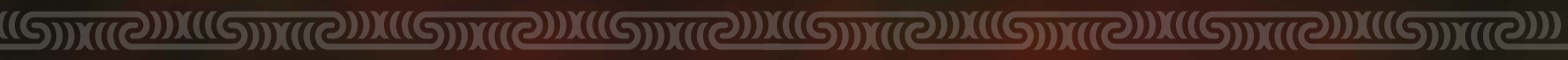


TOWARDS TRUE TREATY PARTNERSHIP



Our Annual Report for 2020 to 2021

The Office for Māori Crown Relations — Te Arawhiti was established on 1 January 2019 as a departmental agency hosted by Te Tāhū o te Ture – Ministry of Justice.





Contents

Introduction from the Chief Executive	04
Who we are and what we do	06
Our purpose	06
Our role	06
Our strategic direction	07
What we achieved this year	08
Restore	09
Settle historical Treaty claims	09
Resolve longstanding and contemporary issues	09
Engage with Māori on Takutai Moana	11
Sustain	12
Uphold the Crown's Treaty settlement commitments	13
Actively support Crown agencies to engage effectively with Māori	14
Put the Māori Crown relationship at the heart of policy development	14
Build	16
Lift public sector capability to work with Māori	16
Broker Māori Crown partnerships	17
Partner in COVID-19 response and recovery	18
Our People	19
Our Values	19
Our Staff	20
Inclusion and Diversity Strategy	20
Engagement and culture	20
A high-performing organisation	22
A culturally-capable workforce	22
What's next	23
Statement of Responsibility	24

Te Arawhiti narrative is extracted from the Ministry of Justice Annual Report. For the full financial and non-financial performance of Te Arawhiti, refer to the relevant section of the Ministry of Justice Annual Report.

Introduction from the Tumu Whakarae



Tātai whetū ki te rangi, mau tonu mau tonu; tātai tāngata ki te whenua, ngaro noa, ngaro noa. Na reira e ngā mate hāere ki te pūtahitanga o Rēhua, ki te huinga o te kahurangi, ki reira oti atu ai. Ki a tātou te hunga ora, tena tāto e whai tonu nei i nga wawata a rātou ma, kia whītiki i nga taha e rua, ara a Te Arawhiti e.

Stars adorn the heavens, standing eternally; humanity adorns the land, bound to perish. We lament our dearly departed as they ascend to the highest heavens. We strive to carry their legacy and aspirations for us, binding and joining as Te Arawhiti.

Despite the disruption caused by the COVID-19 pandemic, Te Arawhiti had a very productive year for 2020-2021 that we can look back on with pride. There was much achieved by our relatively small team and I would like to signal some of the highlights of the year.

In our focus area of restoring the Treaty partnership, key achievements included recognising a new mandate to enter into Treaty of Waitangi negotiations with Mōkai Pātea, signing a terms of negotiation with Waikato-Tainui for their remaining Treaty claims and initialling four deeds of settlement with Ngāti Rangitīhi, Ngāti Maru (Taranaki), Maniapoto and Te Ākitai Waiohū.

In addition, three deeds of settlement were signed with Ngāti Rangitīhi, Ngāti Maru (Taranaki) and Ngāti Paoa, two pieces of settlement legislation introduced with Ngāti Rangitīhi and Ngāti Maru (Taranaki), and one piece of settlement legislation enacted for Ngāti Hinerangi.


In working with groupings of ngā hapū o Ngāpuhi, we began developing mandate proposals to enter Treaty discussions. It is great to see a hapū-led process starting to gain momentum and we are looking forward to continuing this mahi.

We worked with groups who have applied for recognition of their customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011. We recognised eight Customary Marine Title areas in Ngā Rohe Moana o Ngā Hapū o Ngāti Porou and supported the Attorney-General in four High Court hearings. One of them, Re Edwards (Te Whakatōhea No. 2), is the first substantive judgment issued under the Takutai Moana Act to have considered a significant number of overlapping applications.

Despite the challenges of the COVID-19 restrictions, we also worked with 170 applicant groups regarding the Crown's draft Takutai Moana Engagement Strategy and comprehensive review of the Takutai Moana Financial Assistance Scheme.

In our endeavours to sustain the Treaty partnership, we engaged with over 40 Post-Settlement Governance Entities and worked hard with PSGEs and Crown agencies to resolve over 20 post-settlement issues. We also provided advice on 50 engagement processes, including significant engagement relating to reforms in the natural resources space - for example, Three Waters, Resource Management Act, and Freshwater Policy.

Te Arawhiti also plays a unique role by helping to resolve issues as to whether Crown actions or policies from 1992 to the present day are consistent with the Treaty. In 2020-21, we provided strategic support and advice to government agencies on a range of contemporary Treaty issues, including matters that have arisen in response to Waitangi Tribunal claims and inquiries.



As an example of this work in practice, we have helped agencies test how the Crown can support the growth of the kōhanga reo movement, and we have also advised on the Crown's approach to the proposed Kermadec/Rangitāhua Ocean Sanctuary. We also supported the Crown's response to current kaupapa inquiries such as the Housing Policy and Services Kaupapa Inquiry and the Mana Wāhine Kaupapa Inquiry.

As we build towards true Treaty partnership, in the 2020/21 financial year we agreed on a new way of working with the national iwi chairs through a new Statement of Engagement. This framework organises Ministers across government, and Chief Executives to work directly with iwi chairs and their Chief Executives on a set of social, economic, environmental and cultural priorities for the next 12 months. These priorities are organised into agreed work programmes across areas like Oranga Tamariki, the Resource Management Act, COVID-19 recovery, and housing.

We have also led out strongly on building public sector capability. Whāinga Amorangi is a capability framework we developed in 2020 to assist all Public Service Chief Executives to lift their personal capability as well as their agency's capability to work with Māori. It is now a part of the public service fabric and demonstrates the importance of learning basic competencies in order to service the public and Māori.

Last year to support Whāinga Amorangi, we provided guidance to agencies on how to engage effectively with Māori through the delivery of 17 "Introduction to Engaging with Māori" workshops to 15 central government agency's. To date, our workshop delivery has included 21 out of 36 central government agencies.

An example of our mahi across the public sector is an initiative which will benefit all Aotearoa New Zealand - the first Matariki public holiday. Using its philosophy of partnership, Te Arawhiti has ensured that mātauranga Māori has been at the forefront of the planning as to when and how the new Matariki Public Holiday will be celebrated.

We have also ensured that while our organisation works with our Treaty partners, our systems and processes as an organisation remain fit for purpose and that our most important resource – our people – are getting the support they need to feel confident and happy in their mahi and to do it to the best of their ability.

Our People Strategy – He Tangata 2021-2024 was launched in May 2021. It is a pathway for how Te Arawhiti will develop and evolve our people programmes and processes to enhance capability and performance over the next three years.

We want an inclusive and kind workplace which develops a high performing team of great people working with excellent processes and systems. It is only with such solid foundations that we can continue to provide outstanding service to Government, iwi Māori and Aotearoa New Zealand.



Lil Anderson

Tumu Whakarāe - Chief Executive
The Office for Māori Crown Relations – Te Arawhiti

Who we are and what we do

Our purpose

Our name, Te Arawhiti, means 'the bridge'. This name symbolises the bridge between Māori and the Crown, and the past and the future.

The purpose of Te Arawhiti, the bridge, is to help guide the Māori Crown relationship from historical grievance towards true Treaty partnership, and to help guide the Crown, as a Treaty Partner, across the bridge into Te Ao Māori.

Our foundation as an organisation is reflected in our strategic intent, our values and our priorities. Our strategic intentions to restore, sustain and build the Māori Crown relationship towards true Treaty partnership, and our values - Mahi Tahī, Pono ki te Kaupapa, and Atawhaitia – underpin the work we do. These foundations of partnership help shape the Māori Crown relationship. They provide us a clear direction to work alongside other public sector agencies to engage with Māori and influence positive outcomes for whānau, hapū, iwi and Māori communities throughout Aotearoa.

Te Arawhiti is the steward for Māori Crown relations across government. As an enabling agency, we enable the restoration of the Crown's relationship with Māori through the settlement of historical breaches of the Treaty of Waitangi and by assisting in the recognition of customary rights to the Takutai Moana. We sustain the Māori Crown relationship by upholding the Crown's settlement commitments and by putting the Treaty at the heart of Government policy, and we build the Māori Crown relationship by realising Māori aspirations through lifting public service capability to engage and partner with Māori.

Our role

Te Arawhiti is a departmental agency hosted by Te Tāhū o te Ture – the Ministry of Justice. We have 180 staff based in our Wellington office. We support the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Treaty of Waitangi Negotiations.

The functions of Te Arawhiti include:

- overseeing Treaty settlement negotiations and policy
- supporting the Crown in ensuring it meets its Treaty settlement commitments
- administering and overseeing the Marine and Coastal Area (Takutai Moana) Act 2011
- providing strategic advice on the Māori Crown relationship
- monitoring the health of the Māori Crown relationship across government
- strengthening public sector capability to meaningfully engage with Māori
- providing strategic leadership and advice on contemporary Treaty issues
- brokering solutions to challenging relationship issues with Māori
- developing collaborative partnership principles to support agencies deliver optimal social, environmental, cultural and economic development solutions
- providing strategic advice on Māori Crown relationship risks and opportunities
- coordinating significant Māori Crown events on behalf of the Crown.

TOWARDS TRUE TREATY PARTNERSHIP

RESTORE

- » Settle historical Treaty claims
- » Resolve longstanding and contemporary issues
- » Engage with Māori on Takutai Moana

Mahi Tahī

SUSTAIN

- » Uphold the Crown's Treaty settlement commitments
- » Actively support Crown agencies to engage effectively with Māori
- » Put the Māori Crown relationship at the heart of policy development

Pono ki te Kaupapa

BUILD

- » Lift public sector capability to work with Māori
- » Broker Māori Crown partnerships
- » Partner in COVID-19 response and recovery

Atawhaitia

Working together in good faith with humility and authenticity




Te Arawhiti

THE OFFICE FOR MĀORI CROWN RELATIONS



What we achieved this year



Restore

- Settle historical Treaty claims
- Resolve longstanding and contemporary issues
- Engage with Māori on Takutai Moana

To build closer partnerships with Māori, we are focusing on addressing breaches of The Treaty of Waitangi. By addressing these issues, we can restore and move forward with renewed relationships built on trust and confidence.

Settle historical Treaty claims

We work with iwi groups to resolve historical grievances by negotiating fair and durable Treaty of Waitangi settlements. These settlements include historical, cultural, financial and commercial redress that provide a foundation for strengthening the Māori Crown relationship into the future.

This year, we have made some important steps in the settlement process by achieving the following milestones:

- a recognised deed of mandate with Mōkai Pātea
- signed terms of negotiation with Waikato-Tainui for the remainder of their Treaty of Waitangi claims – this marks the start of negotiations with the Crown for the settlement of the remaining historical Treaty of Waitangi claims on behalf of Waikato-Tainui
- initialled deeds of settlement with Ngāti Rangitihi, Ngāti Maru (Taranaki), Maniapoto and Te Ākitai Waiohūa respectively
- signed deeds of settlement with Ngāti Rangitihi, Ngāti Maru (Taranaki) and Ngāti Paoa respectively
- settlement legislation introduction for Ngāti Rangitihi and Ngāti Maru (Taranaki) respectively
- settlement legislation enactment for Ngāti Hinerangi

Resolve longstanding and contemporary issues

Our mahi in this space is about Te Arawhiti leaning into issues across the Crown to develop fair resolutions that support and advance the Māori Crown relationship. We help agencies improve the effectiveness of Crown policy and actions.

Contemporary Treaty issues cover questions about whether Crown actions, omissions or policies from 1992 to the present day are consistent with the Treaty of Waitangi and its principles. We play a unique leadership role by:

- helping agencies establish a way to deal with issues as they arise
- supporting the Crown to be proactive in ensuring our policy, regulatory and service delivery functions are consistent with the Treaty
- supporting and helping agencies ensure Māori rights and interests are appropriately provided for.

Progress of negotiations this year

This year we worked alongside ngā hapū o Ngāpuhi to develop mandate proposals to enter Treaty discussions. So far one hapū grouping has been confirmed and mandate development is ongoing with others. The Crown also established Tupu Tonu – Ngāpuhi Investment Fund Limited. This fund is a Crown company with initial capital of \$150 million, which aims to grow the fund and a portfolio of assets in the coming years. This mahi is laying the foundation for significant progress in coming years.

This year has also seen significant progress in the Ngāti Rangitihi Treaty settlement. Ngāti Rangitihi and the Crown have initialled and signed the deed of Settlement and introduced the Ngāti Rangitihi Claims Settlement Bill into the House of Representatives. The Ngāti Rangitihi settlement includes an acknowledgement of the Crown's failure to protect the Tarawera awa from pollution, which is the first acknowledgement of its kind. It also establishes the Tarawera Awa Restoration Strategy Group, which is tasked with the important role of restoring the mauri of the awa. The settlement also includes the vesting of 19 cultural redress sites, including at Tapahoro (the 'beating heart' of Ngāti Rangitihi rohe), and Waimangu Volcanic Valley (which Ngāti Rangitihi plan to share with their close neighbours, Tūhourangi).

Our mahi takes many forms, including:

- helping agencies to apply *Cabinet Office Circular CO (19) 3: Better Co-ordination of Contemporary Treaty of Waitangi Issues* to their mahi
- guiding and helping agencies as they approach the Waitangi Tribunal's kaupapa inquiry programme, which hears and reports on issues of pan-Māori or national significance.

This year, we provided strategic leadership and advice to agencies on a range of contemporary Treaty issues, including:

- how the Crown can support the growth of the kōhanga reo movement
- supporting the Crown response to freshwater issues

- advising on the Crown approach to the proposed Kermadec/Rangitāhua Ocean Sanctuary
- supporting the Crown response to current kaupapa inquiries (including Wai 2750: The Housing Policy and Services Kaupapa Inquiry and Wai 2700: The Mana Wāhine Kaupapa Inquiry) by being active members of the Cross-Agency Steering Groups
- supporting the development of Crown Treaty of Waitangi breach concessions to ensure they are authentic, mana-enhancing and consistent with the Crown approach
- matters that have arisen in response to Waitangi Tribunal claims and inquiries.

Working to support contemporary issues

As a steward of the Māori Crown relationship, our mahi in this space is two-fold: finding an enduring outcome and helping restore the mana and balance of relationships.

Our mahi relies on strong relationships and the restoration of trust. With that in mind, we have been working alongside and supporting the Māori Spectrum Working Group over the year. We have been working together with the Ministry of Business, Innovation and Employment and Te Puni Kōkiri to support the Māori Spectrum Working Group to co-design a package to enable Māori participation in radio spectrum management and to forge a mature and adaptive partnership for the future. This area of our mahi provides a space where te ao Māori perspectives and insights are pivotal in moving the Māori Crown partnership forward.



Engage with Māori on Takutai Moana

We work with whānau, hapū and iwi who have applied for recognition of their customary rights directly to the responsible Minister or through the High Court, under the Marine and Coastal Area (Takutai Moana) Act 2011.

We support applicants to progress their applications and advise the responsible Minister on the assessment of applications under the Takutai Moana legislation. We administer financial assistance to applicants, deliver a historical research programme and maintain the public Geographic Information System platform: Te Kete Kōrero a Te Takutai Moana Information Hub (Kōrero Takutai) to support the consideration of applications under the Act. We also support the Attorney-General in the High Court by providing research and other information.

This year, we have:

- recognised eight Customary Marine Title areas in Ngā Rohe Moana o Ngā Hapū o Ngāti Porou
- supported the Attorney-General in four High Court hearings, including Re Edwards (Te Whakatōhea No. 2), the first substantive judgment issued under the Marine and Coastal Area (Takutai Moana) Act 2011 to have considered a significant number of overlapping applications
- participated in the Waitangi Tribunal Marine and Coastal Area (Takutai Moana) Act Inquiry (Wai 2660) stage two
- while adhering to COVID-19 Alert Level restrictions, engaged directly with 170 applicant groups and emailed all applicant groups regarding the Crown's draft Takutai Moana Engagement Strategy and comprehensive review of the Takutai Moana Financial Assistance Scheme
- completed a comprehensive review of the Takutai Moana Finance Assistance Scheme. This review supports policy mahi that will develop options for changes to the scheme in consultation with applicant groups
- developed and launched the new Takutai Moana Engagement Strategy, enabling the Crown to better support all applicants to progress their applications.

Takutai Moana Engagement Strategy

Following extensive engagement with applicant groups and considering the outcomes of the Waitangi Tribunal Marine and Coastal Area (Takutai Moana) Act 2011 Stage One inquiry, the Minister for Treaty of Waitangi Negotiations, Andrew Little, announced a new Takutai Moana Engagement Strategy on 12 June 2021 at Kaiuku Marae in Māhia.

The new approach set out in the Strategy aims to provide more timely, fair and transparent determinations compared to previous approaches. By putting more resources into supporting whānau, hapū and iwi, and promoting collaborative engagement with all applicants across 20 coastal areas, we expect that all applicants will have a determination of their application within 10 to 20 years.

The Strategy sets out that Te Arawhiti will work with applicant groups across three stages:

- 1. An initial engagement phase where the Crown and applicants agree the approach to their coastline.**
- 2. A research and evidence-gathering phase that focuses on the mahi of gathering evidence of customary interests.**
- 3. A recognition and determination phase that puts the evidence to the decision maker, either the Minister or the High Court, and then gives legal effect to determinations made.**

Under the Strategy, we will initially focus on working with applicant groups to build our understanding of their connection to the Takutai Moana, their tikanga, and their aspirations.

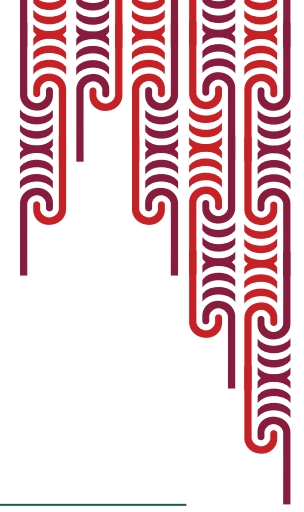
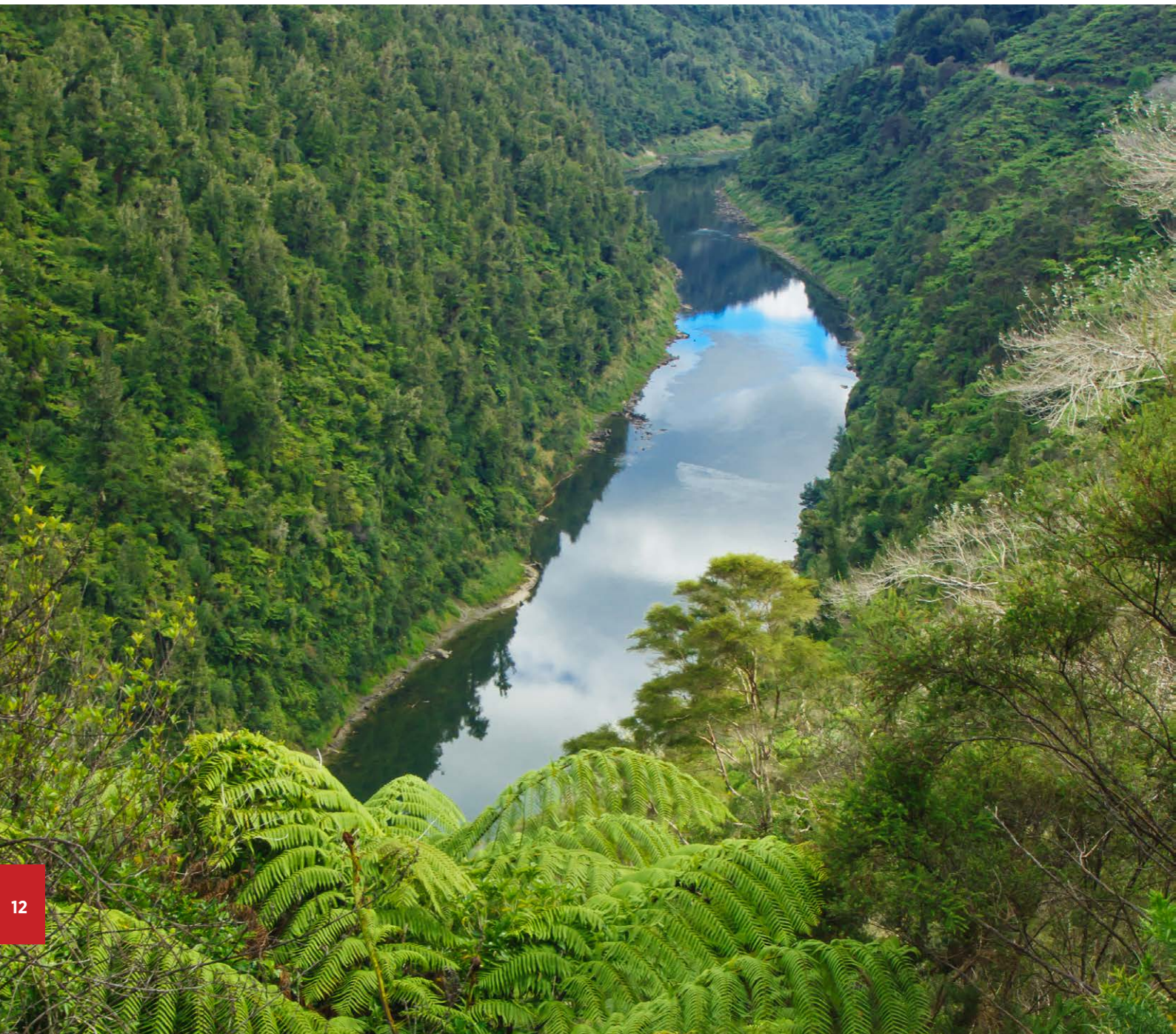
All applicants will have the opportunity to engage with the Crown about the progress of their applications, whether they have applied for recognition of their customary rights directly to the Crown or to the High Court. This will help to ensure greater consistency between these two pathways. Engagement can begin once applicants are ready.

We will work with applicants to provide support. This will ensure all applicants are well placed to progress applications, prepare historical research and evidence and work through shared or overlapping interests.

Sustain

- Uphold the Crown's Treaty settlement commitments
- Actively support Crown agencies to effectively engage with Māori
- Place the Māori Crown relationship at the heart of policy development

As we continue to settle historical claims, we are focused on sustaining ongoing Māori Crown relationships beyond settlement documents. We do this by ensuring we uphold Crown Treaty settlement commitments and promote partnership opportunities that may present themselves post settlement.



Uphold the Crown's Treaty settlement commitments

Treaty settlements provide a platform for a renewed relationship between Māori and the Crown, based not on grievance and transactions but genuine opportunity and partnership. Keeping that in mind, we work to ensure settlements support partnerships in three key ways:

- supporting iwi and agencies to implement commitments and resolve post-settlement issues
- providing advice on the impacts of policy initiatives on the durability of settlements
- fostering and growing partnerships with groups who have reached settlement.

This year, we have:

- engaged with 41 post-settlement governance entities and resolved 23 post-settlement issues, including the Crown's role in debts inherited by Te Rūnanga Nui o Te Aupōuri Trust from the Aupōuri Māori Trust Board when it was disestablished

- provided settlement durability advice to Ministers and agencies on:
 - COVID-19 Recovery (Fast-track Consenting) Act 2020
 - proposed reforms to the Resource Management Act
 - the transfer of Crown Forest Licensed Land
- developed draft guidance for:
 - amending settlements in situations where this is required to uphold the integrity of settlements
 - supporting Crown agencies undertaking development projects to ensure they include adequate protections for Māori interests and Treaty settlements.

Te Pou Tupua, the 'human face' of the Whanganui River

Te Pou Tupua is the legal representative of Whanganui River under the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. The terms of its appointees were due to expire on 3 September 2020. On 25 March 2020, the day of the nationwide COVID-19 Alert Level 4 lockdown, the post-settlement governance entity, Ngā Tāngata Tiaki o Whanganui Trust (Ngā Tāngata Tiaki), and Te Arawhiti discussed the impact of Alert Level restrictions on the process to make appointments to Te Pou Tupua by 3 September 2020.

The nomination process was scheduled to begin in March but was delayed due to the COVID 19 response. Given the process is joint, both the Ministry for the Environment (the Crown's lead) and Ngā Tāngata Tiaki were yet to formally commence the appointment process. The roles would have fallen vacant if appointments were not made by September.

The inaugural 2017 appointments process took over six months to complete. For that reason, it was not possible for the Crown and the eight iwi with interests in the Whanganui River to conduct the joint appointment process under the Settlement Act. Ngā Tāngata Tiaki requested a legislative amendment to enable current appointees (Turama Hawira and Dame Tariana Turia) to continue in the interim.

We proposed amending the Settlement Act to ensure Te Pou Tupua is not left vacant at the end of the current term or in any other exceptional circumstances. A vacancy would have created substantial legal and reputational risks and the office of Te Pou Tupua would have become inoperative. The risks of doing nothing also included risks to the durability of the settlement and flow-on effects to the Crown's relationship with Whanganui iwi and potentially the other seven iwi with interests in Whanganui River.

On 3 August 2020, Cabinet agreed to an Immediate Modification Order to modify the Settlement Act to extend the first appointees' three-year term for Te Pou Tupua by nine months.

On 24 August 2020, Cabinet approved the Immediate Modification Order, which was then signed by the Governor-General on the same day, ensuring that the current appointees could stay in term for a further nine months. Te Arawhiti is now seeking the inclusion of a continuity clause in the Settlement Act through the next Statutes Amendment Bill, which will prevent the same situation occurring in the future.

Actively support Crown agencies to engage effectively with Māori

Over the last year, we have continued to actively support and advise the Crown on engagement with Māori in accordance with Cabinet's Crown Engagement with Māori Framework and Guidelines. Effective and meaningful engagement with Māori is crucial to generate better quality outcomes, nurture Māori Crown partnerships, and uphold the Crown's Treaty commitments.

Engaging with Māori is a focus area in the individual component of the Māori Crown Relations Capability Framework. The Framework is intended to provide a more coordinated approach to capability building across the public service. The Framework is split into three parts: The two capability components and a survey. We developed the 'Introduction to Engaging with Māori' workshop to raise awareness of our engagement tools to help lift individual capability.

Over the last year, we have provided advice on 50 new engagement processes, including significant engagement relating to reforms in the natural resources space. We have also delivered 17 'Introduction to Engaging with Māori' workshops to 15 central government agencies and 45 engagement workshops to 21 out of 36 central government agencies.

To support leaders and individuals who have participated in this workshop or have more experience engaging with Māori, we are in the process of developing a 'train-the-trainer' workshop that assists agencies to deliver their own Engaging with Māori workshops.

How our guidance is used by other agencies to strengthen the Māori Crown relationship

Te Kāhui o Taranaki Trust approached the Ministry of Business, Innovation and Employment in 2020 to partner with the Crown on the decommissioning of the Tui oil fields approximately 50 kilometres off the coast of Taranaki. The Trust referenced our Guidelines for Engagement with Māori and highlighted this was a 'significant' kaupapa for them. We provided advice in 2020 to the Ministry of Business, Innovation and Employment that this was an excellent partnership opportunity.

In March 2021, the engagement continued with the Ministry of Business, Innovation and Employment and the Trust signed an agreement formalising iwi input into the project. The decommissioning of the oil field is ongoing but there has been a positive response from iwi to the Ministry of Business, Innovation and Employment's engagement with them on this project.

Put the Māori Crown relationship at the heart of policy development

Our mahi in this space is all about embedding the Treaty of Waitangi into policy and lifting capability across the Crown to do this consistently and effectively. Being a better Treaty partner means ensuring that government policies are consistent with the Treaty and inclusive of te ao Māori perspectives. We work with agencies as they consider Māori rights and interests across their mahi including by engaging effectively with Māori to understand those perspectives.

In practical terms, we support:

- agencies to apply Cabinet Office Circular CO (19) 5 Te Tiriti o Waitangi/Treaty of Waitangi Guidance, meaning we get involved across the full range of the government's reform agenda. We help agencies to consider the Treaty of Waitangi in policy design and implementation
- Ministers' understanding and consideration of Māori Crown relations policy issues across the system
- government agencies to engage authentically with Māori. We know genuine and humble engagement leads to better kōrero, policy design and a strengthened Māori Crown relationship.

As the Māori Crown relationship continues to grow and evolve, our mahi to embed the Treaty in policy and support agencies to lift their Māori Crown capability has seen us get involved in a range of policy and reform issues. This year, we have provided advice on over one hundred Cabinet papers, covering topics as diverse as housing and urban development, the COVID-19 vaccine rollout, resource management, and the Three Waters Reform Programme.

Resource Management reform is a major priority for this government. We recognise the scale and diversity of Māori interests in this space and so this has been a big focus of our mahi over 2020/21. Te Arawhiti has worked with government agencies to ensure that Māori rights and interests and the Treaty relationship are built into the design of the new resource management system. We will continue to prioritise this mahi as it is a pivotal opportunity for Māori Crown relations.





Working with other agencies on the Resource Management reform to put the Māori Crown relationship at the heart of policy development

Resource Management reform is a major priority for the government. We recognise the scale and diversity of Māori interests in this space and so this has been a big focus of our mahi over the year. We have worked with Ministers and government agencies to ensure that Māori rights and interests and the Treaty relationship are built into the design of the new Resource Management system. This is also reflected in the key recommendations of the independent Resource Management Review Panel chaired by retired Court of Appeal Judge, Hon Tony Randerson, QC.

We have been an active participant in this space over the year. We have advised on the wide-ranging engagement necessary to include Māori in the plans for system reform. This has included how to uphold Treaty settlements and Takutai Moana customary interests. We considered connections between Resource Management Act reform and Māori interests in other government initiatives like housing and Three Waters reform (drinking water, storm water, wastewater). We also considered the continual need to provide for existing Treaty settlement arrangements in the new regime and how partnership with Māori could be reflected across different levels of the resource management regulatory system.

We will continue to prioritise this mahi as it is a major opportunity for Māori Crown relations.



Build

- Lift public sector capability to work with Māori
- Broker Māori Crown partnerships
- Partner in COVID-19 response and recovery

The gains achieved through restoring Māori Crown relationships provide the platform for sustained, long-lasting change and partnership opportunities that look towards the future. The build phase therefore focuses on ensuring the relationship is moving towards true Treaty partnership.

Lift public sector capability to work with Māori

We are aiming to strengthen public sector capability to work with Māori and ensure the public sector can build on our relationships with Māori and enter into enduring partnerships that build mana of all parties.

Utilising the Minister for Māori Crown Relations: Te Arawhiti engagement hui in 2018, we have been able to describe the standard and direction for transformation of the public sector's capability to meaningfully engage and partner with Māori, to build relationships that are enduring, authentic and that result in better outcomes for our Treaty partners.

Working with public service leaders

In order to support Māori Crown relations capability expectations established through the 2020 Public Service Act, we developed Whāinga Amorangi, a capability framework to support all public service Chief Executives to lift their own, and by extension, agency's capability to work with Māori. In 2021, all 36 Chief Executives of the core public service departments signed agreements to implement Whāinga Amorangi across their agencies.

Support partner agencies with their capability-building journeys

We are committed to providing additional support to seven priority agencies, including Kāinga Ora, Ministry of Housing and Urban Development, Ministry for the Environment, Ministry of Education, Department of the Prime Minister and Cabinet, the Public Service Commission and Oranga Tamariki. We have established relationships with each of these agencies and supported them to embed both the individual and organisational capability expectations across their organisations. We have listened to their needs and continue to provide tailored support to each of them, particularly as they build their Whāinga Amorangi plans.

Develop and advise on cross-government tools

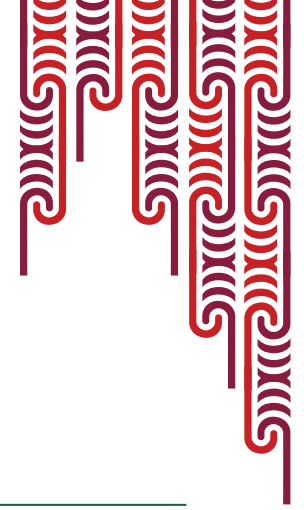
Cross-government tools present an opportunity to improve Māori Crown relations capability across the whole public sector, rather than one agency at a time. For example, we work with Te Kawa Mataaho (Public Service Commission) to utilise the latest public service census to gain key data and information about capability as per the Health of the Māori Crown Relationship Framework. Establishing a baseline and understanding of capability across the public service will inform future priorities and initiatives, as well as measure the impact of what agencies are in the process of implementing.

We also provided advice on the Leadership Development Centre's 'Leadership Development Guides', the Government Centre for Dispute Resolution's 'Dispute Resolution Model Standards', and the Policy Project's 'Community Engagement Guides.'

Māori within the public service

We encourage leaders within agencies to include Māori staff in the development of their Whāinga Amorangi plans and to take responsibility for building the capability of all staff, whatever their level of capability may be.

Through this mahi, the needs of Māori public servants and what is required to support them at a system level is a key area going forward. We are working with the Public Service Commission on this kaupapa.





Whāinga Amorangi: Transforming Leadership

We developed Whāinga Amorangi: Transforming Leadership to help Chief Executives meet their responsibilities under the Public Service Act 2020. Whāinga Amorangi is a coordinated approach across the public service to building public sector capability through development of tools and resources.

Fundamental to the success of Whāinga Amorangi is the focus placed on leaders to build their own capability. In focusing on their capability, leaders will become a role model for their people, inspiring and empowering them to go on their own journey.

All 36 public service Chief Executives have committed to Whāinga Amorangi which means they have committed to fostering their capability and developing a plan for their people to do the same. Agencies are expected to submit these plans to us in August 2021 and report on their progress in their annual reports.

Whāinga Amorangi is ambitious, but now more than ever, public servants must be better equipped to engage and partner with Māori on significant issues. Capability-building is not a one-off or 'tick the box' exercise; it is a commitment to enduring change, being the difference and modelling positive behaviours. All public service agencies will continue to monitor, report on, and adapt their Whāinga Amorangi plans over time.

Broker Māori Crown partnerships

The government is committed to supporting opportunities for Māori Crown partnerships that uphold and build mana of both parties. We are always looking for opportunities to strengthen the partnerships between Māori and the Crown across government. We do this by supporting agencies where relationships are complex, providing guidance and advice on partnerships and identifying partnership opportunities. We also work with post-settlement governance entities on post-settlement engagements.

Our key achievements this year include:

- continuing to lead the implementation of the National Iwi Chairs Forum Statement of Engagement by supporting agencies responsible for aligned priorities to work at a rangatira ki te rangatira level to progress their work programmes. We are also working with the various Crown agencies and iwi pou to develop a monitoring and evaluation framework for the shared work programme
- working with Māori to develop a framework to track the health of the Māori Crown relationship. This year, we have completed the preliminary groundwork to pilot the health of the Māori Crown framework in the Māori housing domain. The pilot will be used to understand the maturity of the relationship and provide a basis for the Crown to work with Māori in taking steps towards building stronger partnerships
- supporting the Māori Crown relationship through the Whai Hononga programme, which provides funding to support Māori Crown events across Aotearoa. This year, the Whai Hononga programme supported four Māori-Crown events:
 - Whakaari He Rā Whakamaumaharatanga commemorating one year since the eruption of Whakaari-White Island
 - Waitangi Week 2021 in Waitangi
 - He Rua Whakautu mō te Riri – Te Ruapekapeka Pā 175th Anniversary, an event to unveil a memorial erected at Te Ruapekapeka pā for 12 British servicemen
 - Ngāti Pūkenga – He Tūruapō: Visions of iwi futures, celebrating Māori Leaders
- providing partnership support and brokering across government to help Māori to connect with the Crown, and the Crown to connect with Māori, to ensure positive and sustainable outcomes:
 - Heretaunga-Tamatea Settlement Trust - we supported both the Trust and the Ministry of Housing and Urban Development to resolve some concerns affecting their working relationship
 - we connected Ngāi Tai ki Tāmaki Trust with the right contacts within Kāinga Ora to assist with issues the Trust had been encountering in their housing developments
 - Taranaki Whānui ki te Upoko o Te Ika - In 2019, \$4 million was allocated to the Watts Peninsula project led by the Minister for Land Information. Funding will provide recreational, safety and cultural benefits through the establishment of a reserve at Watts Peninsula in Wellington. Te Arawhiti and the Department of Conservation are supporting Land Information New Zealand to brief all relevant Ministers on Watts Peninsula discussions
 - providing support to Te Whānau a Rangiwahakaahu to engage with Crown Property at Land Information New Zealand to provide lease information to Rangiwahakaahu. Land Information New Zealand has now confirmed that it received and approved the application from Rangiwahakaahu
 - brokering an opportunity for the Ministry of Housing and Urban Development to meet with Ngāti Rēhia together with Te Puni Kōkiri and Kāinga Ora to discuss Ngāti Rēhia's housing aspirations. At this meeting, Te Puni Kōkiri and Kāinga Ora agreed to undertake a site visit to determine potential housing locations. The Ministry of Housing and Urban Development will continue to work with Ngāti Rēhia to build their capability in supporting Ngāti Rēhia's development aspirations
 - Project Tāwhaki is a Māori Crown partnership with Te Papatipu Rūnanga (Te Taumutu Rūnanga and Wairewa Rūnanga) to realise joint economic, environmental and cultural interests on Kaitōrete Spit. We had been providing engagement advice throughout the year on this cutting-edge project.



Working in partnership

We have been working with the Ministry for Business, Innovation and Employment and an independent Matariki Expert Advisory Group to establish the foundations of the first Matariki Public Holiday. As a result of taking the Māori Crown partnership approach, mātauranga Māori has been at the forefront of advice provided to the Crown as to when and how the new Matariki Public Holiday should be celebrated.

We have also worked with the Ministry for Business, Innovation and Employment and the Parliamentary Counsel Office in developing dual-language legislation to commemorate Matariki.



Partner in COVID-19 response and recovery

When COVID-19 first sent Aotearoa into Alert Level 4 in March 2020, we played a vital role in supporting iwi, both directly and through our mahi across Government to support wider Government engagement with Māori. We utilised our experience and relationships to support a systems approach to ensure broader engagement with, and responsiveness to, Māori was top of mind during this critical time.

COVID-19 Recovery (Fast-Track Consenting) Act 2020

The COVID-19 Recovery (Fast-Track Consenting) Act 2020 is one of the Government's actions to support New Zealand's economic recovery from COVID-19. The Act provides a streamlined consenting process as an alternative to consenting under the Resource Management Act 1991.

We perform key functions under the Act to help protect Māori rights and interests, ensure Treaty settlement commitments are upheld, and that relevant groups are provided the opportunity to comment on consent applications.

For each application made under the Act, we identify iwi with potentially affected interests and assess potential impacts on Treaty settlement negotiations and applications under the Marine and Coastal Area (Takutai Moana) Act 2011. We identify any risks or issues in relation to settlement legislation and Māori Crown relations in general. We advise the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Treaty of Waitangi Negotiations when their comment is sought on consent applications. This enables our Ministers to raise potential risks or issues with the Minister for the Environment and Expert Consenting Panels for their consideration as decisionmakers.

We also assist the Ministry for the Environment to prepare reports considered by the Minister for the Environment to meet their Treaty of Waitangi obligations under section 17 of the Act. This has helped ensure relevant iwi groups are provided the opportunity to comment on applications that may affect their rights and interests.

In the 2020-21 year, we reported to Ministers 68 times on a total of 49 applications and worked with the Ministry for the Environment to produce 36 section 17 reports.

Our People

Our values

Towards True Treaty Partnership



- » We will engage with purpose
- » We will work as one and make sure we have strong relationships - with each other, with Māori, with Ministers and across the public sector
- » We will listen and learn to expand our understanding and lift our capability
- » Manaakitanga and whanaungatanga will be evident in everything that we do.



- » We are committed to our purpose and direction
- » We will learn from the past
- » We will look to the future with optimism
- » We will act in good faith
- » We will work hard to always produce high quality work and achieve great results.



- » We aspire to do everything with humility, authenticity, generosity and kindness.

Our staff

Inclusion and Diversity Strategy

Our commitment to diversity and inclusion is evident in everything that we do and having a diverse workforce continues to be a great strength for Te Arawhiti. It brings a wide range of diverse experiences and views to everything we do and enhances our collective strength. Almost 53% of our staff identify as female and 63% of our management positions are filled by staff that identify as female.

As a departmental agency established in 2019, our work has evolved and grown, as has our organisation. In 2020/21, Te Arawhiti has seen a 4.7% increase in overall staff numbers and our total head count is now 175.7 full-time equivalent positions. We recognise the importance of having a diverse workforce. Of staff who have provided ethnicity details, 30.6% identify as Māori. This has increased by 5% from last year's total of 25.6%.

Te Arawhiti is operating in a market that has been significantly disrupted by COVID-19, particularly in the recruitment of executive support and other specialised skill areas. The demand for staff with expertise in Te Reo Māori and Tikanga Māori is also particularly difficult as the demand for these skills continuously increases across the public sector.

We continue to work collaboratively with Te Tāhū o te Ture – the Ministry of Justice to address the Gender Pay Action plan. Te Tāhū o te Ture – the Ministry of Justice continues to lead the plan, fully supported by Te Arawhiti. The current gender pay gap is 10.3%, which has increased from the previous year (9.3%) by 1%. As we are a small organisation, we expect this figure to fluctuate over the years as staff movements will affect these percentages.

Engagement and culture

Our Te Arawhiti values and our Strategy underpin our culture. Our Strategy sets our strategic intentions to restore, sustain and build the Māori Crown relationship. This has formed the foundation of 'Our Goals 2019-2024', which is our input to Te Tāhū o te Ture Statement of Intent 2019-2024. It sets out how we will deliver on our broader mandate of improving the Māori Crown relationship. Our values support our Strategy, as outlined on the previous page, we are working towards true Treaty partnership by working together in good faith with humility and authenticity.

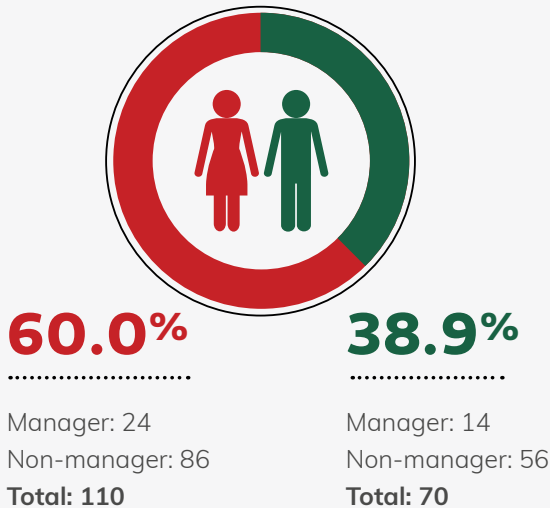
As an organisation, we assist other agencies to develop and build their capability to engage and partner with Māori. We also acknowledge that we need to be a role model in this space and take the lead on empowering and building our people's capability. Over the last year, we have undergone significant processes with an engagement and culture focus. We have developed a people strategy, He Tangata and also completed a cultural competency review. He Tangata and the cultural competency assessment seek to build these capabilities internally.



Diversity and inclusion

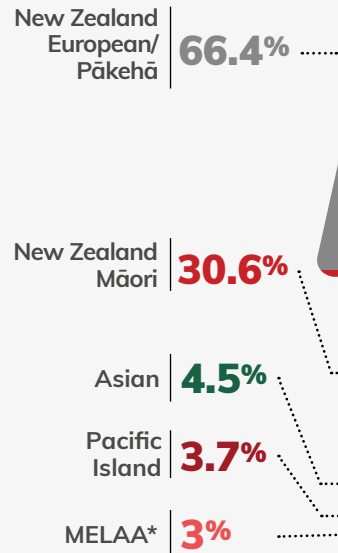


Gender (overall)



Ethnicity **2021**

Results are self-reported, and staff can belong to more than one ethnicity group, so result may not total 100% in all years



*Middle Eastern/Latin American/African

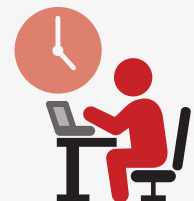
Growth and maturity of our organisation

■ 2020 ■ 2021



Occupation (headcount)

	All Managers	Policy Analysts/ Information Professionals	Social, Health & Education Workers*	Legal, HR & Finance Professionals	Clerical & Admin Workers
2020	36	100	15	6	15
2021	38	106	15	3	18
#/%	▲ 71.4%	▲ 11.1%	▲ 25%	▼ 50%	▲ 15.4%



*Our historians are categorised by ANZSCO (Australian and New Zealand Standard Classification of Occupations) as social, health and education workers.

A high-performing organisation

We are a small, fast-moving and fast-growing organisation. Te Arawhiti has a mandate to negotiate historical Treaty settlements and administer the Marine and Coastal Area (Takutai Moana) Act 2011. In response to recent Cabinet decisions and new investment in engagement with Māori, we have agreed some structural changes in Te Kāhui Takutai Moana and Te Kāhui Whakatau. It has resulted in growth to ensure we can deliver commitments and foster the Māori Crown relationship.

These structural changes will now be implemented. They will see Te Kāhui Takutai Moana embarking on a new applicant-led, collaborative approach to engagement and progressing applications. Additional senior leadership in Te Kāhui Whakatau will drive cross-agency approaches to working with the Crown and Māori to progress settlement negotiations.

Te Arawhiti's 'Our People Strategy – He Tangata 2021-2024' was launched in May 2021. The Strategy provides a pathway for how we will develop and evolve Te Arawhiti people programmes and processes to enhance Te Arawhiti's capability and performance over the next three years. Our overall people purpose is Te Arawhiti: Our people are valued, capable and deliver our purpose - towards true Treaty partnership, and this shapes our Strategy. We have three priority areas for our Strategy:

- Inclusive and kind workplace
- Capable and high performing workforce
- Great people, processes and systems.

Each of these has associated focus areas and there is a corresponding programme of mahi to help us reach our Strategy aspirations.

The cultural capability review identified six key competency areas for individual development as well as five additional specialist areas. Following review, each area was given the following ratings. Te Reo Māori has been identified as the priority area of focus for us going into next year. We are working towards putting together plans that will move our staff to the 'comfortable' level.

We have developed a planning and reporting framework to ensure we meet our statutory requirements, allow leaders to make evidence-based decisions and ensure that we are on the right track as we work towards our goal of shifting the Māori Crown relationship from one of historical grievance toward true Treaty partnership. The framework is made up of five elements that connect and support one another:

- strategic
- government
- operational
- accountability
- monitoring and managing.

Under each of these five elements there are various processes, procedures, and tools used to support the mahi.

A culturally-capable workforce

Our People Strategy sets out a high-level goal for Te Arawhiti to have a culturally capable workforce, we have begun to work towards this goal by strengthening our Māori Crown Relations capability.

The cultural capability review identified six key competency areas for individual development as well as five additional specialist areas. Te Reo Māori has been identified as the priority area of focus for us next year. We will be putting a plan in place that will move our staff to the 'comfortable' level.

During the year, we began drafting our Te Whāinga Amorangi Plan based on Māori Crown Relations Individual Capability Component Framework, which has been developed by Te Arawhiti, for public service agencies. The drafting of the Plan was based on a co-design model with staff internally and Māori experts externally. The Plan will be submitted for external review in the new financial year.

In the first year of the draft Plan, we selected three capability areas to develop for our people. These are Te Reo Māori, Tikanga/Kawa, and Aotearoa New Zealand history and Te Tiriti o Waitangi/Treaty of Waitangi. Over the next financial year, our leaders will continue to engage in conversations with their staff about their current level of capabilities and their learning needs going into the new year.

The implementation of the plan will also provide an opportunity to re-evaluate when appropriate and will include an assessment of the high-level outcomes. This will be in addition to tracking individual capability progression on an annual basis.

What's next

As we head into our fourth financial year as a departmental agency, our purpose remains the same: To guide the Māori Crown relationship from historical grievance towards true Treaty partnership. Our strategic intentions to restore, sustain and build that relationship are increasingly relevant for Aotearoa New Zealand.

We reflect on our purpose: Te Arawhiti, the bridge. We were established to support 60,000-plus public servants to take steps over that bridge to understand Māori experiences and Te Ao Māori – a Māori world view.

For us this means continuing to focus on Treaty settlements next year. It also means continued focus on clarifying customary rights in the Marine and Coastal Area. As the new Takutai Moana Engagement Strategy was announced in 2021, it is important to build the momentum in this space and begin implementing our new way of working.

We will continue to seek opportunities to partner with Māori and support agencies in their efforts to build and nurture the Māori Crown relationship. It is becoming increasingly important to look for new ways to partner with Māori as the reform agenda continues and other government initiatives begin.

It will be important for Te Arawhiti to continue our own journey in Whāinga Amorangi. While our plans are ambitious, now more than ever, we must be well equipped to engage and partner with Māori on significant issues and provide guidance to others.



Statement of responsibility

I am responsible, as Tumu Whakarae - Chief Executive of The Office for Māori Crown Relations – Te Arawhiti (Te Arawhiti), for the accuracy of any end-of-year performance information prepared by Te Arawhiti, whether or not that information is included in the Annual Report.

In my opinion, the Annual Report fairly reflects the operations, progress, and organisational health and capability of Te Arawhiti.



Lil Anderson

Tumu Whakarae - Chief Executive
The Office for Māori Crown Relations – Te Arawhiti

30 September 2021



Te Arawhiti

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Te Kāwanatanga o Aotearoa
New Zealand Government


Te Arawhiti
THE OFFICE FOR MĀORI CROWN RELATIONS