



# Cabinet

## Minute of Decision

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### Developing a Whole-of-Government Strategy for WAI 262

Portfolio                      Māori Development

On 8 April 2019, following reference from the Cabinet Māori Crown Relations - Te Arawhiti Committee, Cabinet:

1        **noted that:**

- 1.1        in 1991, a claim was filed in the Waitangi Tribunal, which sought to establish who, if anyone, owns or controls mātauranga Māori (traditional knowledge), traditional artistic and cultural expressions, the unique characteristics of indigenous flora and fauna, and NZ's natural environment (Wai 262);
- 1.2        in 2011, the Waitangi Tribunal released its report entitled 'Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity' (the Wai 262 report);

2        **noted that the Wai 262 report:**

- 2.1        recommended changes to the Crown's laws, policies and practices relating to intellectual property, indigenous flora and fauna, resource management, conservation, the Māori language, arts and culture, heritage, science, education, health, and the making of international instruments;
- 2.2        provides extensive guidance on how the Crown could take a Treaty-based approach to establishing partnership mechanisms that enable shared decision-making on important issues;

3        **noted that:**

- 3.1        although the Crown has made some progress on Wai 262-related issues, it has not sought to directly address the key issues underlying the Wai 262 claim in a coordinated way since it was made in 1991;
- 3.2        the Crown has not made any formal response to the Wai 262 report or discussed with the claimants, or iwi/hapū more generally, what steps the Crown should take in response to it as a whole;

4        **noted that:**

- 4.1        a number of upcoming work streams will require the Crown to take a position on key Wai 262 issues in the near future;

- 4.2 addressing issues in the Wai 262 report will contribute to wider Government priorities such as: building a closer partnership with Māori; improving how the public sector responds to Māori issues; building a productive, sustainable and inclusive economy; valuing who we are as a country; and creating an international reputation to be proud of;
- 5 **agreed** that the Minister for Māori Development develop a draft whole-of-government strategy to address the issues raised in Wai 262, in consultation with the relevant Ministers named in the paragraph 7 below;
- 6 **invited** the Minister for Māori Development to report back to the Cabinet Māori Crown Relations: Te Arawhiti Committee in November 2019 to seek approval of the whole-of-government strategy outlined in paragraph 5 above;
- 7 **agreed** to establish a Ministerial oversight group, comprising the following Ministers, to assist in the development of the draft strategy:

Ministerial Oversight Group		
Portfolios	Ministers	Wai 262 chapters
Prime Minister	Rt Hon Jacinda Ardern	Chapter 9 (Conclusions, summary of recommendations and how to 'perfect' the Treaty partnership)
Deputy Prime Minister	Rt Hon Winston Peters	
Minister for Māori Crown Relations: Te Arawhiti	Hon Kelvin Davis	
Minister of Energy and Resources; Minister of Research, Science and Innovation	Hon Dr Megan Woods	
Minister of State Services	Hon Chris Hipkins	
Minister for Treaty of Waitangi Negotiations	Hon Andrew Little	
Attorney-General	Hon David Parker	
Minister for Māori Development	Hon Nanaia Mahuta	
Minister of Commerce and Consumer Affairs	Hon Kris Faafoi	

- 8 **agreed in-principle, subject to** the report back in paragraph 6 above, to establish three Ministerial focus groups, comprising the following Ministers:

Focus Area	Portfolios	Ministers	Wai 262 Chapters
Focus Area 1: Taonga works and mātauranga Māori	Minister for Arts, Culture and Heritage	Rt Hon Jacinda Ardern	Chapter 1 (Taonga Works and Intellectual Property) Chapter 5 (Te Reo Māori) Chapter 6 (When the Crown Controls Mātauranga Māori)
	Associate Minister of Education (Māori Education)	Hon Kelvin Davis	
	Associate Ministers for Arts, Culture and Heritage	Hon Grant Robertson	
	Minister for Māori Development; Minister of Local Government	Hon Carmel Sepuloni	
	Minister of Internal Affairs	Hon Nanaia Mahuta	
	Minister of Commerce and Consumer Affairs;	Hon Tracey Martin	
	Minister of Broadcasting, Communications and Digital Media	Hon Kris Faafoi	
	Minister of Statistics	Hon James Shaw	

<b>Focus Area 2:</b> Taonga species and mātauranga Māori	Minister of Energy and Resources; Minister of Research, Science and Innovation	Hon Dr Megan Woods	Chapter 2 (Genetic and Biological Resources of Taonga Species) Chapter 3 (Relationship with the Environment) Chapter 4 (Taonga and the Conservation Estate) Chapter 7 (Rongoā Māori)
	Minister of Health	Hon Dr David Clark	
	Minister for the Environment	Hon David Parker	
	Minister for Māori Development; Minister of Local Government; Associate Minister for the Environment	Hon Nanaia Mahuta	
	Minister of Commerce and Consumer Affairs	Hon Kris Faafoi	
	Minister for Climate Change	Hon James Shaw	
Minister of Conservation	Hon Eugenie Sage		
<b>Focus Area 3:</b> International indigenous matters	Minister of Foreign Affairs	Rt Hon Winston Peters	Chapter 8 (The Making of International Instruments)
	Minister for Trade and Export Growth	Hon David Parker	
	Minister for Māori Development	Hon Nanaia Mahuta	
	Minister of Commerce and Consumer Affairs	Hon Kris Faafoi	
	Minister for Climate Change	Hon James Shaw	

- 9 **noted** that the draft strategy will include recommendations on the governance arrangements for the Ministerial focus groups and confirmation of the participating Ministers;
- 10 **agreed** that, as part of developing the proposed strategy, Te Puni Kōkiri officials work with officials from relevant agencies to co-ordinate advice to the Minister for Māori Development and relevant portfolio Ministers on how the government should approach Wai 262 and mātauranga Māori in relation to the three focus areas;
- 11 **agreed** that, as part of developing the proposed strategy Te Puni Kōkiri officials, with assistance from other agencies, undertake targeted engagement with key Māori groups and individuals with interests in Wai 262, including Wai 262 claimant groups, Māori technical experts, relevant statutory Māori advisory boards, iwi leaders, the Federation of Māori Authorities, the Māori Council and subject specialists;
- 12 **authorised** the Minister for Māori Development to approve, in consultation with the Ministerial oversight group, the approach to the targeted engagement agreed in paragraph 11 above.

Michael Webster  
 Secretary of the Cabinet

*Secretary's Note: This minute replaces MCR-19-MIN-0008. Cabinet amended the list of Ministers in Focus Area 1 in paragraph 8.*

**Hard-copy distribution:**

Prime Minister

Deputy Prime Minister

Minister for Maori Development

Released by the Minister for Māori Development