

# Crown/Māori Relations

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2017 Briefing for the Incoming Minister  
Ministry of Justice



New Zealand Government

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# Ensuring an honourable Crown

## Constitutional matters

New Zealand's constitutional arrangements provide the framework for the government's relationship with all New Zealanders, including Māori. Our constitutional arrangements are the foundation of Crown/Māori relations. Strong relationships will support improved outcomes for Māori across a range of social, economic, environmental and cultural policy areas. Crown/Māori relations would benefit from a coordinated and consistent approach to policy issues to support the Crown to meet its Treaty obligations in everything it does.

The Ministry has a role to ensure that all policy proposals are consistent with constitutional arrangements including those that form the basis of Crown/Māori relations. This role is recognised in the Cabinet Manual requiring all proposals which affect constitutional arrangements to be consulted with the Minister of Justice. In particular, the Treaty of Waitangi has significant constitutional importance for New Zealand. It established a foundation of partnership, mutual respect, cooperation, and good faith between Māori and the Crown. Respect for the Treaty and its principles will allow the government to deliver key policy priorities in a way that enhances Crown/Māori relations.

There is an expectation in some quarters that the Crown will continue to engage with Māori on constitutional arrangements, which might deal with a range of issues including the place of the Treaty. There are differences in perspectives across Māori and the Crown on some fundamental constitutional issues, particularly relating to sovereignty. These issues are likely to arise in the Waitangi Tribunal inquiry into the Constitution, Self-Government and the Electoral System which is likely to commence later next year. The Ministry is the lead policy agency for that inquiry.

## Durable Treaty settlements

Settlements of historical Treaty of Waitangi claims (settlements) acknowledge and apologise to iwi and hapū for breaches of the Treaty, and provide cultural, financial and commercial redress in recognition of past wrongs.

Settlements between the Crown and iwi or hapū groups are entering a new phase. The first settlements were reached in the early 1990s, with the majority reached in the last 10 years. A graph showing the number of Deeds of Settlement signed is at Appendix A and a map showing Treaty settlement progress is at Appendix B.

### Principle of Durability

Settlements are agreed on a core principle that they are full and final. For a settlement to be full and final, it must be durable.

A key feature of settlements is the restoration of the Crown's honour. One of the greatest risks to the Crown in the post-settlement environment is if settlements are not honoured by the Crown and other redress agencies.<sup>1</sup>

Over the next three years, all willing and able iwi and hapū are likely to be engaged in the process or have reached settlements with the Crown. This is a key juncture for Crown/Māori relations. How settlements are managed and protected is an important part of how Crown/Māori relations will take shape going forward.

### Leadership

Thus far, the Attorney-General has had a role in safeguarding the durability of Treaty settlements. Responding to new policies or initiatives that intersect with settlements, or to settlement issues that arise, can involve engaging with a range of stakeholders. This includes Cabinet colleagues, Ministers and leaders of agencies with redress responsibilities, iwi or hapū post settlement governance entities (PSGEs), and community leaders.

This has meant acting as a spokesperson on aspects of Crown/Māori relations, along with the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Development.

At times, the authority of senior Ministers will be called upon to navigate difficult post-settlement issues and engage in 'Rangatira to Rangatira' conversations with PSGEs.

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<sup>1</sup> Core and non-core Crown agencies and local authorities with settlement commitments.

## Responsibilities under the Cabinet Manual

The updated Cabinet Manual 2017 requires Ministers to consult with the Attorney-General or the Minister responsible for Treaty of Waitangi settlement obligations on any proposal with potential impacts on existing Treaty of Waitangi settlements.

Additionally, in the development and approval of bills, departments must assess the implications on existing Treaty of Waitangi settlements and consult the Ministry of Justice if they conclude there may be a potential impact.

## Annual Ministerial meetings

Some settlements provide for annual Ministerial meetings with PSGEs under various Accords (either environmental and/or social) across a range of iwi. You are likely to be invited to ministerial forums required for all Accords.

## Post Settlement Commitments Unit (PSCU)

Currently, PSCU's main aims are to:

- ensure settlement commitments are delivered as intended;
- help agencies ensure new policies or initiatives across the Crown do not undermine the integrity of settlements; and
- ensure relationships built with iwi and hapū through the settlement process are maintained and ideally strengthened over time.

PSCU provides a point of contact and support for PSGEs (representing settled iwi and hapū), and agencies to help resolve settlement issues or questions that arise. This can involve facilitation or providing guidance to assist agencies in maintaining settlement commitments.

In its current form, PSCU does not:

- generally have direct responsibilities for settlement commitments;
- take on the responsibilities of redress agencies if and when issues arise; or
- carry out the policy work for other agencies on how new initiatives interact with settlements.

Currently there are 85 deeds of settlement, 60 settlement Acts, involving commitments across 60 Crown agencies and 58 PSGEs. These numbers will grow as more settlements are reached.

PSCU will provide a more detailed briefing to you on its role and current issues.

## Broader Crown

Government activities will have impacts for Māori in different ways across all sectors. The Crown's engagement with Māori also occurs at a range of levels, including iwi, hapū and whānau, as well as pan-Māori and kaupapa-specific groups. The ways in which parts of the Crown engage with Māori interests can vary, with scope to strengthen and build the Crown's capability.

There are other opportunities open to Ministers to strengthen relationships. You will likely receive invitations to meet individual iwi, to attend Iwi Chairs Forum, events significant to Māori, and commemorative events. We can provide you more information on these fora if you wish.

# Additional Information

## About the Ministry of Justice

The Ministry of Justice supports the Minister of Justice, Minister for Courts, the Attorney-General and the Minister for Treaty of Waitangi Negotiations to carry out their responsibilities, and delivers a range of courts and justice services to New Zealanders.

The Ministry's mission and vision is to deliver people-centred justice services that contribute to a safe and just New Zealand. We have ambitious goals that focus our collective effort on achieving the things that matter to New Zealanders:

- modernise courts and tribunals to get people through quicker;
- deliver improved justice outcomes for Māori;
- reduce crime, victimisation and harm; and
- provide great service to the public every day.

Figure 1: Our Strategy

**OUR STRATEGY**

**WHAT\_**  
*Deliver people-centred justice services*

**WHY\_**  
**FOR A SAFE & JUST NEW ZEALAND**

**GOALS\_**  
*Modernise courts and tribunals to get people through quicker*  
*Deliver improved justice outcomes for Māori*  
*Reduce crime, victimisation and harm*  
*Provide great service to the public every day*

**HOW\_**  
**CUSTOMER**  
*Walking a mile in the shoes of the public*  
**CONTINUOUS IMPROVEMENT**  
*Always strive to provide a better service*  
**COLLABORATION**  
*Helping each other to succeed*  
**RESULTS MATTER**  
*We are all accountable*

**PRIORITIES\_**  
*Develop our people*  
*Turn data into insight*  
*Build robust, functional ICT*  
*Ensure good communications*  
*Make the ministry a great place to work*

**VALUES\_ RESPECT. INTEGRITY. SERVICE. EXCELLENCE.**

We have over 3,500 people in 107 sites around New Zealand. We work collaboratively within the Ministry and across the public sector to deliver critical services to our customers and improve the lives of New Zealanders. We aim to make communities safer, strengthen the public's trust in the justice system and maintain the integrity of our constitutional arrangements.

**There are the services we provide:**

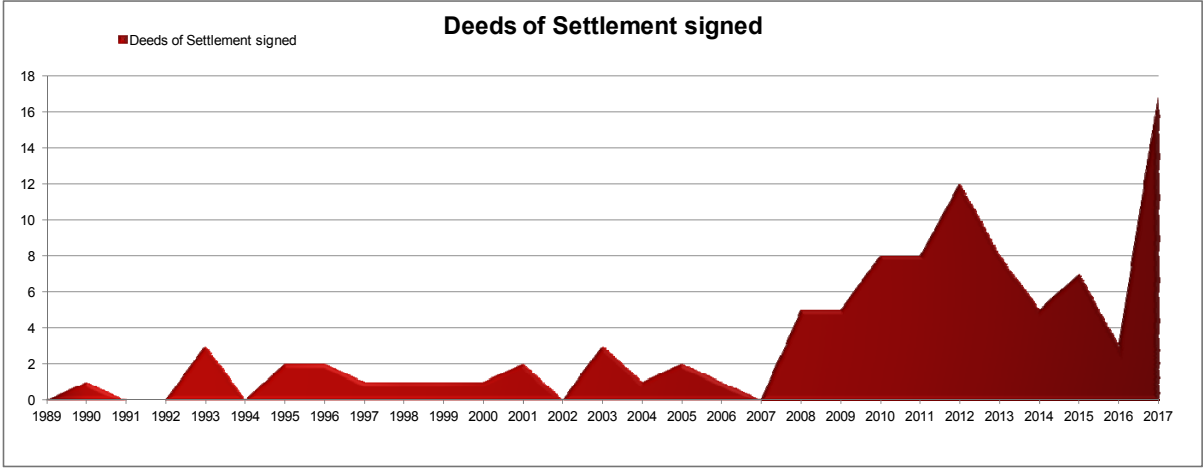
**MINISTRY OF JUSTICE**  
Te Kaitiaki Take Kōwhiri

- We deliver court and tribunal services**  
We work with the judiciary to deliver court services for the Supreme Court, Court of Appeal, High Court, District Court, the Environment Court, Employment Court, Māori Land Court and Waitangi Tribunal. We support other tribunals, authorities and committees (including the Disputes Tribunal and Tenancy Tribunal) that help New Zealanders resolve disputes, review administrative decisions that affect their rights and entitlements, or licence and discipline people who work in a regulated occupation.
- We negotiate and safeguard durable Treaty of Waitangi settlements** - building positive relationships between the Crown and Māori
- We lead the justice sector** to collectively reduce total crime and reoffending
- We develop justice policy** - advising on legislation and supporting our ministers
- We administer Legal Aid** - helping people who can't afford a lawyer to get legal advice and representation
- The **Public Defence Service** is New Zealand's largest criminal law practice
- Our **Collections** unit is one of New Zealand's largest debt-collection agencies. We collect unpaid infringements, court fines and reparations ensuring monetary penalties are a credible sanction
- We carry out **criminal conviction history checks**
- We contract with community-based and non-governmental providers** to help people going through the justice system

**We administer over \$1 billion in government expenditure from Vote Justice, Vote Courts and Vote Treaty Negotiations, and more than 200 pieces of legislation including Treaty Settlement legislation**

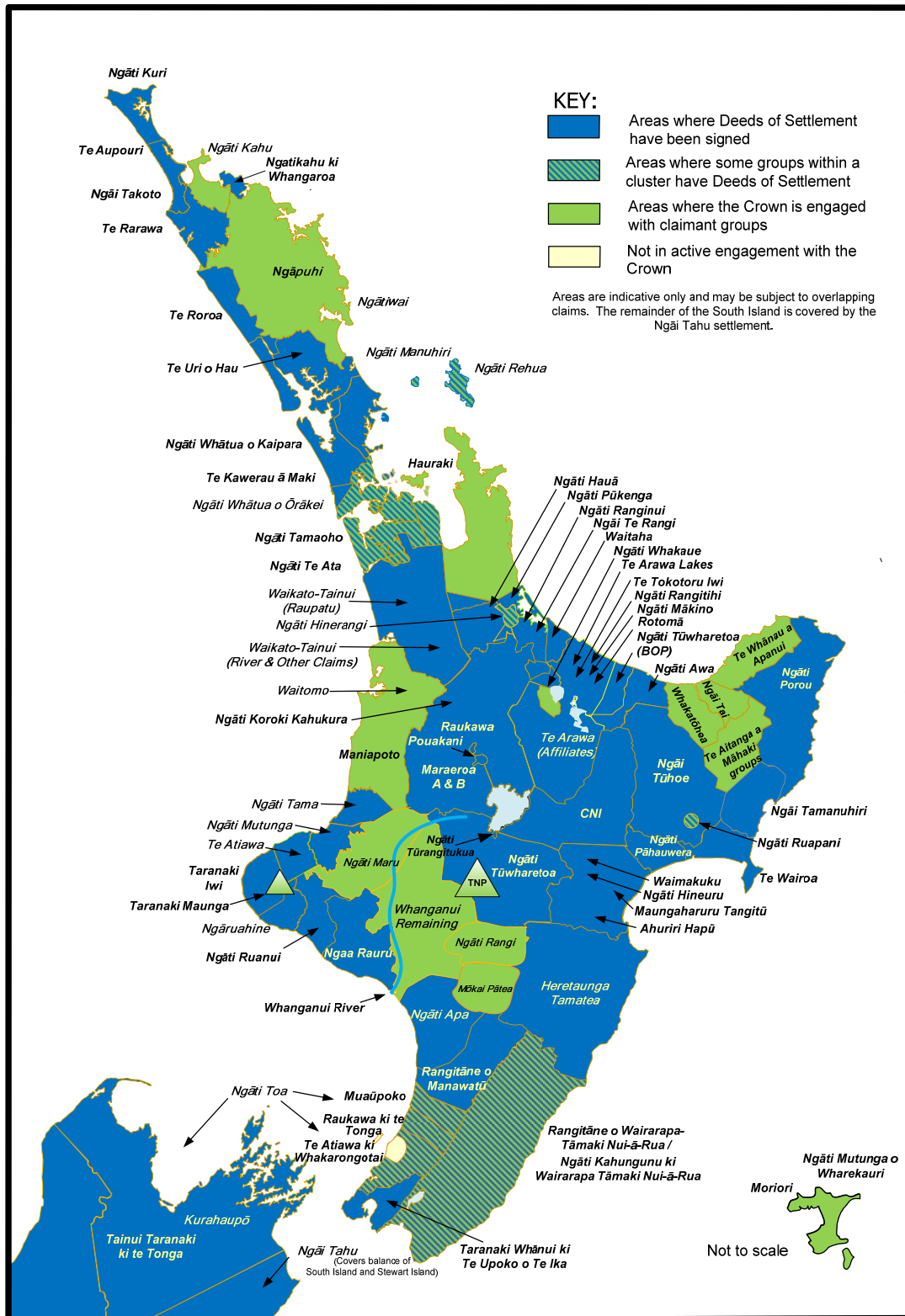


# Appendix A: Deeds of Settlement signed



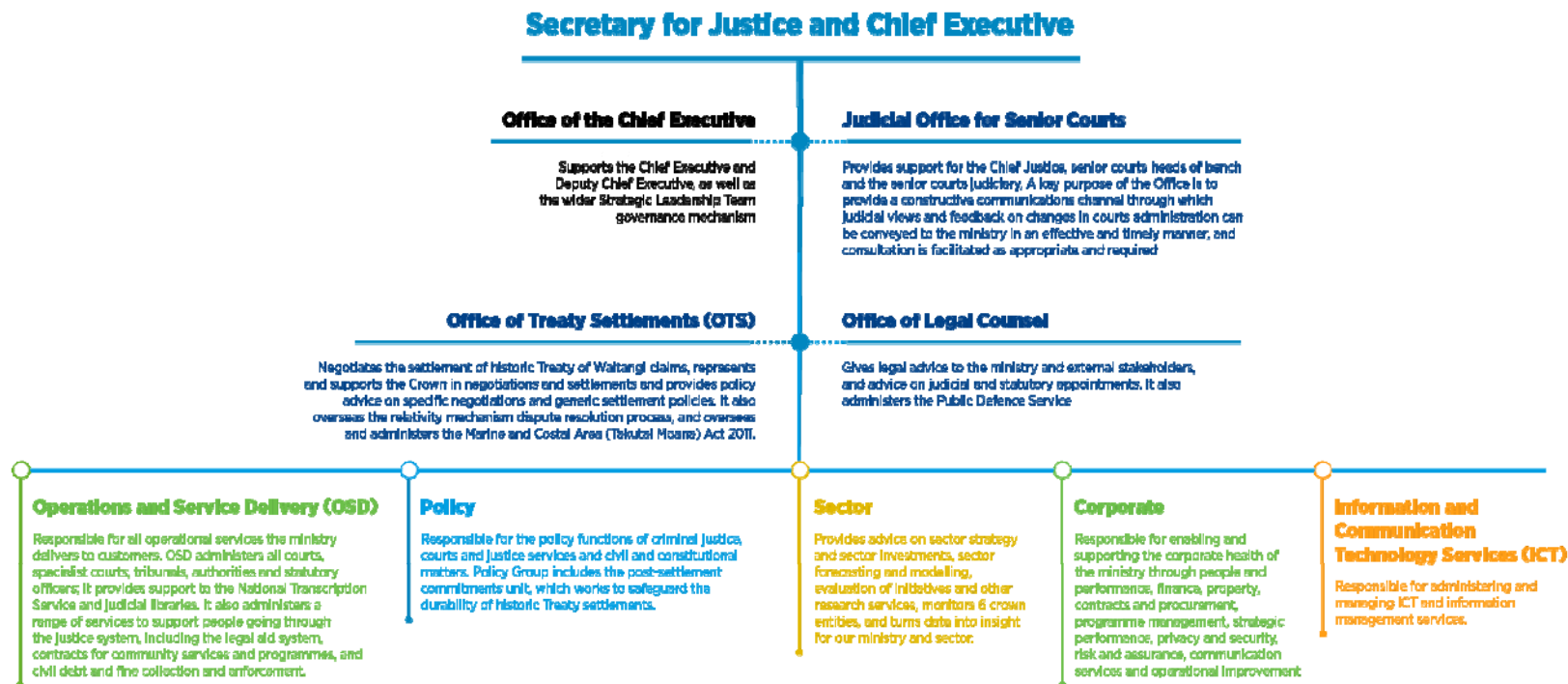
## Appendix B: Current status of settlements

There are settled iwi and hapū in most parts of the country. Where iwi and hapū are not settled, most are in negotiations.



# Appendix C: Further information about the Ministry

## Ministry of Justice structure



## Key contacts

PERSON	POSITION	PHONE	EMAIL
<b>Strategic Leadership Team</b>			
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**Ministry of Justice**  
**Tāhū o te Ture**

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**New Zealand Government**