

Hon Kelvin Davis

Minister for Māori Crown Relations: Te Arawhiti

Hon Nanaia Mahuta

Te Minita Whanaketanga Māori

Proactive release –Roles and Responsibilities of Te Puni Kōkiri and Te Arawhiti

Date of issue: 04 November 2019

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

No.	Document	Comments
1	Roles and Responsibilities of Te Puni Kōkiri and Te Arawhiti Cabinet paper MCR-19-SUB-0031 Te Puni Kōkiri and Te Arawhiti Meeting date: 23 September 2019	This paper is to be released in its entirety
2	Roles and Responsibilities of Te Puni Kōkiri and Te Arawhiti Cabinet Committee Minute MCR-19-MIN-0031 Cabinet Office Meeting date: 17 September 2019	This paper is to be released in its entirety
3.	Appendix 1: Summary of Te Puni kokiri Work Programme Cabinet paper MCR-19-SUB-0031 Te Puni Kōkiri and Te Arawhiti Meeting date: 23 September 2019	This paper is to be released in its entirety
4.	Appendix 2: Te Puni Kōkiri and Te Arawhiti Relationship Agreement Cabinet paper MCR-19-SUB-0031 Te Puni Kōkiri and Te Arawhiti Meeting date: 23 September 2019	This paper is to be released in its entirety

No.	Document	Comments
5.	Appendix 3: Seven key areas of focus for repositioning Te Puni Kōkiri Cabinet paper MCR-19-SUB-0031 Te Puni Kōkiri and Te Arawhiti Meeting date: 23 September 2019	This paper is to be released in its entirety



Cabinet Māori Crown Relations - Te Arawhiti Committee

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.

Roles and Responsibilities of Te Puni Kōkiri and Te Arawhiti

Portfolio **Māori Crown Relations Te Arawhiti / Māori Development**

On 17 September 2019, the Cabinet Māori Crown Relations - Te Arawhiti Committee:

- 1 **noted** that in April 2019, Cabinet invited the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development to report back jointly to MCR on the relative roles and responsibilities of Te Arawhiti and Te Puni Kōkiri [CAB-19-MIN-174.22];
- 2 **noted** that Te Puni Kōkiri and Te Arawhiti are working in complementary roles on public sector capability, challenging issues in the Māori Crown relationships and improving outcomes for Māori;
- 3 **noted** that the key distinctions between the roles of the two agencies are:
 - 3.1 Te Puni Kōkiri focuses on promoting Māori development and wellbeing, building Māori capability and capacity, monitoring the effectiveness of services for Māori, and leading policy advice on specific issues of importance to Māori;
 - 3.2 Te Arawhiti focuses on supporting Māori Crown relationships, building public sector capability to engage with Māori, ensuring Crown agencies meet their Treaty of Waitangi settlement commitments and administering the Marine and Coastal Area (Takutai Moana) Act 2011;
- 4 **noted** that in May 2019 the Chief Executives of Te Puni Kōkiri and Te Arawhiti:
 - 4.1 signed a relationship agreement, attached to the paper under MCR-19-SUB-0031, setting out their separate and shared roles and responsibilities;
 - 4.2 advised public sector chief executives of their respective organisations' roles and responsibilities.

Rachel Clarke
Committee Secretary

Hard-copy distribution: (see over)

Present:

Rt Hon Winston Peters
Hon Kelvin Davis (Chair)
Hon Grant Robertson
Hon Andrew Little
Hon Stuart Nash
Hon Shane Jones
Hon Peeni Henare
Hon Willie Jackson

Officials present from:

Office of the Prime Minister
Officials Committee for MCR

Hard-copy distribution:

Minister for Māori Crown Relations Te Arawhiti
Minister for Māori Development

In Confidence

Office of Minister for Māori Crown Relations: Te Arawhiti
Office of Te Minita Whanaketanga Māori

Chair, Cabinet Māori Crown Relations: Te Arawhiti Committee

Roles and Responsibilities of Te Puni Kōkiri and Te Arawhiti

Proposal

1. This paper outlines the relative roles and responsibilities of Te Puni Kōkiri and the Office for Māori Crown Relations - Te Arawhiti (Te Arawhiti).

Executive Summary

2. This paper responds to Cabinet's request for a report on the relative roles and responsibilities of Te Puni Kōkiri and Te Arawhiti. This paper reports concurrently with *Practical work programme for delivering Te Arawhiti responsibilities*. A summary of Te Puni Kōkiri's current work programme is attached as **Appendix 1**.
3. The true promise of the Treaty of Waitangi has largely remained unrealised since its signing in 1840. This promise is the Crown and Māori working together in partnership to achieve better economic, social, cultural, environmental and intergenerational wellbeing outcomes for Māori and all New Zealanders. Genuine Treaty partnerships require a resetting of the relationship. We have recognised that a different approach is required to achieve a system-wide change and support intergenerational wellbeing outcomes.
4. In December 2018 we agreed to establish Te Arawhiti. The establishment of Te Arawhiti will support the realisation of the true promise of the Treaty by 2040 at the 200th anniversary of its signing.
5. The Government also recognises an ongoing need to promote Māori development and address wellbeing disparities apparent between Māori and non-Māori in New Zealand. Te Puni Kōkiri is focused on outcomes for Māori. Te Puni Kōkiri has a critical role monitoring the adequacy of government services for Māori. Te Puni Kōkiri also has a regional on-the-ground presence managing contractual relationships and providing support for government agencies in the regions.
6. Te Puni Kōkiri and Te Arawhiti have different but complementary roles in the achievement of our vision. The key distinction between the roles of the two agencies are:
 - 6.1. Te Puni Kōkiri: focuses on promoting Māori development and whānau, hapū and iwi wellbeing, building Maori capability and monitoring the effectiveness of

services for Māori, leading policy advice on specific issues of importance to Māori, providing oversight and stewardship of Te Whare o te Reo Mauriora, statutory oversight for specified Crown entities and some Treaty settlement obligations; and

- 6.2. Te Arawhiti: focuses on supporting Māori Crown relationships, building public sector capability to engage with Māori, ensuring Crown agencies meet their settlement commitments and administering the Marine and Coastal Area (Takutai Moana) Act 2011.
7. The two agencies have a relationship agreement which sets out how they will work together, including on areas of common interest. They have advised public sector Chief Executives of their areas of common interest and respective roles. The relationship agreement is attached as **Appendix 2**.
8. The two agencies, working together (alongside the State Service Commission where appropriate) and reinforcing each other's role and function will contribute to the coordinated, systematic and cross-Government approach that is needed to build a Crown that is capable in its engagements with Māori and can make the most of the opportunities offered in partnerships.

Background

9. Te Puni Kōkiri was established under the Ministry of Māori Development Act 1991 (the Act), with responsibility for:
 - 9.1. promoting increases in the levels of achievement attained by Māori in education, training and employment, health and economic resource development; and
 - 9.2. monitoring and liaising with agencies that provide or have a responsibility to provide services to, or for, Māori to ensure the adequacy of those services.
10. The Act provides that the above responsibilities are in addition to the other responsibilities conferred on Te Puni Kōkiri from time to time.
11. Te Arawhiti was launched on 17 December 2018 and was legally established as a departmental agency hosted by the Ministry of Justice on 1 January 2019.
12. In April 2019, Cabinet invited the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development to report back to Cabinet Māori Crown Relations: Te Arawhiti Committee (MCR) in September 2019 on the relative roles and responsibilities of Te Puni Kōkiri and Te Arawhiti in order to position the Te Arawhiti work programme within this broader context [CAB-19-MIN-174.22 refers].

Roles and Responsibilities of Te Puni Kōkiri and Te Arawhiti

Role of Te Puni Kōkiri

13. In establishing the responsibilities and functions of Te Arawhiti in September 2018, Cabinet also confirmed the complementary functions of Te Puni Kōkiri [CAB-18-MIN-0456 refers] in relation to realising the promise of Te Tiriti o Waitangi.

These functions are to:

- 13.1. support the capability and capacity of whānau, hapū, iwi and Māori organisations to engage with the Crown;
 - 13.2. monitor and liaise with each department and agency that provides services to or for Māori to ensure the adequacy of those services;
 - 13.3. enhance the Crown's relationship with iwi, hapū, whānau and Māori;
 - 13.4. policy leadership to improve outcomes for iwi, hapū, whānau and Māori;
 - 13.5. learnings from the insights and lived experience of iwi, hapū, whānau and Māori;
 - 13.6. strategically invest with Māori communities, public sector agencies and the private sector to advance Māori aspirations; and
 - 13.7. promote increases in the levels of achievement attained by Māori in education, training and employment, health, housing and economic resource development.
14. In addition to these functions, Te Puni Kōkiri monitors the performance of five Crown and Statutory Entities. It also administers more than 30 pieces of legislation and advises on the modernisation of legislative provisions (e.g. the review of Te Ture Whenua Māori Act 1993; Māori Media Sector Shift) and undertakes independent mandate and ratification for Treaty settlement processes and human rights reporting.
15. In June 2019, Cabinet noted the intention of the Minister for Māori Development to reposition Te Puni Kōkiri to increase its strategic impact in its core roles of promoting increases in levels of Māori wellbeing and monitoring public sector agencies' effectiveness for Māori [MCR-19-MIN-0017 refers]. The seven key areas of focus for repositioning Te Puni Kōkiri are attached as **Appendix 3**.

Role of Te Arawhiti

16. The purpose of Te Arawhiti is to support the Māori Crown relationship and ensure direct support to relevant Ministers and other government departments with responsibilities in that relationship. The functions of Te Arawhiti are to:
- 16.1. ensure that the Crown meets its Treaty settlement commitments;
 - 16.2. develop engagement, co-design and partnering principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development;
 - 16.3. ensure public sector capability is strengthened;
 - 16.4. ensure the engagement of public sector agencies with Māori is meaningful;

- 16.5. provide an independent cross-Government view on the health of the Māori-Crown relationship;
- 16.6. provide strategic advice to the Prime Minister and the Cabinet on the risks and opportunities in the Māori Crown relationship;
- 16.7. provide strategic leadership and advice on contemporary Treaty issues;
- 16.8. broker solutions to challenging relationship issues with Māori;
- 16.9. co-ordinate significant Māori Crown events on behalf of the Crown;
- 16.10. complete the Treaty settlements process; and
- 16.11. administer the Marine and Coastal Area (Takutai Moana) Act 2011.

Relationship Agreement between Te Puni Kōkiri and Te Arawhiti

- 17. In May 2019, the chief executives of Te Puni Kōkiri and Te Arawhiti signed a relationship agreement that sets out the roles and responsibilities of the two agencies, areas of common focus and a joint commitment to work effectively together to deliver government priorities for the Māori Crown relationship and achieve the Government’s vision to realise the true promise of the Treaty by 2040. The agreement is to be reviewed annually. Annual review provides an opportunity to refine roles in relation to the agencies work programme and developing focus areas. The relationship agreement is attached as **Appendix 2**.
- 18. The two chief executives wrote to all public sector chief executives providing guidance on the respective roles and responsibilities of the two organisations and what this means for the chief executives and their staff. This guidance is included in Table One below.

Table One: Relative Roles of Te Puni Kōkiri and Te Arawhiti: Guidance to Public Sector

Role	Te Puni Kōkiri	Te Arawhiti
Performance of the System	Monitoring the adequacy of public sector responsiveness to Māori development and wellbeing.	Measuring the health of the Māori Crown relationship including public sector capability building.
Policy	Lead and provides advice on policy proposals and Cabinet papers that have a significant impact for Māori. Lead policy specific to Māori wellbeing, such as Te Reo Māori, whenua Māori and Whānau Ora. Using insights and lived Māori experiences for policy advice on Treaty settlements, Takutai Moana and post Treaty settlement relationships. Secondary advice on specific matters.	Advise on policy proposals or Cabinet papers which have a significant impact on the Māori Crown relationship, involve engagement with Māori, partnership opportunities or risks to Māori. Lead policy development on Treaty settlements, applications under the Marine and Coastal Area (Takutai Moana) Act 2011 and post-settlement relationships. Lead overarching policy development on contemporary claims and kaupapa inquiries (including support to agencies on specific issue responses).

Role	Te Puni Kōkiri	Te Arawhiti
Expectations and tools for public sector	Policy and strategic frameworks and tools to guide agencies in applying a Māori lens to development and wellbeing e.g. <ul style="list-style-type: none"> • Pataka Framework (economic development); • Whānau centred policy toolkit; and • The indigeneity lens for the living standards framework. 	Guidance tools for the Crown on engagement and partnership with Māori. Engagement workshops. Te Ao Māori capability framework and survey tool.
Formal monitoring	Public sector effectiveness for Māori. Provides independent mandate and ratification monitoring for Treaty settlements.	Monitors the health of the Māori Crown relationship.
Relationships	Direct engagement with whānau, hapū, iwi and Māori at national and local levels. Partnerships with whānau, hapū, iwi and Māori through investing in initiatives that impact whānau wellbeing.	Negotiate Treaty settlements and lead engagement over Takutai Moana. Direct engagement with post-settlement groups to ensure settlement obligations are met and to understand partnership opportunities. Work with and facilitate relationships with groups seeking partnership opportunities. Lead key relationships where delegated in contemporary Treaty context (claims and issues). Co-ordinate key Māori Crown events.
Support to Māori	Māori development and Māori capacity to work with the Crown.	Brokering relationships between Māori and the Crown. Complete historic Treaty settlements.

19. To support system-wide change and leadership, the chief executives of Te Puni Kōkiri and Te Arawhiti co-chair a Māori Crown Relations Chief Executive Group. Regular engagement between Te Puni Kōkiri and Te Arawhiti has been instituted to ensure that both organisations are joined-up in their approach across their respective work programmes.

Working together

20. Te Puni Kōkiri and Te Arawhiti place emphasis on working together, but in different roles and with a different focus, in relation to the following areas of common interest:
- 20.1. Building Public Sector Capability to engage with Māori;
 - 20.2. Improvements in outcomes for Māori;
 - 20.3. Enhanced Māori Crown relationships; and
 - 20.4. Monitoring the performance of the system for Māori.

Building Public Sector Capability and monitoring outcomes for Māori

21. The State Services Commission, Te Puni Kōkiri and Te Arawhiti are working together on lifting public sector capability to support Māori Crown relationships. The State Services Commission has a system leadership role to lift performance for Māori and is doing so through chief executive recruitment and development and setting the expectations of chief executives.
22. Te Arawhiti has now developed three key tools to support the public sector build its Māori Crown relations capability. These include the Māori Crown Relations Engagement Framework and Guidelines, Partnership Principles and a Capability Framework including individual and organisational capability components and a survey. Te Arawhiti also has input into a number of cross-government tools to ensure they reflect our expectations for advice and engagement that supports the Māori Crown relationship. These tools, alongside advice from Te Arawhiti, are critical building blocks for increasing the public sector's capability.
23. Te Puni Kōkiri undertakes complementary work both building Māori capability to engage with the Crown and monitoring the adequacy of public services provided for Māori. Te Puni Kōkiri is building policy tools that provide a Te Ao Māori lens on policy e.g. the whānau centred policy tool and a contribution to the Living Standard Framework to contribute to lifting public-sector capability. Where Te Puni Kōkiri monitoring identifies further capability requirements it will report back to Te Arawhiti to be added to future versions of the capability tools.

Engagement expectations and policy advice to enhance Māori Crown Relationships and Improve Outcomes for Māori

24. Te Arawhiti focuses at the beginning of the policy process and encourages agencies to ensure they have the right capability to undertake the work and have a plan to engage meaningfully and appropriately with Māori. Te Arawhiti provided advice in 2018/2019 to agencies on over 100 engagement processes and held training sessions with 15 agencies on effective engagement with Māori.
25. Te Puni Kōkiri takes a key role advising government and other agencies on matters most likely to have a direct impact on Māori development and wellbeing. This includes leading innovative policy design in specific areas with significant potential impact on Māori wellbeing. This includes a whole of government approach to the issues raised in the Wai 262 claim and report. Te Puni Kōkiri also uses its regional networks and insights to complement Te Arawhiti's lead in reaching durable historical Treaty settlements, with a focus on policy that impacts on mandate and ratification.
26. Both agencies are responsible for assessing how well Te Ao Māori perspectives have been reflected in proposals. Te Puni Kōkiri focuses on the extent to which objectives for Māori development and wellbeing are being met and Te Arawhiti focuses on the health of the Māori Crown relationship.

Work Programmes

27. In April 2019 Cabinet invited:

- 27.1. the Minister for Treaty of Waitangi Negotiations to report back to the Cabinet Māori Crown Relations: Te Arawhiti Committee in September 2019 on progress to date in the Treaty Settlements work programme and the Marine and Coastal Area (Takutai Moana) Act 2011 work programme; and
- 27.2. the Minister for Maori Crown Relations: Te Arawhiti to provide a practical work programme for delivering Te Arawhiti's responsibilities in relation to the Māori Crown Relations Portfolio, and an account of progress to date in delivering those responsibilities [CAB-19-MIN-174.22 refers].
28. A joint paper titled *Practical work programme for delivering Te Arawhiti responsibilities* responding to the above two invitations is included on the agenda for the 17 September 2019 MCR meeting.
29. Te Puni Kokiri's current work programme is focused in three principle areas and is attached as **Appendix 1**:
- 29.1. Establishment and implementation of a formal effectiveness monitoring programme;
- 29.2. Policy leadership to improve wellbeing outcomes for iwi, hapū, whānau and Māori; and
- 29.3. Building the capability and capacity of iwi, hapū, whānau and Māori organisations to achieve their aspirations and engage with the Crown.

Consultation

30. This paper was developed jointly by Te Puni Kōkiri and Te Arawhiti in consultation with the State Services Commission.
31. The Treasury was consulted on this paper. The Department of the Prime Minister and Cabinet was informed.

Financial Implications

32. This paper has no direct financial implications.

Human Rights

33. This paper has no Human Rights issues.

Legislative Implications

34. This paper has no legislative implications.

Proactive Release

35. We propose to proactively release a copy of the paper to the public.

Recommendations

36. The Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development recommend that the Committee:
1. **note** that in April 2019 Cabinet invited the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development to report back to the Cabinet Māori Crown Relations: Te Arawhiti Committee on relative roles and responsibilities of Te Puni Kōkiri and Te Arawhiti [CAB-19-MIN-174.22 refers];
 2. **note** that Te Puni Kōkiri and Te Arawhiti are working in complementary roles on public sector capability, challenging issues in the Māori Crown relationships and improving outcomes for Māori;
 3. **note** the key distinctions between the roles of the two agencies are:
 - 3.1. Te Puni Kōkiri: focuses on promoting Māori development and wellbeing, building capacity and monitoring the effectiveness of services for Maori and leading policy advice on specific issues of importance to Maori;
 - 3.2. Te Arawhiti: focuses on supporting Māori Crown relationships, building public sector capability to engage with Māori, ensuring Crown agencies meet their settlement commitments and administering the Marine and Coastal Area (Takutai Moana) Act 2011;
 4. **note** that in May 2019 the Chief Executives of Te Puni Kōkiri and Te Arawhiti:
 - 4.1. signed a relationship agreement setting out their separate and shared roles and responsibilities;
 - 4.2. advised public sector chief executives of their respective organisations roles and responsibilities; and
 5. **note** that a separate paper titled 'Practical work programme for delivering Te Arawhiti responsibilities' is also on the agenda for the 17 September 2019 Cabinet Māori Crown Relations: Te Arawhiti Committee meeting which sets out the Te Arawhiti work programme.

Authorised for lodgement

Hon Kelvin Davis
Minister for Māori Crown Relations: Te Arawhiti

Hon Nanaia Mahuta
Te Minita Whanaketanga Māori

Appendix 1: Summary of Te Puni Kōkiri Work Programme

Realising the promise of Te Tiriti o Waitangi – Te Puni Kōkiri Portfolio Responsibilities

- promoting increases in levels of Māori wellbeing and monitoring public sector agencies' effectiveness for Māori



Functions – September 2018

- Support the capability and capacity of whānau, hapū, iwi and Māori organisations to engage with the Crown
- Monitoring and liaising with each department and agency that provides services to or for Māori to ensure the adequacy of those services
- Enhancing the Crown's relationship with iwi, hapū, whānau and Māori
- Policy leadership to improve outcomes for iwi, hapū, whānau and Māori
- Learning from the insights and lived experience of iwi, hapū, whānau and Māori
- Strategic investments with Māori communities, public sector agencies and the private sector to advance Māori aspirations
- Promoting increases in the levels of achievement attained by Māori in education, training and employment, health, economic resource development

Maximising Strategic Impact – June 2019

- Commence a programme to monitor the effectiveness of public sector agencies' strategies, policies and services in uplifting wellbeing outcomes for Māori
- Lead policy advice and implementation approaches on issues of specific importance to Māori
- Target interdepartmental advice on matters most likely to have a direct impact on wellbeing outcomes for whānau, hapū, iwi and Māori
- Co-create strategic advice with SSC and Treasury on system levers and frameworks to lift public sector system performance for Māori
- Broker opportunities with whānau, hapū, iwi and Māori at a regional level on government strategic priorities
- Invest in innovative initiatives that build the capability and readiness of whānau and Māori communities

Establishment and implementation of a formal effectiveness monitoring programme

Focus	Establishment	Implementation
Monitoring Māori Wellbeing – measuring wellbeing from a te ao Māori perspective	<ul style="list-style-type: none"> Draft Māori Wellbeing Outcomes report developed Strategy to address data gaps 	<ul style="list-style-type: none"> Finalisation and release of the Māori Wellbeing Outcomes report and strategy to promulgate key findings Implementation of strategy to address data gaps
Monitoring Policy, Programmes and Services – ensuring they are effective for Māori in their design and delivery	<ul style="list-style-type: none"> Development and testing of methodology for effectiveness review Pilot effectiveness review underway with the Ministry of Social Development Plan to promote learnings from reviews 	<ul style="list-style-type: none"> Completion of pilot effectiveness review and commencement of next review Refine methodology for reviews as required Promote learnings across government
Improving State Sector Effectiveness – enhancing how we monitor effectiveness to support system change	<ul style="list-style-type: none"> Identification of opportunities to influence monitoring levers Integrated strategy with SSC and Te Arawhiti to build state sector capability 	<ul style="list-style-type: none"> Implementation of strategy to build capability and influence system change

Policy leadership to improve wellbeing outcomes for iwi, hapū, whānau and Māori

Focusing on the shift to enhanced depth and quality of policy advice and implementation on a smaller number of strategic areas:

Strategic Policy Areas led by TPK Examples include: <ul style="list-style-type: none"> Whenua reform and development Te reo Māori Mātauranga and intellectual property (leading the whole of government approach to Wai 262) Māori Media and digital innovation 	Targeted Interdepartmental Advice Examples include: <ul style="list-style-type: none"> Response to the WAI262 findings Realisation of UNDRIP Royal Commission of Inquiry into Historical Abuse in State Care Freshwater Taskforce 	Building capability across the state sector in whānau-centred policy <ul style="list-style-type: none"> Policy grounded in principles of co-design and innovative engagement with Māori Supporting pathways towards self-sustainability and achievement of whānau, hapū, iwi and Māori aspirations
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Building the capability and capacity of iwi, hapū, whānau and Māori organisations to achieve their aspirations and engage with the Crown

TPK invests significantly in building the capability and capacity of iwi, hapū, whānau and Māori organisations through its investment portfolio

Te Arawhiti and TPK have complementary roles in supporting effective and meaningful engagement with the Crown Te Puni Kōkiri is focused on building the capability and capacity of Māori to achieve their aspirations and engage with the Crown through investment of approximately \$35m per annum	Focus areas include: <ul style="list-style-type: none"> Supporting the readiness of whānau and Māori communities to engage effectively Ensuring policy settings capture and incorporate local insights and innovation Strengthening skills and knowledge in leadership and governance, strategy and planning and support for engagement in regional planning processes 	Examples: <ul style="list-style-type: none"> Partnering with the Provincial Development Unit to deliver the PGF, co-locating PGF staff in regional offices, and supporting organisations to develop proposals Supporting the National Disaster Resilience strategy and better integration of iwi and Māori into emergency response arrangements
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RELATIONSHIP AGREEMENT

BETWEEN

**TE PUNI KŌKIRI
(MINISTRY FOR MĀORI DEVELOPMENT)**

AND

**OFFICE FOR MĀORI CROWN RELATIONS –
TE ARAWHITI**

May 2019

Parties

1. This Relationship Agreement (**Agreement**) is between Te Puni Kōkiri (**TPK**) and the Office for Māori Crown Relations – Te Arawhiti (**Te Arawhiti**) (together **the parties**).

Purpose

2. This Agreement sets out the roles and responsibilities of the parties, areas of common focus and a joint commitment to work effectively together to deliver government priorities for the Māori Crown relationship and achieve the Government's vision to realise the true promise of Te Tiriti/the Treaty of Waitangi by 2040.

Background

3. TPK was established under the Ministry of Māori Development Act 1991. Previously, Manatū Māori (the Ministry of Māori Affairs) and Te Tira Ahu Iwi (the Iwi Transition Agency) were the conduits to Māori for many programmes and services. Te Puni Kōkiri has a range of legislative and Cabinet mandated roles and functions; a core purpose for TPK is to improve outcomes for Māori.
4. In November 2018, Cabinet agreed to establish Te Arawhiti as a departmental agency, hosted by the Ministry of Justice. Te Arawhiti will be operational from 1 January 2019. One of the main purposes of Te Arawhiti is to enable and support the Crown to act fairly as a Treaty partner.
5. The establishment of Te Arawhiti gives rise to the need to clarify the respective roles of the parties and how they will work together for the benefit of Māori, the Māori Crown relationship, the public service, and for New Zealand.

Common aims

6. The Government has set a vision to realise the true promise of Te Tiriti/the Treaty of Waitangi by 2040, 200 years after the signing of Te Tiriti. To achieve this the public service aims are to:
 - Strengthen engagement with Māori through lifting capability and leadership
 - Improve service delivery to and outcomes for Māori
 - Honour Te Tiriti/the Treaty and the commitments made in Treaty settlements.
7. All public service agencies are responsible for ensuring their own advice and service delivery is effective for and responsive to Māori. For clarity:
 - The State Services Commission has primary accountability for system, public service and Chief Executive performance
 - Te Puni Kōkiri and Te Arawhiti, individually and jointly, have responsibility for supporting the Commission and the public sector as a whole to achieve these aims.

Principles of relationship

8. The parties are committed to working in close collaboration as agencies of the New Zealand public service to deliver these common aims. This includes a commitment to the following ways of working:
 - 8.1. **Recognising and valuing the roles of respective agencies** – achieving the common aims set out above will require a combination of capability and functions. The

parties agree to make efforts to work together and honour the contribution that each can bring to supporting the government to improve relationships with Māori.

- 8.2. **Collaborative planning and delivery** – the parties will regularly share their work programmes relevant to delivery of the common aims. Doing so will allow parties to discuss how each may be involved in the work of the other.
- 8.3. **Early engagement** – the parties will maintain close and timely communication regarding all relevant work, work programmes and issues arising, and make efforts to understand each other's approaches and ensure the public service and Ministers are well supported in their relationships with Māori.
- 8.4. **Free and frank advice** – the parties recognise the value of a seamless and comprehensive approach to providing advice to Ministers, and will ensure Ministers are provided with all relevant information so they can make effective and informed decisions. The parties will maintain their independence, take a no-surprises approach when providing contestable advice on areas of common interest, and acknowledge the value of free and frank advice to their respective Ministers.
- 8.5. **A focus on improved relationships between Māori and the Crown** – the parties will work together to ensure that all staff of the parties and stakeholders understand the role and value of each agency, and that work programmes are designed around Crown responsiveness to the needs, interests and aspirations of Māori and the Māori Crown relationship.

Agency roles and responsibilities

9. The accountabilities and responsibilities of each agency including areas of common interest are set out in Appendix 1.
10. The parties agree to produce a set of guidance to provide whānau, hapū, iwi and Māori with clarity on the parties' respective roles. The first set of guidance will be produced in early 2019, and it will be maintained for role clarity over time.

Te Puni Kōkiri: Ministry of Māori Development

11. The Ministry of Māori Development Act 1991 defines the responsibilities of TPK to include:
 - Promoting increases in levels of achievement attained by Māori in education and training, employment, health and economic resource development
 - Monitoring and liaising with each department and agency that provides or has a responsibility to provide services to or for Māori for the purpose of ensuring the adequacy of those services.
12. TPK also administers a large range of legislation¹, including Te Ture Whenua Māori Act 1993, Te Ture mo Te Reo Māori Act 2016, the Treaty of Waitangi Act 1975 and the Māori Community Development Act 1962.
13. TPK has the following three outward looking functions: policy, investments and regional partnerships.

¹ See: <https://www.tpk.govt.nz/en/mo-te-puni-kokiri/what-we-do/legislation>

The Office for Māori Crown Relations – Te Arawhiti

14. The functions of Te Arawhiti are to advise the Minister for Māori Crown Relations – Te Arawhiti, the Minister for Treaty of Waitangi Negotiations, and the Minister responsible for applications under the Marine and Coastal Area (Takutai Moana) Act 2011, as appropriate, on:
 - Treaty settlement negotiations and policy
 - Applications for recognition of customary interests in the marine and coastal area of New Zealand
 - Safeguarding Treaty settlement commitments
 - Strategic advice in the Māori Crown relationship, including the overall health of partnerships, and risks and opportunities in the relationship
 - Strengthening public sector capability to engage and partner with Māori
 - Strategic leadership and advice on contemporary Treaty issues, and ensuring the Crown meets its Treaty settlement commitments
 - Brokering solutions to challenging relationship issues with Māori
 - Other matters for which those Ministers have a portfolio interest, such as work on constitutional and institutional arrangements supporting partnerships between the Crown and Māori
 - Coordinating significant Māori Crown events on behalf of the Crown, i.e. Waitangi Day.
15. Te Arawhiti consolidates existing Māori Crown functions that previously sat within the Ministry of Justice.

Working together

16. The parties will place particular emphasis on working together in relation to the following areas of common interest:
 - Understanding and enabling public sector capability in dealing with Māori outcomes and Māori issues
 - Improvements in outcomes for Māori
 - Enhanced Māori Crown relationships
 - Monitoring the performance of the system for Māori.
17. The parties will establish a joint working group to prepare and work together on an integrated work programme that is focused on key areas of system wide impact. This working group will include key agencies such as the State Services Commission and others as required.
18. A Māori Crown Relations Chief Executives Group will oversee the parties' contributions to the common aims and relevant work programmes. This governance group will include the parties and other appropriate public sector leaders as determined by the State Services Commissioner. It will be co-chaired by the Chief Executives of each of the parties.

Communications

19. Each of the parties will provide to the other reasonable time for consultation on that agency's public communications (including media releases) that will raise queries about roles, responsibilities, accountabilities or joint work. The lead agency will consider the impact of their media on the other, including staff and stakeholders, and manage messaging across the parties to support the other affected agency to respond in an appropriate and timely way. Where media is being led by Ministers' Offices, the parties will keep the other informed and prepared to the best extent possible, as above.

Resolving issues

20. The parties will resolve any disputes arising under the Agreement by discussion and co-operation and may contact the State Services Commission to assist, if required, but will not refer disputes to any other third parties.

Ministerial accountability

21. Both agencies are responsible to Cabinet as the collective decision making arm of the Government of the Day. Any matter relating to the common aims set out above will usually be presented to Cabinet via the Cabinet Māori Crown Relations – Te Arawhiti Cabinet Committee where Cabinet level decisions are required.
22. TPK reports to the Minister for Māori Development (and Associate) and the Minister for Whānau Ora.
23. Te Arawhiti reports to the Minister for Māori Crown Relations – Te Arawhiti, the Minister for Treaty of Waitangi Negotiations and the Minister responsible for applications under the Marine and Coastal Area (Takutai Moana) Act 2011.
24. Both Chief Executives are accountable to the Commissioner of the State Services as their employer. The Commissioner is responsible to the Minister of State Services for the Commission's capability and performance.

Term of the Agreement

25. This Agreement commences on the date it is signed by the parties and shall continue until amended or terminated by mutual agreement. This Agreement will be reviewed annually.

Signed



Michelle Hippolite
Chief Executive

Te Puni Kōkiri

17/5/19



Lil Anderson
Acting Chief Executive

**Office for Māori Crown Relations –
Te Arawhiti**

Appendix 1: Accountabilities and responsibilities in working towards areas of common interest – Te Puni Kōkiri, the State Services Commission and Te Arawhiti

Area of Common Interest	Te Puni Kōkiri	State Services Commission	Te Arawhiti
<p>Focus</p> <p>Responsibilities of Te Puni Kōkiri include "promoting increases in the levels of achievement attained by Māori with respect to education, training and employment, health and economic resource development" and "monitoring, and liaising with, each department and agency that provides or has a responsibility to provide services to or for Māori for the purpose of ensuring the adequacy of those services". These responsibilities are in addition to the other responsibilities that may be conferred on Te Puni Kōkiri from time to time. [Section 5, Ministry of Māori Development Act 1991]</p> <p>CAB mandates</p> <p>Substantive roles for Te Puni Kōkiri include: provision of strategic leadership and guidance to Ministers and the state sector on the Crown's ongoing and evolving partnerships and relationships with iwi, hapū and whānau Māori; provision of advice to Ministers and agencies on achieving better results for whānau Māori; and Development and implementation of innovative trials and investments to test policy and programme models that promote better results for whānau Māori. [CAB Min (13) 8/7 refers]</p> <p>Functionality</p> <p>Leading work towards policy and legislative change; influencing the mahi of others by working in partnership and bringing Māori voices to decision-makers; and investing with whānau, hapū and iwi to enable the achievement of the goals they hold mutually with the government, and to enable whānau to lead development in their own communities. [TPK Statement of Intentions 2018 – 2022]</p> <p>Value proposition</p> <p>We are the principal connector between the Crown and whānau, hapū and iwi; we invest with whānau, hapū and iwi to achieve their aspirations; together, we design and enable innovative approaches to accelerate whānau, hapū and iwi development; and we use our knowledge to influence the public service to lift its performance for whānau, hapū and iwi. [TPK Statement of Intentions 2018 – 2022]</p>	<p>The Commissioner's core roles and responsibilities relate primarily to individual Public Service departments and their chief executives. The Commissioner:</p> <ul style="list-style-type: none"> - Appoints and employs Public Service chief executives - Reviews the performance of Public Service chief executives - Investigates and reports on matters relating to departmental performance. <p>These roles will also apply to any departmental agencies and their chief executives, once established.</p> <p>The Commissioner has other responsibilities relating to the operation of the Public Service as a whole, the State Services or wider State sector. Refer to full details, including functions, in the amended Section 6 of the State Sector Amendment Act 2013.</p> <p>[https://www.ssc.govt.nz/sscer refers]</p>	<p>Advise the Minister for Māori Crown Relations – Te Arawhiti on:</p> <ul style="list-style-type: none"> - Ensuring the Crown meets its Treaty Settlement commitments - Developing engagement, co-design and partnership principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development - Ensuring public sector capability is strengthened - Ensuring the engagement of public sector agencies with Māori is meaningful - Providing an independent cross government view on the health of Māori Crown partnerships - Providing strategic leadership and advice on contemporary Treaty issues - Brokering solutions to challenging relationship issues with Māori - Coordinating significant Māori Crown events on behalf of the Crown - Providing strategic advice on the risks and opportunities in the Māori Crown relationship - 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. <p>Advise the Minister for Treaty of Waitangi Negotiations on:</p> <ul style="list-style-type: none"> - Completing historical Treaty Settlements. <p>Advise the Minister for responsible for applications under the Marine and Coastal Area (Takutai Moana) Act 2011 on administering the Marine and Coastal Area (Takutai Moana) Act 2011.</p> <p>[CAB-18-Min-0456, GOV-18-Min-0083 and CAB-18-MIN-0560 refer]</p>	

Area of Common Interest	Te Puni Kōkiri	State Services Commission	Te Arawhiti
<p>Support Public Sector capability in dealing with Māori outcomes and Māori issues</p>	<p>Policy leadership and influence to improve outcomes for iwi, hapū, whānau and Māori</p> <p>Monitoring and liaising with each department and agency that provides or has responsibility to provide services to or for Māori for ensuring the adequacy of those services</p> <p>Advising agencies on building capability to increase the levels of achievement attained by Māori with respect to education, training and employment, health and economic resource development</p> <p>Providing advice based on learning from the insights and lived experience of iwi, hapū, whānau and Māori</p>	<p>Lead advisor to government on institutional arrangements, including architecture and design of the public service</p> <p>Appointment, employment and management of Public Service chief executives; set expectations and manages performance</p> <p>Oversight of agency performance; promulgates codes, standards and guidelines</p> <p>Lead on issues of public service capability, including talent management, leadership development, workforce and diversity and inclusion</p> <p>Oversight of agency performance</p> <p>Responsible for holding Chief Executives and senior officials accountable for effectiveness for Māori</p>	<p>Ensure that public sector capability is strengthened</p> <p>Ensure the engagement of public sector agencies with Māori is meaningful</p> <p>Develop engagement, co-design and partnership principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development</p> <p>Broker solutions to challenging relationship issues with Māori</p> <p>Strategic advice to the Minister for Māori Crown Relations – Te Arawhiti on risks and opportunities in the Māori Crown relationship</p>
<p>Improved outcomes for Māori</p>	<p>Policy leadership and influence to improve outcomes for iwi, hapū, whānau and Māori</p> <p>Strategic investments with Māori communities, public sector agencies and the private sector to advance Māori aspirations</p> <p>Monitoring and liaising with each department and agency that provides or has responsibility to provide services to or for Māori for ensuring the adequacy of those services</p> <p>Learning from the insights and lived experience of iwi, hapū, whānau and Māori and using these insights to lead and influence to improve outcomes for Māori.</p> <p>Promoting increases in the levels of achievement attained by Māori with respect to education, training and employment, health and economic resource development</p> <p>Providing advice to enable whānau to lead development in their own communities</p>	<p>Oversight of agency performance</p> <p>Responsible for holding Chief Executives and senior officials accountable for effectiveness for Māori</p>	<p>Develop engagement, co-design and partnership principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development</p> <p>Strategic leadership and advice on contemporary Treaty issues</p> <p>Ensure that public sector capability to engage and build relationships with Māori is strengthened</p> <p>Ensure the engagement of public sector agencies with Māori is meaningful</p>

Area of Common Interest	Te Puni Kōkiri	State Services Commission	Te Arawhiti
<p>Enhanced Māori Crown relationships</p>	<p>Lead, influence and enhance Māori Crown relationships through policy leadership, strategic investment and regional functions</p> <p>Learning from the insights and lived experience of iwi, hapū, whānau and Māori to support agencies to understand the impact of policy options and investments on relationships with Māori</p> <p>Monitoring and liaising with each department and agency that provides or has responsibility to provide services to or for Māori for ensuring the adequacy of those services</p> <p>Promoting increases in the levels of achievement attained by Māori in education, training and employment, health and economic resource development</p> <p>Grow Māori capability to engage with the Crown</p>	<p>Oversight of agency performance</p> <p>Responsible for holding Chief Executives and senior officials accountable for effectiveness for Māori</p>	<p>Ensure that public sector capability is strengthened</p> <p>Ensure the engagement of public sector agencies with Māori is meaningful</p> <p>Develop engagement, co-design and partnership principles that ensure agencies generate optimal solutions across social, environmental, cultural and economic development</p> <p>Independent cross-government view on the health of Māori Crown partnerships</p> <p>Broker solutions to challenging relationship issues with Māori</p> <p>Coordinate significant Māori Crown events on behalf of the Crown</p> <p>Strategic advice to the Minister for Māori Crown Relations – Te Arawhiti on risks and opportunities in the Māori Crown relationship</p> <p>Ensure the Crown meets its Treaty settlement commitments</p> <p>Complete historical Treaty settlements and administer the Marine and Coastal Area (Takutai Moana) Act 2011</p> <p>Measure the health of Māori Crown partnerships</p>
<p>Monitoring performance of the system for Māori</p>	<p>Monitoring and liaising with each department and agency that provides or has responsibility to provide services to or for Māori to ensure the adequacy of those services</p> <p>Grow Māori capability to engage with the Crown</p>	<p>Ensures good governance, accountability and leadership expectations for the public service</p> <p>Oversight of agency performance and effectiveness of public services</p>	

Reference document for the public sector: Guidance on when to come to Agencies

Area of Common Interest	Come to Te Puni Kōkiri for:	Come to the State Services Commission for:	Come to Te Arawhiti for:
Support Public Sector capability in dealing with Māori outcomes and Māori issues	<p>Specific applied advice focused on responding to Māori needs and aspirations</p> <p>Advice on understanding and responding to the voices of Māori, including on Māori needs, aspirations, rights and interests.</p> <p>Advice on monitoring Māori wellbeing outcomes, progress of government priorities, and monitoring the adequacy of policy/programme/service impacts by agencies to Māori.</p> <p>Tools and advice based on the monitoring function</p>	<p>Advice on institutional arrangements</p> <p>Information and advice relating to governance of the public service or agencies</p> <p>Information and advice regarding agency performance, codes of conduct or standards</p> <p>Tools and advice on talent management, leadership development, workforce and diversity and inclusion</p>	<p>Supporting public sector agencies to engage and build relationships with Māori</p> <p>Supporting public sector agencies to build the capability required to have meaningful engagements with Māori</p> <p>Supporting the application of engagement, co-design and partnership principles</p>
Improved outcomes for Māori	<p>Specific applied advice focused on improved outcomes for iwi, hapū, whānau and Māori</p> <p>Advice on understanding and responding to the voices of Māori, including on Māori needs, aspirations, rights and interests</p> <p>Advice on monitoring Māori wellbeing outcomes, progress of government priorities, and monitoring the adequacy of policy/programme/service impacts by agencies to Māori</p>	<p>Information and advice regarding agency performance, codes of conduct or standards</p>	<p>Advice on engagements, co-design, partnership principles and processes</p> <p>Advice on relationship impacts and brokering relationships for improved outcomes</p> <p>Across government coordination of strategic approaches to Treaty obligations</p> <p>Support for public sector agencies to build the capability required to have meaningful engagements with Māori</p>
Enhanced Māori Crown relationships	<p>Specific applied advice on relationships and engagement to improve outcomes for iwi, hapū, whānau and Māori</p> <p>Advice based on the insights and lived experience of iwi, hapū, whānau and Māori</p> <p>Regional insights and connections to enhance relationships with Māori</p> <p>Advice on monitoring Māori wellbeing outcomes, progress of government priorities, and monitoring the adequacy of policy/programme/service impacts by agencies to Māori</p>	<p>Information and advice regarding agency performance, codes of conduct or standards</p>	<p>Specific applied advice focused on how to engage and partner with Māori</p> <p>Advice to the Minister for Māori Crown Relations – Te Arawhiti on cross-government gaps and opportunities in the Māori Crown relationship</p> <p>Advice at the specific and whole of government levels on contemporary Treaty issues and completion of historical Treaty settlements</p> <p>Support and advice on the Marine and Coastal Area (Takutai Moana) Act 2011</p> <p>Advice on building capability for systemic change in improving Māori Crown relationships within or across agencies</p> <p>Advice on, and support to, broker solutions to challenging relationship issues with Māori</p> <p>Coordination of significant Māori Crown events</p>
Monitoring system performance	<p>Advice on monitoring Māori wellbeing outcomes, progress of government priorities, and the adequacy of policy/programme/service impacts by agencies to Māori</p>	<p>Information and advice regarding agency performance, codes of conduct or standards</p>	<p>Advice on the health of Māori Crown partnerships</p>

Appendix 3: Seven key areas of focus for repositioning Te Puni Kōkiri

In June 2019 Cabinet noted [MCR-19-MIN-0017 refers] the Minister for Māori Development's expectation that the incoming Chief Executive will position Te Puni Kōkiri to:

- a. commence a formal monitoring programme to monitor the effectiveness of public sector agencies' strategies, policies and services in uplifting Māori wellbeing outcomes;
- b. continue to lead policy advice and strengthen its approach to implementation on issues of specific importance to Māori, such as whenua, te reo Māori, mātauranga and intellectual property, Māori media and digital innovation;
- c. target interdepartmental advice to matters most likely to have a direct impact on wellbeing outcomes for whānau, hapū, iwi and Māori;
- d. co-create strategic advice, as appropriate, with the State Services Commission and the Treasury on system levers and frameworks that will lift the quality of the wider public-sector system performance for Māori;
- e. broker opportunities with whānau, hapū, iwi and Māori through its regional footprint in areas that are strategic priorities for the government and provide core hub support for government agencies;
- f. invest in innovative initiatives that build the capability and readiness of whānau and Māori communities to achieve their aspirations, leading to intergenerational transformation; and
- g. consider the impact of existing specialist advice and services and provide advice on the feasibility of transferring them to the appropriate agencies.