



Te Puni Kōkiri  
REALISING MĀORI POTENTIAL

## Briefing to the Incoming Minister of Māori Affairs

*December 2011*



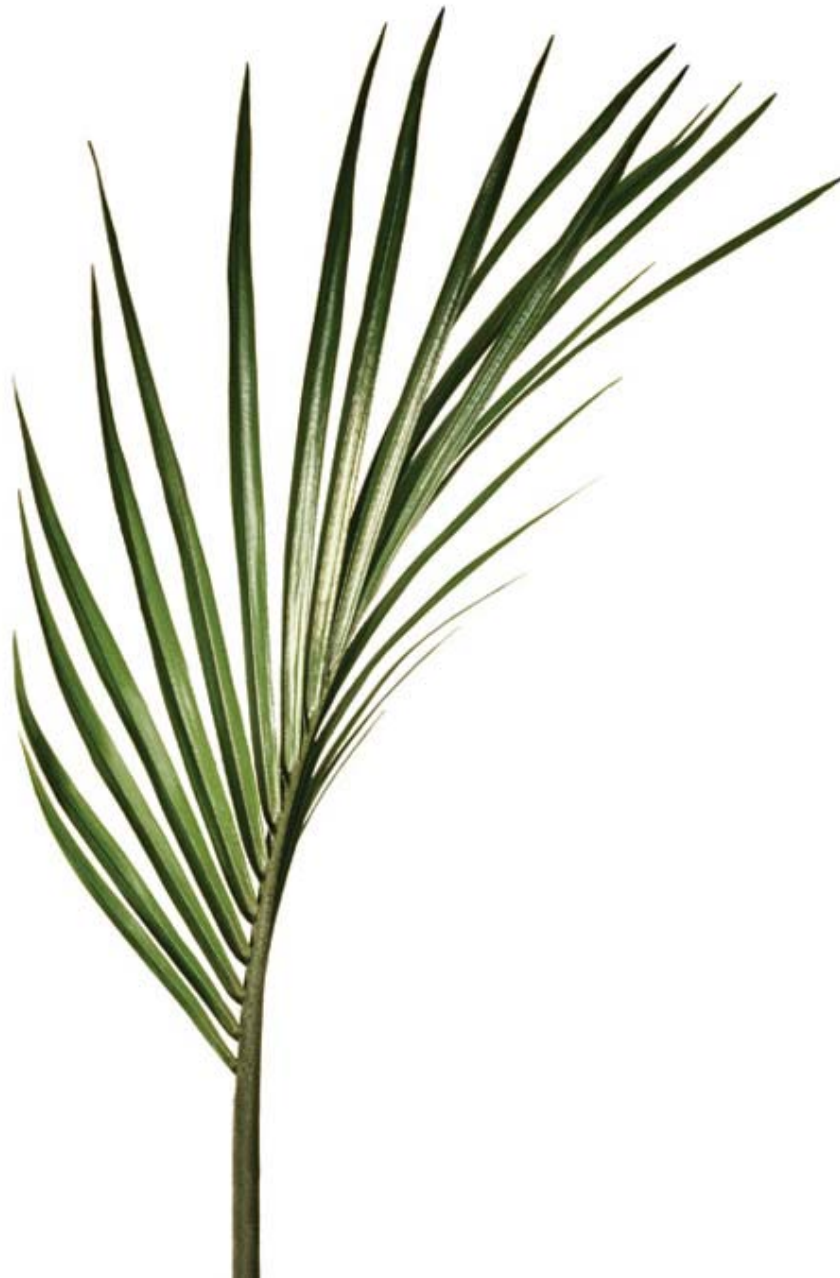
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SECTION ONE



# SECTION 1: CONTEXT AND EMERGING ISSUES

Much has been achieved over recent years, most particularly in relation to economic opportunities, and government engagement on Māori and iwi rights and interests...

Over recent years, there has been a focus on building a stronger economy. This has similarly been the case in the Māori Affairs portfolio, with significant efforts being made to strengthen Māori participation in the economy and positioning Māori exporters in the international market place, most particularly China. The growth of the Māori asset base, recently quantified at \$36.9 billion, has been significant, but its contribution to GDP demonstrates that there is opportunity for enhancing the productivity of that asset base. Similarly, there remain key concerns about the economic well being of Māori. Recent research shows that Māori households spend approximately \$5 billion more than they earn annually, and transfer payments to Māori now exceed the tax contribution that Māori make to the economy.

The accelerated pace of Treaty settlements has similarly been a major achievement: this continues to present a significant work programme for government, with approximately 60 settlements remaining to be completed. Settlement negotiations create intensive relationships between iwi and the Crown, and a pathway through which wide ranging dialogue occurs. Although framed in a settlement context, much of this dialogue tends to be forward looking and is laying the foundations for a changing relationship with particularly iwi interests in the post-settlement environment. Key dimensions of that dialogue which are influencing the nature of Crown-iwi relationships include: iwi rights and interests in, and shared governance and management arrangements over, natural resources; expectations regarding the accessibility, quality and effectiveness of services provided by the social sector; and future investment and growth opportunities.

...however, we have become increasingly concerned about the socio-economic status of Māori...

We are of the view that the emphasis being placed on social services during settlement negotiations stems from long held concerns about the quality of social outcomes Māori experience. Across most socio-economic indicators, outcomes enjoyed by Māori individuals have improved over time, however, the quality of those outcomes relative to the rest of the population have deteriorated. Similarly, measures of household wellbeing demonstrate that outcomes for Māori households have also deteriorated. (A separate briefing on Māori outcomes will be provided to you early in your term as Minister). This is of serious concern not only in terms of Māori well-being, but also in terms of impacts on economic productivity and future demand for public services, particularly given the age profile and growth projections of the Māori population.

Over recent years, government's approach to Māori Affairs policy has focused on supporting Māori aspiration and potential. While this continues to be our policy approach, we consider

that greater attention needs to be paid to the quality of Māori outcomes, and the systems that are accountable for contributing to those outcomes. In response to both this, and the drive for better public services, we have initiated a programme of work with the previous Minister of Māori Affairs, in discussion with the previous Ministers of Finance and State Services, focused on enhancing the effectiveness of the wider state sector for Māori; and have a leadership role in implementing the Whānau Ora approach, which is one mechanism geared towards delivering more effective services at the local level.

...the emerging expectations of iwi and Māori, and the changing landscape of iwi and Māori entities and communities, present an opportunity for Te Puni Kōkiri to exercise a greater level of leadership in the management of Crown-Māori and Crown-iwi relationships across government...

The landscape of iwi and hapū representative entities and Māori organisations and communities has become increasingly populated and diverse, as groups have become more active in iwi development, industry and business, and social service provision. To some extent, government has incentivised this development, including through the accelerated pace of settlements related work and capacity building initiatives over more than a decade. There is, however, some impetus among iwi and Māori to rationalise these arrangements, for example through the emergence of provider collectives (most recently as a result of Whānau Ora), and consolidation of entities within iwi.

This changing landscape, along with the emerging expectations iwi and Māori have of government, require a sophisticated approach, including knowledge currency about evolving dynamics, to managing government's interface with and between these various entities and groups beyond settlements related dialogue. To date, our approach has been to support other agencies to manage their relationships with iwi and Māori. However, with the increasing level of complexity in these relationships, and given our cross-sectoral policy remit and the strong connection of our regional network to iwi and Māori communities and organisations, Te Puni Kōkiri is well positioned to exercise a greater level of leadership across government to support the constructive and disciplined management of Crown-Māori and Crown-iwi relationships.

...together these emerging issues have demanded our consideration of how we can sharpen our focus and influence government to achieve the best possible results for Māori...

The Māori Affairs portfolio has a cross-sectoral remit, charged with considering Māori issues and interests across the full breadth of government policy and service delivery. While this presents opportunities for a broad-based work programme, our operating constraints demand careful consideration of how we identify issues of most importance to government and Māori, and how we discharge our role to achieve the best possible results.

The broad social and economic interests Māori have as individuals, and as whānau, and the distinctive constitutional interests Māori hold, as hapū and iwi, necessitates whole-of-government recognition, effectiveness and, to those ends, strong and collaborative leadership, co-ordination and advice from the centre.



Te Puni Kōkiri is positioned to contribute materially to the centre's leadership, advice and coordination of effort across three broad areas:

- ensuring improved quality of outcomes Māori enjoy as members of society and participants in the economy;
- ensuring high quality relationships between hapū, iwi and Māori collectives and the Crown; and
- ensuring active recognition and support of aspirations Māori have for themselves as an indigenous and culturally distinct group.

While this focus is consistent with both our statutory role and the expectations that Ministers and agencies have of us, the success of positioning the Ministry in a leadership role at the centre of the whole-of-government is dependent on the support of other Ministers whose portfolios it effects, and ultimately on the value that we bring to the state sector as a whole.

...along with the rest of the state sector, we face operating challenges in an environment of fiscal constraint, and a requirement to deliver better public services...

Global economic conditions coupled with domestic events causing additional fiscal pressures have created significant fiscal challenges for government as a whole. Delivering better public services and achieving operating efficiencies have featured in all agencies engagement with the current suite of public sector reform work.

In terms of better public services, our current approach, as noted above, is two-fold. In the first instance, we have leadership responsibility for Whānau Ora, which aims to design a co-operative approach between central government social sector agencies and provider collectives to deliver more effective and integrated social sector services at the local level. In the second instance, we have recently initiated a programme of work that is designed to bring a sharper focus on the effectiveness of the wider state sector for Māori.

In terms of fiscal issues, Te Puni Kōkiri is required to deliver an efficiency dividend of 3% of departmental budget from 1 July 2012. Along with inflationary pressures, this means that based on our current operations (if left unchanged) our forecast budget deficit would be approximately \$ [ withheld under sections 9(2)(f)(iv) and 9(2)(g)(i)] by 2015/16. We are currently working through a set of internal change management initiatives, including prioritisation of our work programme, achieving operating efficiencies and organisational reconfiguration in order to ensure that we are able to operate within appropriations in outyears.

Although fiscal pressures do pose some challenges, we are confident in our ability to deliver a sharpened work programme to best support government priorities with respect to Māori.





SECTION TWO

# SECTION 2: MĀORI AFFAIRS – PORTFOLIO OVERVIEW

Government infrastructure within the Māori Affairs portfolio comprises Te Puni Kōkiri, Te Māngai Pāho, Te Taura Whiri i te Reo Māori and the Māori Television Service. While independent of the Crown, the Māori Trustee is a significant entity that is part funded through Vote Māori Affairs. This section provides an overview of each of these entities, and of the non-statutory groups operating within the portfolio in an advisory capacity to the Minister of Māori Affairs. These include: Ngā Pū Waea, the Constitutional Advisory Panel and the Māori Economic Development Panel.

## TE PUNI KŌKIRI

### Establishment legislation

Te Puni Kōkiri was established by the Ministry of Māori Development Act 1991, and commenced operations on 1 January 1992. Section 5 of the establishment legislation makes provision for the statutory responsibilities of the Ministry, which include:

- a Promoting increases in the levels of achievement attained by Māori with respect to—
  - i Education:
  - ii Training and employment:
  - iii Health:
  - iv Economic resource development:
- b Monitoring, and liaising with, each department and agency that provides or has a responsibility to provide services to or for Māori for the purpose of ensuring the adequacy of those services.

### Evolving responsibilities

Since its establishment, the Ministry's core functions have evolved, consistent with changing approaches to Māori Affairs' policy and associated decisions of governments of the day. Currently, those functions include:

- i leading and influencing public policy affecting Māori;
- ii assisting Government to manage its relationships with Māori;
- iii monitoring aspects of government performance with respect to Māori;
- iv delivering a discrete set of programmes on behalf of government; and
- v partnering Māori initiative with investment and facilitation to support the priorities and aspirations of Māori.

## Organisational structure

Te Puni Kōkiri has maintained a relatively consistent organisational form, with both a head office and regional footprint that share responsibilities across its mix of functions. This enables the Ministry to discharge its functions in an integrated manner, ensuring that policy advice is anchored in the realities facing Māori communities, and that its service delivery and investment functions are sharply aligned to priorities of the government of the day. The Ministry is currently configured into four Wāhanga, as described below.

## Wāhanga descriptions

### Policy Wāhanga

The Policy Wāhanga anchors the Ministry's roles of leading and influencing public policy, with a particular focus on policy that impacts on Crown-Māori relationships; the protection and promotion of Māori rights, interests and development opportunities in cultural, natural and other resources; the promotion of economic opportunities for Māori; and the systems of government. Across these broad areas, it leads the Ministry's:

- i. processes for the provision of policy advice to the Minister of Māori Affairs, other agencies, and other Ministers as required;
- ii. legislative programme, and contributes to wider legislative reform outside of the direct purview of the Māori Affairs portfolio, including the provision of support to Select Committees as required;
- iii. statutory monitoring role;
- iv. research and information functions; and
- v. processes for advising the Minister of Māori Affairs on appointments to Government appointed boards and organisations.



## Relationships and Information Wāhanga

The Relationships and Information (R&I) Wāhanga comprises 10 regions, and regionally based teams, and a national coordination office, and is responsible for:

- i. engaging with iwi and Māori communities on issues of concern or significant interest to them; and
- ii. administering the Ministry's services and programmes (including funding) to Māori.

### *Engagement, Brokerage and Facilitation*

At a local-level, R&I facilitates and brokers relationships between iwi, Māori communities and the government, community and business sectors. As part of this, R&I leads the Ministry's consultation with Māori communities on matters required by the Minister and, where required, supports other agencies to engage with Māori on other issues of significance.

A key, and growing, part of R&I's local-level role is to service and support a national network of 10 Whānau Ora Regional Leadership Groups to promote, set the direction for, and foster community and cross-agency relationships to better enable whānau-centred development.

### *Programme Administration*

R&I also administer the Ministry's core programmes, the largest of which are the Māori Potential Fund (\$22m p.a.); the Whānau Ora WEII Fund (\$6m p.a.); the Māori Business Facilitation Service (an operating budget of \$5m p.a.); and \$4m in funding for 71 community-based Whānau support workers, Kaitoko and Oranga Whānau.

## Whānau and Social Policy Wāhanga

The Whānau and Social Policy Wāhanga is principally responsible for the Ministry's advice on social sector policy alongside the development, implementation and monitoring of the Whānau Ora approach.

It leads the Ministry's:

- i. processes for the provision of social, criminal justice, education, employment, health and housing policy advice to the Minister of Māori Affairs, other agencies, and other Ministers as required;
- ii. national level implementation of programmes such as Cadetships and Māori in Industry and Trade Training;
- iii. national level implementation of Whānau Ora programmes including Whānau Ora Organisational Transformation and Whānau Ora Action Research; and
- iv. relationships and engagement with Whānau Ora providers, and other stakeholders including the social sector agencies involved in Whānau Ora, the Whānau Ora Governance Group and the Minister Responsible for Whānau Ora.

## Support Services Wāhanga

The Support Services Wāhanga has principal responsibility for oversight and development of the organisational health of the Ministry, and provides corporate services across the Ministry, including:

- i. financial management;
- ii. human resource capability;
- iii. risk management and internal audit;
- iv. Crown entity monitoring;
- v. evaluation of the Ministry's programme and investment initiatives;
- vi. property and facilities management;
- vii. procurement;
- viii. information systems and records management;
- ix. communications and event management;
- x. legal services;
- xi. Ministerial services; and
- xii. planning and corporate accountability.



## The Executive Leadership Team



### Leith Comer - Chief Executive

Leith Comer became the Chief Executive of Te Puni Kōkiri in February 2001. Prior to that he was a Deputy Secretary at the Ministry of Economic Development.

He served in the New Zealand Army for 21 years, reaching the rank of Lieutenant Colonel. A graduate from the United States Army General Staff College, Leith received the Eisenhower Award for academic excellence. He is the only New Zealander to receive this award.

He has extensive experience as a company director, including five years as the chairperson of Lakeland Health.

Leith's iwi affiliations are to Ngāti Rangitihī, Te Arawa; Ngāti Mamoe, Ngāi Tahu; and Ngāti Pahauwera.

Leith will complete his term as Chief Executive by June 2012. It is expected that early in the new administration, the State Services Commission will initiate a process to recruit the next Chief Executive. The Commissioner will consult with the Minister of Māori Affairs as part of this process.

### Herewini Te Koha – Deputy Chief Executive and Deputy Secretary, Relationships and Information

Herewini took up the role of Deputy Secretary Relationships and Information in May 2010, and was also appointed as Deputy Chief Executive in 2011.

He has held a mix of public sector and consultancy roles throughout his career, including Chief Executive and, later, board member of Te Māngai Pāho; and Deputy Director of the Office of Treaty Settlements. In this latter role Herewini led Crown settlement negotiations with Ngāti Awa, Whakatōhea and iwi in Taranaki during the initial stages of the Crown's direct

negotiations programme. Herewini's early public sector career took in roles with the Housing Corporation and with Te Puni Kōkiri during the early 1990s.

Herewini's iwi affiliations are to Ngāti Porou, Ngāti Tamaterā, and Ngā Puhi.

### **Kim Ngarimu - Deputy Secretary, Policy**

Kim took up the position of Deputy Secretary Policy in March 2007.

Following the completion of her university studies, Kim worked for Te Rūnanga o Ngāti Porou. She first joined Te Puni Kōkiri in 1992, and until 1999 worked in various senior management, policy management and regional roles. She left Te Puni Kōkiri in 1999 to take up a Sector Manager role at the Office of the Controller and Auditor General.

In the seven years before re-joining Te Puni Kōkiri, Kim continued to build her experience in policy, strategic management, business and governance, through her co-directorship of her management and public policy consulting company.

Her tribal affiliation is Te Aitanga ā Mate, Ngāti Porou.

### **Geoff Short – Deputy Secretary, Whānau and Social Policy**

Geoff became the Deputy Secretary for Whānau and Social Policy in August 2010.

Geoff is a former secondary school teacher and administrator and has worked for Te Puni Kōkiri in various roles since 1999. His roles have included analytical and management positions in monitoring and evaluation, and policy. He was seconded to the Office of the Minister of Māori Affairs for several years and is a member of the Standing Officials' Committee to the Cabinet Social Policy Committee.

### **Julie-Anne Morrison - Deputy Secretary, Support Services**

Julie has worked at Te Puni Kōkiri since 2005, initially as the Group Manager Finance (CFO) and promoted to Deputy Secretary in 2010.

Julie attained a Bachelor of Business Studies degree in Accountancy through Massey University in 1991. Julie began her professional career with Audit New Zealand (1992 to 1996) as an Auditor, where she gained Chartered Accountant status and an excellent grounding in public sector accountability requirements.

Between 1996 and 1999 Julie worked in London primarily within the investment banking and third party unit trust administration sectors. On return to New Zealand in 1999, Julie continued to work within the investment banking industry for Jacques Martin (NZ) Ltd as a Product Development Manager, gaining project management and IT development experience.

In 1999, Julie joined The Treasury as the Senior Accountant, within the Corporate, Finance and Planning Team. During a five year tenure at Treasury, Julie also held the role of Risk Management Coordinator and had secondment opportunities to New Zealand Defence Force, Ministry of Women's Affairs and an internal building refurbishment project.



## Key Components of Work Programme

The 2011-14 Statement of Intent, 2011-12 Information to Support the Estimates, and Output Plan, provide a description of the Ministry's current work programme. This section of the briefing provides a high level summary of key workstreams that are scheduled during the term of the new administration. Section 3 provides information on key decisions and actions that are likely to come to the early attention of the Incoming Minister.

## Emerging Priorities

As signalled in Section 1 of this briefing, there are two broad areas in which the Ministry is currently extending its existing platform of work to better support government priorities with respect to Māori. These are programmes of work associated with:

- i. ensuring the wider state sector is more effective for Māori, initially through a focus on the accountability of agencies for their performance with respect to Māori. Next stages of this work programme include consideration of issues associated with service design and delivery practise, agency capability and research that informs policy decision making. These streams of work will form the principal focus for the Ministry's statutory monitoring role during the term of government; and
- ii. providing enhanced levels of leadership, co-ordination and advice to ensure the constructive and disciplined management of government's relationships with iwi and Māori.

In addition to being work areas in their own right, these two broad platforms inform and shape how the Ministry undertakes other aspects of its work programme.

## Legislative Programme

Te Puni Kōkiri manages a modest legislative programme, which is a mix of new legislation that is typically centred on specific Māori organisations and entity types or locally specific issues, and modernising and maintaining existing Acts that come within the purview of the Māori Affairs portfolio. The broad legislative programme that is currently planned for during the term of the new administration includes:

- i. Bills before the House on the Dissolution of Parliament:
  - Mōkomoko (Restoration of Character, Mana and Reputation) Bill (recommended for reinstatement);
  - Māori Trustee and Māori Development Amendment Bill (not recommended for reinstatement);
- ii. Bills currently being drafted: Māori Television Service Amendment Bill, (expected for consideration by Cabinet Committee early in 2012);
- iii. Proposed Bills which require approval of their underpinning policy:
  - Māori Community Development Amendment Bill (proposed amendments require consultation with Māori);
  - Te Puia Vesting Bill (negotiations for vesting nearing completion);
  - Māori Purposes Bill (usually included in each year's legislative programme to provide for the maintenance of Māori Affairs legislation);



- iv. Proposed reviews of existing legislation: Māori Reserved Land Amendment Act;
- v. Possible reviews of existing legislation, subject to scoping work:
  - Te Ture Whenua Māori Act 1993 (scoping underway);
  - Māori Language Act 1987 (depending on decisions arising from the review of the Māori Language Strategy);
  - Treaty of Waitangi Act 1975; and
  - Māori Trust Boards Act 1955.
- vi. Stocktake of existing Māori Affairs legislation, to assess on-going need, relevance and amendment requirements.

## Policy Programme

Key elements of the policy work programme over the term of the new administration include:

- i. Economic growth opportunities:
  - development of a Māori Economic Strategy and Action Plan;
  - promoting opportunities for Māori in the international market, particularly China;
- ii. Treaty Settlements: maintaining pace with the accelerated Treaty settlements work programme;
- iii. WAI 262: leadership of government's response to the Waitangi Tribunal report *Ko Aotearoa Tēnei* (note, the Attorney-General is the lead Minister for this work);
- iv. Constitutional issues: supporting the work of the Constitutional Advisory Panel, and providing advice on its report to Ministers;
- v. Natural resources:
  - promoting the active recognition of, and provision for, Māori rights and interests in natural resources;
  - providing advice on asserted rights and interests;
- vi. Māori cultural development:
  - progressing the agreed next steps for the review of the Māori Language Strategy;
  - developing a framework for government support of Māori cultural infrastructure;
- vii. Whānau Ora: progressing Cabinet decisions in relation to the Whānau Ora approach, including:
  - geographic coverage of Whānau Ora;
  - breadth of sector involvement in Whānau Ora;
  - moving from integrated contracting to integrated service provision; and
  - promoting whānau as a context within which social policy is progressed.

## Programme Management

National level management and delivery of a discrete set of programmes on behalf of government, including:

- i. *The Māori Business Facilitation Service:*



- provides advice and mentoring to assist Māori seeking to establish new, or grow their existing, businesses;
  - supports Māori business networks and sector development initiatives;
  - supports governance and management of Māori commercial entities through information and direct assistance, and promotes Māori in leadership and governance roles; and
  - promotes Māori business success.
- ii. *Māori Wardens' project*: The Māori Wardens' project is a joint initiative with the NZ Police, designed to develop the capacity and capability of the Māori Wardens. It provides a suite of support to Māori Wardens to increase their ability to work within their regions, including:
- the provision of training and physical resources (including safety and communications equipment, and vehicles) to Wardens;
  - regional co-ordination support; and
  - direct funding for local initiatives.
- iii. *Māori Social Assistance programmes*, including Whānau Ora, Kaitoko Whānau, Oranga Whānau, Maara Kai and Iwi Housing Support:
- *Whānau Ora* is the service co-ordination dimension of the Whānau Ora approach. It involves support for provider collectives to move towards more integrated service delivery, whānau planning and development of local social service sectors through regional leadership groups;
  - *Kaitoko Whānau and Oranga Whānau* are programmes which locate whānau support workers within community organisations, focused on enhancing local service delivery to families, providing direct practical support to parents and caregivers, and fostering whānau development;
  - *Maara Kai* provides small one-off grants to marae and Māori communities to establish non-commercial community gardens, to promote self-sufficiency, positive health practices, transfer of traditional knowledge and community cohesion; and
  - *Iwi Housing Support* targets the resolution of serious housing needs amongst whānau, hapū, iwi and Māori communities in special housing zones, particularly through the provision of capacity building support.

## Investment Programme

Te Puni Kōkiri manages a programme of investments and community funding, totalling approximately \$22 million per annum, to support Māori aspirations and potential. Most of this funding is appropriated through three non-departmental output expenses, which together form what is commonly referred to as the Māori Potential Fund. Initiatives supported through the Māori Potential Fund are a mix of significant investments that are focused on government priorities with respect to Māori, and community initiated proposals to support local priorities. Management of this funding can be resource intensive, with approximately 800 projects contracted for each year. As part of the 2012/13 planning process, the Ministry will seek your views on investment priorities for the forthcoming period.

## Organisational Health and Capability

A summary of a wide range of external assessments demonstrate that the Ministry generally enjoys a positive bill of organisational health, and in cases where those assessments have been benchmarked against other public service agencies, generally compares favourably within its cohort. The table below provides a high level summary of those assessments and indicators.

Assessment	Comment
<b>SSC Comparator Report – June 2011</b>	Annual human resources capability survey administered by the SSC. Across the 11 surveyed areas, TPK compared favourably to the public service average in 8 areas, including all leave categories surveyed, gender pay ratio, core unplanned turnover and personal grievances. For the remaining 3 areas surveyed: average tenure is slightly less than the public service average; turnover of employees with less than 2 years service is slightly higher; and average salary is slightly higher.
<b>Audit NZ Ratings – year ended June 2011</b>	<p>Audit NZ ratings of the Ministry's management control environment:</p> <ul style="list-style-type: none"> <li>• Financial information, systems and controls – very good</li> <li>• Management control environment – good</li> <li>• Service performance information, systems and controls – needs improvement.</li> </ul> <p>There were no significant matters identified in Audit NZ's management report for the 2010/11 financial year.</p>
<b>Independent Review of Policy Advice – year ended June 2011</b>	Annual quality assessment. Across the 8 criteria assessed, the overall result was a score of 5.53 out of a possible 6.
<b>Stakeholder Survey (based on SSC Common Measurement Tool) – 2010/11</b>	Stakeholder survey of key regional stakeholders based on the SSC's Common Measurement Tool, <i>Kiwis Count</i> , resulted in an average 4.6 score out of a possible 5.
<b>PIF Review – July 2010</b>	The SSC has now published PIF reviews of 14 agencies. Across the 35 assessment dimensions broadly grouped into: government priorities; core business; leadership, direction and delivery; external relationships; people development; and financial and resource management, the Ministry received largely positive ratings, and relative to other agencies compares favourably.



<b>Staff Engagement Survey – May 2010</b>	The bi-annual staff engagement survey demonstrated positive shifts in staff engagement from the previous survey. It also demonstrated that the Ministry compares favourably to wider government benchmark data, with higher proportions of engaged staff (29.1% compared to benchmark of 22.7%), and lower proportions of disengaged staff (5.7% compared to benchmark of 10.6%).
<b>BASS Benchmarking Results – 2010/11</b>	The annual benchmarking of support service functions across over 32 public sector agencies demonstrated improvements across all functions. Relative to the 'peer group' (agencies of similar size) the Ministry compares well.

### Policy Capability – Information Requirements Arising from the Review of Policy Expenditure

As a result of the *Review of Policy Expenditure*, all policy agencies are required to include as part of their information to incoming Ministers a status report on the agency's policy capability, actions required to improve policy performance and an associated plan to complete those actions, the proposed policy work programme for the upcoming term, and a capability plan to ensure the agency can deliver on the proposed work plan.

#### *Policy capability assessment*

The table below provides an overview of the results of an annual external review of a random selection of policy papers generated by the Ministry. These results demonstrate that over a number of years the Ministry has progressively improved, and maintained, the quality of policy advice.

External Reviews of the Quality of Policy Advice 1-6 scale					
Assessment Criteria	2010-11	2009-10	2008-09	2007-08	2006-07
Purpose	6.00	4.75	6.00	4.12	3.00
Logic	4.80	5.75	5.00	3.75	3.00
Accuracy	6.00	6.00	5.33	4.25	3.25
Options	5.00	5.50	5.00	3.33	3.00
Consultation	6.00	6.00	4.33	5.00	3.25
Practicality	6.00	6.00	5.66	3.75	3.25
Presentation	4.80	5.00	5.16	3.75	3.00

<b>Timeliness</b>	5.66	Not assessed			
<b>Average across all criteria</b>	5.53	5.57	5.21	4.00	3.10

1 = poor, 2 = adequate, 3 = satisfactory, 4 = good, 5 = very good, 6 = excellent

During 2010 Te Puni Kōkiri was one of the first tranche of agencies that participated in the SSC's *Performance Improvement Framework (PIF)* assessment process. The July 2010 report on this assessment included commentary on two core areas of policy business: *leading and influencing government policy as it relates to Māori* and *managing and advising on Crown-Māori relationships at the national and local level*. For each of these areas, the PIF assessors rated the Ministry as *well placed* (on a scale of strong, well placed, needing development, and weak).

The most significant capability issue facing the Ministry is the breadth of the work programme, and the need to strengthen our ability to effectively prioritise work. Close attention to this will better ensure that effort and resources are directed to those matters that are of highest priority to government and Māori, and that the volume of work does not compromise its quality.

#### *Policy capacity*

In terms of policy capacity, all four of the Ministry's Wāhanga contribute to the production of policy advice as outlined below:

- i. The Policy Wāhanga has a staffing complement of 83 full-time equivalent positions;
- ii. The Whānau and Social Policy Wāhanga has 36 full time equivalent positions, which are directed towards a mix of policy advice and oversight and national level co-ordination of Whānau Ora;
- iii. The Relationships and Information Wāhanga makes an important contribution to the production of policy advice, through the provision of local level intelligence to inform the Ministry's policy agenda and advice functions, and co-leading 'place-based' policy initiatives the Ministry is involved in (for example, the programme of policy work associated with the Canterbury recovery, and the development of the Auckland Spatial Plan and subordinate planning documents); and
- iv. The Support Services Wāhanga leads the Ministry's internal evaluation function.

These shared responsibilities ensure that the Ministry's policy function is integrated across the Ministry, and that policy advice is informed by the aspirations and needs of iwi and Māori communities.

#### *Capability improvement plan*

The PIF assessors also made a number of recommendations aimed at improving the Ministry's policy capability, including recommendations associated with strategic capability, more rigorous prioritisation of work, enhancing capability in economic analysis, and improving policy alignment across the Ministry. Actions required to improve policy performance in these areas form part of a formal programme of *Performance Improvement Actions* which has been established in response to the full set of recommendations made by the PIF assessors. Progress on the *Performance Improvement Actions* is reported to the State Services Commission on a six monthly basis.



### *Policy work programme during the term of the new administration*

The outline of the legislative and policy work programme during the term of the new administration is provided earlier at pages 13-14 as part of the summary of the broader work of the Ministry over the next 3 years.

### **Fiscal constraints**

Along with the wider state sector, the Ministry is operating in an environment of fiscal constraint. In terms of fiscal issues, Te Puni Kōkiri is required to deliver an efficiency dividend of 3% of departmental budget from 1 July 2012. Along with inflationary pressures, this means that based on current operations (if left unchanged) our forecast budget deficit would be approximately \$ [withheld under sections 9(2)(f)(iv) and 9(2)(g)(i)] by 2015/16.

For the 2011/12 financial year, the Ministry is operating a balanced budget, which is the result of some relatively small scale change initiatives and achieving some operating efficiencies. However, we continue to forecast budget deficits from 2012/13, as outlined below.

	<b>Budget</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>
	2011/12	2012/13	2013/14	2014/15	2015/16
<b>Appropriation (after efficiency dividend)</b>	60.223	59.492	56.873	56.873	56.000
<b>Forecast (status quo)</b>	60.223	x	x	x	x
<b>Surplus/(Deficit)</b>	0.000	x	x	x	x

X = Withheld under sections 9(2)(f)(iv) and 9(2)(g)(i)

In order to ensure that the Ministry is able to operate within appropriations in outyears, we are currently developing a suite of change management initiatives including: positioning the Ministry to better support the efforts of the wider state sector for Māori; work programme reprioritisation to align effort with that positioning; reconfiguration of the organisation to ensure that we are fit for purpose to deliver on a sharpened set of priorities; and business process changes to achieve further operating efficiencies. We anticipate briefing you on these initiatives early in your term as Minister.

## TE TAURA WHIRI I TE REO MĀORI

### Establishment and Board

Te Taura Whiri i Te Reo Māori (the Māori Language Commission) is a Crown Entity established in 1987 by the Māori Language Act 1987.

The Board of Te Taura Whiri i te Reo Māori is: Ērima Henare (chair), Dr Dame Iritana Tawhiwhirangi, Ruakere Hond, Te Awanuiārangi Black and Evelyn Tobin. Mr Hond is in his third term on the Board and Dr Dame Iritana is in her fourth term (terms expire on 12 April 2012). The two previous terms for Dr Dame Iritana have been one-year appointments. Mr Henare is in his second term and Mr Black and Ms Tobin are in their first terms (terms expire on 13 April 2013). Te Awanuiārangi Black temporarily stood down from the Board, as he was a candidate in the 2011 General Election.

### Statutory Role

In broad terms, the Māori Language Act 1987 provides Te Taura Whiri i te Reo Māori with all functions and powers needed to promote the Māori language as an official language of New Zealand and as a living language in everyday use, in accordance with the desires of Māori people. More specifically, the Act provides that Te Taura Whiri i te Reo Māori may initiate, develop, co-ordinate, review, advise upon, and assist in the implementation of policies, procedures, measures, and practices designed to give effect to the declaration that the Māori language is an official language of New Zealand.

### Funding

Te Taura Whiri i te Reo Māori receives annual funding of approximately \$3.2 million provided through Vote Māori Affairs. In addition to this funding, Te Taura Whiri has administered \$1.5 million per annum (provided from the Māori Potential Fund) over the last three years for He Kāinga Kōrerorero (Whānau Language Development Programme). This funding is due to expire in 2011/12. Te Taura Whiri i te Reo Māori also administers the Mā Te Reo Fund. This Fund provides financial support to projects that contribute to community based Māori language revitalisation. Approximately \$1.8 million from the Fund is distributed annually. One-off funding of \$2 million was provided in 2011/12 to extend the available Mā te Reo Fund until 2012/13, at which time it will expire.

### Key Issues

Key issues identified by Te Taura Whiri i te Reo Māori include:

- i. the development of a new Māori Language Strategy;
- ii. increasing its capacity and strategic ability to lead Māori language development across the public sector;
- iii. the future of He Kāinga Kōreroreo and Mā Te Reo; and
- iv. its view that the Māori Language Act 1987 should be reviewed.



## TE MĀNGAI PĀHO

### Establishment and Board Members

Te Māngai Pāho is a Crown entity established in 1993 by the Broadcasting Act 1989 (as amended). The legal name for Te Māngai Pāho is Te Reo Whakapuaki Irirangi: the Board of Te Māngai Pāho has signalled that it would like to seek legislative amendment, through a Māori Purposes Bill, to change its name to Te Māngai Pāho.

The Board of Te Māngai Pāho is Dr Piri Sciascia (chair), Toni Waho, Taria Tahana, Gina Rangi (terms expire on 12 December 2013), Dr Rawinia Higgins, Doug Hauraki and Pakake Winiata (terms expire on 1 September 2014). All members are in their first term except Gina Rangi (second term).

### Statutory Role

The statutory role of Te Māngai Pāho is to promote Māori language and culture by making funds available, on such terms and conditions as it thinks fit, for broadcasting, the production of programmes to be broadcast and archiving programmes.

Te Māngai Pāho may also make funds available for transmitting on demand, producing content for transmitting on demand, and archiving content.

### Funding

The annual appropriation for Te Māngai Pāho is approximately \$56 million (\$12 million for radio broadcasting; \$41.5 million for television broadcasting; and \$2.5 million for administration purposes), provided through Vote: Māori Affairs.

### Key Issues

Key issues for Te Māngai Pāho include:

- i. meeting the challenges of technology convergence in the broadcasting sector;
- ii. the development of a new Māori Language Strategy; and
- iii. achieving greater outputs from existing resources.



## MĀORI TELEVISION SERVICE

### Establishment and Board

The Māori Television Service was established under its own Act in 2003 with the core purpose of promoting the Māori language and culture through the provision of television broadcasting.

The Māori Television Service is a body corporate with perpetual succession. It has seven Directors, four being appointed by Te Pūtahi Paoho, the Māori Electoral College, and three by the Responsible Ministers (the Ministers of Finance and Māori Affairs). Members of Te Pūtahi Paoho are appointed from a wide range of Māori organisations with particular responsibilities for Māori language and culture.

The Directors appointed by the Crown are Ian Taylor and Donna Gardiner. There is one Crown vacancy. Both Crown appointees are in their first term. The Directors appointed by Te Pūtahi Paoho are Tahu Potiki, Rikirangi Gage, Cathy Dewes, and the current Chair, Garry Muriwai. The current Chair's term expires on 31 December 2011. At that time, in accordance with agreed convention between joint responsible Ministers and the Chair of Te Pūtahi Paoho, joint Ministers will be responsible for appointing the next Chair.

### Statutory Role

The main statutory function of Māori Television Service is to promote Māori language and culture through the provision of a high quality, cost-effective Māori television service. It is required to broadcast in both Māori and English to inform, educate and entertain a broad viewing audience, and thereby to enrich New Zealand's society, culture, and heritage. The service must ensure that during prime time it broadcasts mainly in te reo Māori, and it is expressly required to address the needs of people who are learning Māori, and of children who are learning *in* Māori. A full range of operating powers for these purposes is provided in the Act.

### Funding

Māori Television Service receives approximately \$16.5 million per annum directly from the Government to meet its operating costs. It also receives \$16 million per annum from Te Māngai Pāho to fund in-house programme production.

In addition, Māori Television commissions programmes from the independent production industry for broadcast on Māori Television. These programmes are funded by Te Māngai Pāho and NZ on Air. This contestable funding is paid to the production companies, not to Māori Television directly. While there is no guaranteed level of funding, to date Māori Television has received funding of approximately \$20 million per annum from this source. Finally, it also receives some revenue from advertising and merchandising (approximately \$1.15 million).

### Key Issues

Key issues for the Māori Television Service include:

- i. implementing any amendments to the Māori Television Service Act 2003 arising from the review of the Act;
- ii. the development of a new Māori Language Strategy; and



- iii. managing the transition from analogue to digital television (from September 2012), and maintaining audience relevance within a rapidly changing industry.

## **MĀORI TRUSTEE**

### **Establishment**

The Māori Trustee is a corporation sole established under the Māori Trustee Act 1953. Since 1 July 2009, the Māori Trustee Organisation has been established as a stand-alone entity. The current Māori Trustee is Jamie Tuuta, who has been appointed for a term of 5 years commencing 19 August 2011.

### **Statutory Role**

The Māori Trustee's functions and powers stem from the Māori Trustee Act 1953, the Trustee Act 1956 and a range of other legislation, as well as from common law. The Māori Trustee operates under a wide range of Acts including Te Ture Whenua Māori Act 1993, the Māori Reserved Land Act 1955, and the Māori Soldiers' Trust Act 1957, as well as income tax legislation and other generally applicable legislation.

The Māori Trustee is required to be independent of the Crown in exercising the Māori Trustee's fiduciary duties.

### **Functions**

The duties and responsibilities of the Māori Trustee include:

- i. acting as a Trustee for Māori land (and in some cases other assets) where the owners are not known and/or where the owners have not succeeded to their land interests;
- ii. acting as a Trustee for Māori land (and in some cases other assets) where the Māori Trustee has been asked to do so by trustees or owners, or has been appointed by the Māori Land Court;
- iii. acting as an agent for Māori land and other assets, e.g. administering leases on behalf of the owners;
- iv. paying revenue from Māori land held in trust to beneficial owners;
- v. investing and managing funds held in trust;
- vi. looking after certain reserves created in the nineteenth century; and
- vii. administering certain funds and trusts, for example the Māori Soldiers' Trust.

### **Funding**

The Māori Trustee is (in part) funded by appropriation through Vote: Māori Affairs. Crown funding for the 2011/12 financial year comprised \$10.347 million in operating services, and \$0.3 million in capital, and over the last three years has included amounts to assist the Māori Trustee's transition to become a stand-alone organisation. Funding for out-years is \$10.347 million per annum.

The Māori Trustee also receives income from fees and commissions, and from investments.

## Māori Trustee Accounts

The Māori Trustee is responsible for four accounts, described below.

*Appropriation Account:* This is the account for the Crown funding appropriated for the Māori Trustee.

*Common Fund:* The Common Fund totalled approximately \$65.8 million at 31 March 2011, and is made up of money held in trust on behalf of the Māori Trustee's clients. The money in the Common Fund is guaranteed by the Crown, in the event that no other money in the Māori Trustee's Account is available to meet a deficiency.

*Special Investment Account:* The Special Investment Account was approximately \$8 million at 31 March 2011. The Māori Trustee may accept instructions from clients to invest clients' funds with outside institutions, at the discretion of the client.

*General Purposes Fund (GPF):* The Māori Trustee's own account, the General Purposes Fund (GPF), was approximately \$101 million as at 31 March 2011. The GPF can be used for the purposes provided in the Māori Trustee Act 1953, including "to advance money for the benefit of Māori". The GPF's income includes fees, commissions and investments. Prior to 1 July 2009, any difference between what the Māori Trustee earned on investing client funds, and the amount the Māori Trustee was permitted by regulation to pay account holders, was also paid into the GPF. Since 1 July 2009, account holders are paid what the Māori Trustee earns on investments, less a management fee.

## Key Issues

The Māori Trustee began making the transition to become a stand-alone organisation three years ago. The new organisation faces significant challenges in updating and optimising its operations to meet the current and future needs of its clients.

Other issues for the Māori Trustee include:

- i. realising the potential to take a leadership role in terms of Māori land management, and Māori economic development more generally;
- ii. the need and opportunity to collaborate with other Māori organisations;
- iii. the fragmented nature of many of the land interests administered by the Māori Trustee; and
- iv. the need to identify viable options for clients to both protect their land interests and increase returns.



## **NON-STATUTORY GROUPS ACTING IN AN ADVISORY CAPACITY TO THE MINISTER OF MĀORI AFFAIRS**

### **Ngā Pū Waea**

#### **Purpose**

Ngā Pū Waea was established to represent and facilitate the development of Māori interests in both the Rural Broadband Initiative (RBI) and the Ultra Fast Broadband (UFB). Ngā Pū Waea has developed its work programme based on four themes:

- i. Connectivity – maximising the ability of Māori to connect to broadband;
- ii. Affordability – minimising cost and maximising value for Māori in connecting to broadband;
- iii. Opportunity – identifying training, skills, employment, collaboration and investment opportunities for Māori; and,
- iv. Uptake – promoting benefits of broadband to drive usage among Māori.

#### **Membership and Terms**

The members of Ngā Pū Waea were appointed by the Minister of Māori Affairs, in consultation with the Minister of Communications and Information Technology. Ngā Pū Waea has a maximum of seven members. The foundation members are: Jeremy Gardiner; Daphne Luke; Mavis Mullins; Haami Piripi; Antony Royal; Richard Orzecki; and Tuwhakairiora Williams.

The members of Ngā Pū Waea are appointed for a term of three years, and are eligible for reappointment.

Ngā Pū Waea will undertake its functions for the duration of the RBI and UFB contracts (expected to be completed by 2017 and 2019 respectively). The terms of reference for Ngā Pū Waea will be reviewed by Te Puni Kōkiri and the Ministry of Economic Development, in conjunction with Ngā Pū Waea and the RBI and UFB providers, after two years of operation (that is, as soon as possible after 1 July 2013).

#### **Reporting**

Ngā Pū Waea will brief the Ministers twice a year about Māori interests in rural and urban broadband development.

#### **Te Puni Kōkiri Support Arrangements**

Te Puni Kōkiri provides administrative support. The work of Ngā Pū Waea is funded from Vote: Māori Affairs.

## Constitutional Advisory Panel

### Purpose

The Constitutional Advisory Panel (CAP) has been established to implement the initial stage of work on the *Consideration of Constitutional Issues*, including:

- i. preparing and commissioning opinion pieces on the topics within the scope of the Consideration of Constitutional Issues; and
- ii. establishing a forum for sharing information and ideas on those topics amongst New Zealanders, including seeking the views of Māori in a manner that is reflective of the Treaty of Waitangi relationship and responsive to Māori consultation preferences.

### Membership and Term

The CAP comprises a maximum of 12 members, including the two co-chairs. CAP membership was approved by Cabinet in August 2011. The members are: Sir Tipene O'Regan (Co-chair); Emeritus Professor John Burrows (Co-chair); Deborah Coddington; Hon Dr. Michael Cullen; Hon John Luxton; Dr. Leonie Pihama; Hinurewa Poutu; Professor Linda Smith; Peter Tennent; Emeritus Professor Ranginui Walker; Peter Chin; and Bernice Mene.

The CAP members were appointed for the period of time until they report to the Responsible Ministers in September 2013.

### Reporting Arrangements

The CAP will report to the Deputy Prime Minister and the Minister of Māori Affairs with:

- i. a proposed strategy for implementing the initial phase of its work, by December 2011;
- ii. a proposed strategy to manage the interaction with other government projects, by December 2011;
- iii. advice on constitutional topics, including any areas in which there is broad consensus, by September 2013;
- iv. Māori Co-Chair to report to joint Ministers about consultation processes with Māori, on an on-going basis; and
- v. regular updates (at least 6 monthly) to joint Ministers and the Cross-Party Reference Group.

### Te Puni Kōkiri Support Arrangements

The Ministry of Justice is responsible for providing secretariat support to the CAP. Te Puni Kōkiri supports the Ministry of Justice by providing staff directly to the secretariat through a secondment arrangement. Budget 2011 reprioritised funding within Vote Māori Affairs to support the Māori engagement components of the CAP's work programme.



## **Māori Economic Development Panel**

### **Purpose**

An independent panel was established in September 2011 to report to the Minister of Māori Affairs and the Minister for Economic Development with a Māori economic development strategy and action plan by the end of July 2012.

### **Membership and Terms**

The following individuals have been appointed as members of the Māori Economic Development panel: Ngāhiwi Tomoana (Chair); Greg Whitred (Deputy Chair); Debbie Packer; Roger Pikia; Graham Stuart; Gina Rangi; Glen Tupuhi; Mark Solomon; June McCabe; and Bevan Graham. The appointments are not for specific terms, however the terms of reference for the panel specify that it is to submit a final report by the end of July 2012. The appointments were made by the Minister of Māori Affairs and the Acting Minister for Economic Development, in consultation with the Minister of Finance. The membership and terms of reference for the panel were approved by Cabinet.

### **Reporting Arrangements**

The Māori Economic Development panel reports to the Minister of Māori Affairs and the Minister for Economic Development. A final report and draft Māori Economic Development Strategy and Action Plan will be submitted to these Ministers by the end of July 2012.

### **Support arrangements**

Secretariat support is provided to the Panel by an interagency team led by Te Puni Kōkiri and the Ministry of Economic Development, with the Treasury providing additional analytical support. The work of the Māori Economic Development Panel is funded from Vote: Māori Affairs with some funding provided from the Ministry of Economic Development.

## VOTE MĀORI AFFAIRS FINANCIAL RESOURCES

Vote Māori Affairs provides the resourcing for all of the entities, and the work programme, described in the preceding overview. Full details of the appropriations, and the performance information to support the appropriations, is available in a more detailed briefing if required. The table below provides a high level summary of the key elements of Vote Māori Affairs (incorporating changes from the October baseline update), and a high level summary of fiscal risks associated with those output expenses.

Appropriation Description	Summary of Fiscal Risks and Comments	Budget 2011/12 \$000
<b>Departmental Output Expenses</b>		
<p>Policy - Crown Māori Relationships</p> <p>Advice on relationships between Māori people and the Crown, including Treaty policy issues, and advice on the impact of legislation.</p>	-	7,950
<p>Policy - Economic and Enterprise</p> <p>Advice on policies and programmes that specifically impact on the economic and enterprise status of Māori people and resources. It includes the provision of Māori business development services.</p>	This output expense includes funding for the Māori Business Facilitation Service (MBFS). The MBFS is largely delivered through non-departmental providers, but its inclusion in departmental funding means it will be subject to the expected 3% efficiency dividend from 1 July 2012.	11,798
<p>Policy - Social and Cultural</p> <p>Advice on policies and programmes that specifically impact on the social and cultural status of Māori people and resources.</p>	-	7,927
<p>Relationships and Information</p> <p>Strengthening relationships with Māori, with emphasis on brokerage, co-ordination and facilitation to assist Māori to achieve their economic, social and cultural aspirations.</p>	-	7,675
<p>Operations Management</p> <p>The design, delivery, and management of community investment programmes and management of land administration under Part 2 of the Māori Affairs Restructuring Act 1989.</p>	-	8,714



<p>Whānau Ora Administration</p> <p>Activities associated with implementing, developing and evaluating the whānau ora service delivery approach.</p>	<p>In the previous administration, the Minister Responsible for Whānau Ora held delegated responsibility for Whānau Ora appropriations.</p>	<p>9,357</p>
<p>Integrated Whānau Social Assistance</p> <p>Community level social assistance through the provision of Whānau Advocates and Māori Wardens programmes.</p>	<p>This output expense includes funding for the Māori Wardens' project, Kaitoko Whānau and Oranga Whānau programmes. These are largely delivered to or through non-departmental providers, but their inclusion in departmental funding means they will be subject to the expected 3% efficiency dividend from 1 July 2012.</p>	<p>6,802</p>
<p>Total Departmental Output Expenses</p>	<p>From 1 July 2012, the Ministry is required to provide an efficiency dividend (savings) of 3% of departmental output expenses, concurrent with meeting projected deficits arising from wage and inflationary pressures in outyears.</p>	<p><b>60,233</b></p>



Appropriation Description	Summary of Fiscal Risks and Comments	Budget 2011/12 \$000
<b>Non-Departmental Output Expenses</b>		
Administration of Māori Broadcasting – Te Māngai Pāho administration services.	Interest revenue of approx \$1m pa tops up full administration costs. Reserves are progressively being depleted by \$1.4m pa., and on current projections, will be exhausted in 2013.	1,808
Māori Radio Broadcasting	Forecast to expend reserves to top up current budgets by \$0.5m in 2011/12 (see above).	11,344
Māori Television Broadcasting	Forecast to expend reserves to top up current budgets by \$0.5m in 2011/12 (see above).	40,332
Māori Television Channel – Māori Television administration costs.	-	16,611
Promotion of the Māori Language – Te Taura Whiri i te Reo Māori	Includes \$2m one-off funding in 2011/12.	5,204
<p>Māori Potential Fund: Mātauranga (Knowledge)</p> <p>Purchasing partnered interventions, tools and investigative studies to support Māori in the acquisition, creation, maintenance and transferral of traditional and contemporary knowledge required to accelerate Māori development.</p>	Cabinet has recently agreed to fund enhancements to the NZ Wall at UN Headquarters in New York. \$0.195m, spread across the 3 Māori Potential Fund appropriations over 2011/12 and 2012/13 will be provided for in the Supplementary Estimates.	5,993
<p>Māori Potential Fund: Rawa (Resources)</p> <p>Purchasing partnered interventions, tools and investigative studies to support Māori access to, utilisation, development and retention of resources required to accelerate Māori development.</p>	See above.	7,168
<p>Māori Potential Fund: Whakamana (Leadership)</p> <p>Purchasing partnered interventions, tools and investigative studies to strengthen Māori leadership, governance and management to accelerate Māori development.</p>	See above	7,394



Whānau Ora Based Service Development	In the previous administration, the Minister Responsible for Whānau Ora held delegated responsibility for Whānau Ora appropriations.	
Support for providers to develop whānau ora service delivery capability.		32,510
Support for providers to develop whānau integration, innovation and engagement.		8,147
Iwi Housing Support – Capacity building support for Special Housing Action Zones.		456
Māori Trustee Functions – Purchase of trustee and land management functions from the Māori Trustee		10,347
Growing Māori Productivity and Export Growth	Expires 2013/14.	1,000
Payments to providers to improve skills, training and governance across the productive sectors targeted at, and appropriate to, Māori asset holders and businesses.		
Strengthening and promoting Māori Tourism	Expires 2013/14.	1,952
Total Non-Departmental Output Expenses		<b>150,266</b>
<b>Benefits and Other Unrequited Expenses</b>		
Rangatiratanga Grants	-	480
Total Benefits and Other Unrequited Expenses		<b>480</b>
<b>Non-Departmental Other Expenses</b>		
Administration Expenses for Crown Land	-	49
Māori Registration Service	-	626
Māori Wardens	-	1,178
Māori Women's Development Fund – Administration	-	1,867
NZ Māori Council – Administration	Reviewing current financial position in light of reported deficits and a request for additional funding.	196
Orakei Act 1991 - Orakei Reserves Board fees and travel expenses.	-	7
Payments to Trust Boards PLA	-	15
Payment of annuities to Māori Trust Boards, in accordance with sections 4(2), 9(2) and 10(2) of the Māori Trust Boards Act 1955.		

Te Ariki Trust – Administration costs	-	21
Te Putahi Pāoho – Administration costs	The Minister has committed to reviewing the amount of funding provided to TPP. This will include consideration of any role or composition changes arising from the review of the Māori Television Service Act.	131
Turanganui-a-Kiwa Capacity Building	-	500
Te Waka Māori	-	328
Total Non-departmental Other Expenses		<b>4,918</b>
<b>Capital Expenditure to be Incurred by the Department</b>		
Te Puni Kōkiri - Capital Expenditure PLA	-	1,782
Total Capital Expenditure to be Incurred by the Department		1,782
Non-departmental Capital Expenditure		
Māori Trustee Capital	Expires 2012/13.	300
Total Non-departmental Capital Expenditure		<b>300</b>
Total Annual and Permanent Appropriations		<b>217,969</b>







SECTION THREE

# SECTION 3: KEY DECISIONS AND ACTIONS PENDING

This section outlines key decisions and actions that are expected to require the attention of the Minister prior to the end of March 2012. It covers Parliamentary requirements, Cabinet requirements, decisions by joint Ministers, key appointments and key government and community engagements early in the term of the administration.

## **Parliamentary Requirements**

### **Business Before the House on the Dissolution of Parliament**

With the dissolution of Parliament on 20 October 2011, all business of the previous Parliament lapsed on that date. The new Parliament may reinstate any business of the previous Parliament at any time in the first parliamentary session by a resolution of the House. This is likely to occur in the first few sitting weeks.

There were two items of business that lapsed on 20 October 2011 within the Māori Affairs portfolio, and that are eligible to be reinstated. The table below notes the status of each item, its purpose, and provides the Ministry's recommendation for next steps. Standing Orders<sup>1</sup> allow a new Bill of the same substance to be introduced in 2012 where the original Bill has not had a first, second or third reading (or been defeated) in the same calendar year, should this be a preferred course of action for progressing the policy reforms that underpin the particular Bill. Bills that are reinstated are able to be discharged at a later date.

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<sup>1</sup> Standing Order 260 refers.

## Legislation and Other Parliamentary Requirements Within Māori Affairs Portfolio Lapsed at the Dissolution of the 49<sup>th</sup> Parliament

<p><b><i>Māori Trustee and Māori Development Amendment Bill</i></b></p> <p><b>Awaiting second reading</b></p>	<p><b>Purpose:</b> To amend the Māori Trustee Act 1953 to establish a new statutory corporation, Māori Business Aotearoa New Zealand (MBANZ) to further Māori economic development. This Bill includes the transfer of \$35 million from the Māori Trustee's General Purposes Fund to the MBANZ Fund.</p> <p><b>Comment:</b> This is the second bill resulting from the division of the original Māori Trustee and Māori Development Amendment Bill. The first Bill, establishing the Māori Trustee as a stand-alone entity, has been enacted, and came into effect on 1 July 2009. This Bill was included in the Reinstatement of Business motion by the 49<sup>th</sup> Parliament, and since then has been on hold pending related work being undertaken by the previous Minister's Māori Economic Taskforce, and more recently by the Economic Development Panel established by the previous Ministers of Māori Affairs and Economic Development. This panel is due to report to Ministers in July 2012.</p> <p><b>Recommendation:</b> Given the significant amount of time that has elapsed since this Bill was introduced, Te Puni Kōkiri recommends that the policy, or new policy, underpinning the Bill should be fully re-mandated by Cabinet. Given this, and that Standing Orders enable a Bill of similar scope to be introduced in 2012, Te Puni Kōkiri further recommends that this Bill not be included in a resolution to reinstate business (effectively removing it from consideration by the 50<sup>th</sup> Parliament). If the Bill is reinstated, it is able to be discharged at a later date.</p>
<p><b><i>Mokomoko (Restoration of Character, Mana and Reputation) Bill</i></b></p> <p><b>Awaiting first reading</b></p>	<p><b>Purpose:</b> To provide statutory recognition of the 1992 pardon of Mokomoko.</p> <p><b>Comment:</b> This Bill was introduced on 12 October 2011. It has been progressed to provide for a more equal treatment of Mokomoko with his 3 co-accused, and to restore the character, mana and reputation of Mokomoko through legislation. In addition to responding to recommendations of the Waitangi Tribunal, it supports more positive relationships between the Crown and the Mokomoko whānau, and within the Whakatōhea rohe more generally.</p> <p><b>Recommendation:</b> Te Puni Kōkiri recommends that this Bill is included in a resolution to reinstate business.</p>



## Cabinet Requirements

There are a small number of matters which either have Cabinet reporting requirements prior to the end of March 2012, or which the Ministry recommends be progressed with Cabinet as soon as possible. These are listed in the table below.

Item	Summary and Current Status	Report Due
<b>Cabinet requirements with legislative implications</b>		
<p><b>Consultation Programme for Proposed Amendments to the Māori Community Development Act 1962</b></p>	<p><b>Purpose of Proposed Legislation:</b> To give effect to amendments to the Māori Community Development Act 1962 arising from an inquiry by the Māori Affairs Select Committee. Proposed amendments relate to the role and form of the NZ Māori Council, including the associated Māori organisations; the governance arrangements and functions of the Māori Wardens; and repealing the role of Māori Community Officers.</p> <p><b>Current Status:</b> The Government response to the Māori Affairs Select Committee report agreed that further consultation was required on the recommended changes. A draft Cabinet paper on the further consultation with Māori, including consultation documents and timeframes, has been prepared for your consideration. The Ministry recommends that preliminary departmental consultation on these documents begin shortly so that Cabinet Committee decisions on the public consultation process can be sought as soon as possible. Following consultation with Māori, Cabinet agreement will be sought to proposed amendments, and to issue drafting instructions.</p>	<p>No specified timeframe.</p>
<p><b>Te Puia Vesting Bill: Approval of Vesting Agreement</b>  [Joint with Associate Minister of Tourism]</p>	<p><b>Purpose of Proposed Legislation:</b> To vest the Māori Arts and Crafts Institute in a representative entity of Ngāti Whakaue and Tuhourangi Ngāti Wāhiao.</p> <p><b>Current Status:</b> Negotiations for the vesting are nearing completion. Following recent changes to the trustees of the Whakarewarewa Joint Trust, officials are awaiting written confirmation that the new trustees agree with a number of matters. Cabinet agreement will then be sought for the final vesting agreement, and approval to issue drafting instructions.</p>	<p>No specified timeframe.</p>



Item	Summary and Current Status	Report Due
<p><b>Māori Television Service Amendment Bill: Approval of Draft Bill for Introduction</b> [Joint with Minister of Finance]</p>	<p><b>Purpose of Proposed Legislation:</b> To give effect to amendments to the Māori Television Service Act 2003, which have arisen as a result of an independent review of the Act.</p> <p><b>Current Status:</b> Drafting instructions have been issued. [withheld under sections 9(2)(f)(iv) and 9(2)(g)(i)]</p>	<p>No specified timeframe.</p>
<p><b>Legislative Programme: Māori Affairs portfolio</b></p>	<p><b>Summary:</b> Early in 2012, the government will establish its legislative programme for the 2012 calendar year. Each of the Māori Affairs Bills that are reinstated by a resolution of the House will need to be included on the programme. In addition, legislative bids will need to be submitted for all Māori Affairs bills under development, and any additional bills, that you wish to progress.</p> <p><b>Current Status:</b> You will shortly be provided with a detailed briefing on the development of government's legislative programme for 2012, including bids for each bill recommended for inclusion on the programme, and their relative priorities. This will need to be furnished to the Legislation Co-ordinator (Cabinet Office) who co-ordinates the Cabinet processes to confirm the programme each year.</p>	<p>Usually early in the calendar year.</p>



Item	Summary and Current Status	Report Due
<b>Other Cabinet requirements</b>		
<b>Approach to Māori Interests in Spectrum</b> <b>[Joint with Minister for Communications and Information Technology]</b>	<p><b>Purpose:</b> To establish the Government position on Māori interests in spectrum, and to put in place mechanisms to give effect to this position.</p> <p><b>Current Status:</b> Cabinet considered this issue in August 2011, and invited Ministers to give further consideration to the matter. A draft paper will be provided to you shortly, for your consideration. It should be noted that joint Ministers are scheduled to report to Cabinet [withheld under sections 9(2)(f)(iv) and 9(2)(g)(i)] about the allocation process for the 700MHz band of radio spectrum, which will be a catalyst for progressing the wider work on Māori interests in spectrum.</p>	No specified timeframe.
<b>Review of Māori Reserved Land Amendment Act 1997</b>	<p><b>Purpose:</b> To seek Cabinet's agreement to initiate a review of the Māori Reserved Land Amendment Act 1997.</p> <p><b>Current Status:</b> The intention of the previous Minister to review the Act is recorded in the Crown's response to an urgency application by the WAI 56 claimants (Wakatū Incorporation) to the Waitangi Tribunal. A proposed Terms of Reference and approach for the review have been developed for your consideration. Following your decisions, a paper will be prepared for Cabinet.</p>	No specified timeframe.
<b>Review of the Māori Language Strategy</b>	<p><b>Purpose:</b> To develop a new Māori Language Strategy to enhance co-ordination, effectiveness and efficiency of Māori language programmes and services across the whole of government.</p> <p><b>Current Status:</b> [withheld under sections 9(2)(f)(iv) and 9(2)(g)(i)].</p>	No specified timeframe.

Item	Summary and current status	Report Due
<b>Drivers of Crime Update</b> <b>[Joint with Minister of Justice]</b>	<p><b>Purpose:</b> To provide Cabinet with a regular update on the Drivers of Crime work across government.</p> <p><b>Current Status:</b> This paper is being drafted.</p>	End Dec 2011. Note: there are no negative consequences of deferral.
<b>Appointment: Judge of the Māori Land Court</b>	<p><b>Purpose:</b> To appoint a new Māori Land Court judge to fill a current vacancy on the bench.</p> <p><b>Current Status:</b> Interviews have been held, and the interview panel will shortly provide you with an appointment recommendation for your consideration. Following your decision, you are required to present an oral item at Cabinet, advising of your intention to appoint.</p>	No specified timeframe.
<b>Appointment: Māori Television Service</b> <b>[Joint with the Minister of Finance]</b>	<p><b>Purpose:</b> To appoint a new Board member and Chairperson to fill a current vacancy.</p> <p><b>Current Status:</b> The previous shareholding Ministers decided to defer appointments until after the 2011 General Election. The term of the current Chairperson was extended until 31 December 2011.<sup>2</sup> Te Puni Kōkiri will shortly be seeking your direction to seek nominations for the vacancy.</p>	No specified timeframe, although the term of the Chairperson is due to expire.
<b>Vote Māori Affairs Financial Performance</b>	<p><b>Purpose:</b> To report on progress made by Te Puni Kōkiri towards bringing forecast departmental expenditure within baselines for the 2012/13 and 2013/14 financial years.</p> <p><b>Current Status:</b> A required Four Year Budget Plan was furnished to Treasury in draft form on 1 December 2011. The Plan reflects the required Cabinet paper: that paper will be provided to you shortly.</p>	30 November 2011. Note: there are no negative consequences of deferral.

<sup>2</sup> The Māori Television Service Act 2003 at Schedule 2, cl 3(2) and cl 5 (3)(c) and cl 5 (5) together provide for the MTS directors to remain in office after the expiration of their term, for the Chairperson to continue to hold office until his/her term as director ceases, and for the Deputy Chairperson to assume functions, duties and powers of the Chairperson if the Chairperson is unable to perform those functions, duties and powers. Technically, the current Chairperson may continue in office beyond his 31 December 2011 term.



Item	Summary and current status	Report Due
<b>2012 Budget Process</b>	<p><b>Purpose:</b> To provide the Minister of Finance with documents to inform the development of Budget 2012. These documents include:</p> <p>Four Year Budget Plan, to be submitted to the Minister of Māori Affairs by 24 January 2012, and the Minister of Finance by 31 January 2012.</p> <p>March Baseline Update, to be submitted to the Minister of Finance in March 2012.</p> <p>Estimates for Vote Māori Affairs, to be submitted to Treasury and the Minister of Finance in April 2012.</p> <p><b>Current Status:</b> A draft Four Year Budget Plan has been submitted to Treasury. A full briefing on requirements for Budget 2012 will be provided to you shortly.</p>	<p>From January 2012.</p>

## Matters Expected to be Furnished to Joint Ministers

There are a number of matters which are expected to be furnished to joint Ministers for decision or direction prior to the end of March 2012.

Item	Decisions sought and dependencies	Relevant Ministers
<b>Treaty settlements – mandate recognition</b>	Ngā Puhi mandate recognition may be sought [withheld under sections 9(2)(j) and 9(2)(g)(i)]	Māori Affairs Treaty of Waitangi Negotiations
<b>Treaty settlements – ratification process and post settlement governance entity (PSGE) appropriateness</b>	<p>Approval of proposed ratification processes and appropriateness of proposed PSGEs to receive settlement assets, prior to Deed of Settlement initiallings, for:</p> <ul style="list-style-type: none"> <li>• Tāmaki Collective</li> <li>• Ngāti Toa [withheld under sections 9(2)(j) and 9(2)(g)(i)]</li> <li>• Ngāti Koroki ki Kahukura (PSGE appropriateness only)</li> <li>• Tauranga Moana iwi (x4) and Collective</li> </ul> <p>Approval of PSGE appropriateness for the following iwi with already initialled Deeds of Settlement:</p> <ul style="list-style-type: none"> <li>• Ngāti Tama kit e Tau Ihu</li> <li>• Te Atiawa kit e Tau Ihu</li> <li>• Ngāti Koata</li> <li>• Ngāti Rārua</li> </ul>	Māori Affairs Treaty of Waitangi Negotiations
<b>Treaty settlements – ratification results</b>	<p>Approval of results of Deed of Settlement and PSGE ratification processes for:</p> <ul style="list-style-type: none"> <li>• Raukawa</li> <li>• Te Aupouri</li> <li>• Te Rarawa</li> <li>• Ngāti Kuri</li> <li>• Ngāi Takoto</li> </ul> <p>This is dependent on the outcome of overlapping claim resolution processes, and Waitangi Tribunal urgency applications.</p>	Māori Affairs Treaty of Waitangi Negotiations



<b>Treaty settlements - landbanking</b>	Decisions on a batch of properties for possible landbanking.	Māori Affairs Treaty of Waitangi Negotiations
<b>WAI 262</b>	Directions to officials on the approach to the Government response to WAI 262.	WAI 262 Ministerial Group
<b>Constitutional Issues</b>	Decisions on the Constitutional Advisory Panel's proposed strategy for the initial phase of its work, and on managing the interface with other government work.  Membership of the cross-party reference group will need to be revised.	Māori Affairs Deputy Prime Minister

## Appointments

The Minister of Māori Affairs is responsible for a number of appointments on behalf of Government. There are two key appointments that the Ministry recommends are progressed as quickly as possible, and a number of other vacancies which are less urgent to progress.

### Māori Land Court Bench

There is currently a vacancy on the bench of the Māori Land Court. [withheld under section 9(2)(j)]

## Māori Television Service

There is currently one vacancy on the Board of the Māori Television Service. In addition to this, the Chairperson's term expires on 31 December 2011 (shareholding Ministers having previously decided to defer an appointment until after the General Election, and extend the current Chairperson's term until that date).<sup>3</sup> We will shortly seek your direction to seek nominations for this position,<sup>4</sup> and following confirmation of shareholding Ministers' preferred nomination, consultation will be required to be undertaken with other Ministers and Te Putahi Pāoho, prior to an appointment recommendation being submitted to the Cabinet Appointments and Honours Committee.

### *Other vacancies*

There are a number of other positions that the Minister of Māori Affairs appoints to which are currently, or soon to be vacant, and will require the early attention of the Minister. These include:

- i. Hauraki Gulf Forum, requires consideration of replacement of existing appointee;
- ii. Poutama Trust, one current vacancy; and,
- iii. Te Taura Whiri i te Reo Māori, two vacancies will arise at the end of April 2012.

A full list of appointments for which the Minister of Māori Affairs is responsible is provided in the next section.

## Government Planning Processes 2012-13

Early in the term the government will initiate its planning processes for the 2012-13 financial year. This is expected to involve the following key steps:

- i. Ministerial priorities letters: this is a relatively new step in the government planning process. It involves an exchange of letters between the Prime Minister and portfolio Ministers establishing portfolio priorities for the forthcoming year. Based on recent practice, the Ministry anticipates that the Prime Minister will write to you in December or January outlining issues of importance to the Government as a whole, and seeking your views on priorities within the Māori Affairs portfolio. Following a discussion with you, we will prepare a draft response to the Prime Minister, for your consideration.
- ii. Budget 2012: Preparations for Budget 2012 commenced late in 2011, with the Ministry furnishing its Four Year Budget Plan to Treasury. Given the current fiscal constraints, we anticipate that the focus of Budget 2012 will be re-prioritisation of resources to Government priorities, and operational efficiencies.

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<sup>3</sup> The MTS Act Schedule 2, cl 3(2) and cl 5 (3)(c) and cl 5 (5) together provide for MTS Directors to remain in office after the expiration of their term, for the Chairperson to continue to hold office until his/her term as director ceases, and for the Deputy Chairperson to assume the functions, duties and powers of the Chairperson if the Chairperson is unable to perform those functions, duties and powers. Technically, the current Chairperson may continue in office beyond his 31 December 2011 term.

<sup>4</sup> Although there will be 2 vacant positions once the Chairperson ceases to hold office as a Director, only one of these vacancies will be appointed to by the Crown. The other will be appointed to by Te Putahi Pāoho.



- iii. Statement of Intent 2012-15: The Ministry's 2012-15 Statement of Intent will be tabled in the House on Budget Day. We anticipate commencing engagement with you on the draft Statement of Intent early in 2012.

## Significant Community Engagements

Two events of national significance take place in January and February each year and are attended by the Minister of Māori Affairs (and other Ministers):

- i. *Ratana Celebrations*, in January, and held at Ratana Pa; and
- ii. *Waitangi Day Commemorations*, in February, and held at Waitangi.

### Ratana Celebrations

The Ratana celebrations commemorate the birthday of the prophet, and Ratana movement founder, T W Ratana and take place over 10 days, culminating in a church service on 25 January, his birthday. Historically, Government Ministers (the Crown party) attend the celebration toward the end of the 10-day period but prior to 25 January.

There is a standing protocol between the Minister of Māori Affairs and the Minister of Defence that enables the Minister of Māori Affairs to seek Defence Force (NZDF) logistical support for up to three "hui of national significance" during a calendar year. In 2011, and at the request of the Ratana celebration organisers, the Minister of Māori Affairs sought, and was granted, NZDF field kitchen and personnel support for the celebrations. It is expected that the organisers will be seeking similar support for the 2012 event.

### Waitangi Commemorations

Waitangi Day Commemorations, at Waitangi, take place from 4-6 February, with a pōwhiri for Government Ministers, senior dignitaries and officials held on 5 February. In recent years iwi leaders have convened a forum at Waitangi during the commemorations and have invited the Minister of Māori Affairs, the Prime Minister and other Ministers to discuss issues of mutual interest. It is expected that the iwi leaders' forum will form part of the 2012 commemorations and that it will request time with Ministers.

The NZDF provides field kitchen and personnel support for Te Tii Marae, at Waitangi, during the commemorations but, historically, this has been at the instigation of the Prime Minister rather than the Minister of Māori Affairs.

### Immediate Risks

Te Kohanga Reo National Trust: Hearings for a Waitangi Tribunal urgent inquiry into claims made by the Te Kohanga Reo National Trust have been set down for February 2012, preceded by a judicial conference in November 2011 to establish, among other things, issues for inquiry. This is potentially critical of Government agencies, including Te Puni Kōkiri and the Ministry of Education. No immediate action is sought from the incoming Minister.



# SECTION FOUR

# SECTION 4: STATUTORY RESPONSIBILITIES OF THE MINISTER

In addition to the general collective responsibilities which Ministers share, the Minister of Māori Affairs is charged with a number of specific statutory responsibilities and obligations under a wide variety of Acts. These may require the Minister to:

- i. participate as a member of a particular board or statutory body;
- ii. make appointments or recommendations regarding appointments (to particular boards or statutory bodies); and
- iii. perform other powers or duties.

## **Membership of Statutory Boards and Statutory Committees**

### **Māori Purposes Fund Board**

The Minister of Māori Affairs is Chairperson of the Māori Purposes Fund Board. This Board is established under the Māori Purposes Fund Board Act 1934 to administer the Māori Purposes Fund. The general purposes of the Māori Purposes Fund include supporting Māori arts and crafts and the preservation of the Māori language. The other Board members are the Chief Executive of Te Puni Kōkiri, the members of Parliament for the Māori Electoral Districts and other members appointed by the Governor-General. There are two current issues facing the Board:

- i. Under the Māori Purposes Fund Board Act 1934, the Board is required to hold Annual General Meetings, publish its Annual Reports and have the Annual Reports tabled in the House. The Board has not held its 2009 or 2010 Annual General Meetings due to difficulties confirming a date which is suitable to all Board members. As a result the Board's 2009 Annual Report has not been published and tabled in the House.
- ii. The Board's 2010 annual audit has not been signed off by Audit New Zealand, due to an ongoing tax issue regarding the Board's charitable tax status. As a result the Board's 2010 Annual Report has not been completed. External tax advisors have been engaged to assist with clarifying the charitable status of the Board.

### **Māori Soldiers' Trust**

The Minister of Māori Affairs is Chairperson of the Māori Soldiers' Trust Committee. This Committee is established under the Māori Soldiers Trust Act 1957 to administer the Soldiers Fund Account for the benefit of Māori veterans and their dependants. The Māori Trustee is the Deputy Chairman and the other Committee members are representatives from each of the Māori Land Court Districts.

## Waitangi National Trust Board

The Minister of Māori Affairs is an ex-officio member of the Waitangi National Trust Board. This Board is constituted under the Waitangi National Trust Board Act 1932. Its purpose is to preserve and administer the Waitangi grounds for the enjoyment and benefit of the people of New Zealand. The other ex-officio Board members are the Governor-General, the Prime Minister and the Minister of Conservation. The other members are descendents and representatives of people directly associated with the Waitangi grounds.

Cabinet agreed, amongst other decisions, on 25 January 2011 to:

- i. change the role of the Governor-General from *ex officio* trustee to Honorary Patron; and
- ii. remove the Prime Minister, Minister of Conservation, and Minister of Māori Affairs from their current role as *ex officio* members of the Board.

The Ministry of Culture and Heritage is responsible for making the necessary legislative changes and has advised that the Governance amendments are currently with PCO for drafting and it is expected the amending bill will be introduced in 2012.

## Ngarimu VC and 28<sup>th</sup> Māori Battalion Memorial Scholarship Fund Board

The Minister of Māori Affairs is the Chairman of the Ngarimu VC and 28<sup>th</sup> Māori Battalion Memorial Scholarship Fund Board. This Board is established under the Ngarimu VC and 28<sup>th</sup> Māori Battalion Memorial Scholarship Fund Act 1945. The Deputy Chair is the Secretary for Education and other Board members are the members of Parliament for the Māori Electoral Districts and four others appointed by the Governor-General. The Board provides scholarships for educational purposes and literary works.

## Appointments made by the Minister

The Minister of Māori Affairs is responsible for either making or recommending the following appointments to:

- i. Māori Land Court Judges;
- ii. Waitangi Tribunal Members;
- iii. Māori Land Court Rules Committee;
- iv. Māori Trustee;
- v. Te Taura Whiri i Te Reo Māori;
- vi. Te Māngai Pāho;
- vii. Māori Television Service;
- viii. Māori Trust Boards;
- ix. Māori Wardens;
- x. Māori Soldiers' Trust;
- xi. Poutama Trust;
- xii. Wi Pere Trust;
- xiii. Bledisloe Trust;



- xiv. Kaiapoi Reserve Board;
- xv. New Zealand Geographic Board; and
- xvi. Hauraki Gulf Forum.

The Minister is also required to be consulted on appointments to the following organisations:

- i. Tertiary Education Commission;
- ii. Arts Council of New Zealand Toi Aotearoa;
- iii. Te Waka Toi;
- iv. Local Government Commission;
- v. Environment Court (Judges and alternate Environment Court Judges; Environment Commissioners and Deputy Environment Commissioners);
- vi. Special Tribunals constituted under the Resource Management Act;
- vii. New Zealand Conservation Authority;
- viii. Conservation Boards;
- ix. Heritage New Zealand Pouhere Taonga;
- x. Māori Heritage Council;
- xi. Queen Elizabeth the Second National Trust;
- xii. National Fisheries Advisory Council;
- xiii. Committees of Management for Taiapure;
- xiv. Archives Council;
- xv. Guardians Kaitiaki of the Alexander Turnbull Library;
- xvi. Library and Information Advisory Commission;
- xvii. Valuation Appeal Committee;
- xviii. Boards of Examiners under the Licensed Interpreters Regulations; and
- xix. National Kaitiaki Groups established under the Health (Cervical) Screening Regulations 1995.

### **Other Statutory Roles and Responsibilities**

In addition to appointments, the Minister of Māori Affairs also has certain statutory functions under various pieces of legislation. Significant statutory responsibilities include:

- i. Appointing, removing or suspending the Māori Trustee;
- ii. Approving certain dealings by the Māori Trustee including borrowing money, pledging securities, and disposing of certain land under the Māori Trustee Act 1953;

- iii. Referring any matter to the Māori Land Court for inquiry and making applications to the Māori Land Court to set land aside as Māori reservation under Te Ture Whenua Māori Act 1993;
- iv. Appointing Māori Wardens and approving the sum to be appropriated by Parliament each year to the New Zealand Māori Council under the Māori Community Development Act 1962;
- v. Overseeing the administration of Māori Trust Boards under the Māori Trust Boards Act 1955, including the appointment and removal of Board members and directing investigations of Board affairs. The Māori Trust Boards Amendment Act 2011 changed the Act to remove the Minister of Māori Affairs direct role in holding Māori Trust Boards to account, including the requirement that the Minister approve Trust Boards' annual budgets. Instead, each Māori Trust Board is now required to supply the Minister of Māori Affairs with its audited accounts and budget for information only;
- vi. Appearing before the Waitangi Tribunal on any matter relating to any land or interest transferred to or vested in a State Enterprise or matter relating to Crown Forest land under the Treaty of Waitangi Act 1975;
- vii. Preparing and presenting to the House of Representatives each year, a report on the progress being made in implementation of recommendations made to the Crown by the Waitangi Tribunal;
- viii. Referring any matter relating to the Māori language to Te Taura Whiri i Te Reo Māori, for it to consider and provide a report;
- ix. The power to direct Te Māngai Pāho (an Autonomous Crown Entity), jointly with the Minister of Broadcasting, in relation to the general policy of the Government on the promotion of Māori language and culture;
- x. The power to direct Te Taura Whiri i te Reo Māori (an Autonomous Crown Entity), acting alone, in relation to the general policy of the Government on the promotion of Māori language;
- xi. Undertaking functions of a responsible Minister under the Māori Television Service Act 2003 including recommending Orders in Council to change the composition of the Electoral College;
- xii. Under the Marine and Coastal Area (Takutai Moana) Act 2011, the Minister of Māori Affairs has no proactive responsibilities. However, other Ministers have the following statutory obligations to the Minister of Māori Affairs:
  - The Minister of Conservation must gazette any controls of protected customary rights, and, as soon as practicable, provide a copy of the notice to the Minister of Māori Affairs;
  - The Minister of Conservation must not impose controls on the exercise of a protected customary right until the Minister has consulted with the relevant protected customary rights group and the Minister of Māori Affairs;
  - If the Minister of Conservation decides to impose controls on the exercise of a protected customary right, notice of his or her decision, and the reasons for it, must be given to the Minister of Māori Affairs;



- If an applicant group and the responsible Crown Minister enter into an agreement recognising a protected customary right, the responsible Minister must, without delay, provide a copy of the agreement to the Minister of Māori Affairs;
- xiii. Under the Local Government (Auckland Council) Act 2009 the Minister of Māori Affairs plays a supporting role in the Selection Body and Board processes. The Minister's role is to:
- Initiate the Board selection process ahead of every local body electoral cycle;
  - Ensure that mandated mana whenua group representatives are appointed to the Selection Body;
  - Receive a certificate for each appointed Board Member;
  - Receive notification if the Board changes its name;
  - Accept resignations from Board Members or Selection Body members;
  - Receive notification if the Board removes a Board Member; and
  - Step in, where there is a dispute within either the Selection Body, or the Board, or between the Selection Body and the Board, and to take the necessary steps to resolve the dispute.

Te Puni Kōkiri maintains a register of all statutory requirements of the Minister of Māori Affairs, and initiates processes to ensure that statutory requirements are met as part of its legislative compliance programme.

### **Legislation Administered by Te Puni Kōkiri**

In general, the principles and policies of the law are set out in Acts of Parliament. Matters of detail or implementation or matters likely to require frequent changes are usually contained in Regulations. The authority to make Regulations is contained in the relevant Act of Parliament. Regulations require Cabinet approval only and are promulgated by the Governor-General. Unlike Acts, they do not go through the parliamentary process.

As well as complying with general legislation under which Te Puni Kōkiri and other government agencies are required to conduct their affairs, Te Puni Kōkiri and therefore the Minister, is responsible for administering the following 30 Acts of Parliament. This administrative role includes responsibility for monitoring compliance, reviewing the legislation, and enacting any required amendments.

- i. Ministry of Māori Development Act 1991;
- ii. Māori Trustee Act 1953;
- iii. Māori Language Act 1987;
- iv. Māori Television Service (Te Aratuku Whakaata Irirangi Māori ) Act 2003;
- v. Broadcasting Act 1989 (Part IVA);
- vi. Māori Affairs Restructuring Act 1989;
- vii. Treaty of Waitangi Act 1975;
- viii. Mauao Historic Reserve Vesting Act 2008;
- ix. Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009;
- x. Te Ture Whenua Māori Act 1993/Māori Land Act 1993;

- xi. Māori Reserved Land Act 1955;
- xii. Māori Land Amendment and Māori Land Claims Adjustment Act 1926;
- xiii. Māori Vested Land Administration Act 1954;
- xiv. Māori Community Development Act 1962;
- xv. Māori Housing Act 1935;
- xvi. Māori Schools Sites Act Extension Act 1890;
- xvii. Māori Trust Boards Act 1955;
- xviii. Tauranga Moana Trust Board Act 1981;
- xix. Te Rūnanga O Ngāti Porou Act 1987;
- xx. Hauraki Māori Trust Board Act 1988;
- xxi. Maniapoto Māori Trust Board Act 1988;
- xxii. Te Rūnanga O Ngāti Whātua Act 1988;
- xxiii. Whanganui River Trust Board Act 1988;
- xxiv. Māori Purposes ( Wi Pere Trust ) Act 1994;
- xxv. Runanga Iwi Act Repeal Act 1991;
- xxvi. Kaiapoi Māori Reserve Act 1905;
- xxvii. Lake Waikaremoana Act 1971;
- xxviii. Orakei Act 1991;
- xxix. Tarawera Forest Act 1967;
- xxx. Māori Purposes Fund Act 1934-35;
- xxxi. Māori Soldiers Trust Act 1957; and
- xxxii. Māori Purposes Act 1931; 33; 34; 36; 37; 38; 39; 41; 43; 45; 46; 47; 48; 49; 51; 53; 54; 55; 56; 59; 61; 62; 63; 64; 65; 66; 67; 68; 69; 70; 71; 72; 73; 73 No.2; 74; 75; 76; 77; 78; 79; 80; 81; 82; 83; 85; 91; 93; 2011.

In addition, Te Puni Kōkiri administers the following statutory regulations:

- i. Aorangi Māori Trust Board Order 2010;
- ii. Māori Assembled Owners Regulations 1995;
- iii. Māori Land Court Fee Regulations 1993;
- iv. Māori Land Court Rules 1994;
- v. Māori Incorporations Constitution Regulations 1994;
- vi. Māori Occupation Orders Regulations 1994;
- vii. Māori Reservations Regulations 1994;
- viii. Māori Purposes Fund Regulations 1937;



- ix. Māori Trustee Regulations 2009;
- x. Māori Housing Regulations 1960;
- xi. Māori Community Development Regulations 1963;
- xii. Māori Trust Board Regulations 1985;
- xiii. Mawhera Incorporation Order 1976;
- xiv. Parininihi ki Waitotara Incorporation Order 1976;
- xv. Taranaki Māori Trust Board Order 2009;
- xvi. Te Rūnanga o Ngai Tahu (Declaration of Membership) Order 2001;
- xvii. Whakatū Incorporation Order 1977;
- xviii. Whakarewarewa and Roto-a-Tamaheke Vesting Act Commencement Order 2010; and
- xix. Whanganui River Māori Trust Board Order 2009.







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