

Wai 262 - Te Pae Tawhiti: Preliminary Proposals for Crown Organisation

Ministerial Oversight Group (MOG)

(Rt Hon Jacinda Ardern, Rt Hon Winston Peters, Hon Kelvin Davis, Hon Dr Megan Woods, Hon Chris Hipkins, Hon Andrew Little, Hon David Parker, Hon Nanaia Mahuta, Hon Kris Faafoi.)

- Oversee the government's high-level response across Wai 262
- Assist Ministers to co-ordinate within and across the three Ministerial groups (Kete 1-3)
- Determine the Crown's approach to high-level and cross-cutting issues
- Determine the high-level approach to Māori-Crown relationships on this kaupapa

Ministers
Rt Hon Jacinda Ardern, Hon Kelvin Davis, Hon Grant Robertson, Hon Carmel Sepuloni, Hon Nanaia Mahuta, Hon Tracey Martin, Hon Kris Faafoi, Hon James Shaw.

Kete 1: Taonga works me te Mātauranga Māori



- Possible Cross-cutting work**
- Developing a partnership approach to laws, policies and decisions affecting taonga works and mātauranga Māori.
 - Creating space for kaitiaki to exercise kaitiakitanga over taonga works and mātauranga Māori.
 - Defining Crown roles in respect of taonga works and mātauranga Māori.
 - Developing a new legal framework for the use and protection of taonga works and mātauranga Māori.

Ministers
Hon Dr Megan Woods, Hon Dr David Clark, Hon David Parker, Hon Nanaia Mahuta, Hon Kris Faafoi, Hon James Shaw, Hon Eugenie Sage.

Kete 2: Taonga species me te Mātauranga Māori



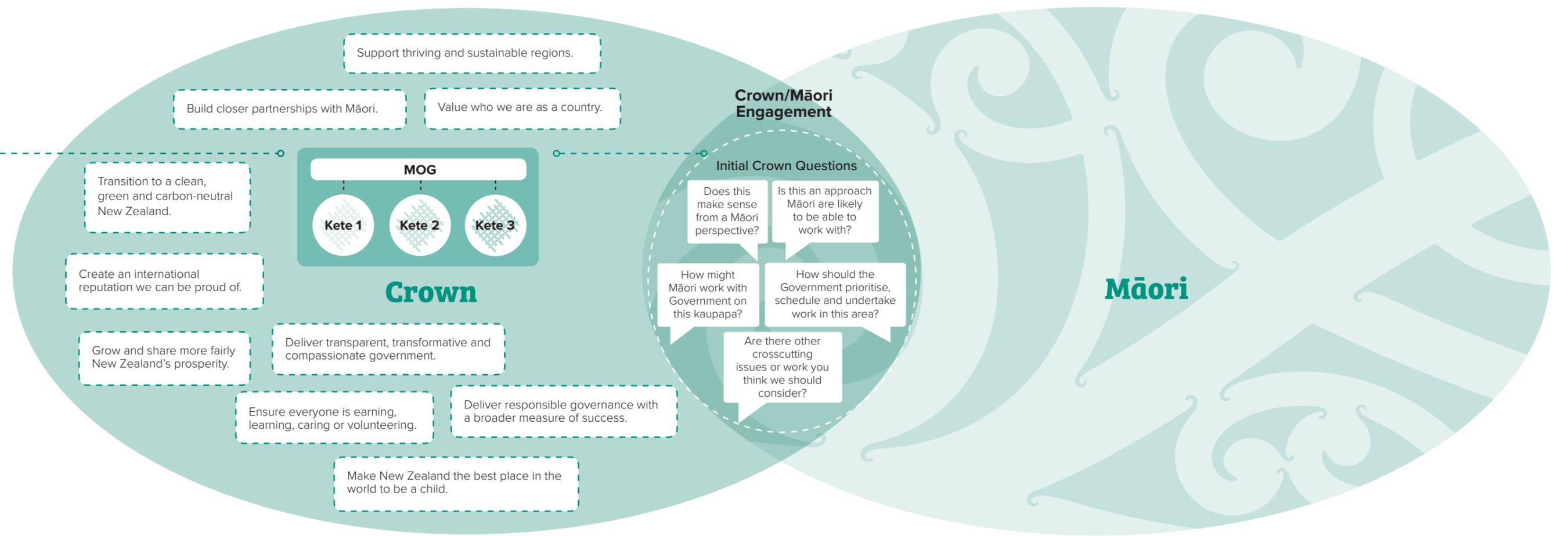
- Possible Cross-cutting work**
- Developing a partnership approach to laws, policies and decisions affecting taonga species and mātauranga Māori.
 - Creating space for kaitiaki to exercise kaitiakitanga over taonga species and mātauranga Māori.
 - Defining Crown roles in respect of taonga species and mātauranga Māori.
 - Improving information about taonga species and mātauranga Māori.
 - Transitioning issue-by-issue approach to a relationship-based Māori-Crown dialogue on taonga species and mātauranga Māori.

Ministers
Rt Hon Winston Peters, Hon David Parker, Hon Nanaia Mahuta, Hon Kris Faafoi, Hon James Shaw.

Kete 3: Kawenata Aorere/ Kaupapa Aorere



- Possible Cross-cutting work**
- Working with Māori to identify Māori interests and understanding their nature and strength when negotiating international instruments and participating in international forums.
 - A consistent approach to engaging with Māori when representing New Zealand.
 - Māori representation in international forums.





Kete 1: Taonga works me te Mātauranga Māori

What is the scope of this Kete?

Some of the options for future collaborative work between Māori and the Crown in Kete 1 might include:

- a) **Kaitiakitanga**
How can we better enable kaitiaki to more fully exercise kaitiakitanga over taonga works and mātauranga Māori?
- b) **Protection**
Should there be a new legal framework to protect taonga works and mātauranga Māori? What should it look like?
- c) **Partnership**
How should we make decisions affecting taonga works and mātauranga Māori in New Zealand and who should make them?
- d) **Stewardship**
How should the Crown manage taonga works and mātauranga Māori it holds? How should the Crown approach Māori data stewardship and governance issues? How can the Crown better manage its metadata to enable to the mātauranga Māori it holds?

What are the existing work programmes that sit within this Kete?

The Government has so far identified the following workstreams as being likely to involve issues related to those considered in *Ko Aotearoa Tēnei* in Kete 1 (Taonga Works me te Mātauranga Māori):

- a) The review of the Copyright Act 1994
- b) The review of the Haka Ka Mate Attribution Act 2014
- c) Government data stewardship and Māori data governance
- d) The review of the Statistics Act 1975
- e) National Archival and Library Institutions (NALI) Ministerial Group
- f) Government Digital Strategy
- g) Refresh of Tau Mai Te Reo
- h) Review of the Te Ture mō Te Reo Māori Act 2016
- i) Māori Media Sector Shift.



Kete 2: Taonga species me te Mātauranga Māori

What is the scope of this Kete?

Some of the options for future collaborative work between Māori and the Crown in Kete 2 might include:

- a) **Kaitiakitanga**
How can we better enable kaitiaki to more fully exercise kaitiakitanga over taonga species and mātauranga Māori?
- b) **Protection**
How should we protect taonga species and mātauranga Māori? How might better information systems about taonga species and mātauranga Māori be developed?
- c) **Partnership**
How should we make decisions affecting taonga species and mātauranga Māori in New Zealand and who should make them? How we might transition Māori-Crown engagement on taonga species and mātauranga Māori from a transactional, issue-by-issue approach to a relationship-based model?

What are the existing work programmes that sit within this Kete?

The Government has so far identified the following workstreams as being likely to involve issues related to those considered in *Ko Aotearoa Tēnei* in Kete 2 (Taonga Species me te Mātauranga Māori):

- a) Development of a new national biodiversity strategy
- b) Responding to the Supreme Court's decision in *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation*
- c) Improving access to cultural materials
- d) Comprehensive review of the resource management system
- e) Essential freshwater
- f) Developing a National Policy Statement on Indigenous Biodiversity
- g) Zero Carbon Bill
- h) Emissions Trading Scheme
- i) Mātauranga Māori when presented as evidence in a decision-making hearing
- j) Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
- k) Three Waters Review
- l) Review of the Plant Variety Rights Act 1987
- m) Consideration of whether there should be a 'disclosure of origin' requirement in the patent system
- n) Development of a Resource Strategy
- o) Review of the Crown Minerals Act 1991
- p) Health Services and Outcomes Inquiry Kaupapa Inquiry (Wai 2575)
- q) Māori Health Action Plan
- r) Fisheries Change Programme
- s) Review of the Biosecurity Act 1993
- t) Forestry Strategy.



Kete 3: Kawenata Aorere/Kaupapa Aorere

What is the scope of this Kete?

The proposed focus for Kete 3 (Kawenata Aorere / Kaupapa Aorere) is:

- a) **Māori interests at international level**
How should the Crown should work with Māori to identify Māori interests and the nature and strength of those interests when negotiating international instruments and participating in international forums?
- b) **Engaging with Māori**
How should Government agencies engage with Māori when representing New Zealand?
- c) **Māori representation**
How Māori should be represented in international forums?

What are the existing work programmes that sit within this Kete?

In Kete 3 existing, recent and upcoming Government workstreams of particular relevance include:

- a) Implementation of the 2001 Strategy for Engagement with Māori on International Treaties
- b) The development of the Māori Crown Engagement Framework and Guidelines led by Te Arawhiti
- c) The development of a Trade for All agenda. One of the Trade for All agenda's key principles is "the creation of a genuine conversation with the public and key stakeholders around the future direction of New Zealand's trade policy; this will include consultation with Māori, consistent with their role as a Treaty partner".

As set out above, this kete is primarily focused on the Crown relationship with Māori in the area of international instruments. To provide further context, the following are examples of existing or potential future international instruments and related kaupapa on which the Crown is currently engaging with Māori and will need to be mindful of the issues raised in the Wai 262 claim and *Ko Aotearoa Tēnei*:

- a) New Zealand's development of a plan on the United Nations Declaration on the Rights of Indigenous Peoples
- b) World Intellectual Property Organisation negotiations in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
- c) New Zealand's participation in the United Nations Permanent Forum
- d) Convention on Biological Diversity
- e) United Nations Agreement on Biodiversity Beyond National Jurisdiction negotiations
- f) UNFCCC/Paris Agreement/climate change negotiations
- g) E-Commerce negotiations at the World Trade Organization
- h) Digital Economic Partnership Agreement (DEPA) negotiations with Chile and Singapore
- i) Various free trade agreements and related work.