

Date of hui:	27 May 2018
Venue:	Te Mānuka Tūtahi marae, Whakatāne
Attendees:	Approx. 30 hui participants Hon Kelvin Davis, Minister for Crown/Māori Relations Kiritapu Allan, MP Deborah Mahuta-Coyle, Senior Ministerial Advisor to Hon Davis Te Rau Kupenga, Crown Facilitator 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

- *Establish a ‘Reconciliation Commission’* – A few speakers noted the need for the Crown, iwi/Māori, and New Zealanders to undertake a reconciliation process (as the Treaty settlements and Waitangi Tribunal processes have not provided for this to occur). One speaker suggested that a Commission of Inquiry be set up, and include membership from the New Zealand Māori Council, National Urban Māori Authorities, Māori Women’s Welfare League, and the Federation of Māori Authorities to represent economic, social and cultural Māori aspirations..
- *Dealing with institutional racism* – A few speakers noted that institutional racism is apparent within the government sector and this needs to be resolved. One speaker indicated that “The longstanding imbalance of colonial oppression mentality is still alive and needs to change”.
- *Constitutional reform* – A couple of speakers noted that constitutional reform was required by that the ‘Republic conversation’ cannot occur without the Crown and iwi/Māori relationship being sorted out first.
- *Government needs to be bold and innovative to deal with inequality* – A couple of speakers indicated that they supported the government being courageous to make substantial changes in policy direction and in the provision of more effective services to Māori, “Be bold, audacious, fresh, and innovative”.
- *Water* – A few speakers indicated that hapū and iwi oppose the commodification of fresh water for overseas sales. The speakers indicated that the Resource Management Act enables this to occur and this needs to change. Iwi / Māori involvement in decision-making processes

would enable changes to occur and would be a better way to reflect the protection of water as a taonga under Article 2 of the Treaty of Waitangi.

- *Recognising the 'power of tikanga'*– A couple of speakers recommended that hau kāinga be resourced to teach hapū tikanga, which would assist with providing an identity connection for Māori. This approach of recognising and providing for the 'power of tikanga' is also recommended as part of curbing the path to prison and/or reintegration into the community.
- *Treaty settlements education* – A few speakers suggested that the Crown/iwi relationship was reset when a Treaty settlement was signed and that this needed to be communicated to New Zealanders and government officials. A few speakers referred to the lack of information/education impacting on officials' perception of what a settlement covers (as opposed to what was agreed). This had led to, in a couple of instances, iwi spending settlement monies on having to inform/educate the relevant officials about the Treaty settlement commitments that had been agreed, or in some instances going to the Courts or Waitangi Tribunal to ensure those commitments were understood and provided for.
- *Improving state sector and local government capability* – A couple of speakers indicated that there was a need to improve state sector and local government capability in understanding Māori rights and interests, the Treaty/Te Tiriti and te reo and tikanga Māori. For example, there were different interpretations of what 'give effect to the Treaty' means.
- *Māori wards in local government* – A couple of speakers did not support the establishment of Māori wards in local government. They felt that councillors need to represent everyone's interests and not delegate Māori related matters to their Māori councillor colleagues.
- *Roles and responsibilities to be clear* – A couple of speakers noted that the Crown's Treaty responsibilities had been delegated, in certain circumstances, to local authorities (e.g., under the RMA and Local Government Act). The speakers suggested that the current legislation did not clearly outline what was required and that if the Crown were to continue to delegate responsibility then it needed to provide significantly more direction on what this means.
- *The resetting of the Crown/iwi relationship is through a Treaty Settlement* – A couple of speakers indicated that the Crown and iwi/Māori relationship was generally reset through a Treaty settlement. One speaker suggested that "To understand the present, must understand the past, those that don't remember the past are condemned to repeat it".
- *Treaty settlement issues* - A couple of speakers suggested that the current Crown process for dealing with overlapping claims did not give effect to 'tikanga' and that this needed to change. A couple of speakers also suggested that recent settlement packages were more creative than the contents of earlier Treaty settlements (and therefore not comparable which was unfair).

The Crown's intent

- *Recognising that Te Tiriti underpins the ongoing relationship* - Many speakers indicated that Te Tiriti o Waitangi underpins and governs the Crown/Māori relationship. Some speakers suggested that the relationship be based on tino rangatiratanga, equality, and respect.

- *Statutory recognition of the relationship* - One speaker suggested that the Crown/Māori Relations portfolio be underpinned by statutory obligations (like that of the New Zealand Māori Council established through the Māori Community Development Act 1962).

Ngā uara: Values

- *Values to underpin the relationship need to be shared and agreed* - A couple of speakers indicated that the Crown/Māori relationship has been paternalistic to date, with a lack of shared values which need to be agreed.
- *Trust* – A couple of speakers indicated that *trust* and confidence need to be re-built. One speaker noted that the negative statistics reflect Māori lives and “it seems the government does not care because Māori keep suffering, nothing changes”.
- *Partnership* - A few speakers supported that the relationship is meant to be based on a partnership. One speaker offered the ‘waka hourua model’ which reflected the two taha (Ngāi Pākehā and Ngāi Māori, or Crown and iwi me ngā hapū) joined by the atamira to provide balance through common goals.

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

- *Māori are a Treaty partner* – A few speakers noted that government needed to recognise that Māori are a Treaty partner, not a stakeholder.
- *Utilise TPK regional staff* – A couple of speakers acknowledged the great relationship their iwi had with Te Puni Kōkiri regional staff which ensured sharing of local intelligence and information.
- *Post-Settlement Commitments Unit* – A couple of speakers noted that the Post-Settlement Commitments Unit is “an awesome concept, but toothless taniwha”.
- *Kanohi ki te kanohi* – Many speakers agreed that the preferred method of engagement was *kanohi ki te kanohi* with local hapū and iwi, and Māori organisations (including trusts, incorporations etc) as appropriate.

Possible Crown/Māori Relations Priorities

- *Teaching NZ history and Te Tiriti in schools*– A couple of speakers recommended that New Zealand history and the Treaty of Waitangi needed to be taught in primary and secondary schools as a compulsory subject. These speakers also suggested that this might assist with informing New Zealanders more generally, and therefore decrease racism and unconscious bias.
- *Address ‘P’* – A few speakers recommending that dealing with ‘P’ in communities needs to be a priority for government.
- *Equity and equality* – A few speakers recommended that government needed to prioritise dealing with inequality and providing equity.
- *Giving effect to Te Tiriti o Waitangi and Treaty of Waitangi* – How to give effect to te Tiriti / the Treaty was a theme discussed by a few speakers, with different suggestions on how this might occur. For example:

- one speaker suggested the government needed to prioritise finding better ways of honouring Te Tiriti o Waitangi;
- a few speakers recommended constitutional change to give effect to te Tiriti/the Treaty thus allowing for the Crown to exercise governance and iwi/Māori to have space to exercise tino rangatiratanga;
- a couple of speakers recommended the more effective implementation of Treaty settlements at the local level (with adequate resourcing) would be a demonstration of the Crown giving practical effect to Te Tiriti / the Treaty;
- a couple of speakers suggested that the government undertake an audit of the effectiveness of how government departments engage with Māori; and
- one speaker suggested the government need to prioritise how to implement Waitangi Tribunal reports.

Actions:

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