

CROWN/MĀORI RELATIONS HUI NOTES

Date of hui:	20 May 2018
Venue:	Waitetoko Marae, Taupō
Attendees:	Approx. 45 hui participants Hon Kelvin Davis, Minister for Crown/Māori Relations Tamati Coffey, Waiariki MP Crown Facilitator, Te Rau Kupenga Officials from: <ul style="list-style-type: none">• the Crown/Māori Relations Roopū, Te Tāhū o te Ture/ Ministry of Justice• Te Puni Kōkiri

These notes provide a broad overview of the key points raised by participants and do not represent minutes of the hui. The headings used in this note correlate with the information contained in the pamphlet “Te Ara Whakamua ā tātou – Crown/Māori relations” (which can be found at <https://www.justice.govt.nz/maori-land-treaty/crown-maori-relations/initial-proposals-from-government/>).

Main issues and opportunities raised at the hui

- *Desecration of wāhi tapu* – A couple of speakers noted that wāhi tapu had been desecrated by the Crown, and that this evidences a lack of recognition of Māori cultural values. An example of the quarry used for state highways 41 and 27 was noted where three tūpuna were removed from the burial site and other tūpuna bones are ‘now part of the shingle that made the road’.
- *Whenua Māori* – A couple of speakers disagreed with Te Tumu Paeroa still administering miniscule dividend payments of 4 cents per annum for leases, implying a more fruitful strategy should be used. Another speaker did not agree with the current whenua Māori model which enabled Trustees elected to manage the land (whether the Trustees had the right skills/experiences, or not). One speaker noted that it is difficult to utilise whenua Māori and that local authority rules and regulations are a known barrier which needs to change.
- *Local government Māori representation* – A couple of speakers recommended that Māori need to be represented on local government to enable involvement in decision making “if you do it for me, you do it without me, and you do it to me”.
- *Tourism tikanga* – a couple of speakers noted that there is an environmental impact and cost with the significant increase in international and domestic visitors. Those speakers indicated that some freedom camper behaviours led to polluting waterways, and destroying precious flora and fauna. Those speakers indicated that freedom campers needed to be informed/advised of the tikanga / acceptable behaviours.

- *Working with the Department of Conservation (DoC)* - One speaker spoke of their effort to create local employment within the tourism sector, but they were unsuccessful as they were not able to reach an agreement with DoC over car parking issues in relation to certain reserves. The speaker talked about how DoC needed to work with iwi / Māori (not against) and the sustainable management practices allowed for commercial use of whenua.
- *Treaty settlement issues* – A couple of Treaty settlement issues were raised which the speakers asked to be addressed. One speaker indicated that there needs to be a ‘tikanga process’ to sort out overlapping claims issues. A couple of speakers noted the unfairness of property valuations undertaken by the Crown in terms of making the properties available under a Right of First Refusal (RFR). They indicated that the property valuation should take account that the land had originally been whenua Māori and had either been confiscated or purchased in an unfair manner. One speaker indicated that Office of Treaty Settlement staff were perceived as “know-it-all’s” which was demonstrated through the attitude of “we know best about what you can get back”. That speaker suggested this came across as pre-determining the issues and that this way of operating needed to change. Another speaker requested that a ‘protection mechanism for land owned by local authorities’ be put in place – so that land subject to a Treaty claim could not be sold or leases could not be extended. That speaker referred to the Motutere Recreation Reserve as an example where treaty claimants had not been afforded appropriate protection and notification.
- *Trade training* – Many speakers supported bringing back trade training with one speaker noting “it gave me the breath of life when teachers told me I wouldn’t pass”.
- *Trialling alternative models* – Some speakers suggested that the government should be open to trialling alternative models that focus on improving outcomes and removing inequalities. One speaker talked about the ‘Black Economic Empowerment programme’ used in South Africa to redress inequalities and suggested that a similar programme be established in New Zealand. One speaker proposed that the government consider utilising ‘targeted focus groups of iwi technicians’ that can be involved initially in the development of policies and programmes. Another speaker referenced a collaboration model involving Ngāti Rongomai, Ngāti Hine, Ngāti Te Rangiita and Department of Internal Affairs concerning the marina as an example of the government being prepared to try new ways of working together.
- *Minority or indigenous* - one speaker indicated that Māori are often referred to as a minority population or a stakeholder but should be noted as the indigenous people of New Zealand and a Treaty partner.
- *Water* – A couple of speakers noted that the concept of rangatiratanga found in the Treaty provides a foundation for iwi / Māori to have a major say in how water is allocated and that the exercise of kaitiakitanga underpins how iwi wish to manage the quality of water. These speakers reinforced the need for iwi / Māori to be at the decision-making table in relation to water decisions.
- *Overseas Investment Office* – A couple of speakers criticised the way the Overseas Investment Office dealt with ‘significant iwi/Māori sites’ and suggested that this needed to change for the better.

The Crown's intent

- *Developing meaningful and enduring relationships* – A number of speakers noted that the Crown/Māori relationship has historically been one-sided with the Crown dictating terms, with a few indicating that their experience of the relationship was not good. One speaker discussed the relationship between Tūwharetoa and the Department of Corrections – noting that there was a Memorandum of Understanding in place during the building of the facility at Tongariro, however beyond that point the government department did not want an ongoing relationship with the local hapū and iwi. The speaker noted this experience meant Tūwharetoa now argue for an ongoing and meaningful relationship with the Department of Corrections. One speaker noted that their experience of working with government was not good as they felt that it was unclear who to deal with on particular matters and that government departments “passed us around” to other government departments and said “that’s not us”. That speaker noted it was not a surprise that iwi / Māori turned to using the court and Waitangi Tribunal to get action.

Ngā uara: Values

- *Trust* - A couple of speakers indicated that the Crown need to rebuild trust and confidence with iwi / Māori, noting that misdeeds by the Crown need to be rectified. Another speaker indicated that the Crown has tended to “manipulate the relationship” and that the Crown needed to act with integrity.
- *Partnership* – A couple of speakers talked about the Crown and iwi/Māori working together in partnership on policies and delivering services that are effective for Māori. Working in partnership meant both parties exercising equal decision-making rights.

What's the best way for the Crown and Māori to engage?

- *Kanohi ki te kanohi* – Many speakers acknowledged that the preferred method of engagement was through hui – kanohi ki te kanohi. A few speakers referenced how the previous government had indicated a desire to meet kanohi ki te kanohi but noted that this did not eventuate.
- *Informed engagement* – Many speakers indicated that when government departments are meeting in the rohe of Tūwharetoa that Tūwharetoa expect those officials to have a good understanding of Tūwharetoa's history.

Possible Crown/Māori Relations Priorities

- *Treaty of Waitangi and Te Tiriti o Waitangi* - a few speakers suggested that the Crown needed to focus on resolving the understandings about the difference in the two versions of the Treaty/Te Tiriti to enable a pathway forward. A couple of speakers noted that the principles of the Treaty were defined differently by government departments and this lead to uncertainty.

- *Environmental issues* – A few speakers suggested that environmental issues needed to remain a priority for government. A few speakers noted that Māori are at forefront of seeking sustainable management practices and environmental protection but are under-resourced and under-credited when engaging with officials. For example, one speaker noted that ‘Te Mana o te Wai’ was a good model and that recognition should be given to those that show how this can be achieved at the grassroots level. Other models were referred to as a good starting point (e.g. ETS and the Zero Carbon Bill) but that these models could be improved with the development of a ‘kaitiaki credit’ system. This type of model would recognise and compensate the conscious environmental management that iwi undertake to their economic detriment for the betterment of a region and the country.
- *Treaty settlement commitments* – A few speakers spoke of their disappointment with government agencies not implementing Treaty settlement measures that had been agreed. These speakers noted that iwi spend a lot of their settlement monies on upskilling government officials on what their Treaty settlement commitments are and that this lack of commitment significantly dented the Crown’s integrity.
- *Justice and Corrections* – A number of speakers recommended that a reform was required aimed at making the justice system better. The reform should also and consider alternative rehabilitation models, as the current criminal justice system was not working for Māori. There were a variety of views about what worked well and what needed to change. For example:
 - one speaker noted that the Rangatahi Court in Tūwharetoa was an example where the results were seen as improving outcomes for rangatahi;
 - one speaker noted that the Matariki Courts initiative was a bit of a challenge (but didn’t elaborate why);
 - one speaker indicated that the iwi-wrap around service which provided ‘cultural rehabilitation’ before an offender was sentenced could help;
 - one speaker suggested that the Department of Corrections should enter into a relationship agreement with each relevant iwi if there is a prison in their rohe. The relationship agreement would focus on how they would work together to improve the wellbeing of the prisoners, victims, whānau and communities; and
 - a few speakers indicated the need for more interventions earlier in the criminal justice system to address issues. For example, Iwi Community Justice Panels (sic) were mentioned as a way to increase iwi involvement in rehabilitation as they help to reconnect whānau.
- *Improving State Sector capability* – A number of speakers indicated the need for government officials to increase their capability in being able to adequately engage with iwi/Māori, including how to engage in a more dynamic way. These speakers suggested that training programmes could be (or had been) developed to increase/improve cultural competency (tikanga and te reo Māori), Māori rights and interests, understanding of the Treaty / Te Tiriti and how it is (or could be) applied in various roles and agencies. A couple of people raised institutional racism in this context recommending that unconscious bias training would also be of assistance for all government officials (both head office and front-line staff). A couple of speakers noted that officials are the ‘Crown’s memory bank’ and that when they changed this generally always impacted negatively on the Crown/Māori relationship. The speakers

suggested that the Crown needed to consider how it managed more effectively the change in officials from one role to another.

- *Crown/Māori Relations* – A couple of speakers were concerned that Crown/Māori Relations might not remain a government priority, if a new government were elected, indicating that they did not want to have to repeat this conversation with a new government.
- *Local Government* – Many speakers indicated that the relationship between iwi/Māori and local government was fraught and the government needed to: clarify the Treaty/local government relationship, change how iwi/Māori are represented on local authorities and improve the way local authorities work with iwi/Māori. For example:
 - a number of speakers raised concerns about how the local authorities operated and that engagement with iwi/Māori was ineffective, slow and did not form the basis of decisions taken by local authorities;
 - a number of speakers indicated that local authorities did not know how to adequately work with iwi/Māori as a Treaty partner; and
 - a couple of speakers noted a concern with local authorities actively looking for ways to disadvantage iwi/Māori - through creating barriers to Treaty settlements (e.g., a council deciding to extend a lease over a recreation reserve to an organisation when they had been advised that the local iwi sort ownership of the reserve).

Actions:

- One written submission tabled and has been entered into the Ministry of Justice submissions database