

## Hon Kelvin Davis

Minister for Māori Crown Relations: Te Arawhiti

## Hon Andrew Little

Minister for Treaty of Waitangi Negotiations

### Proactive release – Report back: Te Arawhiti future priorities, workplan and next steps

The following document has been proactively released in accordance with Cabinet Office Circular CO (23) 4.

Some information has been withheld on the basis that it would not, if requested under the Official Information Act 1982 (OIA), be released. Where that is the case, the relevant section of the OIA has been noted and no public interest has been identified that would outweigh the reasons for withholding it.

No.	Document	Comments
1	<p><b>Report back: Te Arawhiti future priorities, workplan and next steps</b></p> <p><i>Cabinet paper</i></p> <p>Office of the Minister for Māori Crown Relations: Te Arawhiti</p> <p>Office of the Minister for Treaty of Waitangi Negotiations</p> <p><i>Meeting date: 24 July 2023</i></p>	<p>Some information has been withheld in accordance with the following sections of the OIA:</p> <ul style="list-style-type: none"><li>• section 9(2)(f)(iv) – confidentiality of advice;</li><li>• section 9(2)(g)(i) – free and frank opinions; and</li><li>• section 9(2)(j) – negotiations sensitive.</li></ul>
2	<p><b>Report back: Te Arawhiti future priorities, workplan and next steps</b></p> <p><i>Cabinet minute MCR-23-MIN-0021</i></p> <p>Cabinet Office</p> <p><i>Meeting date: 25 July 2023</i></p>	<p>Some information has been withheld in accordance with the following sections of the OIA:</p> <ul style="list-style-type: none"><li>• section 9(2)(f)(iv) – confidentiality of advice; and</li><li>• section 9(2)(j) – negotiations sensitive.</li></ul>

**In Confidence**

Office of the Minister for Māori Crown Relations: Te Arawhiti

Office of the Minister for Treaty of Waitangi Negotiations

Cabinet Māori Crown Relations – Te Arawhiti Committee

**Report back: Te Arawhiti future priorities, workplan and next steps**

**Proposal**

- 1 This paper reports back to Cabinet on the Office for Māori Crown Relations – Te Arawhiti's (Te Arawhiti) future direction, priorities and work programme.

**Relation to government priorities**

- 2 The 2020 Speech from the Throne noted that the Government will strengthen the Māori-Crown relationship to ensure that the Crown can grow to be a better Treaty Partner and work in true partnership with Māori and will continue to work to settle historic Treaty of Waitangi claims.
- 3 The Labour Māori Manifesto 2020 noted the Government's commitment to obligations under Te Tiriti o Waitangi / the Treaty of Waitangi (the Treaty), and to the articles of the Treaty: the role of the Government in Article 1; the promises it makes to Māori and their Tino Rangatiratanga in Article 2; so that together, we may achieve equality as promised in Article 3.
- 4 Te Arawhiti's work programme directly fulfils the Government's commitment to:
  - 4.1 continue work towards completing historical Treaty settlements; and
  - 4.2 strengthen the Māori Crown relationship to ensure the Crown can grow to be a better Treaty partner and work in true partnership with Māori.

**Executive summary**

- 5 Te Arawhiti was established in 2018 as an agency focussed on bridging the relationship between Māori and the Crown.
- 6 S 9(2)(f)(iv) [REDACTED] Cabinet invited the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Treaty of Waitangi Negotiations to report back to Cabinet on Te Arawhiti's future priorities, and its workplan and workforce needs [REDACTED] S 9(2)(f)(iv)
- 7 In response to Cabinet's invitation Te Arawhiti has looked back to go forward: ka mua, ka muri. This paper recalls the establishment functions of Te Arawhiti in December 2018; looks at Te Arawhiti's achievements and learnings in the four and a half years since; and sets out the refreshed strategic framework that will guide its path forward.

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- 8 A key outcome of this work is to ensure that Te Arawhiti is able to focus on its core functions rather than being drawn into being the capability for other agencies.
- 9 Accordingly, the updated framework recalls the vision originally set for the organisation: to realise the true promise of the Treaty of Waitangi for all New Zealanders ahead of the 200-year anniversary of its signing in 1840.
- 10 It confirms Te Arawhiti's three pou or foundations to Restore, Sustain and Grow the Māori Crown relationship with three associated outcomes:
- The Crown addresses breaches and obligations under te Tiriti/the Treaty and restores its relationship with Māori;
  - The Crown upholds its promises and responsibilities through its actions, policies and practices; and
  - The Crown actively looks for and pursues opportunities to enhance relationships with Māori.
- 11 Te Arawhiti's work will be informed by five priorities to:
- Complete the settlement of all historical Treaty claims;
  - Enable the recognition of customary takutai moana legislative rights;
  - Enforce requirements on the Crown to meet its Treaty settlement commitments;
  - Build the Crown's capability to engage with Māori and become a better Treaty partner; and
  - Be a strategic advisor to Cabinet, Ministers and the public service to enable good policy decisions that uphold Māori rights and interests.
- 12 Despite work pressures Te Arawhiti has resolved to remain small, at least for now. At its current size Te Arawhiti can be effective and impactful across all its functions. It accepts the challenges ahead to deploy its people to the highest priorities and develop their capability to be public service leaders for the Māori Crown relationship.
- 13 Looking back has helped identify other matters for a maturing organisation. Te Arawhiti will investigate the means to greater flexibility in its current operational funding, reassess its governance and oversight so that this is fit for purpose, and further develop more refined measures of the effectiveness and return on investment of the work of Te Arawhiti.

S 9(2)(f)(iv)

## Ka mua, ka muri: looking back to move forward

### What was Te Arawhiti set up to do?

- 14 The Crown/Māori Relations Ministerial Portfolio was established in October 2017 in recognition of the need to shift the relationship between Māori and the Crown from one based on historical grievance to one focussed on the future.
- 15 In April and May 2018, the Minister for Māori Crown Relations: Te Arawhiti led an engagement process with Māori and the wider public on the initial scope of the portfolio. A strong element of the feedback received was that the Minister and Māori Crown relationships deserve to be served by an agency focussed solely on upholding Crown commitments and supporting the Māori Crown relationship. In December 2018 Te Arawhiti was established as a departmental agency hosted by the Ministry of Justice.
- 16 The final scope of the Māori Crown Relations – Te Arawhiti portfolio was agreed in the 2018 paper *Proposed final scope of the Crown/Māori Relations portfolio and a Crown/Māori Engagement Framework and Guidelines* [CAB-19-MIN-0456 refers]. In respect of the Office for Māori Crown Relations – Te Arawhiti, Cabinet agreed it should provide strategic leadership to the public sector by:
- 16.1 ensuring the Crown meets its Treaty settlement commitments;
  - 16.2 developing engagement, co-design and partnering principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development;
  - 16.3 ensuring public sector capability is strengthened;
  - 16.4 ensuring the engagement of public sector agencies with Māori is meaningful;
  - 16.5 providing an independent cross-government view on the health of Crown/Māori partnerships;
  - 16.6 providing strategic leadership and advice on contemporary Treaty issues;
  - 16.7 brokering solutions to challenging relationship issues with Māori;
  - 16.8 coordinating significant Crown/Māori events on behalf of the Crown;
  - 16.9 providing strategic advice to the Minister on risks and opportunities in Crown/Māori partnerships;
  - 16.10 providing advice to the Minister on any other matter for which the Minister has a portfolio interest;
  - 16.11 completing Treaty settlements under the leadership of the Minister for Treaty of Waitangi Negotiations; and
  - 16.12 administering the Marine and Coastal Area (Takutai Moana) Act 2011 under the leadership of the Minister responsible for applications under the Act.

- 17 In September 2019, the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development jointly reported to Cabinet on the relative roles and responsibilities of Te Arawhiti and Te Puni Kōkiri [MCR-19-MIN-0031 refers]. The paper outlined the complementary but distinct roles of each agency.<sup>1</sup>
- 18 The establishment of Te Arawhiti signalled a deliberate focus on Māori Crown relations that went beyond the settlement of claims, because that alone is not enough. It highlighted an increased expectation on the Crown and provided the means to support it to become a better Treaty partner. This expectation was reinforced legislatively through section 14 of the Public Service Act 2020, which made clear that the role of all public service agencies includes supporting the Crown in its relationships with Māori under the Treaty.
- 19 Te Arawhiti's establishment also signalled a major change in the Crown's understanding about its Treaty obligations – as a partnership that requires ongoing effort, rather than a set of wrongs to be settled. This change is characterised by increased and deeper engagement with Māori on matters of interest. It drives expectations for the wider application of Treaty-based analysis across Crown policy and to better recognise the legal environment and rulings made by the Courts relating to the Treaty of Waitangi.

#### What has Te Arawhiti achieved?

- 20 Since its establishment Te Arawhiti has been integral to not only the objectives of the portfolios of Treaty settlements and Māori Crown relations but also to the delivery of key priorities across Government. It has consistently delivered and added strength to the Crown's approach in many situations.
- 21 Te Arawhiti has worked hard to deliver its establishment functions and achieved significant milestones, provided strategic influence, brokering and relationship building, developed legislative, policy and decision-making mechanisms, practical engagement and financial support in response to crisis events and contributed to a wide and varied range of work across government.
- 22 Some examples of success across priority areas include:
- 22.1 significant progress towards settling all historical Treaty claims with 98 deeds of settlement signed (13 since 2018). There are approximately 38 deeds of settlement remaining with 28 of those currently in progress.
- 22.2 the first decisions under the takutai moana legislation have been made. Te Arawhiti supports the takutai moana High Court process where the first cases involving overlapping claims (such as the 2021 finding of 'shared exclusivity' in *Re Edwards*)<sup>2</sup> are helping to determine the proper application of the

<sup>1</sup> The paper noted the key distinction between the two agencies are that Te Puni Kōkiri focusses on promoting Māori development and wellbeing, building capacity and monitoring the effectiveness of services for Māori and leading policy advice on specific issues of importance to Māori, and Te Arawhiti focusses on supporting Māori Crown relationships, building public sector capability to engage with Māori, ensuring Crown agencies meet their settlement commitments and administering Te Takutai Moana Act 2011.

<sup>2</sup> *Re Edwards (Te Whakatōhea No. 2)* [2021] NZHC 1025.

IN CONFIDENCE

legislative tests. Ministerial determinations of customary marine title in ngā rohe moana o ngā hapū o Ngāti Porou have also been made.

- 22.3 Cabinet's agreement in 2021 to a new takutai moana engagement strategy means Te Arawhiti is working with all applicants across Aotearoa, coastline by coastline, to ensure timely progress towards determination of rights, while Te Arawhiti's historical research supports decision makers in both pathways.
- 22.4 the implementation of a new financial assistance scheme for takutai moana applicants, in response to the Waitangi Tribunal's Stage I Kaupapa Inquiry report into the Marine and Coastal Area (Takutai Moana) Act 2011 (Wai 2660). Te Arawhiti now administers \$12 million per annum to support applicants in this process.
- 22.5 the creation and enhancement of Te Haeata – an online, searchable database of over 11,000 commitments from legislated Treaty settlements and related arrangements – to help Crown agencies recall and meet those obligations. More recently Cabinet approved He Korowai Whakamana as a framework for achieving oversight and greater accountability for the Crown's commitments. These tools strengthen Te Arawhiti's role as system lead in the enforcement of requirements on the Crown and in upholding the durability of Treaty settlements.
- 22.6 Te Arawhiti engages regularly with post-settlement governance entities on their experience since settlement. Where redress issues arise, Te Arawhiti plays a brokering role towards collaborative resolution with iwi – in the year to June 2023, there are 24 post settlement issues actively being progressed, three monitored and 18 completed. He Korowai Whakamana will help reduce the number of these issues arising from Crown failings and thereby minimise relationship and remediating costs.
- 22.7 the development of engagement, partnership and policy guidance for agencies to deepen their Treaty understanding and enable good process and decision-making consistent with the Crown's Treaty obligations. Published guidance is supported by day-to-day advice to agencies seeking help – for example, last year Te Arawhiti provided 373 pieces of specific engagement advice. Te Arawhiti also runs regular *Introduction to Māori Engagement* workshops. Over the last year workshops have been enhanced through the addition of external speakers providing direct Māori perspectives on engagement.
- 22.8 Te Arawhiti created and now leads Whāinga Amorangi: Transforming Leadership, an across government framework for building Māori Crown relations capability. The programme supports all public sector Chief Executives to meet their responsibilities under section 14 of the Public Service Act 2020 to develop and maintain the capability of the public service to engage with Māori and to understand Māori perspectives. A maturity model describes and measures the progressive steps an agency and its people are making towards capability in Māori Crown relations. 37 agencies have had their initial Whāinga Amorangi plans endorsed and are now working to implement them. Te Arawhiti also runs monthly Community of Practice hui and offers targeted support where needed.

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- 22.9 Te Arawhiti supports new and existing partnerships between iwi Māori and the Crown by brokering solutions to challenging issues – for example, in conjunction with the Ministry of Business, Innovation and Employment on 5G spectrum allocation for Māori, and in conjunction with the Ministry of Education on Wānanga revitalisation and Kōhanga Reo. Te Arawhiti leads all Crown engagement with the National Iwi Chairs Forum and plays a critical role in convening Rangatira ki te Rangatira hui both nationally and regionally on matters of urgency and/or significance to the Māori Crown relationship like pandemic response and, more recently, severe weather events. Te Arawhiti led the work to establish Te Rā Aro ki a Matariki, a nation-building holiday that is a celebration of mātauranga Māori for all New Zealanders. It supports significant Māori Crown events including the annual Waitangi Day commemorations.
- 22.10 as a strategic advisor across government on Māori Crown relations Te Arawhiti has a significant policy advisory function. In 2022/23 it reviewed 214 Cabinet papers. 28 public sector agencies sought Te Arawhiti policy advice. More proactively, Te Arawhiti contributes its expertise to policy programmes with significant impacts on Māori rights and interests like the resource management reforms, policy responses to severe weather events, future land use and climate adaptation.
- 22.11 in 2022, and at Cabinet's request, Te Arawhiti established the Treaty Provisions Oversight Group (TPOG), a cross-agency advisory group that supports agencies to think about what the Treaty means in the context of legislative design or reform. TPOG is chaired by Te Arawhiti and provides hands-on assistance to agencies in the development of well-considered and coherent Treaty provisions in legislation. To date, TPOG has helped 13 agencies on 22 Bills or legislative proposals.

**What developments have occurred and what has been learned?**

- 23 While we are at the tail end of historical Treaty settlements there are more complex challenges in the work that remains. Key areas, like mandating or the resolution of overlapping interests, have become more contested. Groups in, or entering, negotiations have high ambitions that test Crown policy parameters. There is recourse to litigation, often on novel grounds.
- 24 Te Arawhiti's focus remains to achieve fair and durable settlements that contribute to the cultural, social and economic development of Māori and restore the Māori Crown relationship. What we have learned is that fair and durable settlements cannot be scheduled to a government programme - rather the Crown needs to invest the necessary time and care if it is to restore Treaty relationships. Iwi groups themselves need to be ready and willing to pursue settlement. Contested mandates or overlapping interests need thorough and tikanga-based processes to resolve. The government has recognised these realities by abandoning promises to complete Treaty settlements by a date certain. It follows that, while significant progress has been made, there is still a substantial amount of work to be done in this area and the Treaty settlement workforce will be required for longer than anticipated at Te Arawhiti's establishment.

S 9(2)(j)

- 25 With Ngāpuhi, [REDACTED]  
[REDACTED]  
[REDACTED] It has also sought innovative ways to create the conditions for settlement such as the creation of Tupu Tonu, the Ngāpuhi Investment Fund, a Crown company charged with acquiring commercial assets that may prove attractive to Ngāpuhi once negotiations commence. It will take time to create within Ngāpuhi the capacity, trust, and confidence to enter settlement negotiations. There are corresponding cost and resource implications for Te Arawhiti.
- 26 In the takutai moana space the first determinations of Māori customary rights are giving shape to the potential and impact of the legislation. With its Crown engagement strategy funded and resourced Te Arawhiti is now well placed to advance further determinations.
- 27 However, known issues with the legislation, such as the dual pathways problem<sup>3</sup> which gives rise to procedural and substantive unfairness for some applicants, need to be addressed. The Waitangi Tribunal's Stage II report on the legislation is expected in the near future with some uncertainty as to what impact its recommendations may have.
- 28 We have learned that Māori rights and interests are frequently engaged in the government's wide and varied work programme. Indeed, across a number of this government's priorities, Māori dimensions have been central to that work – for example, in social wellbeing, health reform, affordable water, climate adaptation and resource management reform. At the same time, Māori are increasingly ambitious and vocal about both the issues of the day and their participation in decision-making. Te Arawhiti's ability to balance and manage these tensions is only possible because of the deep understanding within the organisation of these interests and the strong relationships Te Arawhiti holds with iwi across Aotearoa and public service agencies.
- 29 The Māori Crown relationship is best conducted through good faith interactions between government agencies and Māori. But sometimes navigating a path can be tricky and Te Arawhiti has often been called upon to rebuild relationships and trust to ensure a re-focus on the work at hand. For example, the pace and breadth of government reform programmes has been challenging for Māori communities when their focus may be elsewhere and capacity to engage with the Crown constrained. Proceeding at pace can risk litigation, with costs to the relationship and to the timeliness and progress of government programmes. While not measured, we consider the potential cost savings through Te Arawhiti's work to date have been significant.
- 30 The public service is keen to respond to the lift in ambition for improving the Māori Crown relationship. However, [REDACTED]  
[REDACTED]  
[REDACTED]

S 9(2)(g)(i)

<sup>3</sup> Te Takutai Moana Act 2011 (the Act) provides two separate pathways for having customary marine title (CMT) recognised in the common marine and coastal area (takutai moana) – through the High Court and through direct engagement with the Crown (Crown engagement). Applicants were able to apply under either or both pathways. The “dual pathways problem” refers to a lack of cohesion between the pathways.

31 This combination of broad Māori interests in complex issues that require delicate handling when capability is low, means Te Arawhiti is highly sought after as a strategic advisor to Ministers and the public service. Te Arawhiti is often called upon to lead engagement work when things go wrong. Yet Te Arawhiti cannot possibly spread itself wide enough to *do* the Māori Crown relationship for all of government.

32 A key challenge, therefore, is for Te Arawhiti to strike a balance between taking proactive steps to lift portfolio agencies' capability to practice the Māori Crown relationship successfully themselves on the one hand, with Te Arawhiti's more reactive and immediate strategic advisory role or practical intervention to government on the other.

33 The immense value of developing and maintaining relationships with Māori has been reconfirmed time and again. Te Arawhiti has had the privilege of establishing close working relationships with many whanau, hapū and iwi through its Treaty settlement, takutai moana, post-settlement and partnerships work. When things go wrong in the Māori Crown relationship, or where Māori lack trust or confidence in the Crown, Te Arawhiti is a familiar and reassuring face of the Crown, and it has the skills to help broker solutions.

34 Making best Crown use of those relationships, though, has sometimes stretched Te Arawhiti capacity. For example, through its relationships, Te Arawhiti administered quick delivery of COVID-19 and Adverse Weather Events funding. But to do so it has had to create ad hoc teams, drawing resource away from other key functions. [REDACTED]

S 9(2)(f)(iv)

35 There is a better understanding of Te Arawhiti's position in the public service, particularly vis-à-vis Te Puni Kōkiri. Where Te Puni Kōkiri is focused on *Māori* development, Te Arawhiti helps make the *Crown* a better Treaty partner. Te Arawhiti's attention to the way the Crown conducts the Treaty relationship complements TPK's focus on social and economic outcomes for Māori. The two agencies together help bring Māori perspectives into wider government policy making. Utilising their respective relational strengths, they partnered successfully to deliver COVID-19 funding to Māori.

36 A core component of Te Arawhiti's role is as the instructing agency for a significant number of litigation claims against the Crown. While historically Te Arawhiti has been the Crown defendant in many legal challenges to impending Treaty settlements (and these continue), the range of litigation is expanding to include cases with significant constitutional, fiscal and Māori Crown relationship impacts. Recent and current examples include:

36.1 Cases concerning the recognition of claims under the Takutai Moana Act 2011

36.2 The Ngāti Whatua case concerning the role of the Crown and the Courts in determining tikanga in Treaty settlement contexts

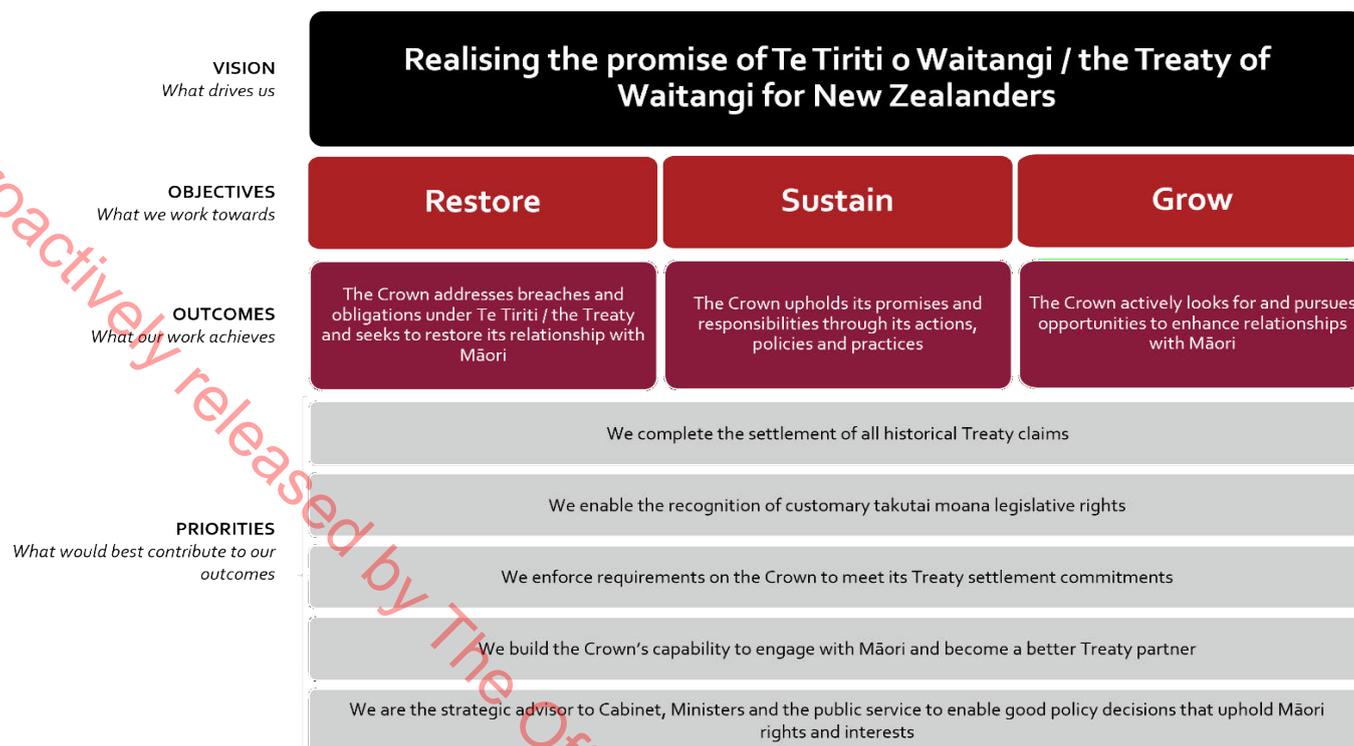
- 36.3 The longstanding Stafford/Wakatū case where the High Court will determine whether the Crown breached fiduciary duties over 170 years ago. The plaintiff seeks compensation of between \$4.6 billion and \$5.9 billion
- 36.4 Resumption (statutory Treaty) claims to Crown Forests land and assets owned by state-owned enterprises worth hundreds of millions of dollars
- 36.5 The first post-settlement challenge to settlement legislation seeking a declaration of inconsistency with the Bill of Rights (Ngāti Kahungunu ki Wairarapa).

37 In sum, and across all of the learnings and developments above, the need for an agency focussed solely on the Māori Crown relationship is greater than ever. Without Te Arawhiti the Crown is more likely to repeat the mistakes of the past. It is less likely to be able to restore broken relationships with Māori, behave as a good Treaty partner today, or help progress the Māori Crown relationship in positive, nation-building ways.

**Taking account of the past, Te Arawhiti has revised its strategic framework**

- 38 Looking back on Te Arawhiti's creation and its experience over the last four and a half years has helped the Executive Leadership Team to review and update the organisation's strategic framework.
- 39 The review harked back to the vision originally set for the organisation: to realise the true promise of the Treaty for all New Zealanders. It confirmed the importance of Te Arawhiti's three pou, or foundations – to restore, sustain, and grow the Māori Crown relationship. But to draw clearer links between the vision and the work programme three new medium-term outcome statements have been adopted and five priority work areas identified.
- 40 The overall result is intended to re-focus Te Arawhiti on its core reasons for being.

## Te Arawhiti’s updated strategic framework



## Implications and next steps for Te Arawhiti

### Workforce

- 41 A key element of looking back at Te Arawhiti’s experience to date has been to understand what its future workforce needs might be. Te Arawhiti believes it can remain effective and impactful across all its functions with a workforce at about its current size, through greater workforce flexibility within the organisation, and a focus on the skills its people needs to be public service leaders for the Māori Crown relationship.
- 42 Te Arawhiti has felt the combined workforce pressures of high demands across the public service while needing to sustain its Treaty settlement effort and increase resourcing in takutai moana. Nevertheless, at a time when government’s fiscal focus must be on the cost of living, Te Arawhiti has resolved now is not the time to seek funding for workforce growth.
- 43 Te Arawhiti must remain small, nimble and strategic to encourage the public sector’s wider capability growth. Revising Te Arawhiti’s strategic framework assists through re-focusing the organisation on its core functions and priority work areas. It supports more principled and intentional executive decisions on work programmes and the resourcing needed to deliver them. Any future workforce growth will be rigorously attuned to advancing that strategic intent.
- 44 As a small organisation with a range of high impact functions, Te Arawhiti also needs to continuously consider whether its limited resources are deployed in the most effective way possible. As Treaty settlements conclude Te Arawhiti expects to transition this workforce towards the wider Māori Crown relations space. In the

meantime, it is working on ways to create greater workforce flexibility so that when vacancies arise recruitment is targeted to areas of greatest need. Current work pressures will be managed by being more deliberate about how Te Arawhiti supports the work of other agencies and what, in the work programmes it controls, should be advanced, slowed, or stopped.

45 Te Arawhiti believes it is growing and attracting the right people with the right skillsets to be public service leaders for the Māori Crown relationship. This has proved true with many Te Arawhiti staff being sought after across public service recruitment. Te Arawhiti recognises that its people must understand who they need to be in order to do what they need to do. Te Arawhiti will therefore make the development of its people through its own Whāinga Amorangi programme a focus of the organisation.

*Budget*

S 9(2)(f)(iv)

46 [Redacted]

47 Working in partnership with Māori often means progressing at the pace they are comfortable with. Most often it requires face to face engagement (something that continues to prove difficult). In Treaty settlements, Te Arawhiti works with groups willing and able to take negotiations forward. Even then, contestability of mandate or in overlapping claims can take time. How these issues are resolved, and not rushed, can impact on the overall progress of and durability of a settlement. Much of the current takutai moana mahi has been to ensure the readiness of applicant groups to advance their case, particularly their korero and histories. Consequently, Te Arawhiti is not entirely in control of the pace of its work programme, but it must be prepared and ready.

48 The litigation budget is another significant part of Te Arawhiti operational funding. But while Crown instruction and representation in litigation is non-negotiable the frequency and timing of litigation is beyond the organisation's control.

49 [Redacted]

S 9(2)(f)(iv)  
S 9(2)(j)

50 [Redacted]

S 9(2)(f)(iv)

*Governance and operations*

51 Since establishment, Te Arawhiti has undergone organisational change. New functions have been created and resourced. Back and across-office support functions have had to be re-organised. Leadership and governance changes have been made to support the Chief Executive and keep the organisation safe and compliant with legislative and other requirements.

- 52 To implement its revised strategy, Te Arawhiti needs fit-for-purpose governance and operational oversight. It has matured to the point where it can consolidate and adjust some existing structures. The Executive Leadership Team has resolved, in addition to its strategic leadership role, to ensure closer collective responsibility for operational governance. In particular it will seek to drive the workforce and budget discipline and flexibility Te Arawhiti needs.

*Evaluation of impact*

- 53 To date, Te Arawhiti has measured its performance by things that can be counted such as settlement milestones reached, takutai moana applicant groups engaged, or engagement workshops delivered. It has also used its experience and engagement with Māori groups to assess the relative effectiveness of its work grounded in relationships. In order to prioritise more effectively over time, Te Arawhiti will develop a more mature evaluation model that considers the impacts of its work on the Māori Crown relationship and Māori outcomes more generally (and therefore outcomes for New Zealanders).<sup>4</sup>
- 54 This is not a small or simple task and developing a meaningful evaluation model will require expert capability. Te Arawhiti will continue to undertake work in this area and seek opportunities to utilise both internal and wider government expertise. Feedback from Māori will also be important in measuring the impact and designing factors of success.
- 55 An updated evaluative model will be a crucial tool in decisions responding to Te Arawhiti's work pressures. In these decisions, there will be options to either refine current work programmes or seeking additional funding to effectively and sustainably deliver on the key work of Te Arawhiti. A refined evaluative model will help ensure these decisions have Māori Crown relations and Māori outcomes impacts at their core.
- 56 Te Arawhiti will also look for opportunities to extend an evaluation model to support other agencies to assess the impact of their relational work with Māori. This could create helpful pathways for measuring the health of the Māori Crown relationship.

**Cost-of-living implications**

- 57 This paper does not have cost of living implications.

**Financial implications**

- 58 This paper does not have financial implications.

**Legislative implications**

- 59 This paper has no legislative implications.

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<sup>4</sup> This could potentially also include broader assessment of how Te Arawhiti's work contributes to other fields – for instance, international human rights obligations.

### Human rights

60 This paper has no human rights implications.

### Use of external resources

61 Due to the highly specialised nature of work that Te Arawhiti undertakes in terms of Treaty Settlements, the recognition of customary rights and interests for takutai moana, direct engagement with iwi /Māori and specific te ao Māori kaupapa, there is a need to use external experts. Standard examples of this include the use of Chief Crown Negotiators, experts in tikanga and te ao Māori and external legal counsel to prepare settlement documents. External resources are contracted as and where required and in line with relevant guidance including from the Public Service Commission.

62 Specifically, this paper also identifies that Te Arawhiti will continue to look for opportunities to evaluate the impact of its work which will likely require external support.

### Consultation

63 The following agencies were consulted on the paper: Ministry of Justice; Te Kawa Mataaho Public Service Commission; Te Puni Kōkiri; The Department of Prime Minister and Cabinet, and The Treasury.

### Communications

64 No communications plan is planned for this paper.

### Proactive release

65 We intend to proactively release this paper subject to any necessary redactions under the Official Information Act 1982.

### Recommendations

The Minister for Māori Crown Relations: Te Arawhiti and the Minister for Treaty of Waitangi Negotiations recommend that the Committee:

- 1 note that in 2022, Cabinet invited the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Treaty of Waitangi Negotiations to report back to Cabinet on Te Arawhiti's future priorities, and its workplan and workforce
- 2 note Te Arawhiti has looked back to go forward and revised its strategic framework to focus on five key priorities to:
  - 2.1 Complete the settlement of all historical Treaty claims;
  - 2.2 Enable the recognition of customary takutai moana legislative rights;
  - 2.3 Enforce requirements on the Crown to meet its Treaty settlement commitments;

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- 2.4 Build the Crown’s capability to engage with Māori and become a better Treaty partner; and
- 2.5 Be a strategic advisor to Cabinet, Ministers and the public service to enable good policy decisions that uphold Māori rights and interests

3 note that, despite work pressures, Te Arawhiti believes it can remain impactful across all its functions at its current size and that any future workforce growth will be rigorously attuned to advancing the organisation’s strategic intent

4 [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

S 9(2)(f)(iv)  
S 9(2)(j)

Authorised for lodgement

Hon Kelvin Davis  
Minister for Māori Crown Relations: Te Arawhiti

Hon Andrew Little  
Minister for Treaty of Waitangi Negotiations

Proactively released by The Office for Māori Crown relations - Te Arawhiti



# Cabinet Māori Crown Relations - Te Arawhiti Committee

## Minute of Decision

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### Report Back: Te Arawhiti Future Priorities, Workplan and Next Steps

**Portfolio** Māori Crown Relations Te Arawhiti, Treaty of Waitangi Negotiations

On 25 July 2023, the Cabinet Māori Crown Relations - Te Arawhiti Committee:

- 1 **noted** that in April 2022, Cabinet invited the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Treaty of Waitangi Negotiations to report back to Cabinet on Te Arawhiti's future priorities, and its workplan and workforce [CAB-22-MIN-0129];
- 2 **noted** that Te Arawhiti has looked back to go forward and revised its strategic framework to focus on five key priorities:
  - 2.1 complete the settlement of all historical Treaty claims;
  - 2.2 enable the recognition of customary takutai moana legislative rights;
  - 2.3 enforce requirements on the Crown to meet its Treaty settlement commitments;
  - 2.4 build the Crown's capability to engage with Māori and become a better Treaty partner;
  - 2.5 be a strategic advisor to Cabinet, Ministers and the public service to enable good policy decisions that uphold Māori rights and interests;
- 3 **noted** that, despite work pressures, Te Arawhiti believes it can remain impactful across all its functions at its current size and that any future workforce growth will be rigorously attuned to advancing the organisation's strategic intent;

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

S 9(2)(f)(iv)  
S 9(2)(j)

Sam Moffett  
Committee Secretary

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**Present:**

Hon Peeni Henare (Chair)  
Hon Nanaia Mahuta  
Hon Willow-Jean Prime  
Hon Rino Tirikatene  
Hon Rachel Brooking

**Officials present from:**

Office of the Prime Minister  
Officials Committee for MCR

Proactively released by The Office for Māori Crown relations - Te Arawhiti