

In Confidence

Office of Te Minita Whanaketanga Māori

Chair

Cabinet Māori Crown Relations: Te Arawhiti Committee

MODERNISATION OF MĀORI WARDENS: NEXT STEPS

Proposal

1. This paper:
 - a. reports on modernisation choices made by Māori Wardens at their National Conference on 18-19 July 2019; and
 - b. seeks your agreement to draw down the \$3.75m set aside in Budget 2019 as the tagged operating contingency (in Vote Māori Development) *Modernising the Māori Wardens*.

Executive Summary

2. At their National Conference, on 18-19 July 2019 at Tūrangawaewae Marae in Ngāruawāhia, Māori Wardens Districts voted for: a broad modernisation of their functions; and increased operational autonomy (as a first step towards the realisation of full autonomy, within 5-7 years).
3. We will need to consider whether the distinct interests and aspirations of Māori Wardens, and the Government's recognition of their unique contribution in communities throughout Aotearoa, may be best served by Māori Wardens having their own legislation, giving effect to a specific Māori Wardens policy. This is one of several issues to be considered by the Māori Wardens Modernisation Working Group I have assembled.
4. The Working Group, comprised of representatives of all (16) Māori Wardens Districts, the New Zealand Māori Council, NZ Police and Te Puni Kōkiri, will deliver its substantive advice to me by 13 December 2019. Their written report will include advice on new arrangements, legislative amendments and/or requirements, and new relationships required to effect the modernisation choices made by Māori Wardens.
5. In Budget 2019, Cabinet established a \$3.75 million tagged operating contingency for *Modernising Māori Wardens* [CAB-19-MIN-0174.25 refers], and agreed that an approach and process to modernising the Māori Wardens, including an implementation plan and associated costings, was required before the "Modernising the Māori Wardens" contingency could be drawn down.

6. Annexed to this paper is the proposed implementation approach (and associated costings) for Modernising the Māori Wardens. Detailed plans for each workstream are being developed in consultation with the Working Group. These will ensure alignment with the broader (structural) changes that the Working Group will recommend in its December 2019 report, and with more immediate modernisation requirements, such as awards, uniforms and training.
7. The *Modernising Māori Wardens* contingency funding of \$3.75 million is currently phased evenly over the next three years (\$1.25 million per annum). You are asked to agree to change the phasing, so it better reflects anticipated start up and wind down phases.

Background

8. On 11 June 2019, this Committee noted that I would be seeking guidance from Māori Wardens on options for their future at their National Conference in July 2019. This followed extensive discussions (as summarised below) with Māori Wardens, and with the New Zealand Māori Council.

2018	2019			
OCTOBER-DECEMBER	JANUARY-FEBRUARY	MARCH-APRIL	MAY-JUNE	JULY
Hui throughout Aotearoa to discuss Māori Wardens interests	Workshops to discuss: <ul style="list-style-type: none"> • Role & Powers • Governance & Relationships • Recruitment & Training • Resources & Reporting 	Hui to gather more feedback on Māori Wardens' interests	Workshops to present feedback and support discussion of modernisation options	National Conference Māori Wardens select their preferred modernisation options

Meetings with the New Zealand Māori Council to discuss their, and Māori Wardens', interests.

9. I have also briefed Cabinet colleagues (in December 2018) on my approach to progressing discussions with Māori Wardens, and (in June 2019) on Māori Wardens' feedback and potential modernisation options. As was noted by this Committee on 11 June 2019, further policy work, and engagement with Māori Wardens and the New Zealand Māori Council will continue, on refining the approach to modernisation of the Māori Wardens.
10. In Budget 2019, Cabinet established a \$3.75 million tagged operating contingency for *Modernising Māori Wardens* [CAB-19-MIN-0174.25 refers], and agreed that an approach and process to modernising the Māori Wardens, including an implementation plan and associated costings, was required before the "Modernising the Māori Wardens" contingency could be drawn down.

Modernisation of Māori Wardens

2019 National Conference

11. The 2019 National Māori Wardens Conference was held on 18-19 July 2019 at Tūrangawaewae Marae in Ngāruawāhia. Almost 400 Māori Wardens attended, as well as representatives of the New Zealand Māori Council, and officials from Te Puni Kōkiri and NZ Police.

12. At the Conference Dinner, following the pōwhiri on 18 July, an Awards ceremony was held at which:
- a. 33 Māori Wardens (as nominated by Districts) received Long-Service (40+ years) Awards from the Minister for Māori Development; and
 - b. 5 Māori Wardens and the Māori Wardens Project Manager received Special Recognition Awards from NZ Police, presented by Wallace Haumaha, Deputy Commissioner of Māori, Pasifika and Ethnic Services.
13. Note that it is my intention to commence investigations with the Appointment & Honours Cabinet Committee to initiate a special recognition of service Award for Māori Wardens within the NZ Royal Honours system. This would ensure Māori Wardens' contributions are recognised, as is the case for other services such as NZ Police and NZ Fire Service.
14. On 19 July 2019, presentations by the Minister for Māori Development and Deputy Prime Minister, the New Zealand Māori Council, and the NZ Fire Service (as a working example of a self-managing organisation) preceded the tabling of District votes. The presentation (via video) by the Deputy Prime Minister, which included an announcement of the Budget 2019 funding, was understandably very well-received by Māori Wardens.
15. A presentation by the Deputy Commissioner of Māori, Pasifika and Ethnic Services affirmed the commitment by NZ Police to supporting Māori Wardens. NZ Police provide 20 vans (and associated expenses) throughout the country for use by Wardens, as well as training and on-the-ground support. In many communities throughout Aotearoa, NZ Police and Māori Wardens work together to discourage negative behaviours, increase their visibility to provide assurance to community members, and de-escalate potentially volatile situations.
16. In preparing for the Conference, I had asked Māori Wardens to come together in their Districts, and collectively select their preferred modernisation options. The need for unity, where Wardens stand together with mutual respect and a shared direction, was a key message delivered at the workshop alongside Rātana.

Modernisation Choices

17. On 19 July 2019, the majority¹ of Māori Wardens Districts voted for:
- A broad modernisation of the functions of Māori Wardens; and
 - Increased Operational Autonomy (as a first step towards the realisation of full autonomy, within 5-7 years).
18. As was detailed in the *Modernisation Options* document for Māori Wardens, requirements to effect:
- a. **Broad modernisation of the functions of Māori Wardens** could include:
 - i. The need to reach agreement on: the description of the modernised functions of Māori Wardens; and whether/why the new functions require statutory authority (powers and warrants).

¹ One District voted for Full Autonomy rather than Increased Operational Autonomy.

- ii. Changes to Sections 30-35 [powers of Māori Wardens] of the Māori Community Development Act 1962 ("the Act"), and potentially changes to Section 7 [Appointment of Māori Wardens] of the Act (if it is agreed that these new functions do not require statutory authority).
- b. **Increased operational autonomy of Māori Wardens** could include:
- i. Re-design of the nomination and appointment process (especially if no warranting is required).
 - ii. Establishment of processes for Districts to participate in funding allocation decision-making, and to have more autonomy (e.g. receive funding and resources based on a District Plan).
 - iii. Changes to Sections 7 (5) [Appointment of Māori Wardens], and 16 (5) and (6) [Functions of District Māori Councils] of the Act.
19. In the reporting of District positions, several related points were made, including Māori Wardens':
- a. desire that they continue to be given statutory effect -- through changes to the Act, or as defined in their own bespoke legislation;
 - b. desire to retain their warrants (as a form of Crown-mandated authority for their activities) and appointment by the Minister for Māori Development; and
 - c. recognition that, whilst the Māori Wardens Association had served a purpose in supporting Wardens in the past, a new national entity was needed to support Māori Wardens into the future.
20. We will need to consider whether the distinct interests and aspirations of Māori Wardens, and the Government's recognition of their unique contribution in communities throughout Aotearoa, may be best served by Māori Wardens having their own legislation, giving effect to a specific Māori Wardens policy.
21. Whether a 'warrant' (as an instrument that confers authority or justifies an act that is otherwise neither permissible nor legal) is required for Māori Wardens to execute their modernised functions is also to be determined. A new form of authority, as effected through agreements between Ministers, may provide more adaptable options for Māori Wardens to have specific roles in supporting whānau through specific processes (e.g. a navigator role for Oranga Tamariki Family Group Conferences and Youth and District Court proceedings, or civil defence/emergency management support).
22. These issues are among those to be considered by the Māori Wardens Modernisation Working Group (see below).

Māori Wardens Modernisation Working Group

23. To ensure that Māori Wardens in particular, are engaged in the process of identifying how modernisation options can be implemented, I have established a Māori Wardens Modernisation Working Group. The Working Group is comprised of representatives of all (16) Māori Wardens Districts, the New Zealand Māori Council, NZ Police and Te Puni Kōkiri.

24. The Working Group will deliver its substantive advice to me by 13 December 2019 in a written report, detailing:
- a. new arrangements that are required to effect a broad modernisation of the functions of Māori Wardens, including appointment requirements, training needs, and resource implications;
 - b. legislative amendments and/or requirements to effect a broad modernisation of the functions of Māori Wardens;
 - c. new relationships that are required to realise the full benefits of a broad modernisation of the functions of Māori Wardens, including those required to give Māori Wardens contemporary authority;
 - d. new arrangements that are required to effect an increased operational autonomy of Māori Wardens, including appointment requirements and resource allocation processes;
 - e. legislative amendments and/or requirements to effect an increased operational autonomy of Māori Wardens;
 - f. new relationships that are required to realise the full benefits of the increased operational autonomy of Māori Wardens;
 - g. implementation and transition activities timeframes and responsibilities; and
 - h. other changes that may be needed to enable the realisation of Māori Wardens' modernisation interests, including governance, recruitment and training, and resources and reporting.
25. Following my receipt of the Māori Wardens Modernisation Working Group report, I will bring a proposal to this Committee in early 2020, for implementation of the Māori Wardens modernisation options. Note that the Māori Community Development (Māori Wardens) Amendment Bill is on the 2019 legislative programme with a Category 5 status (instructions to be provided to Parliamentary Counsel Office (PCO) in the year).

Budget 2019 Contingency Funding

26. In Budget 2019, Cabinet established a \$3.75 million tagged operating contingency for *Modernising Māori Wardens* [CAB-19-MIN-0174.25 refers]. Cabinet agreed that:
- a. an approach and process to modernising the Māori Wardens, including an implementation plan and associated costings, is required before the "Modernising the Māori Wardens" contingency can be drawn down; and
 - b. the expiry date for the "Modernising the Māori Wardens" contingency will be 30 June 2020.
27. Annexed to this paper is the proposed implementation approach (and associated costings) for modernising the Māori Wardens. In developing the proposed implementation approach, key milestones, cost categories, estimated costings and assumptions have been identified. Risk management strategies, and progress review processes have also been established.

28. Specific workstreams, as indicated in the original Budget Bid, will be progressed throughout the three years that the funding has been provided for. These include:
- a. The Māori Wardens Modernisation Working Group, enabling active engagement in the modernisation process by Māori Wardens and the New Zealand Māori Council.
 - b. The capture (through a documentary and/or book) of the history of Māori Wardens.
 - c. The active management of the identity/brand of the Māori Wardens, including the establishment of an Awards System to ensure the contributions of Māori Wardens throughout Aotearoa are appropriately recognised, and updating uniforms, recruitment and promotional materials.
 - d. Specialist assessment of the skills and experience of all Māori Wardens (to support their attainment of relevant qualifications), and self/management and governance training.
 - e. Support to establish a National Entity for all Māori Wardens.
 - f. New legal costs (including a contribution to New Zealand Māori Council legal costs) arising from potential legislative changes or new requirements.
29. Detailed plans for each workstream are being developed in consultation with the Māori Wardens Modernisation Working Group. These will ensure alignment with the broader (structural) changes that the Working Group will recommend in its December 2019 report, and meet more immediate modernisation requirements for matters such as awards, uniforms and training. The Working Group's initial discussions of the proposed implementation approach have been productive.

Potential Budget 2020 Bid

30. The complementary efforts of NZ Police and Māori Wardens, and resulting de-escalation of potentially volatile situations, have been most recently highly evident at Ihumātao and Tula 250 commemorations. At Ihumātao in particular, the Tāmaki Māori Wardens District managed the deployment of Wardens across an intense 12-week period, within which they navigated the needs of NZ Police, protestors, supporters and wider community members. As NZ Police have acknowledged, Māori Wardens have provided thorough briefings and support for these events, based on critical intelligence, strong local relationships, and a clear understanding of the needs of their communities.
31. Māori Wardens have also continued to provide voluntary support for rangatahi and whānau in various Court processes, often without specialist (e.g. regulatory compliance or advocacy) training. The role of Māori Wardens in this regard, is not consistently understood by others, and is not formally recognised as providing an invaluable support for rangatahi and whānau through stressful and complicated processes.
32. In recognition of the distinct contributions that Māori Wardens make, in voluntarily providing neutral advice and 'peacekeeping' support, Te Puni Kōkiri and NZ Police are currently working on a joint Budget 2020 Bid to:

- a. explicitly support the development of the governance and management capabilities, and specific skills (to meet distinct community needs), of Māori Wardens Districts; and
 - b. enable more active (and potentially formalised/authorised) support by Māori Wardens of rangatahi and whānau through pre-Court and alternate (e.g. Te Pae Oranga) and Court processes, to help reduce the numbers of Māori being prosecuted.
33. Te Puni Kōkiri is working with NZ Police and Te Wānanga o Aotearoa (as a tertiary provider with nationwide delivery sites, and mixed delivery methods) to develop formalised training pathways for Māori Wardens. NZ Police have already identified opportunities for Māori Wardens to undertake qualifications tailored for Police by the Skills Industry Training Organisation, including the (NZQF Level 3) New Zealand Certificate in Regulatory Compliance (Core Knowledge), and the (NZQF Level 4) New Zealand Certificate in Project Management.

Consultation

34. NZ Police and the Treasury were consulted on this paper.

Financial Implications

35. The financial implications of implementing the Māori Wardens modernisation options will be detailed in the proposal I bring to this Committee in early 2020, following my receipt of advice from the Māori Wardens Modernisation Working Group.
36. Draw down from the Budget 2019 tagged operating contingency fund of \$3.75 million for Modernising Māori Wardens, [CAB-19-MIN-0174.25 refers] will have an impact on the Crown's operating balance.
37. The *Modernising Māori Wardens* contingency funding of \$3.75 million is currently phased evenly over the next three years (\$1.25 million per annum). You are asked to agree to change the phasing, as shown in the table below, so it better reflects anticipated start up and wind down phases.

<i>Modernising Māori Wardens</i>	2019/20	2020/21	2021/22
	\$m	\$m	\$m
Departmental	0.950	1.650	1.150
Total	0.950	1.650	1.150

Legislative Implications

38. There are no legislative implications or regulatory impacts at this stage, as the legislative amendments or requirements to implement the chosen modernisation options are to be determined by the Māori Wardens Modernisation Working Group.

Human Rights

39. There are no human rights implications.

Gender Implications

40. There are no gender implications. Gender-related issues will continue to be explored in discussions with Māori Wardens, particularly in relation to their modernised functions.

Disability Perspective

41. Disability issues will continue to be explored in discussions with Māori Wardens, particularly in relation to their modernised functions.

Publicity

42. As the Budget 2019 funding to support the modernisation of Māori Wardens was announced by the Deputy Prime Minister at the Māori Wardens' National Conference in July, no further announcements are required.

Proactive Release

43. Subject to Cabinet approval, please note my intention to release this Cabinet paper on the Te Puni Kōkiri website within 30 working days of Cabinet approval.

Recommendations

44. It is recommended that the Māori Crown Relations – Te Arawhiti Committee:
- a. Note that, at their National Conference on 18-19 July 2019, Māori Wardens Districts voted for a broad modernisation of their functions; and increased operational autonomy (as a first step towards the realisation of full autonomy, within 5-7 years).
 - b. Note that the Māori Wardens Modernisation Working Group will deliver its substantive advice to me by 13 December 2019, detailing new arrangements, legislative amendments and/or requirements, and new relationships required to effect the modernisation choices made by Māori Wardens.
 - c. Note that, on 15 April 2019 [CAB-19-MIN-0174.25 refers] Cabinet:
 - i. agreed that an approach and process to modernising the Māori Wardens, including an implementation plan and associated costings, was required before the "Modernising the Māori Wardens" contingency could be drawn down; and

- ii. agreed to establish a tagged operating contingency of up to the amounts as follows in Vote Māori Development to provide for an approach and process to modernising the Māori Wardens:

	\$m - Increase/(decrease)				
	2019/20	2020/21	2021/22	2022/23	2023/2024 & Outyears
Modernising the Māori Wardens – Tagged Operating Contingency	1.250	1.250	1.250	-	-

- d. Agree that, as the further work described in recommendation c above (the proposed implementation approach and associated costings, as detailed in the annex of this paper, to be finalised in consultation with the Māori Wardens Modernisation Working Group) has been satisfactorily completed, the *Modernising Māori Wardens* operating contingency can be drawn-down.
- e. Agree to change the phasing of the *Modernising Māori Wardens* operating contingency so it better reflects anticipated start up and wind down phases, as follows:

	\$m - Increase/ decrease)				
	2019/20	2020/21	2021/22	2022/23	2023/2024 & Outyears
Modernising the Māori Wardens – Tagged Operating Contingency	0.950	1.650	1.150	-	-

- f. Approve the following changes to appropriations to give effect to the decision in recommendations d and e above:

Vote Māori Development Minister for Māori Development	\$m - increase/(decrease)				
	2019/20	2020/21	2021/22	2022/23	2023/24 & Outyears
Multi-Category Expenses and Capital Expenditure: Tohutohu Kaupapa Here me ngā Huanga Pātata (Policy Advice and Related Outputs) MCA Departmental Output Expense: Kaupapa Here – Whanaungatanga Karauna Māori (Policy – Crown Māori Relationships) (funded by revenue Crown)	0.950m	1.650	1.150	-	-

- g. Agree that the proposed changes to appropriations for 2019/20 above be included in the 2019/20 Supplementary Estimates, and that, in the interim, the increases be met from Imprest Supply.
- h. Agree that the expenses incurred under recommendation f above be charged against the Modernising the Māori Wardens – Tagged Operating Contingency described in recommendation c above.
- i. Note that a joint (Māori Development and Police) Budget 2020 Bid is being developed, to recognise and explicitly support the distinct contributions that Māori Wardens make in providing neutral and compassionate advice to rangatahi and whānau, and 'peacekeeping' support in communities throughout Aotearoa.

Authorised for lodgement

Hon Nanaia Mahuta
Te Minita Whanaketanga Māori
_____/_____/2019