

Hon Kelvin Davis

Minister for Māori Crown Relations: Te Arawhiti

Proactive release – Proposed final scope of the Crown/Māori Relations portfolio and a Crown/Māori Engagement Framework and Guidelines

The following document has been proactively released in accordance with Cabinet Office Circular CO (18) 4.

No.	Document	Comments
1	Proposed final scope of the Crown/Māori Relations portfolio and a Crown/Māori Engagement Framework and Guidelines Cabinet Minute CAB-18-MIN-0456 Cabinet Office Meeting date: 17 September 2018	This paper is to be released in its entirety.



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Crown/Māori Relations Portfolio: Proposed Final Scope, Engagement Framework and Guidelines

Portfolio **Crown/Māori Relations**

On 17 September 2018, following reference from the Cabinet Crown/Maori Relations Committee (CMR), Cabinet:

Background

- 1 **noted** that in March 2018, Cabinet approved the responsibilities and priority areas of the initial scope of the Crown/Māori Relations portfolio and invited the Minister for Crown/Māori Relations (the Minister) to report back to CMR on the outcome of consultation and next steps [CAB-18-MIN-0078];
- 2 **noted** that the Minister sought public submissions and undertook an engagement process on the initial scope of the portfolio between March and June 2018 and a summary of the submissions received will be published on the Ministry of Justice website;

Portfolio name

- 3 **authorised** the Prime Minister, Deputy Prime Minister and the Minister to have Power to Act to take decisions on a revised name for the portfolio;

Final scope of the Crown/Māori Relations portfolio

- 4 **authorised** the Minister to seek agreement from the Prime Minister that the responsibilities under the final scope of the portfolio be to:
 - 4.1 ensure the Crown meets its Treaty settlement commitments;
 - 4.2 develop engagement, co-design and partnering principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development;
 - 4.3 ensure public sector capability is strengthened;
 - 4.4 ensure the engagement of public sector agencies with Māori is meaningful;
 - 4.5 provide an independent cross-government view on the health of the Crown/Māori relationship;
 - 4.6 provide strategic leadership and advice on contemporary Treaty issues;

- 4.7 broker solutions to challenging relationship issues with Māori;
- 4.8 coordinate significant Crown/Māori events on behalf of the Crown;
- 4.9 provide strategic advice to the Prime Minister and the Cabinet on the risks and opportunities in Crown/Māori partnerships;

Crown Māori Office

- 5 **noted** that a strong element of the feedback received on the initial scope of the portfolio was that the Minister and Crown/Māori partnerships deserve to be served by an agency with mana and not be buried within an existing agency;
- 6 **agreed in principle, subject to** due diligence referred to in paragraphs 9 and 10, to the establishment of a Crown Māori Office as a Departmental Agency to be hosted by the Ministry of Justice;
- 7 **authorised** the Prime Minister, Deputy Prime Minister and the Minister to have Power to Act to decide on the name of the Office in the light of their decision on the name of the portfolio;
- 8 **invited** the Minister to:
 - 8.1 consult with the Prime Minister, Minister of Finance, Minister of State Services, Minister of Justice, Minister for Treaty of Waitangi Negotiations, and Minister for Māori Development on the establishment of the Office as a Departmental Agency to be hosted by the Ministry of Justice;
 - 8.2 report back to Cabinet by 30 November 2018 with a business case and to seek decisions required to establish a Departmental Agency to be hosted by the Ministry of Justice, taking into account any matters raised by the due diligence process;
- 9 **noted** that the proposed functions of the Office, upon establishment, will be to:
 - 9.1 advise the Minister on:
 - 9.1.1 ensuring the Crown meets its Treaty settlement commitments;
 - 9.1.2 developing engagement, co-design and partnering principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development;
 - 9.1.3 ensuring public sector capability is strengthened;
 - 9.1.4 ensuring the engagement of public sector agencies with Māori is meaningful;
 - 9.1.5 providing an independent cross-government view on the health of Crown/Māori partnerships;
 - 9.1.6 providing strategic leadership and advice on contemporary Treaty issues;
 - 9.1.7 brokering solutions to challenging relationship issues with Māori;
 - 9.1.8 coordinating significant Crown/Māori events on behalf of the Crown;

- 9.1.9 providing strategic advice on the risks and opportunities in the Crown/Māori relationship;
- 9.1.10 any other matter for which the Minister has a portfolio interest, such as work on the constitutional and institutional arrangements supporting partnerships between the Crown and Māori;
- 9.2 advise the Minister for Treaty of Waitangi Negotiations on completing historical Treaty Settlements;
- 9.3 advise the Minister responsible for applications under the Marine and Coastal Area (Takutai Moana) Act 2011 on administering the Marine and Coastal Area (Takutai Moana) Act 2011;
- 10 **directed** the Secretary for Justice to undertake the due diligence required to establish the Office as a Departmental Agency to be hosted by the Ministry of Justice;
- 11 **noted** that the due diligence will include consideration of:
 - 11.1 corporate governance and functions to establish the proposed office consistent with the protocols for change in the machinery of government;
 - 11.2 a new vote/s and/or a new appropriation/s for the responsible Ministers;
 - 11.3 the on-going costs of the proposed office including: information communications technology; financial management; and facility management;
 - 11.4 memoranda of understanding including service levels for any shared services with the Ministry of Justice;
- 12 **noted** that the Minister intends to proactively release the paper under CAB-18-SUB-0456 on the Ministry of Justice website;

Next steps for Cabinet report backs on work under proposed responsibilities

- 13 **noted** that, subject to the Prime Minister's approval of the final scope of the portfolio, the Minister intends to report back to Cabinet:
 - 13.1 in October 2018 on better coordination of contemporary Treaty of Waitangi issues;
 - 13.2 in November 2018 on:
 - 13.2.1 decisions required to establish a Departmental Agency to be hosted by the Ministry of Justice;
 - 13.2.2 Kōhanga Reo discussions;
 - 13.3 in December 2018 on indicators to measure the health of Crown/Māori partnerships; an approach to public sector capability, prototype guidance and review processes (with the Minister for State Services and the Minister for Māori Development);

Crown/Māori Engagement Framework

- 14 **noted** that the engagement framework and guidelines, attached to the paper under CAB-18-SUB-0456, build on the Cabinet approved interim engagement approach [CAB-18-MIN-0078] and are intended to provide practical advice on how to engage with Māori;
- 15 **agreed** that the engagement framework and guidelines, attached to the paper under CAB-18-SUB-0456, be available for immediate use by agencies;
- 16 **agreed** that Crown/Māori Relations officials will continue to provide an assurance role, provide further targeted advice, tools and support to assist government to better engage with Māori on matters of importance and develop a process to review the implementation of the engagement framework;
- 17 **noted** that the Prime Minister will be invited to announce, or launch, the engagement framework;

Financial implications

- 18 **noted** that the Ministry of Justice received one year of funding of \$3.050 million in Budget 2018 to support the Minister in establishing a work programme for the Crown/Māori Relations portfolio in 2018/19;
- 19 **noted** that the cost of establishing the Office as a Departmental Agency to be hosted by the Ministry of Justice will be managed within Vote Justice and Vote Treaty Negotiations 2018/19 baselines and therefore will not have any financial implications for the between budget contingency;
- 20 **directed** officials to prepare a business case for Cabinet consideration in November 2018 that outlines costs and the financial implications of implementing the portfolio and establishing the Office as a Departmental Agency hosted by the Ministry of Justice;
- 21 **noted** that, subject to the approval of the business case referred to in paragraph 20 above, funding for the resourcing of the portfolio and the Office as a Departmental Agency to be hosted by the Ministry of Justice for 2019/20 and out-years will be sought through Budget 2019.

Michael Webster
Secretary of the Cabinet

Hard-copy distribution:

Prime Minister
Deputy Prime Minister
Minister for Crown/Māori Relations
Minister of Finance
Minister of State Services
Minister of Justice
Minister for Maori Development