

CROWN/MĀORI RELATIONS HUI NOTES

Date of hui:	28 April 2018
Venue:	Waahi Paa, Huntly
Attendees:	Approx. 60 hui participants. Hon Kevin Davis, Minister for Crown/Māori Relations Deborah Mahuta-Coyle, Senior Ministerial Advisor to Hon Davis Te Rau Kupenga, Crown Facilitator Official from: <ul style="list-style-type: none">• the Crown/Māori Relations Roopu, 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/Māori-land-treaty/crown-Māori-relations/initial-proposals-from-government/>).

Main issues and opportunities raised

- *Transformation* – A couple of speakers noted the current trajectory of humanity over the last 700 years of imperial nation building is a broken model and requires transformation. Only indigenous changes can change this – the same colonist rule cannot. New Zealand has been given permission by the global indigenous community (at the 2018 Permanent Forum on Indigenous Issues) to lead the restoration and revitalisation of the world. When Māori do well we breathe life into our global indigenous brothers and sisters.
- *Research Priorities* – One speaker indicated that the current key research priorities for Waikato-Tainui are freshwater, Crown/iwi relations, regional development, settlement methodology and whānau growth prosperity and sustainability. Research can’t occur without development, and vice-versa. Research is an expression of tino rangatiratanga.
- *Cultural Capital* – A speaker suggested that cultural capital needs to be more visible in our wellbeing frameworks. When the Government is interpreting Māori cultural capital, iwi need to be part of the conversation to ensure that it is accurately assessed.
- *Employment* – A speaker noted that Waikato-Tainui has a goal of 100% of iwi members to be engaged in employment by 2020 and is preparing to launch the ‘Ruakura’ project which will produce 12,000-15,000 jobs. The speaker proposed that the government match the capital which will double the employment outcomes as a means of progressing to a devolution-based approach.
- *Rangatahi* – A couple of speakers noted there was a difficulty in locating services for rangatahi and the current services are not adequate or holistic. Rangatahi are often discriminated against within the existing services.

- *Government Policies* – A couple of speakers noted that government policies are designed without a Māori framework or strong rationale and subsequently establish prohibitive legislation which impacts on Māori tikanga and disrupts cultural practises. Examples provided included health and safety legislation which impacts on marae tikanga, land and road development desecrating cultural landscapes.
- *Education* – Several speakers suggested that improving literacy is key to addressing retention in education and reducing unemployment. Inequality within the education sector leads to unemployment which leads to crime.
- *Housing* – A couple of speakers noted that Housing New Zealand does not maintain properties to a suitable standard of living which has a corresponding impact on broader social issues. The Government needs to be committed to maintaining properties and services.
- *Housing Crisis* – A couple of speakers indicated that mana whenua should not be further dispossessed of land to support the building of homes. Māori rights and interests should not be extinguished or rescinded when the Government is responding to broader social issues.
- *Agencies* – A few speakers suggested that government agencies must meet the Government's Crown/Māori relationship objectives.
- *Stability* – One speaker indicated that the government needed to be careful to ensure that it doesn't compromise the existing systems and mechanisms in place supporting our whānau and communities. Strengthen what is working well and offset the negative features. Examples of positive systems were Māori economic development and Te Ture Whenua Māori.
- *Scope of Portfolio* – Many speakers noted that Māori aspirations for the Crown/Māori relationship are comprehensive which requires the portfolio to be very broad or have influence over all the related Ministers and portfolios to achieve a holistic approach. Confining discussions within a Ministry of Justice lens is limiting.
- *Disability Sector* – One speaker indicated that Māori constitute 25% of the disability sector. Resourcing for disabilities is inadequate and there is a lack of access to education and employment opportunities which results in persons with disabilities being committed to a life of poverty and/or crime. The lack of available support and resources in the disability sector is discriminatory. There is a lack of advocates, kaiako and resources. In particular, the lack of resources for Māori based events such as Te Wiki o Te Reo Māori and Matariki further excludes disabled persons from celebrating te ao Māori.

Crown's intent

- *Te Tiriti o Waitangi* – A number of speakers noted the authentic document is Te Tiriti and is fundamental to underpinning the Crown/Māori relationship. The Government needs to honour the rights that are implicit in Te Tiriti. The kupu (words) relevant to the implementation of Te Tiriti are 'rangatiratanga' (iwi) and 'kawanatanga' (Crown). The Government needs to educate everyone on the relevance of Te Tiriti and these words and what they mean. There are public assumptions that the intention is to create separatism but it is a rights-based discussion which the Government needs to convey. A few speakers indicated that they were trying to determine what this role and portfolio will mean. The terminology is not necessarily in line with the existing Treaty-based relationship with the Crown. The values and terms need to be consistent with the Treaty-based relationship.

- *Partnership* – A number of speakers noted that the Government’s partnership responsibilities are with whānau, hapū, iwi and the mandated organisations that represent them.

Ngā uara: Values

- *Participation* – A number of speakers indicated the Government needs to give effect to partnership responsibilities set out in Te Tiriti by ensuring equal participation and input is legislated. The Crown delegates issues or commitments to third parties which circumvents a direct relationship on those issues. Third parties are not always equipped with a te ao Māori context or understanding of the intent of the commitments.
- *State Sector Capability* - A number of speakers noted that Māori are constantly battling officials. To strengthen the relationship, officials need to come with a refreshed view, be collaborative and solution focused. This may require new officials with new skillsets.
- *Te Tiriti o Waitangi* – A couple of speakers noted that the values and terms need to be consistent with the Treaty-based relationship.

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

- Enduring and durable relationships need to be established.
- Meaningful engagement is required rather than one-off consultation processes.
- The Crown needs to spend more time engaging in communities, with iwi and on marae.
- It is important that the relationship is monitored. For settled iwi with Accords in place, these act as a mechanism to monitor the health of relationship.

Possible Crown/Māori Relations Priorities

- *Te Tiriti Based Constitution* – One speaker indicated you can’t settle a ‘Treaty’ you can only honour one. A few speakers noted that the only way to avoid breaches is to constitutionalise Te Tiriti. This would involve redesigning the constitution and political systems so Te Tiriti can’t be breached in the first instance. Te Tiriti should be given powers to strike out any decision or legislation that stands in contradiction to Te Tiriti. This will remove the need for the Waitangi Tribunal.
- *Constitutional Review* – A couple of speakers indicated that a meaningful constitutional review and conversation about how powers are exercised in this country is an outstanding matter that has yet to be addressed. The absence of a formal constitution and a codified body of values by which decision making must be guided has been needed since 1840. The government also needs to take greater responsibility for measuring itself against the United Nations Declaration on the Rights of Indigenous People.
- *Reforming the Justice system* – A few speakers recommended there was a need to transform the Justice system by devolving justice solutions to communities and whānau to define punishment and remedies. One speaker indicated there was a need to “shut down the industrialisation of human misery”.
- *Transformation of the Public Sector* – Many speakers recommended transforming the public sector to take on a more holistic model. For example, this would involve:
 - transforming the existing social welfare system into a social wellbeing system.

- within education and health, value connectivity as a driver for wellbeing as a holistic approach for encompassing the overall wellbeing of people.
- Lifting cultural capability to improve public sector performance is a fundamental issue. Māori input is required to build cultural capability, but acknowledge that Māori input must come with experience in the public sector to understand how to manage the existing challenges.
- *Institutional Racism* – A few speakers noted that as a Māori person they don't feel safe as there is systemic racism within all sectors and services which propagates racism throughout society. Māori don't feel protected when accessing services so they either don't access services or they withdraw. This has a detrimental impact across the spectrum but noticeably in domestic violence, suicide, education, health and incarceration/recidivism rates. Māori are the only ones equipped to make our people feel safe and encourage them into services which will support them and decrease the systematic destruction of our people. There needs to be an effort to channel Māori into positions in agencies that will enable this to occur.
- *Local Government* – A few speakers noted that Māori are constantly pleading for representation at the decision-making table. As the Crown's agent or representative, councils need to honour Te Tiriti and fulfil the Crown's obligations to whānau, hapū, iwi Māori. The legislation needs to be amended to embed meaningful Māori representation on councils. There was also a request for the establishment of a commission of inquiry to review local government and resourcing for Māori participation in all local government processes (e.g., Resource Management Act and Local Government Act). A couple of speakers appealed for the information gleaned through these hui to be transmitted to local government so they understand the need for change and the context.
- *Treaty Settlements* – A couple of speakers indicate it was important to develop new processes that are durable and flexible (future proofing). One speaker noted that Treaty settlement redress is evolving - some iwi have missed opportunities such as gaining recognition of legal personhood for the Waikato river. There needs to be an overarching korowai which provides flexibility for rolling out contemporary provisions in former settlements and blanket legislation passed to give legal personhood to all forests, maunga and awa. One speaker also noted that the:
 - relativity mechanism has been costly and required considerable effort to ensure that the Crown is meeting its contractual obligations.
 - Waikato-Tainui needs help fixing contaminated lands the iwi has purchased through settlement provisions.
 - Right of First Refusal obligations are not being met by government agencies. The Government is developing vacant and under-utilised Crown land, including housing stock, despite the tribe's RFR provisions. This type of decision has a major impact on tribal development. Although the iwi understand the Government needs to address social housing issues, it has compromised Waikato-Tainui's ability to manage their social objectives.
- *Regional Development* – A couple of speakers noted that Māori lost their opportunity to be self-sufficient with the loss of land and more recently Māori have lost employment due to a lack of regional development progress. Efforts need to be invested in rebuilding the regions

so communities are economically viable which will have a corresponding positive impact on social needs.

- *General Racism and Discrimination* – One speaker asked the government to address anti-Treaty and anti-Māori campaigns through educational hui and programmes covering Treaty settlements and the Treaty of Waitangi. It is important for building some national context and reduce discrimination against Māori.
- *Education* – Many speakers suggested that teaching New Zealand history in schools is essential for strengthening New Zealand's identity. Those speakers also noted that NZ history should also be localised within regions as well as national so it children learn the history within its context for the region.
- *Corrections* – A couple of speakers indicated that the focus on incarcerating people is not addressing the issues that exist. The Government needs to address the issues that lead to imprisonment and involve iwi in the discussions. Don't build more prisons.
- *United Nations Declaration on the Rights of Indigenous Peoples* – A couple of speakers recommended New Zealand affirms a binding commitment for the Declaration, gives proper effect to it and the Crown/Māori Relations portfolio take the lead for monitoring and implementation of the Declaration.
- *Research* – One speaker noted that Māori research capability is strong and globally informative but Māori research capability is not well funded. Māori-based research initiatives need funding support.
- *New Public Holiday* – One speaker asked the government to replace Queen's Birthday as a public holiday with NZ War Memorial Day (held in October).

ACTIONS:

- 3 written submissions received and entered into the Ministry of Justice submissions database.