginning of 2024, Oranga Tamariki has undertaken an intensive programme to deliver the structural change it requires to ensure the Oranga Tamariki is better positioned to deliver on its purpose to protect tamariki and rangatahi and take active steps to prevent them from coming into formal care or custody.

In February 2024, a new Operating Model was put in place, as a roadmap to enable the organisation to better deliver on this core purpose. The Operating Model clarifies how Oranga Tamariki will deliver against its organisational strategy, how different parts of the organisation need to work together, and how to better support partners and work with the wider children's system.

In June 2024, following consideration of staff feedback, the Oranga Tamariki Chief Executive released the final decision document which outlined the new future structure for the organisation.

The new structure will enable Oranga Tamariki to:

- Better deliver on its core purpose – to care for and protect children and young people.
- Become a high performing, highly trusted statutory care and protection and youth justice agency.
- Enable a much-needed change in culture across the organisation.
- Deliver against the Government's saving targets set for all public service agencies.

During the 2023/24 year, Oranga Tamariki has continued to consolidate and integrate the agency's effort to implement the Ministry's Strategy. This Strategy provides a clear framework to align organisational efforts and wider activities to seek enhanced outcomes for tamariki, rangatahi, and their whānau.

The Strategy commits to delivering seven key impacts, against which Oranga Tamariki will measure the agency's performance:

- Tamariki and rangatahi Māori are safe and secure under the protection of whānau, Hapū and Iwi;
- Whānau resilience is strengthened to care for tamariki and rangatahi
- Tamariki in care or custody are safe, recovering and flourishing
- Improved equity for Māori, Pacific and Disabled tamariki and rangatahi
- Fewer tamariki, rangatahi and whānau need statutory services
- Tamariki, rangatahi, whānau and victims of youth offending feel listened to, valued, and understood
- Oranga Tamariki operate efficiently and effectively to deliver against our commitments.

The Strategy sets out three structural shifts which reflect and respond to the priorities of the communities Oranga Tamariki works with. This has been informed by many engagements with tamariki, rangatahi, whānau and community partners, and reviews of the care and protection and youth justice systems over the past 30 years.

Wai 2915: *He Pāharakeke, he Rito Whakakīkinga Whāruarua: Oranga Tamariki Inquiry*, 2021

Responsible Agency: Oranga Tamariki

Status of the Treaty Claim: Ongoing

The three shifts, and key actions are outlined below.

Mana Ōrite – shift decision making and resource by enabling our communities.

Over the last year Oranga Tamariki has:

- Continued work to support nine Enabling Communities prototype partners to design solutions they know work for their tamariki and whānau. This includes the establishment of a community-led, tikanga-based contact centre where reports of concern are triaged by partners (with Oranga Tamariki co-located and seconded into the centre to hold the delegations). Phase two is underway and involves planning for the approval to transfer the relevant delegations to the partner.
- Increased our investment in Iwi and Māori organisations to $159m (up from $146m last year). This represents 30% of our total provider funding, an increase from 20% five years ago.

Whakapakari Kaimahi – enable our people

Over the last year Oranga Tamariki has:

- Continued the development and implementation of the Practice Approach. The Practice Approach is framed by the Treaty, and it is based on a mana enhancing paradigm for practice that draws on Te Ao Māori principles of oranga for all tamariki, children, whānau and families. This approach specifically and intentionally focuses on enhancing the outcomes for tamariki Māori and due to its relational, inclusive and restorative nature it is appropriate for all children.
- Completed the trials in four Oranga Tamariki sites of all the new models, tools and resources that will practically and tangibly embed the core tenets of the Practice Approach.
- Completed Learning Cycle 2 across all sites. This learning cycle introduced – Oranga framing of risk and harm; Te Puna Oranga a new holistic resource that broadens the focus on an incident to a focus on the impacts of the incident on 6 dimensions of oranga.
- Stood up Learning Cycle 3 (the final learning cycle for the Practice Approach with expected completion in March 2025). This learning cycle has so far introduced into practice the new Tangata Whenua and Bicultural Supervision model for all staff and is currently introducing tools and resources into practice that support Oranga Focused Safety. Early 2025 will see the start of introducing two new models of practice i.e. Te Toka Tūmoana for working with tamariki Māori and Va'aifetū for working with Pacific children.

Rato Pūnaha – lead the system

Over the last year, Oranga Tamariki has:

- Created a new business group of Youth Justice Services and Residential Care. Its role includes preventing offending and reducing reoffending. This business group is leading the Oranga Tamariki response to the Rapid Review of Residences and Homes (the Review), which was released in September 2023. The Review identified a number of focus areas as essential to create safety and appropriate care within residences and homes. These were:
  - Leadership and governance
  - Culture, behaviours and values
  - Rangatahi and tamariki experience
  - Workforce management and people development
  - Health, Safety and Wellbeing
  - Systems and Structure
  - Partnerships, Resources and assets.

Wai 2915: *He Pāharakeke, he Rito Whakakīkinga Whāruarua: Oranga Tamariki Inquiry*, 2021
Responsible Agency: Oranga Tamariki
Status of the Treaty Claim: Ongoing

Substantial progress has been made against these areas. For example:

- Increased opportunities for tamariki and rangatahi to access independent advocates – VOYCE Whakarongo Mai – across all residences. Have redesigned and are in the process of implementing Rangatahi Councils in all Residence.

In 2023, Oranga Tamariki, in partnership with other relevant Government agencies, Iwi and community groups, established the Fast Track initiative. This is a multi-disciplinary, cross-agency approach to respond early to the needs of young people who offend. This approach has been built on the successful programmes which were already underway in South Auckland. These include, Kotahi te Whakaaro initiative and the West Auckland (MDCAT) team.

Fast Track has been developed to activate a community-led response to serious and persistent offending, with rapid interventions put in place following offending behaviour. This initiative has been designed to prevent rangatahi, and community from experiencing further harm and to put measures in place to avert rangatahi from entering the youth justice system. As a result of demonstrated success, the Fast Track initiative has been extended to nine locations across the country, and will be expanded for 14–17 year olds at six sites.

Fast-Track cross-agency datum for tamariki (10-13 years old) and rangatahi (14-17 years old) show that the rates of re-referral are 31% for tamariki and 13% for rangatahi (note that the initiative has been active for 14 to 17 year olds for less time, and at fewer sites, than for 10-13 year olds, therefore this is early data for this group). These numbers suggest a lower rate of recidivism than would be expected for both groups without Fast-Track. This is showing a positive effect for the whole whānau.

Wai 898: *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims*, 2020

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*
Relevant agency: Ministry for Primary Industries

Status of the Treaty Claim: Partially settled

Summary of Findings and/or Recommendations

Parts I and II 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 Ōhāki Tapu. This failure resulted in multiple breaches of the principles of the Treaty, 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 Ōhāki Tapu, in a way that imposes an obligation on the Crown and its agencies to give effect to the right to mana whakahaere.

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 Te Rohe Pōtae report, the Tribunal found that the Crown failed to sustain Te Rohe Pōtae self-government in a Tiriti | 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 | Tiriti 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.`

Wai 898: *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims*, 2020

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*
Relevant agency: Ministry for Primary Industries

Status of the Treaty Claim: Partially settled

Summary of Findings and/or Recommendations

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 Tiriti | Treaty settlement processes with claimants.

In Part V of the report, the Tribunal found that breaches of the Tiriti | Treaty 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.

Status Update **In progress**

Settlement legislation for Ngāti Maniapoto was passed on 25 November 2022.

The Crown has continued to work with relevant Hapū and Iwi towards the settlement of their remaining historical Treaty of Waitangi claims covered by the Wai 898 Te Mana Whatu Ahuru report. These claims relate to lands around Kāwhia, Aotea and Whaingaroa (Raglan) harbours, and the groups involved include Maniapoto (for whom redress in relation to Kāwhia Harbour was reserved for these joint negotiations), Waikato, and Waikato Hapū outside of the Waikato-Tainui remaining claims mandate.

Maniapoto Hapū and governance representatives are actively having input and are participating in fisheries sustainability processes through the Ngā Hapū on Te Uru Iwi Fisheries Forum, which includes Maniapoto and Waikato-Tainui Hapū and Iwi representatives from rohe between Mokau and Manukau. This Iwi fisheries forum has recently celebrated 25 years of active involvement in fisheries management in their rohe.

Wai 2200: *The Kārewarewa Urupā Report*, 2020

Responsible Agency: Manatū Taonga | Ministry for Culture and Heritage

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

In the Kārewarewa Urupā Report, the Tribunal found that Tiriti | 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 Tiriti | Treaty consistent timeframe for the evaluation and determination of those applications, so that the Crown's Tiriti | 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.

Status Update **In progress**

Operational changes made by Heritage New Zealand Pouhere Taonga have addressed recommendations of the interim Kārewarewa Urupā Report. The recommendations made by the Tribunal that require legislative change have been noted in an issue register held by Manatū Taonga.

Manatū Taonga is responsible for exploring legislative options and this could form part of a forward work programme in the future.

Wai 2870: *He Aha I Pērā Ai The Māori Prisoners Voting Report*, 2020

Responsible agencies: Ministry of Justice, Department of Corrections

Status of the Treaty Claim: Settled

Summary of Findings and/or Recommendations

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.

Status Update **Completed**

Recent reviews

During 2022 and 2023 New Zealand's electoral framework was reviewed by an independent Panel of experts (the Panel). The Panel considered prisoner voting and its final report recommended that all prisoners be able to vote. On 16 January 2024, the Government published the Panel's final report; in its accompanying press statement the Government indicated it intended to retain the current voting restrictions for prisoners.[33]

On 23 November 2023, the United Nations Human Rights Committee (the Committee) provided its Views concerning communication No. 3666/2019, submitted by Arthur William Taylor, Sandra Hinemanu Ngaronoa, and Sandra Wilde on 15 October 2019. This communication concerned the Electoral (Disqualification of Sentenced Prisoners) Amendment Act 2010, which introduced a blanket ban on prisoner voting.

The Committee found that:

- automatic disenfranchisement resulting from a criminal conviction or sentence violates Article 25(b) of the International Covenant on Civil & Political Rights (ICCPR), unless there is a reasonable connection between the offending and the act of disenfranchisement (for example, the offence is related to ballot or voter fraud); and
- in this case, there was no reasonable connection between authors' offending and the act of disenfranchisement.

On 9 March 2024, in its Response to the Committee the New Zealand Government noted that the Electoral (Disqualification of Sentenced Prisoners) Amendment Act was no longer in force. Instead, following the passing into law of the Electoral (Registration of Sentenced Prisoners) Amendment Act 2020, section 80(1)(d) of the Electoral Act 1993 provides that only prisoners serving a sentence of three years or more are disqualified from enrolling to vote in either parliamentary or local elections.

33 Independent Electoral Review (natlib.govt.nz)

Wai 2870: *He Aha I Pērā Ai The Māori Prisoners Voting Report*, 2020

Responsible agencies: Ministry of Justice, Department of Corrections

Status of the Treaty Claim: Settled

Summary of Findings and/or Recommendations

The Response noted that the Government considers that it is appropriate to retain the current voting restrictions because the Government considers it serves the important purpose of enhancing the criminal sanction for serious offending, civil responsibility and respect for the rule of law. The restriction is proportionate to these purposes for several reasons, including because it is:

- restricted to those who have been convicted of serious criminal offending, and have therefore been sentenced to a term of imprisonment of more than three years; and
- it is for the term of imprisonment only; and the Electoral Act requires support to be provided upon a prisoner's release, to reengage them with the electoral system.[34]

Support provided by the Department of Corrections and the Electoral Commission for prisoners who are eligible to vote.

As required by the Act, the Department of Corrections (Corrections) established a process to engage with sentenced people in prison for the 2020 Election. Corrections proactively engages with people in prison and assists them if they would like to enrol. Approximately 50 per cent of these people are Māori.

During this process Corrections staff discuss with prisoners their ability to register to vote and encourage their enrolment. Staff also explain to prisoners their ability to apply to have their details secured on the unpublished roll. Once completed, staff submit the forms to the Electoral Commission. For people serving less than three years in prison, this happens after they are sentenced. For people who are serving a longer sentence of three years or more, this will happen when they are due to be released from prison and become eligible to enrol and vote.

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

Enrolling to vote is promoted in prison with the display and provision of Electoral Commission information in all units, including posters, application forms, brochures, and booklets. Information covers enrolment eligibility, why enrolling to vote is important, information on the Māori roll or General roll for people enrolling for the first time, and information on the unpublished roll and application process. Prisoners also have access to information on television and via existing self-service kiosks.

In a report on the 2023 General Election, the Electoral Commission stated that it worked with Corrections to provide in-person voting services to eligible prisoners. Over 4,100 votes were issued at the 2023 General Election across all prison sites[35].

34 International Covenant on Civil & Political Rights | New Zealand Ministry of Justice

35 Report-on-the-2023-General-Election.pdf (elections.nz)

Wai 2660: *The Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry Stage 1 Report*, 2020

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

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 Tiriti | 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 Tiriti | Treaty partner.

Status Update — In progress

Applicant funding

Unprecedented demand on the financial assistance scheme, mainly due to the higher number of High Court hearings compared to the previous ten years and the increased complexity of each hearing, occurred in this period. To meet this demand, Cabinet approved an additional $17.3 million for the 2023/24 financial year, and interim measures were approved by Cabinet in July 2024 to manage the scheme within the appropriation in the 2024/25 financial year. The interim measures replaced the applicant funding scheme settings previously implemented in March 2023.

Cohesion between pathways and overlapping claims

As noted in Te Arawhiti's* update on Wai 2660 Stage 2 report, the focus by Te Arawhiti on the Government's proposed amendments to section 58 of the Marine and Coastal Area (Takutai Moana) Act 2011 has slowed progress on:

- the policy work on the cohesion between the High Court and Crown pathways
- the provision of clear guidance to overlapping applicant groups.

This work will continue into the next financial year.

Wai 2358: *The Stage 2 Report on the National Freshwater and Geothermal Resources Claim*, 2019

Responsible Agency: Ministry for the Environment
Relevant agency: Department of Internal Affairs

Status of the Treaty Claim: Ongoing

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 Tiriti | 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

The Resource Management (Freshwater and Other Matters) Amendment Bill was sent to the Primary Production Select Committee for consideration, and submissions on the Bill closed on 30 June 2024. The Committee is due to report back on 30 September 2024.

Wai 2575: *Hauora Report on Stage One of the Health Service and Outcomes Kaupapa Inquiry*, 2019

Responsible Agency: Ministry of Health

Status of the Treaty Claim: Completed

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 the Treaty principles in health system documents was out of date.

In the context of primary health care, the Tribunal also found deficiencies in funding, data collection, performance, and accountability mechanisms, and in decision-making and Māori representation 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 the 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 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.

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 Māori 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.

Status Update **In Progress**

Structural changes to the health system in line with the incoming Government's policies

The incoming Government decided to disestablish Te Aka Whai Ora (Māori Health Authority) in accordance with manifesto commitments, coalition agreement and as part of their 100-day plan. The Pae Ora (Disestablishment of Māori Health Authority) Amendment Act received royal assent on 5 March 2024. The Māori Health Authority was officially disestablished on 30 June 2024 when the Act came into effect.

The functions and staff of the Māori Health Authority were transferred to Health New Zealand – Te Whatu Ora and the Ministry of Health – Manatū Hauora.

Wai 2575: *Hauora Report on Stage One of the Health Service and Outcomes Kaupapa Inquiry*, 2019

Responsible Agency: Ministry of Health

Status of the Treaty Claim: Completed

The Government's vision and priorities for Māori health

The vision for Māori health is outcomes driven. It will be achieved by shifting decision-making around resources closer to homes and communities, with commensurate accountability. A systemwide approach will be reinforced with a continued focus on Māori health monitoring at all levels of the system.

A Cabinet paper outlining the future of Māori Health issues is set to be publicly released in early August 2024. This will further outline the vision for Māori Health in addition to the roles and functions of Hauora Māori Advisory Committee (HMAC) and Iwi Māori Partnership Boards (IMPB) under the reformed system.

Partnership arrangements:

Hauora Māori Advisory Committee:

The Pae Ora Amendment Act means HMAC will no longer advise on the Māori Health Authority, but it still has a valuable role as an independent advisor to the Minister of Health:

- The independent advice of HMAC remains important at this critical time as the government continues to address challenges in the health system
- Following the Amendment Act coming into effect on 30 June 2024, refreshed terms of reference will be confirmed for HMAC along with confirmation of membership of the Committee moving forward.

HMAC also retains the previous functions set out in the Pae Ora (Healthy Futures Act).

Iwi Māori Partnership Boards:

The Pae Ora (Disestablishment) Amendment Act retained IMPBs, which 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 Act requires that Health New Zealand engage with IMPB to enable Māori to have a meaningful role in the planning and design of local services.

The Ministry of Health is now responsible for administering the recognition process for IMPBs. Fifteen IMPBs are now recognised in Schedule 4 of the Pae Ora (Healthy Futures) Act:

- Te Taumata Hauora o Te Kahu o Taonui (Tai Tokerau & Tāmaki Makaurau)
- Ngaa Pou Hauora oo Taamaki Makaurau (South Auckland)
- Te Tiratū (Waikato-Tainui)
- Te Moana a Toi (Mataatua)
- Tairāwhiti Toitū Te Ora (Tairāwhiti)
- Te Taura Ora o Waiariki (Te Arawa)
- Tūwharetoa (Tūwharetoa)
- Te Punanga Ora (Taranaki)
- Te Mātuku (Whanganui)
- Tihei Tākitimu (Hawkes Bay)
- Te Pae Oranga o Ruahine o Tararua (Manawatū)
- Te Karu o te Ika Poari Hauora (Wairarapa)
- Ātiawa Toa (Greater Wellington/Hutt)
- Te Kāhui Hauora o Te Tau Ihu (Nelson/Marlborough)
- Te Tauraki (Ngāi Tahu)

Wai 2840: *Hauraki Settlement Overlapping Claims Inquiry Report*, 2019

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

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 Tiriti | Treaty obligations to the Iwi in several ways and criticised the policies and processes guiding the Crown's actions.

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.

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.

The Tribunal set out substantive new recommendations on the use of tikanga-based processes to resolve overlapping interests.

Status Update **In Progress**

The decision-making process about addressing overlapping claims between Hauraki groups, Ngāi Te Rangi and Ngātiwai is ongoing.

Wai 2540: *Tū Mai te Rangi! Report on the Crown and Disproportionate Reoffending Rates*, 2017

Responsible Agency: Department of Corrections

Status of the Treaty Claim: Ongoing

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. The Tribunal recommended that 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 Tiriti | Treaty awareness training for senior staff in order to incorporate mātauranga Māori into departmental culture, practice, and operations.

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

The 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**

Ara Poutama Aotearoa | Department of Corrections (Corrections) is improving its Māori-Crown relations capability by adopting and implementing the Whāinga Amorangi all-of-government Capability Framework developed by Te Arawhiti*.

Corrections is currently focussed on building capability in New Zealand history, Te Tiriti o Waitangi literacy and te reo Māori. We have reported on our implementation progress under the Public Service Act 2020, section 14 Māori-Crown relations capability in the Department's Annual Reports for 2021, 2022, 2023 and 2024.

Ara Tika

An in-house comprehensive training and induction programme for new staff and frontline recruits (predominantly custodial and probation frontline staff) – includes a 1 ½ day cultural capability workshop.

- Day one is a half day of learning and practice of tikanga through participation in a whakatau.
- Day two is a full day of learning across all competency areas in the Whāinga Amorangi Framework and includes content on unconscious bias.

E Toru Ngā Mea

An in-house comprehensive multi-week/day programme that predominantly leadership team cohorts undertake in a classroom setting with facilitated sessions. The sessions can be conducted over a series of short 1-hour blocks over several months or a condensed 3-day wānanga depending on the needs and availability of teams. The content includes all competency areas in the Whāinga Amorangi Framework. The programme has been running continuously since 2019 (there were short intervals during Covid lockdowns in 2020 and 2021).

Te Tiriti o Waitangi Literacy

Te Tiriti o Waitangi Analysis is a 2-day wānanga partnering with Te Ata Kura Educators. Corrections is prioritising leadership cohorts for this cultural capability development opportunity in recognition of the influence and ability leaders have to embed this learning into practice and encourage and support their kaimahi/staff to also undertake cultural capability development. These workshops have been available to departmental staff for two consecutive years (2022/23 and 2023/24). In the first year, workshops were held at National Office in Wellington.

Wai 2540: *Tū Mai te Rangi! Report on the Crown and Disproportionate Reoffending Rates*, 2017

Responsible Agency: Department of Corrections

Status of the Treaty Claim: Ongoing

Based on overwhelmingly positive feedback from leaders last financial year regarding this development opportunity, we endeavoured to work with Te Ata Kura Educators to extend a series of workshops nationwide. This would allow leaders in other regions to attend workshops closer to where they are based. The programme content is focused on Te Tiriti o Waitangi literacy, New Zealand history and also encompasses learning on competency areas in the Whāinga Amorangi Framework.

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 and confirmed 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 Rangi, 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.

This was actioned at the August 2022 governance meeting and the co-chairs model is now in place.

Work is continuing to strengthen the Poari membership as a collective which will include bringing new members on board in 2024. A planning exercise for members is planned for August 2024 as to how members will effectively engage with the Executive Leadership Team and how both groups will move forward together in the future.

Design and implement a revised strategy with the Māori Advisory Board

Hōkai Rangi 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 Rangi! were translated into actions within the strategy designed to reorient the department's approach to Māori re-offending.

As at 30 June 2024, 34 of the 37 Hōkai Rangi short-term actions have been substantively delivered with the remaining three now a part of business as usual.

Our strategic focus is to deliver long-term embedded change to the corrections system. As such, we are not marking actions as 'completed' or 'closed'. In many cases, these actions will require ongoing effort throughout the duration of the strategy and beyond to sustain and embed change. We therefore mark actions as being 'substantively delivered' once the key work products have been delivered and are in use within the organisation. This recognises that effort is ongoing to implement and embed.

Include measurable targets in the Māori strategy and relationship agreements

In the face of ongoing challenges of COVID-19 and staffing challenges we have continued to progress the development of a performance framework. This will help us track progress towards achieving our organisational outcomes – improved public safety, reduced reoffending and a reduction in the overrepresentation of Māori in the corrections system.

Corrections' new Performance Framework was agreed earlier this year. The Performance Framework combines a mix of existing measures, new measures and data sets to enable a phased implementation, acknowledging our current operating context.

While still in the early stages of implementation, internal monitoring and reporting against the new Performance Framework has begun.

We expect that as we implement the Performance Framework, its measures will be further refined as we continue to learn what is most appropriate for understanding and assessing our performance. During this period of internal monitoring and reporting, we will be assessing whether changes will be made to the Vote measures, which would be externally reported in future Annual Reports.

Wai 2540: *Tū Mai te Rangi! Report on the Crown and Disproportionate Reoffending Rates*, 2017

Responsible Agency: Department of Corrections

Status of the Treaty Claim: Ongoing

Include a dedicated budget

Hōkai Rangi enables us to strategically focus on reducing Māori overrepresentation. It is envisaged that the entirety of Corrections budget is used to achieve the long-term goals of the strategy. Hōkai Rangi is one that we cannot achieve alone given the various and complex reasons why someone might end up in our management. The strategy expresses our commitment to delivering great outcomes with and for Māori, and ultimately aims to lower the proportion of Māori in our management to a level that matches the Māori share of the general population. This strategy was informed by staff, those with lived experience, Māori and Iwi stakeholder partners, and the recommendations and feedback of external monitoring agencies.

Six pou are at the centre of our strategy, establishing the vision that we have for an effective corrections system – one that supports the realisation of our organisational outcomes, and therefore our purpose.

Our six pou are:

- Partnership and leadership
- Whakapapa
- Humanising and healing
- Whānau
- Incorporating a te ao Māori worldview
- Foundations for participation.

Our pou help guide staff to do things differently, and provide the foundations for change by:

- Shaping the way we work, partner, and deliver services that are intentional, people-centred, and strengths based
- Recognising Māori culture, people, and perspectives
- Treating people humanely and improving their physical and mental wellbeing
- Recognising the importance of culture and identity to wellbeing, connection, and participation
- Setting the standards and holding us accountable for what people will see and experience.

We can be confident that these pou have been embedded into our work when there is positive change, as identified by Māori who are in the corrections system and as demonstrated in our own data, such as data on Māori overrepresentation and reoffending rates.

Progress towards the change we are seeking has been slow at times, partly due to events like COVID-19 and staffing shortages, and also because the overrepresentation of Māori is a significant and complex issue. However, we have tested new approaches for working with Māori and have built strong foundations for future change.

Hōkai Rangi originally was implemented as our strategy for a period of five years. We know there is much more to do but remain committed to the vision that has been set out. This is why we will be continuing work on this with a realigned version of Hōkai Rangi. The pou will not change in the next iteration of Hōkai Rangi and remain a key component of the strategy.

Some areas that give effect to Hōkai Rangi are as follows:

- 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.
- We have 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.

Wai 2540: *Tū Mai te Rangi! Report on the Crown and Disproportionate Reoffending Rates*, 2017

Responsible Agency: Department of Corrections

Status of the Treaty Claim: Ongoing

- We have 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.
- We have 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.
- We have 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.

Amendments to the Corrections Act

The Corrections Amendment Bill was introduced in June 2023. It included a Tiriti | Treaty clause, five additional principles to guide the corrections system, and specific provisions relating to a Māori strategy and access to cultural activities and mātauranga Māori for prisoners.

These clauses were removed through the select committee process. The Corrections Amendment Bill is due to be enacted in September 2024.

Wai 2561: *The Ngātiwai Mandate Inquiry Report*, 2017

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

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.

Status Update **In Progress**

Crown funding is available to support discussions between Ngātiwai and those who raised particular issues in the mandate inquiry (Patuharakeke, Te Waiariki-Ngāti Korora-Ngāti Takapari and Te Whakapiko).

Wai 2200: *Horowhenua: The Muaūpoko Priority Report*, 2017

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

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 **In Progress**

No update for this reporting year.

Wai 2522: *Reports on the Trans-Pacific Partnership Agreement*, 2016, 2020, 2021

Responsible Agency: Ministry of Foreign Affairs and Trade, Ministry for Primary Industries

Status of the Treaty Claim: Ongoing

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.

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 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. 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.

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.

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 wfrom Stage 2 of the Wai 262 Report (*see the Wai 262 response*).

Status Update **N/A**

The Ministry of Foreign Affairs and Trade has taken significant steps since the Wai 2522 claims to strengthen its engagement with Māori trade representative groups, including Ngā Toki Whakarururanga (the representative group of the Wai 2522 claimants), on New Zealand's trade policy, particularly on digital trade policy. 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.

Wai 903: *He Whiritaunoka: Whanganui Land Report*, 2015

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Partially Settled

Summary of Findings and/or Recommendations

The He Whiritaunoka: Whanganui Land Report identified a large number of Tiriti | 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 Tiriti | Treaty settlements.

Status Update **In Progress**

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 in 2024–25.

Te Korowai o Wainuiārua Trust, representing Whanganui Central (Te Korowai o Wainuiārua) signed a deed of settlement on 29 July 2023, and Te Korowai o Wainuiārua Claims Settlement Bill had its first reading on 11 April 2024.

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

Wai 2417: *Whaia te Mana Motuhake/ In Pursuit of Mana Motuhake: Report on the Māori Community Development Act Claim*, 2015

Responsible Agency: Te Puni Kōkiri

Status of the Treaty Claim: Ongoing

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 Māori Community Development Act 1962. 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 effect 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**

Due to the leadership changes within the New Zealand Māori Council (NZMC), officials from Te Puni Kōkiri are continuously working closely with NZMC to find a way forward.

Wai 2490: *The Ngāpuhi Mandate Inquiry Report*, 2015

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

The Tribunal identified flaws in the structure and processes of the Tūhoronuku Independent Mandated Authority (Tūhoronuku IMA) and found the Crown to have breached the Tiriti | 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 IMA. Finally, the Tribunal also recommended that the Crown support those Hapū who did withdraw to enter settlement negotiations as soon as possible.

Status Update **Completed**

Since the previous status update, Te Whakaaetanga has implemented their mandate strategy and is currently developing their draft Deed of Mandate. One additional group has submitted a mandate proposal for consideration by the Crown.

The Crown is also working with and supporting groups in the rest of the Ngāpuhi rohe to come together and submit mandate proposals. This work is ongoing.

Wai 1130: *Te Kāhui Maunga: The National Park District*, 2013

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

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.

Status Update **In Progress**

No update for this reporting year.

Wai 2336: *Matua Rautia: The Report on the Kōhanga Reo Claim*, 2013

Responsible Agency: Ministry of Education

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

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 Māori is to survive. The Tribunal noted that survival requires both Tiriti | 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 Māori 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 Te Kōhanga Reo National trust (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 Te Puni Kōkiri, 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.

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.

Status Update — **In Progress**

The Government continues to support the kaimahi pay scheme, which improves the pay of kaimahi in kōhanga reo in order to support recruitment and retention and in recognition of their mahi. Additional funding provided this year enabled pay steps associated with the pay scheme to be increased, therefore maintaining a broad level of parity with kaiako working in schools and kura.

As part of Budget 2024, the Crown set aside $12 million over four years for kōhanga reo property maintenance, adding to the existing baseline of designated property funding.

The Ministry of Education remains in discussions with the Te Kōhanga Reo National Trust to advance matters related to the Wai 2336 claim.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

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
- 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.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

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 remains 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
- 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.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

The Government continues to work alongside Iwi and Māori on regulatory recognition of taonga and mātauranga Māori. Technological advancements and increasing global interest in culture continue to create new, and exacerbate existing, challenges. This includes the use of Māori cultural intellectual property in artificial intelligence-based products and online art.

The Waitangi Tribunal's 2011 report Ko Aotearoa Tēnei, reporting on the Wai 262 inquiry highlighted the shortcomings and failures of policy and regulatory settings to adequately protect certain types of taonga, including mātauranga Māori. This report and the broader claim provide an understanding of key issues for work across government, including intellectual property, Indigenous flora and fauna, resource management, conservation, the Māori language, arts, culture, heritage, science, education, health, and the making of international agreements.

Te Puni Kōkiri (TPK) is the government system lead on matters relating to the appropriate use of mātauranga Māori as the government's principal policy advisor on Māori wellbeing and development. A key component of this responsibility is about enabling Māori to appropriately leverage the use of mātauranga and Māori brand distinctiveness in the global marketplace. TPK has a dual role relating to these matters:

- Leading, both domestically and internationally, in the development and stewardship of policy on cultural and intellectual property relating to mātauranga Māori; and
- a system leadership role in leading and driving a cross-government approach to matters relating to mātauranga Māori.

TPK alongside other respective agencies have considered the Government's priorities as well as key focus areas under the Minister for Māori Development's portfolio, including building Māori economic development and unlocking Māori-led innovation. The kaupapa that TPK lead have a particular focus on where the biggest benefits are for Māori, balanced with the need for foundational policies that are durable over time. Recognising the complexity of issues outlined in the Wai 262 report, government agencies continue to address the tenets of the report in key kaupapa listed below.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

System levers

Development of a bespoke Intellectual property (IP) policy

TPK is continuing to lead the development of bespoke intellectual property (IP) policy settings for Māori traditional knowledge (mātauranga Māori) and taonga. Developing bespoke domestic policy settings could lead to an increase in innovation through the appropriate use of mātauranga Māori and Māori cultural goods and services whilst minimising commercial misappropriation within Aotearoa New Zealand and overseas. The policy will address issues associated with the provenance, active protection and development of mātauranga Māori, which could result in legislative or non-legislative changes in the current IP system.

In May 2024, TPK led the New Zealand delegation at the World Intellectual Property Organisation (WIPO) Diplomatic Conference, where a new global treaty relating to genetic resources and traditional knowledge was agreed unanimously by all member states. WIPO is the first ever international agreement to recognise traditional knowledge in intellectual property settings (refer below to 'International levers' section).

TPK is preparing for upcoming negotiations at WIPO to establish a new global legal instrument(s) to protect Traditional Knowledge and Traditional Cultural expressions. Negotiations at WIPO are scheduled up until mid-2025, and if successful a Diplomatic Conference will be called to establish a new global legal instrument(s) that would set out minimum international standards to protect Traditional Knowledge and Traditional Cultural Expressions intellectual property from commercial misappropriation.

Evaluation framework

TPK is currently developing an indicator suite to measure outcomes related to mātauranga Māori through the monitoring of relevant trends across key areas of the value chain. Consistent and dependable information relating to tangata Māori, pakihi Māori, and whenua Māori will be used where possible, highlighting the tangible benefits that the appropriate use of mātauranga is currently providing. When these data points are not readily available on a frequent basis, national statistics relating to areas of focus for Māori will be used until specific data can be collected regularly.

TPK is currently developing an indicator suite to measure outcomes related to mātauranga Māori by monitoring relevant trends across key areas of the value chain.

The use of multiple indicators across a range of domains will provide insight on where mātauranga is currently thriving, and where policy interventions may be required to ensure that opportunities are appropriately identified, utilised, and actively protected.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

Domestic levers

Convention on Biological Diversity

Aotearoa is among the 168 parties to the Convention on Biological Diversity (CBD), a global treaty aimed at reversing the alarming decline in biodiversity worldwide. Article 8(j) of the CBD is dedicated to protecting traditional knowledge and ensuring the participation of Indigenous Peoples in the work of the CBD. As the National Focal Point for Article 8(j), TPK leads the efforts to safeguard mātauranga Māori and to facilitate Māori participation in the CBD.

In November 2023, Te Puni Kōkiri played a crucial role in leading the discussions of New Zealand's objectives under Article 8(j) by drafting a comprehensive negotiation brief for the 12th meeting of the Ad Hoc Open-ended Working Group on Article 8(j) in Geneva. This brief aimed to support and protect mātauranga Māori on an international scale, ensuring that traditional knowledge is recognised and respected in global biodiversity discussions. The development of this brief included gathering input from targeted engagements with Māori research and technical experts.

Development of a biodiscovery framework

TPK is continuing to lead the development of a domestic biodiscovery framework. An effective and efficient biodiscovery framework for New Zealand will enable New Zealand and Māori to capture benefits from biodiscovery for commercial settings, enable innovation within the biotechnology sector, while also protecting mātauranga Māori and kaitiaki relationships with taonga species.

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

A work programme exploring the potential for a biodiversity credit system to incentivise positive biodiversity action began in early 2023. On 7 July 2023, the Department of Conservation (DOC) and the Ministry for the Environment (MfE) released a joint discussion document on biodiversity credits as an incentive to support conservation. It sought feedback on support for the idea of biodiversity credits, what tenure of land it could apply to, whether such a system should align to international developments and carbon markets, and what role (if any) the Crown could have in such a system.

Public consultation included: ten regional hui (four of which were hosted by the National Iwi Chairs Forum); webinars; and meetings with interest groups, with landholders from the Queen Elizabeth II National Trust, and with the Ngā Whenua Rāhui komiti. Consultation concluded on 3 November 2023, and 276 submissions were received. A summary of submissions was published on the MfE website on 29 April 2024. The Government is still considering advice from officials on next steps.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

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 current ANZBS implementation plan was published in 2022 and comprises more than 200 actions under way or planned by nine central government agencies, Ngā Whenua Rāhui, and local government, that contribute to the objectives and 2025 goals.

- Objective 2: Treaty partners, whānau, Hapū, Iwi and Māori organisations are rangatira and kaitiaki.
- Objective 5: Mātauranga Māori an integral part of biodiversity research and management.
- Objective 9: Collaboration, co-design and partnership are delivering better outcomes.

The nine central government agencies, Ngā Whenua Rāhui and Te Uru Kahika assessed their progress in carrying out actions at the end of the 2023/24 financial year.

The status of actions contributing to the objectives relevant to Wai 262 are:

	Actions in the current plan that contribute to this objective	On track or complete	Ongoing – requires work	On hold, cancelled, or will not complete in timeframe
Objective 2	17	47%	35%	18%
Objective 5	11	54%	27%	18%
Objective 9	16	69%	13%	19%

During 2023/24, DOC led work to develop the next ANZBS implementation plan. DOC worked with cross-agency partners, in particular the Ministry for the Environment, Biosecurity New Zealand, Land Information New Zealand, and Te Uru Kahika (for Regional and Unitary Councils). The next ANZBS implementation plan is intended to respond to both New Zealand's domestic needs and international commitments, following Parties adopting the Kunming Montreal Global Biodiversity Framework (Global Biodiversity Framework) at the UN Biodiversity Conference (COP15) in December 2022.

The National Policy Statement on Indigenous Biodiversity (NPS-IB) was finalised and went live in August 2023. However, some (primarily to private landowners, farmers, and certain local councils) are concerned the approach to identifying new Significant Natural Areas (SNAs) may be too broad, capture areas with less significant native biodiversity and overly restrict land use.

The Government has introduced the Resource Management (Freshwater and Other Matters) Amendment Bill, which amends the NPS-IB to suspend identification of new SNAs for three years. The suspension period gives MfE time to review the operation of SNAs in the NPS-IB and this review will happen in due course. Other provisions in the NPS-IB, such as consent pathways, will continue to apply, and the existing RMA requirements to maintain and protect Indigenous biodiversity remain.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

It also makes changes to freshwater management:

- exclude the Te Mana o te Wai hierarchy of obligations in the National Policy Statement for Freshwater Management 2020 (the NPS-FM) from resource consenting
- repeal the low slope map and associated requirements from the Resource Management (Stock Exclusion) Regulations 2020
- repeal the permitted and restricted discretionary activity regulations and associated conditions for intensive winter grazing from the National Environmental Standards for Freshwater (NES-F)
- align provisions for coal mining with other mineral extraction activities under the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM and NES-F
- speed up and simplify the process for preparing and amending national direction, including national environmental standards, national planning standards, national policy statements and the New Zealand Coastal Policy Statement.

At the same time the Crown is exploring how to encourage and recognise people's efforts to protect and restore Indigenous biodiversity.

A biodiversity credit system is one approach MfE are exploring that could help finance private conservation effort by enabling landowners to earn credits when they actively protect and restore Indigenous ecosystems and biodiversity on their land.

In May 2024, the DOC and MfE published a summary of submissions received on public consultation in 2023 exploring the idea of biodiversity credits. 76% of respondents supported creating a Biodiversity Credit System (BCS) for a range of reasons.

The Government is currently developing its next implementation plan for Te Mana o te Taiao, which will be consulted on in due course.

Te Ara Taonga

Te Ara Taonga, the collective of culture and heritage agencies, continues to work in collaboration to support whānau, Hapū, Iwi and Māori to:

- access the broad suite of the Crown's collections and holdings and undertake research;
- enhance the descriptions of the collections to enable easier and accurate identification of whānau, Hapū and Iwi relevant taonga;
- develop plans with them for the ongoing care of their taonga and mātauranga, including those in the Crown's collections; and
- tell their cultural histories and narratives in their own way.

Te Ara Taonga agencies (the Ministry of Culture and Heritage Manatū Taonga, Heritage New Zealand Pouhere Taonga, Museum of New Zealand Te Papa Tongarewa, Ngā Taonga Sound and Vision, and the Department of Internal Affairs) are the agencies responsible for the National Library of New Zealand Te Puna Mātauranga o Aotearoa, and Archives New Zealand Te Rua Mahara o te Kāwanatanga.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

Over this period Te Ara Taonga have:

- supported a series of Iwi Archivist symposiums aimed at strengthening Iwi capability to care and preserve their own taonga and documents. These symposiums were held across the motu and involved specialist experts working closely with iwi archivists.
- worked with Iwi through the Treaty Settlement process to develop relationship agreements for the ongoing care and preservation of Iwi taonga.
- hosted Iwi (trust members, researchers, kaumatua) across the agencies to engage with relevant collection items, conduct research and identify Iwi specific collection items in the Crown's collections.
- provided ongoing recovery support to Hapū and Iwi affected by the cyclones. This includes working with them on the restoration of taonga, wharenui, whakapapa documents, photographic portraits, and images.
- worked with Iwi to develop their own treaty settlement histories.
- continued to develop learning resources to support kura Māori and schools in exploring New Zealand's histories, the Treaty Settlement process and students own connections to te ao Māori.

Taonga tūturu and the Protected Objects Act 1975

Taonga tūturu are protected objects that whakapapa to Te Ao Māori and embody mana, tapu, and mauri. Manatū Taonga administers the Protected Objects Act 1975 which sets out the process of publicly notifying newly found taonga tūturu, ensuring their interim care and custody while in prima facie Crown ownership, working with interested parties and claimants, and seeking orders to determine actual or traditional ownership through the Māori Land Court.

Specialised conservation allows for the stabilisation of at-risk wet organic taonga tūturu (wood, fibre, and textile) while in prima facie Crown ownership. Since 2020, Manatū Taonga has evolved and decentralised the conservation services model for taonga tūturu, to ensure that projects are designed and decided by Iwi, Hapū and whānau, and that conservation projects can take place close to the find rohe of the taonga. Iwi and Hapū may choose to conserve taonga through Indigenous methods (such as reburial or submersion), or through established museum conventions via a national network of conservation service providers. Some Iwi and Hapū are now working with these providers to incorporate mātauranga Māori into the conservation methodology for their taonga.

Manatū Taonga continues to embed processes to seek whānau, Hapū and Iwi input on export applications for protected New Zealand objects that are not taonga tūturu but nonetheless carry an identifiable Māori interest (a scenario which the Act does not contemplate). This most commonly occurs in respect of documentary heritage objects, or for art objects (for example, portraiture depicting identified tūpuna, such as works by CF Goldie or Gottfried Lindauer).

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

Revitalisation of te reo Māori

Te Whare o Te Reo Mauriora

Te Whare o Te Reo Mauriora (the house of the living language) is an active partnership between the Crown, and Iwi and Māori (represented by Te Mātāwai), established by Te Ture mō Te Reo Māori 2016 (the Act) to revitalise te reo Māori. The vision for Te Whare o Te Reo Mauriora is kia mauri ora te reo Māori. Te Whare o Te Reo Mauriora is considered the first partnership model that goes some way to addressing the recommendations in the Ko Aotearoa Tēnei (Wai 262) report.

Progressing kaupapa to protect, promote and revitalise te reo Māori

Over this period, TPK has continued to work in close partnership with Te Mātāwai and with the other Māori language entities, Te Taura Whiri i te Reo Māori, Te Māngai Pāho and Whakaata Māori – supporting the goals of both the Maihi Karauna (the government's Māori language strategy) and the Maihi Māori (the Māori language strategy) within the framework of Te Whare o Te Reo Mauriora.

The Maihi Karauna has made a significant contribution to te reo Māori revitalisation across Aotearoa New Zealand. The amount of te reo Māori being used and seen nationwide has increased dramatically. Although it is difficult to attribute the increase in the use of te reo Māori solely on the Maihi strategies, they have most certainly contributed to the overall momentum of te reo Māori revitalisation, alongside the efforts of various groups, institutions, organisations and individuals across Aotearoa.

The total government investment in the Māori language entities for 2023/24 is $142.360m pa.

Implementing the recommendations from the review of Te Ture mō Te Reo Māori 2016

The report on the review was made publicly available – published to the TPK website on 30 August 2023. The report provides valuable insights into the partnership approach to the revitalisation of te reo Māori alongside the recent evaluations of the Maihi Karauna and Te Whare o Te reo Mauriora. The findings noted the importance of striking an equitable balance between supporting intergenerational transmission in homes and communities by Māori and the promotion and normalisation of te reo Māori by the government in wider society. These insights will help inform the next iteration of the Maihi Karauna and also enhance coordination and collaboration across the Māori language sector.

Since the completion of the review, TPK and Te Mātāwai have progressed a range of technical amendments to the Act through a Māori Purposes Bill. This has seen us work with Te Mātāwai and the Parliamentary Counsel Office to draft the amendments to the Act and have them translated and peer reviewed by two mātanga reo. This is the first time amendments to a dual language act of parliament was required. We expect that the final Māori Purposes Bill will be introduced to the House in late 2024 or early 2025.

TPK will continue to work in partnership with Te Mātāwai on post-review policy work to consider proposals to further strengthen the policy settings and infrastructure of Te Whare o Te Reo Mauriora and ensure better collaboration and coordination across the Māori language sector.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

Undertaking a stocktake of the operation of and investment in the Māori language entities

TPK and Te Mātāwai began a stocktake of the Māori language sector to inform Māori language outcome discussions at ministerial and agency level. This work will continue into 2024/25 and influence the development of the next iteration of the Maihi Karauna.

The International Decade of Indigenous Languages

The International Decade of Indigenous Languages was adopted by the United Nations General Assembly in 2019, proclaiming the period of 2022-2032 the International Decade of Indigenous Languages, based on a recommendation by the United Nations Permanent Forum on Indigenous Issues. The Decade aims to raise awareness about the critical plight facing Indigenous languages around the world and to mobilise people to take action.

Since the Decade was launched, Te Puni Kōkiri has produced statements, in consultation with Te Mātāwai and Te Taura Whiri i te reo Māori to support the Decade and to share some of its revitalisation initiatives. These statements share Aotearoa's experience of language revitalisation, under the Te Whare o Te Reo Mauriora framework, with other Indigenous peoples and countries.

Wai 3327 – Te Reo in the Public Sector Urgent Inquiry

In September 2023, the Ngāi Te Rangi Settlement Trust filed an application with the Waitangi Tribunal for an urgent hearing in relation to the coalition governments policies on the use of Te Reo Māori in the Public Sector. The claim was granted urgency by the Waitangi Tribunal in March 2024 and the hearing was held in June.

The inquiry was led by TPK (with support from The Public Service Commission – Te Kawa Mataaho) given its role in administering Te Ture mō Te Reo Māori 2016 on behalf of the Minister of Māori Development and policy development for the Maihi Karauna. The Tribunal is expected to release its report on the claim, both in te reo Māori and English, by the end of 2024.

Review of the Haka Ka Mate Attribution Act

Te Puni Kōkiri is working alongside Ngāti Toa Rangatira and the Ministry of Business, Innovation and Employment on the review of the Haka Ka Mate Attribution Act 2014 (the Act). 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 Crown 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 in 2024/2025.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

Plant Variety Rights

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 Act (the Act) received royal asset in November 2022. The Act 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 breed in New Zealand from Indigenous plant species and other species of significance to Māori. Establishment of the Committee was underway during 2023 to 2024.

Whakaaro Kia Whai Hua | Policy into Practice

In Budget 2022, $11.4 million was provided for Māori leadership on mātauranga Māori matters. One of the two purposes of the pūtea included the Whakaaro Kia Whai Hua | Policy into Practice fund which allocated $4.01 million in key opportunities for what is effective in the active protection and appropriate use of taonga Māori with a specific interest in mātauranga Māori. An outcome of the fund was to continue to learn through practice and from practitioners, exploring different approaches across the spectrum of Māori businesses, entities and organisations with a focus on realising the benefits for Iwi Māori.

TPK funded 18 initiatives between April 2023 to June 2024. The initiatives spanned across a broad range of kaupapa across the motu, such as taonga species research on whenua Māori, climate resilience plans, and showcasing cultural sovereignty within a digital context. The fund has been a success in highlighting these kaupapa to create mātauranga Māori-based benefits for generations to come.

TPK will undertake analysis and evaluation of these initiatives to help the government realise key environmental, economic and cultural benefits of the protection of taonga Māori. This will further inform our policy advice on developing bespoke intellectual property policy settings and a biodiscovery framework.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

International levers

World Intellectual Property Organisation Diplomatic Conference

In May 2024, TPK contributed to the successful conclusion of the international treaty on Disclosure or Origin of Genetic Resources and Associated Traditional Knowledge in patent applications (GRATK Treaty) at the World Intellectual Property Organisation (WIPO) Diplomatic Conference in Geneva, Switzerland. The GRATK Treaty was agreed to by consensus by the 193 member states and, to date, 36 countries have signed it.

The GRATK Treaty sets an international standard for protecting intellectual property and genetic resources used in biotechnology in commercial settings. It includes a new disclosure of origin mechanism, ensuring greater transparency across the system when genetic resources and traditional knowledge are utilised. TPK will continue to develop policy work regarding ratification on GRATK treaty and implementation for New Zealand.

TPK is planning to carry out targeted external engagement with Māori-led pakihi, Crown and other research institutes this year to gather insights to inform ongoing policy development for the biodiscovery framework and will move into the domestic phase of the international treaty, which considers ratification.

Indigenous Collaboration Arrangements and Pōkai Ao

Aotearoa New Zealand has two existing Indigenous Collaboration Arrangements (ICAs) with Australia (signed in 2020) and Canada (signed in 2022). The ICAs are bilateral arrangements that are intended to formalise Aotearoa's relationship with Australia and Canada. They aim to enable Indigenous-led activities between our countries to create mutual benefits for both policy and people across economic, cultural, social, environmental related outcomes.

TPK is currently working with Australia and Canada to take on opportunities for government to government and Indigenous collaboration between our countries. This includes exploring opportunities to connect, whether that is Indigenous to Indigenous or between governments, within existing international programmes, events and forums that meet the joint priorities of the countries involved. TPK meets with the Canadian and Australian government agencies regularly to ensure that the ICAs are used in accordance with their purpose of Indigenous-led and government-enabled, and to discuss the impact of the ICAs for Indigenous communities through collaboration.

Some highlights of this reporting term under the ICAs include the National Indigenous Australians Agency officer exchange programme with Australia, learning from each other on government policies on Indigenous housing and Indigenous-centred approaches to monitoring and evaluation with Canada, as well as various engagements on kaupapa of shared interest in such as Indigenous wāhine entrepreneurship and Indigenous economic development.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

Partial review of the National Parks and Conservation General Policies

DOC's statutory Conservation General Policy and General Policy for National Parks (the General Policies), set DOC's key strategic and policy direction. The aim of the partial review of the General Policies was to ensure DOC's Treaty responsibilities are both visible and easy to understand within them. An independent Options Development Group made recommendations in a report that was publicly released in March 2022. In November 2022, the Minister of Conservation agreed to explore a suite of potential changes to the General Policies that could be progressed in the short term.

In early 2023, DOC worked on initial drafting of proposed amendments to the Conservation General Policy and General Policy for National Parks. However, this did not progress further due to the timing of the 2023 General Election. The Minister of Conservation has asked DOC to explore options for improving the conservation regulatory system more widely and this includes the role of the General Policies.

Review of the Wildlife Act 1953

In July 2023, the Minister of Conservation reported back to Cabinet on the first phase of the review of the Wildlife Act and sought Cabinet's agreement to the approach for next steps in the review. Cabinet agreed in principle to repeal the Wildlife Act and replace it with new species legislation.

Cabinet also agreed to high-level policy objectives for what a new species system could aim to achieve, to guide and evaluate further policy work on the review. These were to:

- Protect, restore, and enhance species and their habitats so that they are naturally thriving and resilient
- Partner with tangata whenua to design and implement frameworks that support their relationships at place, with taonga species and te taiao
- Consider the connections between people and species in our communities, in our heritage, and in New Zealand's nature-based economy, in our decisions about how to best protect, sustainably use, and manage species
- Provide a governance and strategic species management framework that appropriately supports local and national values and outcomes.

The review of the Wildlife Act may provide opportunities to address some of the Tribunal's recommendations, including that no one should own protected wildlife, and that there should be shared management of protected species in line with partnership.

Following the 2023 general election, the new Minister of Conservation confirmed that work on the Wildlife Act review would continue, with the goal of DOC delivering a draft consultation document to him this parliamentary term. No decisions have been made on the timeframe for consultation to take place.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

The Strategic Oversight Group (SOG), which was appointed to give independent advice on the review, explored a number of issues, including: alternatives to Crown ownership; prioritising protection of Indigenous species; creating a cohesive framework that protects and manages Indigenous and introduced species including sustainable use; and creating a framework that enables local and national decision-making. The SOG completed its term in March 2024. The SOG's earlier advice played an important role in supporting Cabinet's decisions about the review's objectives, and its feedback will support DOC's ongoing work on the elements of a new Act to support delivery of the consultation document.

Additional updates

The Ministry of Education | Te Tāhuhu o te Mātauranga (Te Tāhuhu) contributes to the Crown's response to the Tribunal's findings and recommendations in Wai 262, Te Tumu mō te Pae Tawhiti. Primarily to the cultural outcome "upholds tikanga, revitalises te reo and strengthens Aotearoa New Zealand's understanding of te ao Māori and its role in society" [36].

Within the reporting year, Te Tāhuhu's main contributing activities included:

- Work with the three wānanga (Te Wānanga o Aotearoa, Te Wānanga o Raukawa, Te Whare Wānanga o Awanuiārangi) to amend the Education and Training Act 2020 to include the Wānanga Training Framework
- Changes to curricula and assessment
- Other work to support teaching and learning of te reo Māori.

Work with Wānanga

The Ministry of Education worked with three wānanga in the tertiary education sector to consolidate the wānanga role in the tertiary education system. This culminated in Parliament passing legislation to create the Wānanga Enabling Framework. The legislation came into force on 23 August 2023. The framework creates new fit-for-purpose administrative settings for wānanga to recognise their mana, rangatiratanga and unique role. It was co-designed with the three wānanga and better recognises the relationship between wānanga and the Crown.

Curricula, Assessment and Support for the Teaching and Learning of Te Reo Māori

In line with the Government's priorities, Te Tāhuhu's main contributing activities, throughout the reporting year, focused on the development and implementation of the following:

- a knowledge-rich curriculum grounded in the science of learning;
- evidence-based instruction in early literacy, and mathematics; and
- consistent modes of monitoring student progress and achievement.

36 Waitangi Tribunal Claims Update Section 8I Report 1 July 2021 to 30 June 2022, p23.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

Curriculum, Assessment and Aromatawai Development

By weaving through evidence-based practices such as Rangaranga Reo ā-Tā[37], the redesign of Te Marautanga o Aotearoa [38] has progressed through the draft Te Reo Rangatira[39] and Pāngarau[40] wāhanga ako[41]. This is structured literacy within Te Reo Rangatira and is a component of Te Reo Matatin[42] that relates specifically to learning to read and write in te reo Māori. The redesigned Te Marautanga o Aotearoa recognises that every mokopuna deserves to be immersed and gain expertise in te reo Māori, tikanga Māori, mātauranga Māori, and te ao Māori.

The refreshed New Zealand Curriculum recognises that all learners should be supported to reach their full potential. It is framed within the whakapapa of Te Mātaiaho[43] and acknowledges the Treaty and the bicultural foundations of Aotearoa New Zealand. It reflects cultural diversity and valuing the histories and traditions of Māori, including the use of te reo Māori, tikanga Māori, and contexts that matter for all learners.

Te Puāwaitanga Harakeke (a position paper) provides a consistent understanding of aromatawai[44] and its approaches, pedagogies, and practices for kaiako teaching in and through te reo Māori. This is to be used as kaiako tmonitor the impact of teaching evidenced by ākonga progress, achievement, and success and informs the following tools:

- Hihiria Weteoro (a phonics check) is in development for schools and kura by reo matatini leaders, informed by Indigenous and international evidence and reflecting the unique linguistic features and cultural context of te reo Māori
- Te Waharoa Ararau is an online tool that supports kaiako with the collation and reporting of progress and achievement at individual, class, and kura-wide level. This includes areas of pānui, tuhituhi and pāngarau, in alignment with Te Marautanga o Aotearoa. Te Waharoa Ararau is available to all kura and Māori medium settings. Te Tāhuhu provided professional learning and development (PLD) for kaiako to help build teacher capability and confidence in its use.

37 Structured Te Reo Matatini Approaches

38 Te Marautanga o Aotearoa is the current national curriculum framework for use in kura and schools that teach in te reo Māori.

39 The knowledge, skills, and dispositions that enable mokopuna to experience reo matatini educational success, through pānui (reading) and tuhituhi (writing) while also explicitly attending to the development of oral language proficiency and building reo Māori fluency.

40 'Pāngarau' has four integrated dimensions: foundational mathematics concepts; the application of mathematical concepts to ākonga and communities; support of cultural heritage; and learning to communicate mathematically.

41 Learning areas

42 'Te reo matatini' means 'the many dimensions of language'. It considers the multitude of ways that language can be linguistically, culturally, socially, spiritually, and academically acquired, represented, and expressed. It encompasses a broad suite of communication skills and ideas, including oral language, reading, and writing, to achieve high Māori language proficiency.

43 'Te Mātaiaho' is the proposed name of the refreshed New Zealand Curriculum: 'Mātai' meaning 'to observe, to examine, to deliberately consider' and 'aho' means a 'thread' or a 'strand' and represents a weave, a line of thinking. Te Mātaiaho as a whole is about the weaving together of strands, represented by the interplay between curriculum components.

44 The term aromatawai is derived from concepts that together, express its role in learning and teaching. Aro, is "to take notice of" or "pay attention to", mata is 'face', wai is 'water', and matawai is "to examine closely". Aromatawai is a Māori-world view approach for understanding and confirming ākonga progression and success.

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 Vol 2) 2011*

Responsible agency: Te Puni Kōkiri
Relevant agencies: 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

Status of the Treaty Claim: Ongoing

Status Update **1 July 2023 to 30 June 2024**

Te Tāhuhu and the New Zealand Qualification Authority (NZQA) work to support appropriate credentialing for learning design and practice originating from te ao Māori. NCEA standards that credential such learning must use appropriate assessment tools and aromatawai practices that resonate with ākonga and are culturally authentic, while also ensuring validity and authentic learner evidence.

Capability Building and Professional Support

New investments in capability building to strengthen mātauranga Māori and te reo Māori included:

- Kahu Pūtoi – a network of kaiako across Aotearoa who work in Māori-medium and Māori language education settings
- Kaiārahi i te Reo[45] – supporting professional learning and development and career progression following settlement of the Kaiārahi i te Reo and Therapists' Collective Agreement (KRTCA) 2022-24

A team of te reo Māori-speaking Curriculum Advisors has been established as part of the regional Curriculum Advisory Service. These advisors specialise in the delivery of Māori medium and Kaupapa Māori curriculum and implementation to ensure mātauranga Māori understandings are respected and protected. This team has specialised training with mātanga[46] in new curriculum areas. This team supports kura to implement curriculum in a way that gives mana to kura, whānau, Hapū and Iwi.

45 The role of kaiārahi i te reo is to support the development and preservation of te reo Māori, tikanga Māori and mātauranga Māori within schools and kura. They are recognised for their involvement within the community and their knowledge and experience of te ao Māori. They also contribute to creating inclusive and safe spaces by growing the cultural capability of ākonga and kaimahi in schools and kura.

46 Mātanga refers to someone who is skilled, experienced, or an expert.

Wai 796: *The Report on the Management of the Petroleum Resource*, 2011

Responsible Agency: Ministry of Business, Innovation, and Employment

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

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 the Treaty principles and provide greater protection to Māori land through compulsory notifications for applications concerning Māori land.

Status Update — **In Progress**

The Ministry of Business, Innovation, and Employment (MBIE) has relationship agreements with some Iwi, which provide for specific annual meetings for Iwi to discuss matters related to petroleum exploration and mining activities.

In 2019, there was a review of the Crown Minerals Act 1991 (CMA) and the Crown Minerals Amendment Act 2023 (CMAA) made changes to how Iwi and Hapū feedback must be considered when making decisions on certain new permit applications. The changes require Tier 1 permit holders to prepare and submit an Iwi engagement report each year as part of their annual summary report.

From August 2023 permit holders are now required to:

- Share their draft Iwi engagement report with Iwi or Hapū whose rohe includes some or all of the permit area or who otherwise may be directly affected by the permit
- Give those Iwi and Hapū a reasonable opportunity to review and comment on the draft reports
- Must include any comments provided by Iwi and Hapū in the final report submitted to MBIE.

Iwi and Hapū can request a meeting with MBIE and the Tier 1 permit holder to discuss the report and the quality of the permit holder's engagement.

From 1 April 2024:

- The Minister (or the delegated decision-maker) must have regard to Iwi and Hapū feedback provided through Iwi engagement reports and meetings about Iwi engagement reports when making decisions on certain new permit applications
- The decision-maker may also have regard to any other feedback from Iwi or Hapū about the quality of the applicant's engagement, and
- This change only applies if the applicant has previously held a Tier 1 permit or licence, has had to submit an Iwi engagement report, and is applying for a new Tier 1 permit.

Wai 796: *The Report on the Management of the Petroleum Resource*, 2011

Responsible Agency: Ministry of Business, Innovation, and Employment

Status of the Treaty Claim: Ongoing

The CMAA also included the ability to prescribe additional regulations including minimum content for Iwi engagement reports, and time periods for the process of consultation with Iwi and Hapū on draft Iwi engagement reports. MBIE will consider whether these regulations will be beneficial after the first year of implementation of the changes.

MBIE issued guidance to permit holders on how to complete an Iwi engagement report, emphasising that constructive engagement with Iwi and Hapū is an important part of responsible resource development.

Proposed amendments to the CMA

The Government has agreed to a package of changes to the CMA. A Bill will be introduced later in 2024 to:

- Remove the 2018 ban on new petroleum exploration outside of onshore Taranaki
- Make adjustments to the petroleum decommissioning regime
- Allow for 'priority in time' applications for petroleum exploration permits
- Change the purpose statement and make other changes to signal the Government's intent that New Zealand is 'open for business'.

The CMA and Minerals Programme for Petroleum include processes for engaging with Iwi and Hapū. These will remain unchanged.

In May 2024, Iwi and Hapū were invited to an online hui with the Minister for Resources and Minister for Māori Development on these proposed changes. Following this hui there have been further engagements, including a series of 11 regional hui held over 2 weeks in August 2024. Feedback from the hui has been passed on to the Minister for Resources to consider in advance of the Bill going back to Cabinet later this year.

There will be a Select Committee process for the Bill, and the hui were intended to provide information to Iwi and Hapū about the changes being proposed should they choose to participate in Select Committee.

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)

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Partially Settled

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 **In Progress**

On 3 April 2024, the Māori Affairs Committee divided the Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Bill. The Committee also recommended the Ngā Hapū o Ngāti Ranginui Claims Settlement Bill and recommended it be passed.

As at 20 June 2024, the Bill is awaiting second and third readings. The Tauranga Moana Iwi Collective Redress Bill will be reported on separately.

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

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

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.

The Tribunal recommended that, given the relative complexities of the issues and the interrelationships of these groups affected by a number of Tiriti | Treaty breaches, the parties should clarify matters of representation and enter negotiations with the Crown.

Status Update **In Progress**

No update for this reporting year.

Wai 953: *Ahu Moana: The Aquaculture and Marine Farming Report*, 2002

Responsible Agency: Ministry for Primary Industries

Status of the Treaty Claim: Partially Settled

Summary of Findings and/or Recommendations

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 the Treaty rights in the coastal space, which include rights (the extent of which are yet to be determined) to aquaculture and marine farming.

Status Update — **In Progress**

The Crown has entered into regional agreements with Iwi Aquaculture Organisations in the Auckland, Waikato-East, Tasman, Marlborough, Canterbury and Southland regions. Negotiations are underway toward agreements for Otago, Bay of Plenty and Waikato West.

To support a positive settlement outcome, the Ministry for Primary Industries (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 engage with Iwi Aquaculture Organisations on the findings of regional agreement reconciliation processes and the review of the 2014 New Space Plan, in July-November 2024. These processes ensure the ongoing and prospective aquaculture settlement stays up to date with changes in the sector's development.

Wai 789: *The Mōkai School Report*, 2000

Responsible Agency: Land Information New Zealand

Status of the Treaty Claim: Ongoing

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**

Land Information New Zealand are still waiting on the Māori Land Court to issue the final orders so that the vesting can be finalised. The orders are sitting with the Māori Land Court's post-Court team and there has been a long delay since the orders were issued. Ongoing minor maintenance works were carried out at Mōkai School over this year.

WAI 45: *The Muriwhenua Land Report,* 1997

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

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
- and purchases by the Government
- impacts in terms of land tenure reform and disempowerment.

Status Update — In Progress

No update for this reporting year.

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

Responsible Agency: The Office for Māori Crown Relations – Te Arawhiti*

Status of the Treaty Claim: Ongoing

Summary of Findings and/or Recommendations

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.

Status Update — In Progress

Te Ruruku Pūtakerongo, the Collective Redress Deed for Taranaki Maunga, was signed in September 2023. Te Pire Whakatupua mō Te Kāhui Tupua /Taranaki Maunga Collective Redress Bill was also introduced in September 2023.

He whakamārama i te āhua o ngā Kerēme katoa o te Taraipiunara o Waitangi
Status Update for all Waitangi Tribunal Claims

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 2022–23 because of new information.

WAI[47]	Report	Year[48]	Status
1	Report of the Waitangi Tribunal on a Claim by J P Hawke and others of Ngāti Whātua, concerning the Fisheries Regulations	1978	No further action
2	Report of the Waitangi Tribunal on the Waiau Pa Power Station Claim	1978	No further action
3	Report on Proposed Discharge of Sewage at Welcome Bay	1990	No further action
4	Report of the Waitangi Tribunal on the Kaituna River Claim	1984	In progress
5	Report on Imposition of Land Tax	1990	No further action
6	Report of the Waitangi Tribunal on the Motunui-Waitara Claim	1983	Settled
8	Report of the Waitangi Tribunal on the Manukau	1985	In progress
9	Report of the Waitangi Tribunal on the Orakei Claim	1987	In progress
10	Report of the Waitangi Tribunal on the Waiheke Island Claim	1987	In progress
11	Report of the Waitangi Tribunal on the Te Reo Māori Claim	1986	Partially settled
12	Report of the Waitangi Tribunal on a Mōtitī Island	1985	Partially settled
13	Report on Fisheries Regulations	1990	Settled
14	Report on Tokaanu Building Sections	1990	No further action
15	Report of the Waitangi Tribunal on the Te Weehi Claim to Customary Fishing Rights	1987	No further action
17	Report of the Waitangi Tribunal on the Mangonui Sewerage Claim	1988	In progress
18	Report of the Waitangi Tribunal on Lake Taupo Fishing Rights	1986	Settled
19	Report of the Waitangi Tribunal on a Claim Relating to Māori 'Privilege'	1985	No further action
22	Interim Report to Minister of Māori Affairs on State-Owned Enterprises Bill	1986	Settled
22	Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim	1988	Settled
25	Report of the Waitangi Tribunal on a Claim Relating to Māori Representation on the Auckland Regional Authority	1987	Settled
26 150	Radio Frequencies	1990	No further action
27	The Ngāi Tahu Report 1991 (3 volumes)	1991	Settled
27	The Ngāi Tahu Claim: Supplementary Report on Ngāi Tahu Legal Personality	1991	Settled

47 The table has been arranged chronologically by Wai number for easier reading. This list of Wai reflects those that have a report released on the Waitangi Tribunal website, accessible here: https://www.waitangitribunal.govt.nz/publications-and-resources/waitangi-tribunal-reports/

48 The year refers to the year the Waitangi Tribunal Report was released. Not all Tribunal reports are released in the same year that a claim is filed, therefore the years do not follow a chronological structure.

WAI[47]	Report	Year[48]	Status
27	The Ngāi Tahu Sea Fisheries Report 1992	1992	Settled
27	The Ngāi Tahu Ancillary Claims Report 1995	1995	Settled
32	The Ngāti Rangiteaorere Claim Report 1990	1990	Settled
33	The Pouakani Report 1993 Part 1, Part 2	1993	Settled
34	Report on Proposed Sewage Scheme at Kakanui	1990	No further action
38	The Te Roroa Report 1992	1992	Settled
45	Report on Kaimaumau Lands	1991	No further action
45	Muriwhenua Land Report	1997	Ongoing
45	The Ngāti Kahu Remedies Report	2013	Ongoing
46	Report on Disposal of Crown Land in the Eastern Bay of Plenty	1995	Settled
46	The Ngāti Awa Raupatu Report	1999	Settled
55	Te Whanganui-a-Orotū Report	1995	Ongoing
64	Rēkohu: A Report on Moriori and Ngāti Mutunga o Wharekauri claims in the Chatham Islands	2001	Ongoing
67	Report on the Oriwa 1B3 Block	1992	No further action
83	Report on the Waikawa Block	1989	Settled
84	The Turangi Township Report	1995	Settled
84	Turangi Township Remedies Report	1998	Settled
103	Report on Roadman's Cottage, Mahia	N/A	Settled
119	The Mohaka River Report	1992	Settled
143	The Taranaki Report: Kaupapa Tuatahi	1996	Ongoing
145	Te Whanganui a Tara me ona Takiwa: Report on the Wellington District	2003	Ongoing
153	Preliminary Report on the Te Arawa Representative Geothermal Resource Claims	1993	Ongoing
167	Interim Report and Recommendation in Respect of the Whanganui River Claim	1993	Settled
167	The Whanganui River Report	1999	Settled
176	Report on Broadcasting Claim	1994	No further action

WAI[47]	Report	Year[48]	Status
201	The Mohaka ki Ahuriri Report	2004	Settled
202	Report on the Tamaki Māori Development Authority Claim	1991	No further action
212	Interim Report on the Rangitaiki and Wheao Rivers Claim	1993	Settled
212	Te Ika Whenua – Energy Assets Report	1993	Settled
212	Te Ika Whenua Rivers Report	1998	Partially settled
215	Te Raupatu o Tauranga Moana: Report on the Tauranga Confiscation Claims	2004	Partially settled
215	Tauranga Moana, 1886–2006: Report on the Post- Raupatu Claims Volume 1, Volume 2	2010	Partially settled
261	Interim Report on the Auckland Hospital Endowments Claim	1991	Settled
262	The Interim Report of the Waitangi Tribunal in Respect of the ANZTPA Regime	2006	No further action
262	The Further Interim Report of the Waitangi Tribunal in Respect of the ANZTPA Regime	2006	Ongoing
262	Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Taumata Tuatahi (Volume 1)	2011	Ongoing
262	Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Taumata Tuarua (Volume 2)	2011	Ongoing
264	Report on Auckland Railway Lands	1992	No further action
264	Report on Wellington Railway Lands	1992	Settled
264	Report on Railway Land at Waikanae	1992	Settled
264	Report on South Auckland Railway Lands	1993	Ongoing
273	Report on Tapuwae 1B and 4 Incorporation	1993	Settled
276 72 121	Interim Report on Sylvia Park and Auckland Crown Asset Disposals	1992	Settled
304	Ngāwhā Geothermal Resource Report	1993	Ongoing
307	The Fisheries Settlement Report	1992	Settled
315	Te Maunga Railways Land Report	1994	Settled
321	Appointments to the Treaty of Waitangi Fisheries Commission Report	1992	Ongoing

WAI[47]	Report	Year[48]	Status
322	Report of the Waitangi Tribunal on the Tuhuru Claim	1993	Settled
350	Māori Development Corporation Report	1993	Partially settled
411	The Tarawera Forest Report	2003	Ongoing
413	Māori Electoral Option Report	1994	Ongoing
414	Te Whānau o Waipareira Report	1998	No further action
449	Kiwifruit Marketing Report	1995	No further action
655	Report on Aspects of the Wai 655 Claim	2009	Settled
663	The Te Aroha Maunga Settlement Process Report	2015	No further action
674	The Kaipara Interim Report	2002	Ongoing
674	The Kaipara Report	2006	Ongoing
686	The Hauraki Report (3 volumes)	2006	Ongoing
692	The Napier Hospital and Health Services Report	2001	Ongoing
718	The Wānanga Capital Establishment Report	1999	Settled
728	The Hauraki Gulf Marine Park Report	2001	Partially settled
758 142	The Pakakohi and Tangahoe Settlement Claims Report	2000	Settled
776	Radio Spectrum Management and Development, Interim and Final Report	1999	Partially settled
785	Te Tau Ihu o te Ika a Maui: Preliminary Report on Customary Rights in the Northern South	2007	Ongoing
785	Te Tau Ihu o te Ika a Maui: Preliminary Report on Te Tau Ihu Customary Rights in the Statutory Ngāi Tahu Takiwā	2007	Ongoing
785	Te Tau Ihu o te Ika a Maui: Report on Northern South Island Claims (3 volumes)	2008	Ongoing
788 800	The Ngāti Maniapoto/Ngāti Tama Settlement Cross claims Report	2001	Ongoing
789	The Mōkai School Report	2000	Ongoing
790	Taranaki Māori, Dairy Industry Changes, and the Crown	2001	Ongoing
796	The Petroleum Report	2003	Ongoing
796	The Report on the Management of the Petroleum Resource	2011	Ongoing

WAI[47]	Report	Year[48]	Status
814	Turanga Tangata Turanga Whenua: The Report on the Turanganui a Kiwa Claims (2 volumes)	2004	Ongoing
814	The Mangatū Remedies Report	2021	Ongoing
863	The Wairarapaki Tararua Report (3 volumes)	2010	Settled
893	The Preliminary Report on the Haane Manahi Victoria Cross Claim	2005	No further action
894	Te Urewera (8 volumes)	2017	Ongoing
898	The Priority Report concerning Maui's Dolphin	2016	No further action
898	Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims parts (6 volumes)	2019	Settled
903	He Whiritaunoka: The Whanganui Land Report (3 volumes)	2015	Partially settled
953	Ahu Moana: The Aquaculture and Marine Farming Report	2002	Partially settled
958	The Ngāti Awa Settlement Cross Claims Report	2002	Ongoing
996	The Ngāti Tūwharetoa ki Kawerau Settlement Cross- Claim Report	2003	Ongoing
1024	The Offender Assessment Policies Report	2005	Ongoing
1040	He Whakaputanga me te Tiriti/The Declaration and the Treaty: The Report on Stage 1 of the Te Paparahi o Te Raki Inquiry	2014	Ongoing
1040	Tino Rangatiratanga me te Kāwanatanga: The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry (3 volumes)	2023	Ongoing
1071	Report on the Crown's Foreshore and Seabed Policy	2004	No further action
1090	The Waimumu Trust (SILNA) Report	2005	No further action
1130	Te Kāhui Maunga: The National Park District Inquiry Report (3 volumes)	2013	Ongoing
1150	The Te Arawa Mandate Report	2004	Settled
1150	Te Arawa Mandate Report: Te Wahanga Tuarua	2005	Settled
1177	The Interim Report of the Waitangi Tribunal on the Te Tai Hauāuru by-election	2004	No further action
1200	He Maunga Rongo: Report on Central North Island Claims: Stage One (4 volumes)	2008	Settled
1298	The Report on the Aotearoa Institute Claim concerning Te Wānanga o Aotearoa	2005	Settled
1353	The Te Arawa Settlement Process Reports	2007	Settled

WAI[47]	Report	Year[48]	Status
1362	The Tāmaki Makaurau Settlement Process Report	2007	Ongoing
1750	The Priority Report on the Whakatōhea Settlement Process	2021	Settled
2180	He Whenua Karapotia, He Whenua Ngaro	2024	Ongoing
2190	The East Coast Settlement Report	2010	Ongoing
2200	The Kārewarewa Urupā Report	2020	Ongoing
2200	Horowhenua: The Muaūpoko Priority Report	2017	Ongoing
2200	Waikanae: Report on Te Ātiawa/Ngāti Awa Claims	2022	Ongoing
2200	The Kōpūtara Priority Report	2024	Ongoing
2235	The Port Nicholson Block Urgency Report	2012	Ongoing
2336	Matua Rautia: The Report on the Kōhanga Reo Claim	2013	Ongoing
2358	The Stage 1 Report on the National Freshwater and Geothermal Resources Claim	2012	Ongoing
2358	The Stage 2 Report on the National Freshwater and Geothermal Resources Claim	2019	Ongoing
2358	The Interim Report on Māori Appointments to Regional Planning Committees	2022	Ongoing
2391 2393	The Final Report on the MV Rena and Motiti Island Claims	2015	Ongoing
2417	Whaia te Mana Motuhake/In Pursuit of Mana Motuhake: Report on the Māori Community Development Act Claim	2015	Ongoing
2478	He Kura Whenua ka Rokohanga: Report on Claims about the Reform of Te Ture Whenua Māori Act 1993	2016	Ongoing
2490	The Ngāpuhi Mandate Inquiry Report	2015	Ongoing
2521	Motiti: Report on the Te Moutere o Motiti Inquiry	2022	Settled
2522	Report on the Trans-Pacific Partnership Progressive Agreement	2016 2020 2021	Ongoing
2522	Report on the Crown's Review of the Plant Variety Rights Regime	2020	Ongoing
2540	Tū Mai te Rangi! Report on the Crown and Disproportionate Reoffending Rates	2017	Ongoing
2561	The Ngātiwai Mandate Inquiry Report	2017	Ongoing
2573	The Mana Ahuriri Mandate Report	2019	Settled

WAI[47]	Report	Year[48]	Status
2575	Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry	2019	Settled
2575	Haumaru: The Covid-19 Priority Report	2021	Settled
2660	The Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry Stage 1 Report	2020	Ongoing
2660	The Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry Stage 2 Report	2023	Ongoing
2662	The Whakatōhea Mandate Inquiry Report	2018	Settled
2750	Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness	2023	Ongoing
2840	The Hauraki Settlement Overlapping Claims Inquiry Report	2019	Ongoing
2858	The Maniapoto Mandate Inquiry Report	2019	Settled
2870	He Aha I Pera Ai The Māori Prisoners Voting Report	2020	Settled
2915	He Pāharakeke, he Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry	2021	Ongoing
3060	Report on Whakatika ki Runga, a Mini-Inquiry Commencing Te Rau o te Tika: The Justice System Inquiry	2023	Ongoing
3350	The Oranga Tamariki (Section 7AA) Urgent Inquiry Report	2024	Ongoing
3350	The Oranga Tamariki (Section 7AA) Urgent Inquiry 10 May 2024 Report	2024	Ongoing
3365	The Māori Wards and Constituencies Urgent Inquiry Report	2024	Ongoing
3400	The Takutai Moana Act 2011 Urgent Inquiry Stage 1 Report	2024	Ongoing

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