



# Wai 262 – Te Pae Tawhiti

## Targeted Engagement Report

Preliminary Proposals for Crown Organisation



## Introduction

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1. This targeted engagement report presents a brief overview of the purpose and approach of the targeted engagement process conducted by Te Puni Kōkiri officials during August – October 2019 on Wai 262: Te Pae Tawhiti – preliminary proposals for Crown organisation.
2. It also provides a summary of the key themes from these engagements, which will inform reporting to Cabinet on this kaupapa in early 2020.

## Background

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3. On 8 Paengawhāwhā (April) 2019, Cabinet agreed that the Minister for Māori Development develop a draft an all-of-government strategy to address the issues raised in the Wai 262 claim and following report. Cabinet made some preliminary decisions about how the Crown would organise itself to address Wai 262 issues.
4. Cabinet also agreed that Te Puni Kōkiri officials, along with officials from other agencies, would engage with key Māori groups and individuals with interests in Wai 262 about how the Crown would organise itself.
5. As part of its Paengawhāwhā (April) decisions, Cabinet agreed to establish a Ministerial Oversight Group, and authorised the Minister for Māori Development to approve, in consultation with the Ministerial Oversight Group, the approach to targeted engagement.

## Purpose of targeted engagement

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6. The purpose of targeted engagement was to facilitate initial discussions on preliminary proposals for Crown organisation and possible strategic and cross-cutting issues within the designated subject areas, or 'Kete' focus areas. The full discussion document can be accessed on the [Te Puni Kōkiri website](#). A summary of the Preliminary Proposals for Crown Organisation is all attached at Appendix 1.
7. Feedback during this phase will inform how the government approaches this work, and how it engages with Māori and the wider public on this significant kaupapa.



## Approach of targeted engagement

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8. The targeted engagement process commenced with a meeting between Minister for Māori Development and the representatives of the six original Wai 262 claimants, to acknowledge the foresight and wisdom of these individuals in bringing this claim to the Tribunal.
9. The Minister then attended the National Iwi Chairs Forum in Heretaunga on 28 August 2019 to announce the commencement of this programme of work, and of this period of targeted engagement.
10. The remaining part of the engagement process was conducted primarily through discussions in person, supported by the discussion document, and these discussions occurred in three ways:
  - a. Te Puni Kōkiri-led discussions with a number of national Māori organisations
  - b. discussion, in partnership with relevant Government agencies, with sectoral Māori reference groups established by many agencies
  - c. discussion, through a hui, with Māori academics and technical experts.
11. Letters were also sent out to all Post-Settlement Governance Entities (PSGEs) informing them of the Crown's proposals and inviting them to participate in targeted engagement as they saw fit.
12. Officials further engaged with any other Māori groups or individuals that wished to participate. Written feedback was also received. Details of organisations and individuals that participated in targeted engagement are included in Appendix 2.
13. Targeted engagement with the above groups continued through September and October 2019.

## Overview of feedback

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14. Targeted engagement feedback was cautiously positive about the proposed Crown structure. Most saw this process as an important first step, and an opportunity to refocus



the relationship between Māori and the Crown, using the Wai 262: Te Pae Tawhiti work as a vehicle for working collaboratively together on what can be achieved.

15. The limited negative feedback officials heard related mainly to groups wanting more time to engage and think about their specific issues before they could respond effectively.

## Key themes

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16. The main themes Te Puni Kōkiri officials heard were:

- a. *Providing clarity on what partnership means in practical terms, and enshrining a commitment to engaging Māori throughout the Wai 262 work:* Māori want clarity on what partnership means in practical terms, and a clear commitment to engaging Māori throughout the Wai 262 work. The current role of various Māori fora and organisations is to be considered in ongoing conversations. Upskilling the Crown on how it works with Māori is key to the success of this kaupapa.
- b. *Ensuring an inclusive process which addresses issues that are relevant to all iwi and Māori:* the Māori-Crown partnership needs to be reflected at all levels of the Kete structure to ensure the Crown's response addresses issues that are relevant to all iwi and Māori. Current agreements and processes in place need to be honoured. The Crown and Māori need to ensure whānau are at the centre of issues where appropriate, such as Alexander Turnbull library agreements with whānau. Building a broad political consensus for the kaupapa is essential.
- c. *Maintaining the mana of the original claim and recognising the importance of the kaitiaki role of the representatives of the claimant rūpū:* the next stage of work needs to recognise the importance of the kaitiaki role of the claimant group in overseeing the integrity of the process. The fundamental kaupapa of the claim needs to be held in mind during the development of the partnership approach and work programme going forward.
- d. *The Crown needs to ensure resources are available to both enable Māori engagement with the Crown and support Māori-to-Māori conversations:* the way resources are provided needs to reflect the time needed for Māori-to-Māori conversations and enable a Te Ao Māori approach to emerge.
- e. *The Crown's approach needs to be broad enough to support social and economic parity and the full range of Māori and Crown interests:* the structure appears to be a sensible start, but the scope of the work programme needs to be broadened. The



work needs to align with the present and future states of both Crown and Māori (including urban Māori) worlds and support social and economic parity. The Crown needs to develop a consistent approach to engaging with Māori and provide more clarity on the interconnectedness of the three Kete and how Wai 262 will be joined up to other work (some participants mentioned mānuka honey as an example of this).

- f. *More clarity is needed on the phasing and timeframes of the work:* there are interests in the details of the substantive work and on the nature and timing of further dialogue.

## Conclusion

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17. Substantive feedback mostly focused on:

- a. what the Crown would be doing and who it would be doing it with
- b. the nature and quality of the future Māori-Crown relationship
- c. allowing more time for Māori-to-Māori conversations and ongoing resource for Māori engagement.

18. Most groups or individuals acknowledged the importance of the Crown taking a first step towards addressing Wai 262 issues, and many saw this process as an opportunity to refocus the partnership between Māori and the Crown.

## Acknowledgement and next steps

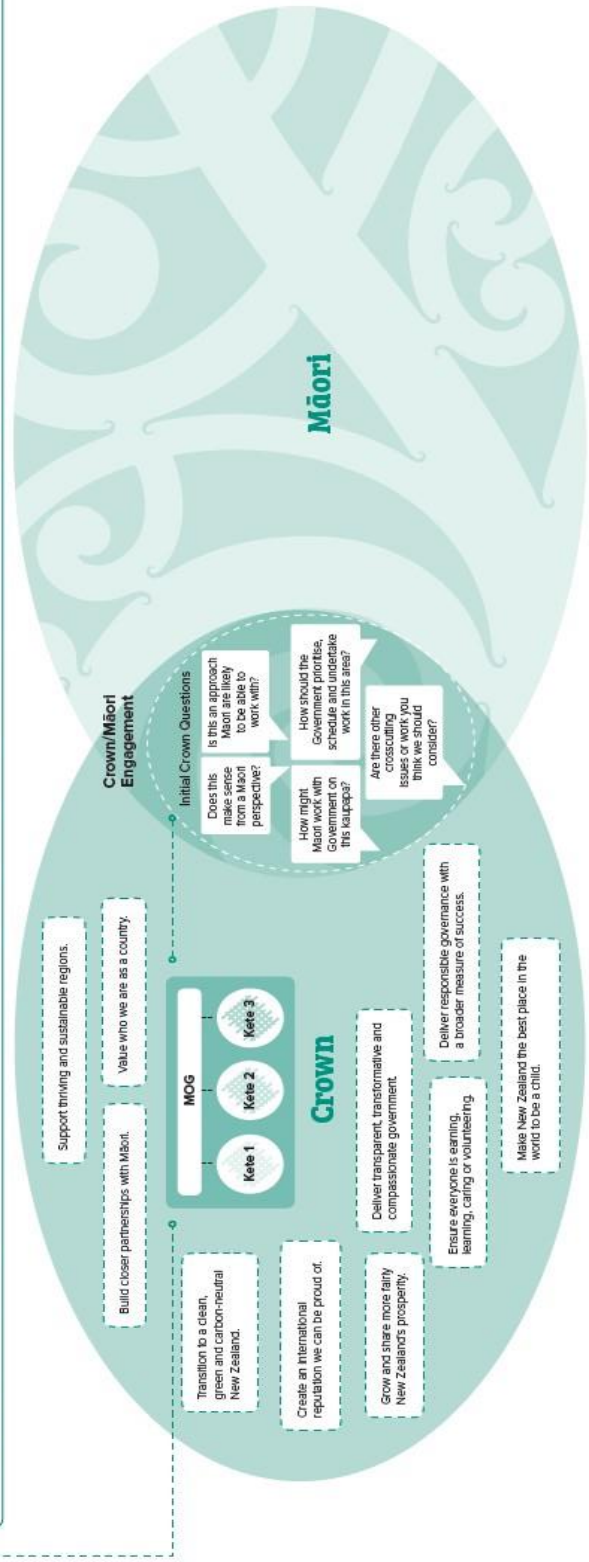
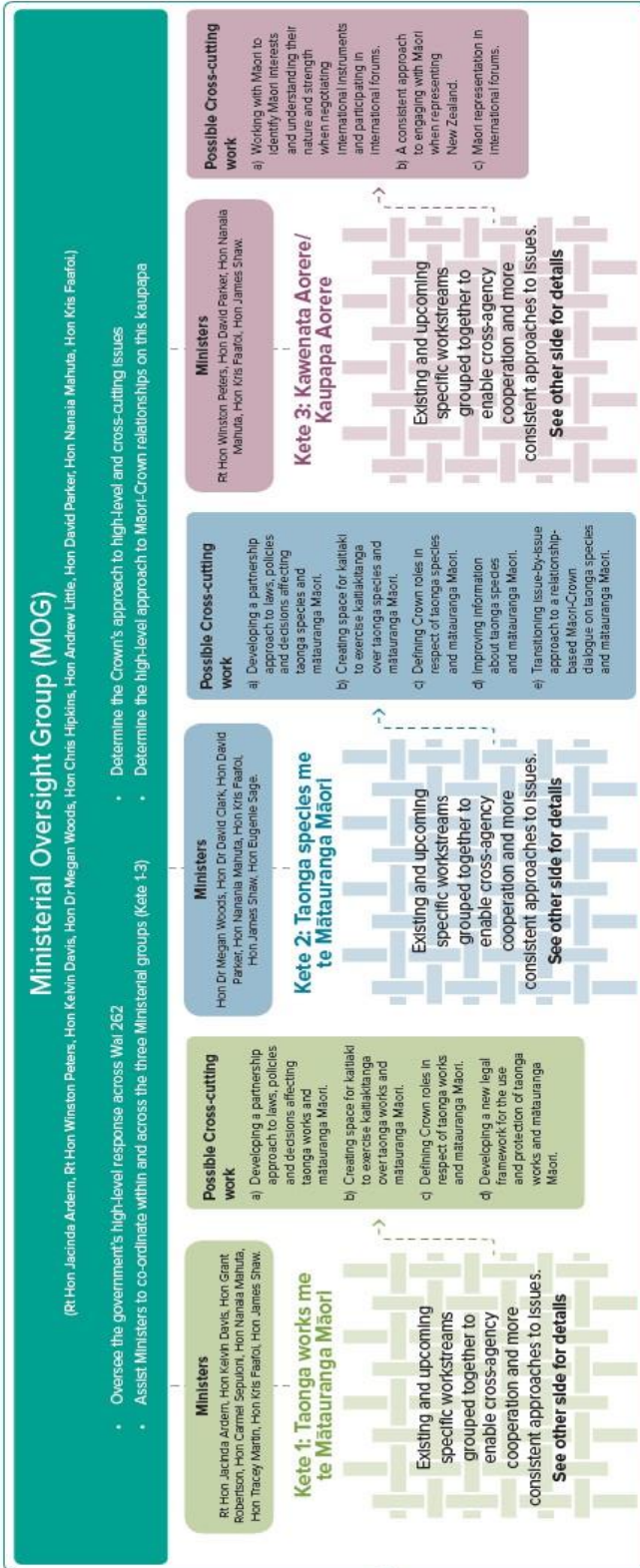
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19. Te Puni Kōkiri would like to express its sincere gratitude to all those who gave their time to provide their valuable feedback on these initial Crown proposals. This will form part of the report back to Cabinet in early 2020, to seek confirmation of the Crown organisational approach to Wai 262: Te Pae Tawhiti.

20. Updates on further engagements or substantive decisions will be made on the [Te Puni Kōkiri website](#).



# Wai 262 - Te Pae Tawhiti: Preliminary Proposals for Crown Organisation





### Kete 1: Taonga works me te Mātauranga Māori

#### What is the scope of this Kete?

Some of the options for future collaborative work between Māori and the Crown in Kete 1 might include:

- Kaitiakitanga**  
How can we better enable kaitiaki to more fully exercise kaitiakitanga over taonga works and mātauranga Māori?
- Protection**  
Should there be a new legal framework to protect taonga works and mātauranga Māori? What should it look like?
- Partnership**  
How should we make decisions affecting taonga works and mātauranga Māori in New Zealand and who should make them?
- Stewardship**  
How should the Crown manage taonga works and mātauranga Māori? It holds? How should the Crown approach Māori data stewardship and governance issues? How can the Crown better manage its metadata to enable access to the mātauranga Māori it holds?

#### What are the existing work programmes that sit within this Kete?

The Government has so far identified the following workstreams as being likely to involve issues related to those considered in *Ko Aotearoa Tēnei* in Kete 1 (Taonga Works me te Mātauranga Māori):

- The review of the Copyright Act 1994
- The review of the Haka Ka Mate Attribution Act 2014
- Government data stewardship and Māori data governance
- The review of the Statistics Act 1975
- National Archival and Library Institutions (NALI) Ministerial Group
  - Government Digital Strategy
  - Refresh of Tei Mai Te Rau
  - Review of the Te Ture mō Te Reo Māori Act 2016
  - Māori Media Sector Shift



### Kete 2: Taonga species me te Mātauranga Māori

#### What is the scope of this Kete?

Some of the options for future collaborative work between Māori and the Crown in Kete 2 might include:

- Kaitiakitanga**  
How can we better enable kaitiaki to more fully exercise kaitiakitanga over taonga species and mātauranga Māori?
- Protection**  
How should we protect taonga species and mātauranga Māori? How might better information systems about taonga species and mātauranga Māori be developed?
- Partnership**  
How should we make decisions affecting taonga species and mātauranga Māori in New Zealand and who should make them? How we might transition Māori-Crown engagement on taonga species and mātauranga Māori from a transactional, issue-by-issue approach to a relationship-based model?

#### What are the existing work programmes that sit within this Kete?

The Government has so far identified the following workstreams as being likely to involve issues related to those considered in *Ko Aotearoa Tēnei* in Kete 2 (Taonga Species me te Mātauranga Māori):

- Development of a new national biodiversity strategy
- Responding to the Supreme Court's decision in *Ngarī Tai ki Tamaki Tīhaki Trust v Minister of Conservation*
- Improving access to cultural materials
- Comprehensive review of the resource management system
- Essential freshwater
  - Developing a National Policy Statement on indigenous Biodiversity
  - Zero Carbon Bill
  - Emissions Trading Scheme
- Mātauranga Māori when presented as evidence in a decision-making hearing
  - Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
  - Three Waters Review
  - Review of the Plant Variety Rights Act 1987
  - Consideration of whether there should be a 'disclosure of origin' requirement in the patent system
  - Development of a Resource Strategy
  - Review of the Crown Minerals Act 1991
  - Health Services and Outcomes Inquiry Kaupapa inquiry (Wal 2575)
  - Māori Health Action Plan
  - Fisheries Change Programme
  - Review of the Biosecurity Act 1993
  - Forestry Strategy



### Kete 3: Kawenata Aorere/Kaupapa Aorere

#### What is the scope of this Kete?

The proposed focus for Kete 3 (Kawenata Aorere / Kaupapa Aorere) is:

- Māori interests at international level**  
How should the Crown work with Māori to identify Māori interests and the nature and strength of those interests when negotiating international instruments and participating in international forums?
- Engaging with Māori**  
How should Government agencies engage with Māori when representing New Zealand?
- Māori representation**  
How Māori should be represented in international forums?

#### What are the existing work programmes that sit within this Kete?

In Kete 3 existing, recent and upcoming Government workstreams of particular relevance include:

- Implementation of the 2001 Strategy for Engagement with Māori on international treaties
- The development of the Māori Crown Engagement Framework and Guidelines led by Te Arawhiti
- The development of a Trade for All agenda. One of the Trade for All agenda's key principles is "the creation of a genuine conversation with the public and key stakeholders around the future direction of New Zealand's trade policy; this will include consultation with Māori, consistent with their role as a Treaty partner".

As set out above, this Kete is primarily focused on the Crown relationship with Māori in the area of international instruments. To provide further context, the following are examples of existing or potential future international instruments and related kaupapa on which the Crown is currently engaging with Māori and will need to be mindful of the issues raised in the *Wal 262* claim and *Ko Aotearoa Tēnei*:

- New Zealand's development of a plan on the United Nations Declaration on the Rights of Indigenous Peoples
- World Intellectual Property Organisation negotiations in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
- New Zealand's participation in the United Nations Permanent Forum on Development
- Convention on Biological Diversity
- United Nations Agreement on Biodiversity Beyond National Jurisdiction negotiations
  - UNFCCC/Paris Agreement/climate change negotiations
  - E-Commerce negotiations at the World Trade Organization
  - Digital Economic Partnership Agreement (DEPA) negotiations with Chile and Singapore
  - Various free trade agreements and related work.



## Appendix 2: Participation in Targeted Engagement

1. The following table outlines the National Māori Organisations that were invited and participated in discussions.

Organisation	Invited	Participated in discussions
Te Kaunihera Māori o Aotearoa – New Zealand Māori Council	Yes	No
FOMA – Federation of Māori Authorities	Yes	Yes
Te Rōpu Wahine Māori Toko I te Ora - Māori Women’s Welfare League Inc.	Yes	No
Te Hunga Rōia Māori o Aotearoa – The Māori Law Society	Yes	Yes (including a written submission)
NUMA – National Urban Māori Authority	Yes	No
Te Ohu Kai Moana – Māori Fisheries Trust	Yes	Yes
Wairoa-Waikaremoana Trust Board	Yes	No
Te Tumu Paeroa	Yes	No
Māori Women’s Development Incorporated	Yes	Yes
Te Waka Kai Ora	Yes	Yes

### Sectoral Māori Reference Groups

2. All Crown agencies involved with the work agreed to contact their sectoral Māori Reference Groups to offer an opportunity to discuss the Crown proposals.
3. The following sectoral Māori Reference Groups invited Te Puni Kōkiri to present and discuss the Government’s preliminary proposals for Crown Organisation.
  - a. Te Taumata – Ministry of Foreign Affairs and Trade
  - b. Plant Variety Rights Māori Rōpū
  - c. Te Kōmiti Māori, National Library
  - d. Library Information and Advisory Group
  - e. Guardians Kaitiaki, National Library
  - f. Te Ara Putaiao, Crown Research Institutes
  - g. Archives Council and Te Pae Whakawairua, Archives New Zealand
4. The peak Māori education hui organised by the Ministry of Education was also advised of the work; participants did not take up an offer of further engagement.

### Māori Academics and Technical Experts

5. A hui was held in Wellington on 23 October 2019. Written feedback was received from one individual.







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