

Tūi Tūi Tuituiā

Race Relations in 2009





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Race Relations in 2009

The Human Rights Commission and Race Relations

The main functions of the Human Rights Commission under the Human Rights Act 1993 are to promote and protect human rights; to encourage the development of harmonious relations; to promote equal employment opportunities; and to provide a dispute resolution service for complaints of discrimination on the grounds (among others) of colour, race, and ethnic or national origins.

The Act also provides for the appointment of a Race Relations Commissioner to lead the Commission, in conjunction with the Chief Commissioner, on matters relating to race relations.

The Commission encourages the maintenance and development of positive race relations through a variety of programmes, including:

- promoting implementation of the New Zealand Action Plan for Human Rights
- building a better understanding of the human rights dimensions of the Treaty of Waitangi
- facilitating the New Zealand Diversity Action Programme, and maintaining programme networks for issues such as interfaith cooperation, media, language policy and refugees
- organising the annual New Zealand Diversity Forum
- acknowledging positive contributions to race relations through the award of certificates and the publication of the awards in a widely distributed monthly e-newsletter
- promoting community participation in diversity events, including Race Relations Day and Māori Language Week
- publishing an annual review of developments and issues in race relations
- providing a disputes resolution service for complaints about discrimination
- providing public comment, advocacy, research, information and education on race relations
- liaising with the United Nations, international organisations and other national human rights institutions on race relations issues.



This report is part of the Human Rights Commission's contribution to the New Zealand Diversity Action Programme for 2010.

For more information on the programme, visit www.hrc.co.nz/diversity.

Ngā kaupapa

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1. Kōrero whakataki

Introduction

Welcome to the sixth annual New Zealand race relations report. The first report, reviewing 2004, noted the publication of the Commission's landmark status report on human rights, Human Rights in New Zealand Today – Ngā Tika Tangata o te Motu, and the development of the first New Zealand Action Plan for Human Rights, Mana ki te Tangata. The Commission is updating the status report in 2010 and developing a second five-year action plan for 2011-2015. This is an opportunity for New Zealanders to discuss longer term priorities for race relations and human rights.

There has been good progress since 2004 towards achieving the race relations priorities in the action plan, particularly in relation to language diversity, indigenous rights, migrant settlement and cultural diversity. The race relations report has become an important resource, by recording major events, issues and developments and identifying issues that need to be addressed. It is used locally and internationally as a source of up-to-date information on the state of race relations in New Zealand.

There is never a shortage of things to report on each year. Once again, there have been significant developments in Treaty of Waitangi settlements and other Treaty related matters, and the momentum of settlements continued from 2008. The new Immigration Act came into effect in November 2009 and provides a revised structure for migration and refugee resettlement. There continue to be many government, local government and community initiatives to foster cultural diversity and harmonious relations.

Positive incremental change is taking place in relation to religious diversity, language diversity and media diversity. Major diversity research projects have been completed or are under way. The results of the first general social survey were published, providing new information on the experience of discrimination and other race relations and human rights issues. Participation in diversity events, such as Waitangi Day, Chinese New Year, Pasifika, Race Relations Day, Matariki, World Refugee Day, Māori Language Week, and Diwali, continues to increase.

An international chapter has been included this year because of a series of significant interactions with the United Nations: the Durban Review Conference Against Racism, the Universal Periodic Review of New Zealand by the United Nations Human Rights Council, and the consideration of New Zealand's report to the Committee Against Torture, focusing on detention issues.

There were fears the economic recession of 2009 would halt or even reverse progress in achieving racial equality. This proved to be the case in relation to employment, with Māori unemployment rising from 8.2 per cent in December 2008 to 15.4 per cent in December 2009, Pacific unemployment from 7.8 per cent to 14 per cent, and MELAA (Middle Eastern, Latin American and African) from 10.6 per cent to 17.1 per cent. This was compared to the overall unemployment rate rising from 4.6 per cent to 7.3 per cent in the same period. The figures for youth unemployment are even more disturbing: Māori youth unemployment rose from 19.5 per cent to 30.4 per cent and Pacific youth unemployment from 18.6 per cent to 29.8 per cent. Nearly one in three Māori and Pacific youth were unemployed at the end of 2009. People on temporary work permits were also affected by the recession, as their permits were not extended. There were instances of migrant workers being accused of taking the jobs of New Zealanders. One area where employment was sustained and increased was the Recognised Seasonal Employer Scheme, for workers from the Pacific, in horticulture and viticulture.

Data on racial discrimination and harassment from 2009 are a cause for concern. There was a significant increase in the number of race-related complaints to the Human Rights Commission. Statistics New Zealand's first General Social Survey (GSS) indicated 10 per cent of New Zealanders experience some form of discrimination; among these, racial discrimination is the most common. Continued discrimination against Asian New Zealanders was evidenced both in the GSS and in a survey of public perceptions of discrimination.

The annual Mood of the Nation report by UMR Research in December showed public optimism about the future of race relations was high (second highest of all categories, with

37 per cent thinking they would improve, 38 per cent thinking they would remain the same, and 23 per cent thinking they would get worse).

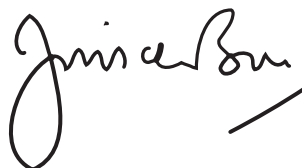
According to the report, no race relations story made it into the top 10 news stories for the year. However, the controversy over MP Hone Harawira's racially offensive email was the most followed story for the month of November. Other race relations issues that attracted public attention and debate were government recognition of a Māori flag and changing the spelling of the city of Whanganui to reflect current Māori language practice. Many of the major developments covered in this report, including the review of the Foreshore and Seabed Act, Treaty settlements and the new Immigration Act, received less media attention.

One issue that united New Zealanders of different ethnicities more than any other in 2009 was the Pacific tsunami. Its devastating impact was felt by all New Zealanders, particularly those of Pacific descent. There was a more keen sense of common identity between Pacific and other New Zealanders. The New Zealand media were able to draw extensively on their Pacific journalists in radio, television and print to cover the story, and *The New Zealand Herald* published updates in the Samoan language.

Top 10 priorities

Each chapter of this report identifies priorities for action in the coming year. Information from those reviews suggests the top 10 race relations priorities for 2010 should be:

- reviewing the place of the Treaty of Waitangi in New Zealand's constitutional arrangements and the future of the Māori seats in Parliament
- government and community action to reduce discrimination against Asian New Zealanders
- ensuring the safety of international students, including effective reporting mechanisms, by the education sector, police and local government
- increasing the representation of Māori, Pacific and other ethnic groups in local government through the 2010 local body elections
- ensuring Māori, Pacific and ethnic communities have a voice in the decisions of the new Auckland super city council
- ensuring the new Auckland super city council continues the Treaty of Waitangi relationships, cultural diversity and settlement support programmes established by the outgoing Auckland councils
- reversing the increased racial inequalities that have resulted from the economic recession, particularly in employment
- initiating long-term action with specific targets to reduce the high rate of imprisonment of Māori
- completing strategies for Māori and Pacific languages, and developing strategies for New Zealand Sign Language, community languages, translation and interpreting services and languages in schools
- developing the 2010 status report on human rights in New Zealand and the Action Plan for Human Rights for 2011-2015.



Joris de Bres

Race Relations Commissioner
Kaihautū Whakawhanaunga ā Iwi

2. Kaupapa ā taiao

International

What happened in 2009?

- A United Nations conference in Geneva reviewed actions taken since the World Conference Against Racism in Durban in 2001.
- The United Nations Human Rights Council conducted its first Universal Periodic Review of New Zealand's human rights compliance.
- New Zealand provided a follow-up report to the United Nations Committee on the Elimination of Racial Discrimination.
- The United Nations Committee Against Torture made recommendations to New Zealand in relation to the rights of people in detention and the use of tasers.
- The Australia and New Zealand Race Relations Round Table identified the rights of international students as a significant human rights concern.

DURBAN REVIEW CONFERENCE

The Durban Review Conference was held in Geneva in April. It was attended by several thousand people, including representatives of most UN member states, UN bodies, 39 national human rights institutions and a range of non-governmental organisations. Its purpose was to assess progress since the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa. The 2001 conference adopted a comprehensive Declaration and Programme of Action to Combat Racism.

New Zealand government officials contributed substantially to the draft outcome document prior to the Durban Review Conference. However, the Government announced it would not attend, because it feared the event would be used as a platform against Israel and to express anti-Semitic views. Israel, Canada and Italy indicated their non-attendance at an early stage; the United States, Netherlands, Germany, Poland and Australia, like New Zealand, did not make the decision not to attend until one to two days before the conference.

The outcomes document, adopted by consensus, did not single out Israel. It emphasised that the Holocaust must never be forgotten, and condemned anti-Semitism as well as



other forms of racial and religious hatred. A speech by the President of Iran, which prompted a walkout by a number of states' representatives, received global media attention. It occupied only a short period of time at the conference and did not prevent the conference from proceeding.

New Zealand's Race Relations Commissioner, Joris de Bres, attended the conference, with a primary focus on the contribution of national human rights institutions (NHRIs) to combating racism. NHRIs resolved to establish a global network to address racism and promote cultural diversity.

The outcome document reaffirmed the Durban Declaration and Programme of Action, reviewed progress in implementation of the Programme and identified further actions. Issues of significance for New Zealand were identified by the Race Relations Commissioner as follows:

- Strengthening implementation of the Convention on the Elimination of Racial Discrimination.
- Protecting human rights in the context of anti-terrorism.
- Protecting the rights of migrant workers.
- Collecting reliable data on hate crime.
- Working with sporting codes against racial discrimination in sport.

UNITED NATIONS UNIVERSAL PERIODIC REVIEW OF NEW ZEALAND

The United Nations Human Rights Council conducted its Universal Periodic Review of New Zealand's human rights performance in May. The New Zealand delegation was led by Justice Minister the Hon Simon Power. Chief Human Rights Commissioner Rosslyn Noonan also attended.

The Government's report to the Council identified seven key human rights priorities:

- Improving the economic, social and cultural well-being of people in New Zealand.
- Reducing violence within families and its impact on women and children.
- Improving the opportunities and responsibilities of young people in New Zealand through the education and youth justice systems.
- Strengthening the rights of victims of crime.
- Improving the consultation process with civil society for future human rights reporting and follow-up to recommendations.
- Strengthening the partnership between the Government and Māori by continuing to support Māori to realise their potential and continuing the momentum on achieving fair, just and practical settlements of historical claims under the Treaty of Waitangi
- The implementation of the Convention on the Rights of Persons with Disabilities and the New Zealand Disability Strategy.

Following presentation of the New Zealand report, individual UN member states asked questions and made 64 recommendations. The Government's response was tabled at a further session of the Human Rights Council in September. New Zealand accepted 33 of the 64 recommendations; an additional 12 were agreed to with further discussion; a qualified response was given to 11; and eight were rejected. The Government noted "many of the recommendations focused on challenging areas, which it recognises as requiring further attention, including the social disparities between Māori and non-Māori, the status of the Treaty of Waitangi in domestic legislation, family violence, equality of opportunity, over-representation of Māori in the criminal justice system, and ratification of human rights treaties to which New Zealand is not party."

The Human Rights Commission told the Council that in addition to the seven priorities identified by the Government, it looked forward to:

- a statement of support for the Declaration on the Rights of Indigenous Peoples

- more systematic incorporation of international human rights obligations – particularly economic, social and cultural rights – into New Zealand's legislation, policies and practices
- further consideration of the status of the Treaty of Waitangi
- action on all forms of unlawful discrimination and socio-economic disparities.

New Zealand will undergo its next Universal Periodic Review in 2013.

CERD REVIEW OF NEW ZEALAND RACE RELATIONS

In 2007, the United Nations Committee on the Elimination of Racial Discrimination (CERD) conducted its five-yearly review of New Zealand's compliance with the Convention on the Elimination of Racial Discrimination. The Committee issued a set of recommendations to the New Zealand Government and requested a report on four of the recommendations in 12 months. These related to inclusion of the Treaty in the revised school curriculum, renewed dialogue on the Foreshore and Seabed Act, free access to education for the children of undocumented migrants, and a New Zealand First Party private member's bill proposing to delete references to the Treaty in legislation.

The Government responded in 2008, noting the Treaty had been included as a principle underpinning the revised curriculum; the New Zealand First bill had been rejected by Parliament; the issue of free access to education for children of undocumented migrants had been addressed administratively, pending a change to the law in the Immigration Bill; and negotiations had taken place with some iwi on claims under the Foreshore and Seabed Act.

CERD considered the Government's response in March. It welcomed the inclusion of the Treaty in the new curriculum and interim measures taken to provide free access to education for children of undocumented migrants. It recommended the Immigration Bill be passed as quickly as possible, to protect undocumented migrant children, and sought further information in the Government's next periodic report (due in 2011) on the Treaty in legislation, Treaty of Waitangi claims and dialogue with Māori on the Foreshore and Seabed Act.

The Human Rights Commission reviewed progress on implementation of the CERD recommendations in August. They advised the Committee there had been significant progress in the hearing and settlement of Treaty claims, and that an independent ministerial panel had reviewed the Foreshore and Seabed Act. The Commission said the main issues still outstanding were the passage of the Immigration Bill through Parliament, a constitutional review on Treaty-related issues, collection of data on racially motivated crime, continued over-representation of Māori and Pacific people in prison, and fully reflecting international human rights in domestic legislation.

UN COMMITTEE AGAINST TORTURE

New Zealand presented its fifth periodic report to the United Nations Committee Against Torture in May. The Committee has a broad brief in matters relating to law enforcement and imprisonment and made 15 recommendations for follow-up action. It recommended the Government should:

- Take further measures to reduce the over-representation of Māori and Pacific people in prison, particularly women; provide adequate training to judiciary and law enforcement personnel, taking into account their obligation to protect minorities; and undertake in-depth research on the root causes of this phenomenon, in order to instigate adequate safeguards to ensure full protection of minorities from discrimination and marginalisation.
- Consider putting an end to the practice of detaining asylum seekers and undocumented migrants in low security and correctional facilities; ensure grounds upon which asylum may be refused remain in compliance with international standards; where there is a risk a person may be subject to torture if returned to his or her country of origin, conduct a thorough assessment of the claim; and ensure the right of detained asylum seekers and undocumented migrants to habeas corpus and an effective appeal is guaranteed under the Immigration Bill.

The Committee asked for an update in 12 months (due May 2010) with regard to its recommendations concerning overcrowding in prisons, historical claims of ill-treatment in state institutions, compensation for victims of torture and police use of tasers. New Zealand's next periodic report is due in 2013.

AUSTRALIA AND NEW ZEALAND RACE RELATIONS ROUND TABLE

The rights of international students were identified as a significant human rights concern for national, state and territory human rights commissions in Australia and New Zealand at the annual Australia and New Zealand Race Relations Round Table in November.

Commissioners viewed recent instances of racial harassment, abuse and violence directed at international students as symptoms of human rights issues that need to be addressed. These include international students' rights to non-discrimination; equality of treatment; security of the person; access to justice, housing and information; freedom of religion and culture; and labour rights.

Commissioners heard from international student representatives, researchers, education providers and government agencies. They resolved to:

- highlight the treatment of international students as a major current human rights and race relations issue and stress the importance of addressing it from a human rights perspective
- note the harassment and abuse of international students can not be adequately addressed if the existence of racism as a significant factor is denied
- call for more research into the experience of discrimination and harassment of international students in specific communities and contexts, including regular surveys of students by education providers to provide a better evidence base for policy decisions
- call on the police to record complaints and incidences of racially motivated crime, and for education providers, local government and other stakeholders to provide accessible reporting systems for racial harassment and discrimination, including web-based systems
- encourage the provision of reliable and accessible web-based information to prospective international students, including about their human rights and support available
- monitor progress in addressing the human rights of international students and support student organisations in their advocacy and support for an improved experience for international students in Australia and New Zealand

- increase public awareness of the rights of international students, their contribution to the Australian and New Zealand economies and societies, and the importance of speaking out when they witness instances of harassment, discrimination and abuse.

International reporting obligations 2010

- The UN Human Rights Committee will consider New Zealand's report on compliance with the International Convention on Civil and Political Rights in March 2010.
- New Zealand's report on compliance with the International Covenant on Economic Social and Cultural Rights has been submitted to the UN Committee on Economic Social and Cultural Rights. No date has been set by the Committee for its consideration.
- A report back to the Committee Against Torture is required on its priority recommendations by May 2010.
- New Zealand's first report on compliance with the Convention on the Rights of People with Disabilities is due with the Committee on the Rights of People With Disabilities in October 2010.
- New Zealand's report on compliance with the Convention on the Elimination of Discrimination Against Women is due with the Committee on the Elimination of Discrimination Against Women in August 2010.
- New Zealand's report on compliance with the Convention on the Rights of the Child was submitted to the Committee on the Rights of the Child in 2009. No date has been set for its consideration.

3. Mahi rerenga kētanga

Diversity action

What happened in 2009?

- The NZ Diversity Action Programme celebrated its fifth anniversary.
- 250 organisations registered 661 projects with the Diversity Action Programme.
- Race Relations Day events took place around the country in March.
- The New Zealand Diversity Forum was held in August.
- Twelve organisations received awards in recognition of their outstanding contribution to positive race relations.

NEW ZEALAND DIVERSITY ACTION PROGRAMME

The fifth anniversary of the New Zealand Diversity Action Programme (NZDAP) was marked at the Diversity Forum in Wellington in August. The programme started from community reaction to the desecration of Jewish gravestones in two Wellington cemeteries in July and August 2004. Parliament unanimously passed a resolution deploring anti-Semitism and all forms of racism. A statement in support was tabled in Parliament from Māori, Pākehā, Pacific, Asian and other ethnic community leaders; religious, civic, business and trade union representatives; and others from the community. In response to a “call to action” by writers James and Helen McNeish, people rallied in the grounds of Parliament. They attended a forum in the Beehive, convened by the Speaker of Parliament and the Race Relations Commissioner, to discuss positive action to promote racial harmony. The forum adopted a programme of “10 steps to strengthen our cultural diversity”, which became the basis for the NZDAP. The 10 steps were included in the New Zealand action plan on human rights 2005-2010.

In the past five years, the NZDAP has grown to approximately 250 organisations taking practical initiatives to:

- recognise and celebrate the cultural diversity of our society
- promote the equal enjoyment of everyone’s civil, political, economic, social and cultural rights, regardless of race, colour, ethnicity or national origin
- foster harmonious relations between diverse peoples.

Networks have been established for people interested in religious diversity, language policy, media and refugee issues. Each network has a monthly e-newsletter and hosts an annual forum at the New Zealand Diversity Forum. Through the networks, the Commission has developed a Statement on Religious Diversity (2007), a Statement on Language Policy (2008) and a Statement on Race Relations (2008).

The NZDAP promotes participation in a number of annual diversity events, including Holocaust Remembrance Day (27 January), Waitangi Day (6 February), Chinese New Year (January-February), Race Relations Day (21 March), Samoan Language Week (May), World Refugee Day (20 June), Māori Language Week (July), the New Zealand Diversity Forum (August) and the Diwali Festival of Lights (October/November).

Organisations can register any programme or project that contributes to a diverse, equal and harmonious Aotearoa New Zealand. Registered projects include:

- organisation and participation in diversity events
- festivals, exhibitions, cultural performances and celebrations
- promotion of diversity in the workplace and catering for the diverse needs of clients and customers
- development of policies and programmes for diversity, equality and harmony
- community consultation and participation
- assisting with the settlement of new migrants and refugees
- educational programmes, research and publications
- development of diverse communities, including maintenance of cultures and languages and community well-being
- workshops, conferences and forums on diversity, human rights and harmonious relations
- intercultural and interfaith dialogue and cooperation.

The NZDAP registered 661 projects from 250 organisations in 2009.

RACE RELATIONS DAY

Race Relations Day, on 21 March, marks the International Day for the Elimination of Racial Discrimination. First celebrated as Race Relations Day in New Zealand in 2003, it has spread from larger centres to provincial and rural areas, such as Whangarei, Pukekohe, Blenheim, Greymouth and Gore. Activities include festivals and concerts organised by multicultural councils and local government; forums on race relations issues; a government reception; displays and activities in libraries; and events in schools, workplaces, museums, and faith communities. It is preceded by the launch of the annual Race Relations Report by the Human Rights Commission and is the focus of the annual Race Unity Secondary Schools speech competitions.

A Race Relations Day theme is chosen each year and the Commission produces a themed poster. The theme for 2009 was "People in your neighbourhood". More than 90 cultural events, festivals and activities were listed on the Race Relations Day page of the Commission's website. They included smaller first-time community events, large established cultural festivals, and specific community projects.



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NEW ZEALAND DIVERSITY FORUM

The New Zealand Diversity Forum is the signature event of the NZDAP. It is held annually in August, on the anniversary of the first forum at Parliament. The focus is on practical outcomes, networking and sharing good practice. A national youth forum brings together youth participants to provide a strong youth perspective to the proceedings.

The forum is organised by the Human Rights Commission in partnership with NZDAP participants. It consists of a range of forums and events hosted by different organisations, a plenary and the annual Diversity Awards. The forum runs over two to three days, with the venue alternating between Auckland, Wellington and Christchurch.

Regular features of the forum are:

- religious diversity forum
- language policy forum
- media forum
- public policy forum
- plenary forum with keynote speakers and panels on current issues
- forums for librarians, museums and galleries staff, local government staff, diversity researchers, dispute resolution practitioners
- forums on the Treaty of Waitangi, discrimination, health, education, employment, migration and settlement, refugee issues, disability and sport
- cultural events and exhibitions.

The 2009 forum was held in Wellington, with a special focus on Asian communities. Key partners in the event were Te Papa, the Settling In programme, the New Zealand National Commission for UNESCO, the Wellington City Council and the Human Rights Commission. More than 30 community, government and academic organisations hosted special topic forums, addressing issues relating to their work. The number of special topic forums doubled to 47 from the previous year. Fifteen regional organisations addressed local cultural diversity concerns; seven sessions were about new local diversity initiatives; and 14 organisations presented their work or spoke about an issue related to cultural diversity for the first time. Organisations

hosting forums ranged from community-based and civil society service organisations to sector and special interest groups, and local and central government agencies.

Attendance was at an all-time high, with an estimated 4000 people attending at least one event associated with the forum. Of this number, over half attended the core special topic forums, including the plenary, reception and diversity awards evening.

DIVERSITY AWARDS

Twelve organisations received awards at the Diversity Forum in recognition of their outstanding contribution to positive race relations. The awards were presented by the Governor-General.

Manurewa Marae

An important community centre and safe haven for Manurewa's multi-ethnic community. Community classes are held at the marae, including te reo, kapa haka, tai chi, korowai and health education, and Manurewa Ora day, focusing on health and social services. The Human Rights Commission's annual Race Relations Report was launched at the marae in March.

New Coasters

Developed in 2008 to assist newcomers settle into the West Coast and support them as they begin their new lives. New Coasters organised the first Race Relations Day family picnic on the coast in March. Recently, they worked with children from Blaketown Primary School to produce a set of booklets written by children for children, introducing the coast to new migrants.

PEETO - Multicultural Learning Centre

PEETO is a multicultural learning centre, built on the principles of 'aiga (family). They work with migrants and refugees, providing services such as orientation programmes, education and numeracy programmes, an employment service and driver education. The trust has sponsored individuals and groups whose activities help to enrich the multicultural flavour of Christchurch.

Nelson Multicultural Council

The council organises social activities and support services for new migrants, including a newcomers' network and the

Race Unity Festival on Race Relations Day. They produced Useful Tips for Migrants and an educational DVD for former refugee families on child nutrition and oral health. The council was one of the driving forces behind the landmark report on racist incidents in Nelson, launched in August 2009.

FAGASA

FAGASA is the Association for the Teaching of Samoan in Aotearoa, and they have succeeded in raising the profile of the Samoan language and community. Its projects include the Samoan language secondary schools speech contest and observance of Samoan Language Week in May. In 2009, FAGASA was instrumental in helping extend participation in Samoan Language Week from schools to the wider community.

Centre for Asian Health Research and Evaluation, University of Auckland

The centre has organised three major international conferences on Asian health and well-being and is planning a fourth in July 2010. Current research projects include Asian families' settlement in New Zealand, lifestyle and mental health issues, the Asian stream of the obesity guidelines, and a service to work with refugee youth recovering from mental health issues.

Umma Trust

This small community trust focuses on enhancing the well-being of Muslim women, children and families who are socially and economically disadvantaged. Services include advocacy, positive parenting, community awareness of family violence, positive ageing, women in isolation, home visits, and health and nutrition workshops. They organised a professional development workshop on "working with Muslim families", which attracted over 300 people.

Whanganui Regional Museum

The museum is a unique partnership between local iwi and community stakeholders. Recent exhibitions include photographs of Whanganui iwi taken by WHT Partington from 1892-1908. The exhibition won the inaugural Museums Aotearoa Exhibition/Visitor Achievement Award in 2008. Another exhibition describes the development of the Whanganui region during the 19th century through experiences of tangata whenua and European settlers.

Wellington City Libraries, Wellington City Council

The libraries network's information services include migrant web pages in 21 languages; catalogue searching in Chinese, Māori and Samoan; and international newspapers online. At this year's Diversity Forum, they launched the DVD *Our Place, Your Place*, about Wellington's Muslim communities and the libraries. A library initiative is the nationwide Earth People project, where children make clay figures and talk about diversity.



© Kapiti Coast District Libraries

New Zealand Chinese Association Auckland Inc

The Auckland branch of the association holds regular activities, ranging from sport tournaments and Chinese New Year celebrations to youth leadership and cultural storytelling conferences. It holds an annual *Going Bananas* conference, exploring what it means to be Chinese in New Zealand. The association is working with Auckland City Libraries to establish an interactive website to connect different generations of Chinese New Zealanders.

Omega

The collaborative organisation Opportunities for Migrant Employment in Greater Auckland provides programmes to help migrants break through barriers new Kiwis face. They match migrants with professionals who share the same skills and industry knowledge, in occupation-specific mentoring. Their paid internship programme provides migrants with up to six months' experience to help combat the "no Kiwi experience = no job" cycle.

The **British Council** received a special award for their contribution to Race Relations Day and the flagship event *People in Your Neighbourhood*.

DIVERSITY ACTION PROJECT PROFILE: THE SETTLING IN PROGRAMME

Settling In is a community development programme that works with refugee and migrant communities to deliver social services identified as priorities by communities. Administered by Family and Community Services (part of the Ministry of Social Development), the programme operates in 12 locations around New Zealand: Whangarei, Auckland, Hamilton, Hawke's Bay, Palmerston North, Tauranga, Wellington, Nelson/Tasman, Marlborough, the West Coast, Ashburton and Christchurch.

The projects developed and delivered through the Settling In programme vary according to the needs of the local communities. Examples from 2009 include:

- A migrant centre and newcomers' network were established in Whangarei, to provide a place for refugees, migrants and those new to the area to make connections and meet social needs.
- Working with the African community in Auckland to develop a range of projects and activities, including the establishment of a dedicated area for African youth to participate in community activities.
- A needs assessment study was conducted in Tauranga, involving focus groups in communities, to discover what would improve settlement for newcomers to the Bay of Plenty. Local DHB, police, English Language Partners, Tauranga City Council, the Western Bay of

Plenty Regional Council, Volunteer WBOP, Work and Income, Settlement Support, the Office of Ethnic Affairs and others are developing a report, to be released in April 2010.

- Settling In has played a key role in bringing together the Wellington South East Asia Reference Group and Society for South East Asian Communities Inc. What started with a small group of three ethnic communities has grown to six communities. They focus on their social needs, including representation in the wider community.
- The Settling In Palmerston North and Feilding report was developed by a working party of 15 agencies, convened by Settling In. It was the result of the needs assessment study of 31 local communities and will form the basis of a programme of action for the area. A newcomers' network, a Tips for Migrants booklet, and increased promotion of the Manawatu Multicultural Council and relevant services are all outcomes of this process.
- Settling In helped establish a number of newcomers' networks around New Zealand. The Motueka Newcomers Network, formed in June 2009, helps connect newcomers with each other and the community, and provides support networks for the Motueka community. Newcomers' networks were also established in Hawke's Bay, Selwyn and Methven.

Priority 2010

- Updating the Human Rights Commission's status report on human rights in New Zealand will provide an opportunity to review diversity developments in the past five years and identify new race relations priorities for the second New Zealand Action Plan for Human Rights.

4. Whakahāweatanga me te nonotitanga

Discrimination and harassment

What happened in 2009?

- The annual UMR Research Survey found a significant increase in the number of people who perceived ethnic groups (and Asians in particular) to be the groups most discriminated against in New Zealand.
- Statistics New Zealand's 2008 General Social Survey found 10 per cent of New Zealanders experienced discrimination. The most common grounds were nationality, race, ethnic group or skin colour. Asians experienced the most discrimination.
- There were less media reports of incidents of racially motivated attacks compared to previous years. The Government agreed to a United Nations recommendation to collect data about racially motivated crime, but said it was not a priority.
- A number of serious cases of racial harassment of international students were reported in Christchurch.
- A report in Nelson/Tasman revealed widespread experience of racial harassment and recommended the establishment of a local reporting system.
- Lincoln University students, Auckland Grammar School pupils and Māori Party MP Hone Harawira faced public outrage and disciplinary processes for racially offensive behaviour and language.
- The Human Rights Commission received a record number of complaints for one issue (814), about the Hone Harawira email.
- The Commission received 501 other race-related complaints, an increase on previous years (up from 407 in 2008) and as a percentage of all complaints received (up to 35 per cent from 27 per cent in 2008).

Discrimination

PERCEPTIONS OF DISCRIMINATION

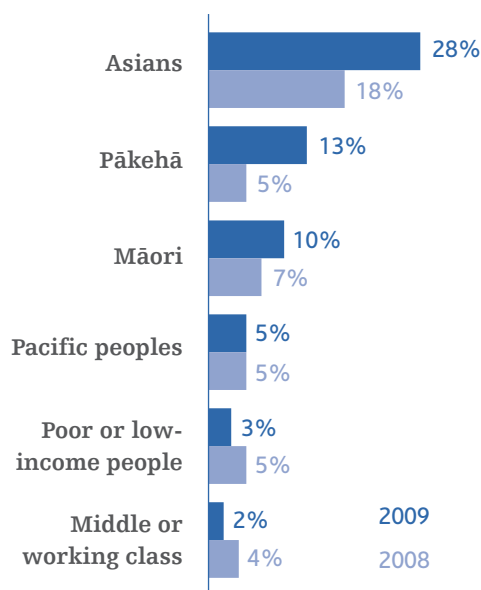
UMR Research conducted a public opinion survey for the Human Rights Commission in December on New Zealanders' perceptions of discrimination. Respondents were asked which groups of people they thought were generally most discriminated against in New Zealand today.

Two-thirds of respondents (64 per cent) nominated an ethnic group when asked which group of people they think is most discriminated against in New Zealand. This was an increase from 47 per cent in 2008, and is now the highest since 2001 when the survey was first conducted. It included 28 per cent who mentioned Asians (up from 18 per cent in 2008), 13 per cent who mentioned Pākehā (up from five per cent in 2008), 10 per cent who mentioned Māori (up from seven per cent in 2008) and five per cent who mentioned Pacific peoples (the same as in 2008).

Approximately five per cent of respondents gave an income-related group as their first mention (down from nine per cent in 2008), including three per cent who said poor or low-income people and two per cent who mentioned middle-class or working-class people.

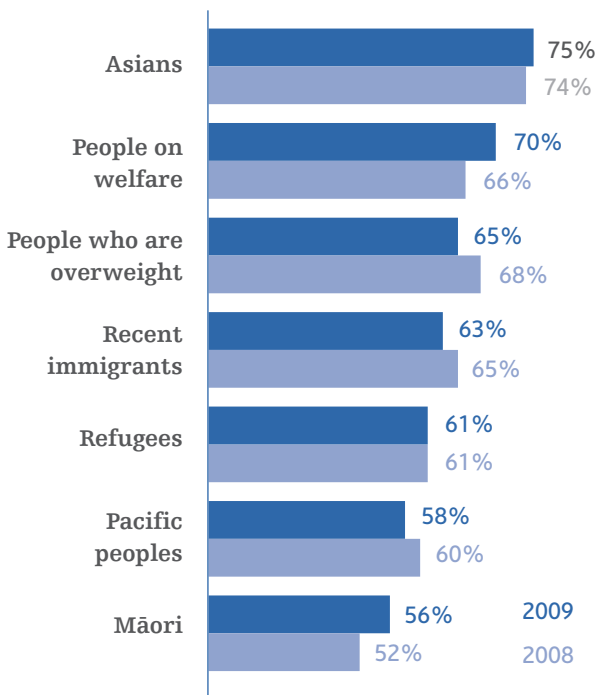
Respondents were given a list of 14 demographic groups and asked to rate the level of discrimination for each, using a four-point scale ranging from "a great deal" of discrimination to "none at all". Seventy five per cent of respondents believed Asians experience "a great deal" or "some" discrimination. Six per cent believed Asians are not discriminated against at all.

WHO DO YOU BELIEVE IS THE MOST DISCRIMINATED AGAINST?



Each year, with the exception of 2007, more than 70 per cent of respondents said there is “a great deal” or “some” discrimination towards Asians in society. Seven of the 14 groups registered an increase in the perceived level of discrimination. The greatest changes from 2008 were for people on welfare (up four per cent to 70 per cent, the highest since 2001), Māori (up four per cent to 56 per cent) and women (up four per cent to 40 per cent). Respondents perceived men as the group with the lowest level of discrimination (26 per cent).

WHO DO YOU BELIEVE SUFFERS “A GREAT DEAL” OR “SOME” DISCRIMINATION?



EXPERIENCE OF DISCRIMINATION

In October, Statistics New Zealand published the results of the first New Zealand General Social Survey, which took place from April 2008 – March 2009. The results provide new information about social and economic outcomes, including racial discrimination. Ten per cent of respondents reported they had been discriminated against in some way in the past 12 months. Of these, 23.2 per cent identified as Asian, 16 per cent as Māori, 14.1 per cent as Pacific and 7.9 per cent as European. The most common reasons given for discrimination were nationality, race, ethnic group or skin colour.

Of those who reported they had been discriminated against, the following reasons were given:

REASON FOR DISCRIMINATION IN PAST 12 MONTHS (% OF RESPONDENTS)				
	Māori	Asian	Pacific	European
My skin colour	40.3%	50.9%	27.1%	24.7%
My nationality, race or ethnic group	56.1%	82.9%	63.0%	30.3%
The language I speak	5.5%	33.8%	10.4%	6.2%
The way I dress or my appearance	22.2%	7.8%	25.9%	17.8%

Harassment

MEDIA REPORTS OF RACIALLY MOTIVATED CRIME

Compared to previous years, there were fewer media reports of incidents of racially motivated crime, harassment, and assault. Reports this year included:

- Five Indian students in Invercargill said they had been repeatedly labelled terrorists, told to “leave our country” and been racially abused. There had been 16 separate incidents in the previous 12 days (*Southland Times*, 3 March).
- “White supremacists” terrorised people in an Invercargill street, painted swastikas on the road outside their house and drove their neighbours to move away after thefts of property and vandalism to their house (*Southland Times*, 27 March).
- Two men who bombed a South Auckland temple and defaced it with racist messages failed to get their sentence reduced at the High Court in Auckland (*New Zealand Herald*, 4 April).
- An Indian taxi driver in Auckland was beaten and humiliated by four male passengers. When he asked them for the fare, the men punched him to the ground,

racially abused him and removed his turban (*New Zealand Herald*, 14 April).

- A 44-year-old Pacific Island taxi driver in Waitakere City received head injuries and bruised ribs in an attack by three assailants. He was hit with a rock through his open driver's window, and when he got out of the taxi was punched and kicked to the ground (*Western Leader*, 23 April).
- The Court of Appeal rejected an appeal by Nelson man Hayden McKenzie against his minimum 21-year jail sentence for the race-hate murder of Korean backpacker Jae Hyeon Kim in 2003 (*The Press*, 6 May). The court said, "It is impossible to view the total circumstances without real concern that this man demonstrates a wanton disregard for humanity, as he has embraced extreme bigotry and racism".
- An Indo-Fijian student was attacked at Linwood College, in Christchurch. He suffered a cracked cheekbone, chipped tooth, cut to the head and extensive bruising (*The Press*, 7 August).
- A 25-year-old Korean home-stay student was attacked at a bus stop in Papanui. He was racially abused, had a knife held to his throat, was bitten on the arm and hit and kicked to the ground by a heavily intoxicated man and two women (*The Press*, 1 September).
- A 13-year-old Thai home-stay student was told to "f**k off back to your own country" and punched in the head by two fellow pupils from Avonside High School, in Christchurch. Her home-stay parent said her other Thai home-stay student had been punched at a shopping centre in June and had a tooth broken (*The Press*, 3 September).
- A Japanese teahouse in Nelson's Miyazu Gardens was firebombed on the eve of the Japanese Cherry Blossom Festival (*Nelson Mail*, 14 September).

While a reduction in incidents reported in the media is welcome, the actual number of complaints, prosecutions and convictions are still not recorded by the New Zealand Police. In the course of the United Nations Human Rights Council review of New Zealand's human rights performance in May, the issue of recording police complaints was raised again. The Government accepted the recommendation that this data be collected, but said it was not a priority.

Courts takes dim view of attack on Manurewa Gurdwara

In a case not widely reported by the media, two 20-year-old men were sentenced in the Manukau District Court in February to two years and nine months' imprisonment. They were accused of throwing pipe bombs at the Narksar Thath Isher Dabar Sikh Temple, in Manurewa, engaging in threatening acts and painting obscenities on the temple walls. In addition to sexual obscenities, they painted a swastika, the letters KKK and the words "fukin rag heads" on the walls. The offences took place from April to August 2008. Judge Blackie imposed a deterrent sentence, to make clear to all New Zealanders this type of conduct would not be tolerated. He described their actions as "racist, ... abusive and demeaning" and expressed abhorrence on behalf of the community at what had occurred. The men appealed the length of their sentence to the High Court. Judge Heath dismissed the appeal, citing other cases in which racial hostility had been considered an aggravating factor in sentencing. He said, "The attack on the temple involved violent conduct... [I]t was a persistent attack, through physical and psychological means, on those who used the temple. Targeting the temple on four separate occasions over a period of more than three months makes it implausible to suggest that Mr Bryan and Mr Rudduck were not motivated by racial, religious, colour or ethnic hostility."

REPORT IT WEBSITE IN CHRISTCHURCH

A coalition of Christchurch organisations, including tertiary institutions, the police, the Human Rights Commission and Ngāi Tahu, launched the Report It website in August 2008. Their aim was to provide international students with information on racial harassment and a simple way to report it. In the first year, 2204 individuals visited the site. In 2009, 36 reports were received, of which 26 requested follow-up action.

Some reports involved serious physical assaults:

- An international student was physically assaulted and three of her friends were intimidated and harassed.
- An international student was assaulted, losing a tooth.
- An international student was attacked on a school bus by fellow students and suffered a blood nose.

- Bottles were thrown at a car and two international students were physically assaulted.



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NELSON STUDY RECOMMENDS LOCAL REPORTING SYSTEM FOR RACIAL HARASSMENT

Towards a Reporting System for Racist Incidents in Nelson/Tasman – Diverse Communities Speak was launched in Nelson in August. Written by visiting Northern Ireland human rights lawyer Debbie Kohner, the report was based on 30 focus groups, involving 184 people of 48 ethnicities. It was commissioned by a coalition of organisations, including the Nelson Multicultural Council, the Nelson

Safer Communities Council, the Tasman District Council, the Nelson City Council, the New Zealand Police, Settling In, the Human Rights Commission and the New Zealand Diversity Action Programme. The report found 81 per cent of participants had experienced racism and 86 per cent had witnessed it. The frequency varied from once (or not at all) to daily abuse.

Most participants had experienced verbal abuse, often shouted from cars. Many participants said things had been thrown at them on the street or from cars. Some participants had been intimidated, experienced damage to property or experienced physical violence.

Several participants had experienced racism at school, from other pupils or from teachers. Some had suffered racism in the workplace, from colleagues, clients or employers. A few thought racism policies in schools and workplaces were helpful. Several participants described being treated badly in shops, where assistants were suspicious of Māori or Pacific people or ignored those of Asian appearance.

Some described racist attitudes when renting accommodation or dealing with the public sector. Most participants experienced “subtle, little things”, which suggested they were not accepted by the larger community.

Many described feeling afraid or traumatised following a racist incident. These participants often became isolated, and some had to move house or leave the region. However, only 39 per cent of participants felt unsafe or in danger in the Nelson/Tasman region. Some participants did not find the racist incidents to be threatening, because they were “used to it”. Others showed a certain amount of bravado, which, in some cases, had spilt over to retaliation.



The report recommended the establishment of a local reporting system, which was supported by the police, the Human Rights Commission and local councils. The Nelson Multicultural Council is following up on the recommendation, with support from other organisations.

Complaints

COMPLAINTS TO THE HUMAN RIGHTS COMMISSION

The Human Rights Commission received 1253 complaints and enquiries involving race-related grounds in 2009.

This was out of a total of 2260 complaints and enquiries

about unlawful discrimination. Those relating to race accounted for 55.4 per cent of all discrimination approaches. This is significantly higher than in previous years, due to the large number of approaches received by the Commission in November about the racially offensive comments made by MP Hone Harawira.

The approaches about Hone Harawira accounted for 752 of the 1253 complaints and enquiries (60 per cent), almost double the total number of race-related approaches received in 2008.

Racially offensive language and behaviour

Three instances of racially offensive language and behaviour attracted widespread media and public attention in 2009. Two were reported to the media from social networking websites. Photos of Lincoln University students at an Oktoberfest party dressed as Nazi guards and concentration camp prisoners became public in September. Photos of a group of Auckland Grammar School pupils saluting and bowing to Nazi symbols at an Auckland Museum exhibition became public in October. The third instance involved comments by Māori MP Hone Harawira in an email. He referred to people who had criticised him for a side-trip to Paris while leading an official parliamentary visit to Belgium as “white motherf**kers” speaking “puritanical bulls**t”.

Such language and behaviour, while being offensive to many, is not unlawful under the Human Rights Act. The Act prohibits words that incite but not words that simply offend. The absence of legal sanction, however, does not give people license to offend – they are accountable for their words or actions in other ways, be it to the general public, an institution of which they are a part, an organisation to which they belong, their peers, customers, or a political party. Through their offensive behaviour, they may be breaching organisational or professional standards, or causing reputational or relationship damage to people and organisations with whom they are associated.

In the case of the Lincoln students, the university immediately apologised for any offence caused and said the students’ actions were “inappropriate” and “clearly fall short of acceptable behaviour”. The matter was referred to the university’s disciplinary committee for investigation. Fifteen students were required to visit the Holocaust Research and Education Centre in Wellington, submit a 2000-word essay and pay a fine of \$200.

In the case of the Auckland Grammar School pupils, the school principal said there was “absolutely no justification for their immature and unthinking behaviour”. The five boys were required to return to the museum and apologise to staff and representatives of war veterans, who described them as “suitably contrite”.

In the case of MP Hone Harawira, the Māori Party initiated a process which involved his engagement with the party leadership, electorate representatives and tribal elders. The party initially asked him to consider becoming an independent MP, but the message from him and his electorate effectively ruled this out. After a two-week period of electorate meetings, during which he was asked to stay away from Parliament, an agreement was reached. This included the MP making a second, more comprehensive apology, the acceptance of new caucus protocols for public statements, and a further two-week absence from Parliament. Apart from exposure to criticism from his own party, parliamentary colleagues, electorate members and elders, the MP was also subjected to extensive public and media criticism.

The high number of approaches about Hone Harawira affects statistics relating to race-related complaints and enquiries for 2009. It is therefore necessary to consider the figures both with and without the 752 approaches about Hone Harawira.

Excluding the 752 approaches about Hone Harawira, there was a rise in the number of race-related complaints and enquiries in 2009 compared to the previous three years and as a proportion of all discrimination approaches:

2009	501	34.6%
2008	407	26.8%
2007	414	27.9%
2006	491	26.0%

The grounds of complaint of all race-related approaches are broken down as follows, including the percentage of overall complaints:

Colour	16	0.6%
Ethnic or national origins	237	9.5%
Race	252	10.1%
Racial disharmony	764	30.6%
Racial harassment	90	3.6%

The number of racial disharmony approaches was the highest of all grounds in 2009 (due to the Hone Harawira issue). The number of approaches on the generic ground of race has been the second most commonly cited ground of discrimination (following disability) since 2005. In 2009, it was the third most commonly cited ground following racial disharmony and disability. The number of race approaches has declined in the previous three years, but remained stable in 2009, with the same number of approaches as in 2008.

For the second successive year, there was a notable rise in the number of complaints and enquires received on the ground of ethnic or national origin: 237 received in 2009. This compares to 188 received in 2008, 142 in 2007, 144 in 2006 and 133 in 2005. In 2008, the Commission began collecting demographic information, where agreeable to complainants. The majority of complainants were from the main regions of Auckland, Wellington and Canterbury:

46 per cent from the Auckland region (38 per cent in 2008), 13 per cent each from the Wellington and Canterbury regions (17 and 13 percent respectively in 2008).

More approaches were made by European/Pākehā than any other group (49 per cent). This is significantly higher than the 18 per cent of approaches made by this group in 2008 (due to the large proportion of approaches about Hone Harawira made by people identifying as European/Pākehā). The second largest number of complaints came from Māori (12 per cent, down from 15 per cent in 2008), followed by Indian (six per cent, down from 12 per cent in 2008). Excluding the approaches relating to Hone Harawira, the proportion of approaches by European/Pākehā was 25 per cent, Māori 13 per cent, Indian seven per cent, and all Asian ethnicities 17 per cent.

Of the 1253 complaints and enquiries on race-related discrimination grounds, 86 were resolved at the first stage of contact, one more than in 2008 and three fewer than 2007. These matters were mainly enquiries requesting information or registrations of concern rather than complaints.

As in the previous two years, the majority of approaches (1128) were forwarded to the Commission's disputes resolution team for assessment and follow-up. The remaining 39 (seven more than in 2008) were referred to the Commission's policy team, as broader human rights matters, or to the Commission's external relations advisors.

GOVERNMENT AGENCIES

Part 1A of the Human Rights Act applies to discrimination by agencies or persons acting in accordance with legislation. Part 2 of the Act applies principally to the private sector, and includes the 752 approaches relating to Hone Harawira.

Excluding the Hone Harawira complaints, 22 per cent of the 2009 race-related complaints were classified as Part 1A, the same proportion as in 2008.

In 2009, five complaints of race-related discrimination under Part 1A related to the NZ Transport Agency's (NZTA) Foreign Jurisdiction Policy to support the requirements of section 29A of the Land Transport Act. This policy states applicants for certain drivers licence endorsements, who have spent more than 12 months in a foreign country since they were 14 years old, must disclose if they have any criminal convictions. It is particularly difficult for certain migrants, in

Hone Harawira email attracts record number of complaints

The racially offensive email sent by Māori Party MP Hone Harawira to Buddy Mikaere in November 2009 prompted many public responses. People sent complaints and expressions of concern to the Human Rights Commission, hundreds of emails to Māori Party leaders and other politicians, calls to talkback radio, and comments on media websites and social networking sites. According to the 2009 UMR State of the Nation report, the Hone Harawira story was the most followed news story for the month of November.

The large number of complaints resulted from encouragement by radio hosts for listeners to lodge complaints with the Human Rights Commission, the introduction of an electronic complaints form on the Commission's website, and direct links to the form provided in blogs and Facebook pages. The complaints form was accessed 191 times from nominister.blogspot.com on 7 November, and 226 times from a Facebook page called "Hone Harawira should be sacked" on 12 November. Overall, 412 complaints were received via the Commission's

online complaints form, 254 by email, 105 by phone, 29 by letter, seven by hard copy and seven by fax.

Of the complainants who provided demographic information, the majority were male, Pākehā, over 30 years of age and resident in the North Island, particularly Auckland, Wellington and the Bay of Plenty.

The highest previous number of complaints received by the Commission for any one issue was approximately 430 in March 1998. People felt the Virgin in a Condom exhibition at Te Papa, in Wellington, was religiously offensive. In recent years, the number of complaints about comments said to be racially offensive has included nine about Bridget Saunders' reference in her blog to Filipino accents (in 2009), 37 about Whakatane District Councillor Russell Orr's comments about Māori in Te Urewera (2007), 10 about National Party leader Don Brash's Orewa speech (2004), 24 about a NZ First pamphlet about immigration (2003) and 28 about Paul Holmes' description of UN Secretary-General Kofi Anan as a "cheeky darkie" (2003). In the Holmes case, many complaints were also lodged separately with the Radio Network and the Broadcasting Standards Authority.

particular refugees, to obtain this information. In one case, NZTA decided the complainant met the licence requirements after being notified of the complaint by the Commission. The Commission told the NZTA the complainant's situation differed from others, because he arrived in New Zealand at the age of 14 – before he could have had convictions. Three complaints were not progressed for a variety of reasons, and the remaining matter was put on hold while the Commission awaited the outcome of a similar case being considered by the High Court. In November, High Court Justice Williams ordered the NZTA to reconsider the application of Reza Moradi for a passenger endorsement on his license. If, because of their refugee status, a person is "engendered by persecution in their home country, unable to provide proof of lack of convictions, then ... the [NZTA], in this situation, is bound to accept a declaration such as that filed by Mr Moradi. To do otherwise ... is indeed to discriminate against a refugee contrary to the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990."

RACIAL DISHARMONY

There was a larger increase in the number of complaints received in 2009 under section 61 (exciting racial disharmony) than in any previous year, with 772 complaints received. However, the vast majority of these complaints (96 per cent) related to the email sent by Hone Harawira.

If the approaches about Hone Harawira are excluded from the race-related approaches for 2009, the proportion of racial-disharmony complaints is almost the same as in 2008. In 2009, 5.7 per cent of approaches cited racial disharmony, compared to 5.9 per cent in 2008. Nine of these related to a single issue, involving an op-ed piece about a business relocating its call centre to the Philippines. The author made negative comments about the language ability and accent of Filipino call-centre workers. These complainants were referred to the Press Council as a more appropriate avenue to progress their complaints.

EMPLOYMENT

The most common area for race-related complaints (after racial disharmony) was obtaining or retaining employment, with 206 complaints in this area. This accounted for 40 per cent of the approaches, excluding those relating to Hone Harawira. Although the number of employment approaches was slightly higher in 2009 than in previous years, the proportion decreased slightly, from 45 per cent of all race-related approaches in 2007 and 43 per cent in 2008.

As in previous years, a common type of complaint is bullying in the workplace because of a person's race. These accounted for approximately a quarter of the race-related employment approaches in 2009. Three were successfully resolved via mediation provided by the Commission. A number of complaints made reference to job advertisements that specified particular ethnicities or nationalities. Most of these were resolved by low-level intervention, where Commission mediators contacted the employers and explained their obligations under the Human Rights Act.

Thirty seven approaches relating to language were received in 2009, representing 7.4 per cent of race-related complaints. Just under 80 per cent of these approaches were in the area of employment or pre-employment. This is slightly lower than the 39 language-related complaints received in 2008, which represented 9.6 per cent of the race complaints. The 2009 complaints included a number relating to workplaces instituting English-only language policies, and several relating to people from other countries having difficulties because of their accent.

RACIAL HARASSMENT

Ninety approaches to the Commission (17 per cent if Hone Harawira approaches are excluded) involved allegations of racial harassment. This was higher than the low of 57 (14 per cent) in 2008, following higher numbers in previous years: 75 in 2007 (18 per cent) and 114 in 2006 (24 per cent).

For a matter to reach the threshold required by the Act, it must be repeated, or of such significance that it has a detrimental effect on the person complaining. It must have occurred in one of the areas of public life where the

Act applies. In most cases, the complaints did not reach the necessary threshold for the Commission to formally intervene. In many of these cases, the Commission is able to provide information and advice to assist complainants to address the issues themselves.

The majority of the approaches on the ground of racial harassment were in the area of employment, with 45 received in 2009. Although this represents an increase in the number of racial harassment approaches in employment, there has been a slight decline in the proportion of such approaches. Employment and pre-employment approaches represented 58 per cent of racial harassment approaches in 2009, compared to 61 per cent in 2008 and 68 per cent in 2007. Two of the 2009 complaints were successfully mediated using the Commission's disputes resolution process.

"No Asians need apply" job ad

While searching on an internet trading agency, a woman noticed a job advertisement that said "No Asians need apply". She saw the comment had been there for about a year and she emailed the agency to complain. The agency told her the comment would be removed immediately. A month later it was still on the website, so she complained to the Human Rights Commission. The agency removed the comment following contact from a Commission mediator. The agency notified the trader who had posted the ad that such language was unacceptable and against the website's regulations. The agency told the Commission there had been two unsavoury remarks placed by the trader, and they had removed the other one when the woman had first complained. Both parties were satisfied with the outcome.

In another advertisement, for a position in a call centre, applicants were told that they "MUST speak English as a first language". The Advertising Standards Authority upheld a complaint in November (after consulting the Human Rights Commission) for not complying with the Human Rights Act, not having been prepared with a due sense of social responsibility to consumers and society, and likely to cause serious or widespread offence by discriminating against a group of people on ethnic or national origins.

Barred for having a moko

Tattoo artist Mark Kopua was turned away from Christchurch's Bourbon Bar in September for having a traditional Māori moko. The security guard allegedly misinterpreted the moko as a form of gang identification, after several gang members had been turned away earlier that night. The bar owner subsequently apologised and said cultural tattoos were not a problem at the bar.

Since the well-known Kay Robin case of 2001, the Commission has received 25 complaints and enquiries about discrimination relating to tā moko. These have included employers and providers of goods and services clarifying their obligations under the Human Rights Act, people expressing their views about a woman denied employment because of her moko in 2005, and others simply seeking information. Of the 25 approaches, 15 related to the provision of goods and services (of which 14 related to bars and restaurants), four to employment,

two to government activity, two to educational establishments and two to accommodation and housing. Most of these approaches occurred between 2002 and 2005.

In another case resolved in 2009, a man was refused entry into a North Island nightclub because of a "no tattoos" policy. He felt this was a racist decision and that his facial moko should be acceptable as a symbol of his cultural identity. A confrontation developed between him and the club's bouncer and the police were called. The man contacted the Human Rights Commission, but the nightclub initially refused to attend mediation due to the man's aggressive behaviour. They eventually agreed to mediation after a recommendation from the Director of Human Rights Proceedings. The matter was resolved through an apology from the club owners, \$500 compensation, and the club changed its "no tattoo" policy to allow religious and cultural tattoos.

GOODS AND SERVICES

Approaches about the provision of goods and services almost doubled in 2009, with 112 received (21.9 per cent) compared to 60 in the previous year (14.7 per cent of race-related complaints).

Problems with service in bars, cafés and restaurants accounted for the majority of approaches in 2009 – 45 per cent of the race approaches in this area. The majority of these involved an incident widely reported in the media of a café in Invercargill that refused service to customers of Israeli nationality. The complaint was settled by the Commission via mediation. The Commission received a further 80 approaches about the initial issue and about a similar issue in Marlborough.

ACCOMMODATION

There was a decrease in the number and proportion of race-related approaches about accommodation in 2009, with 16 received (3.1 per cent, excluding approaches about Hone Harawira). In the past three years, accommodation has accounted for 6.3-6.5 per cent of approaches, with

31 received in 2006, and 26 in both 2007 and 2008.

Most of the complaints relate to people being denied accommodation, which they believed to be on the basis of race. Some of the cases were referred to the Tenancy Tribunal, which is a more appropriate agency to handle the issues raised.

EDUCATION

The number of race-related complaints about educational establishments has remained the same in the past three years, with 36 approaches received in 2009 (seven per cent), 37 in 2008 (nine per cent) and 35 in 2007 (eight per cent).

One case involved a female tertiary student criticised for wearing a headscarf as part of her Islamic faith. She felt her relationship at her course placement deteriorated after this, and caused her to fail the practical element of her assessment. The tertiary institution recognised she had been victimised and provided support, enabling her to do a further practicum and re-sit her paper.

Office of Human Rights Proceedings

In certain circumstances, people who have complained of breaches of the Human Rights Act (HRA) can apply to the Director of the Office of Human Rights Proceedings to provide legal representation at the Human Rights Review Tribunal.

In 2009, seven applications were made involving race, colour, or ethnic & national origins. Of those, five also referred to other grounds of discrimination (i.e. only two of the seven related solely to race and/or ethnic & national origins). The Director declined to provide representation to five of the seven applicants. Two of the seven applications are awaiting decisions.

Human Rights Review Tribunal

The Human Rights Review Tribunal (HRRT) made decisions in the following HRA cases that involved race and/or ethnic/national origins in 2009. The Office of Human Rights Proceedings did not represent any of the plaintiffs in these cases.

- Orlov v Ministry of Justice and Attorney-General [2009] NZHRRT 19 (21 July 2009) (Application by Defendant to Dismiss).

Plaintiff Evgeny Orlov, a Russian lawyer, said he had been a victim of unlawful discrimination of various kinds, including discrimination on the grounds of his ethical beliefs, ethnic or national origins and/or his political opinions. His allegations related to the conduct of a judge of the High Court of New Zealand, whom he had appeared before on a number of occasions. The claim relied on provisions of s.20J of the HRA, which include acts and omissions of the judicial branch of the Government of New Zealand. The Crown applied for the claim to be dismissed, saying it fell under s.92B(7) and s.79(3) of the HRA. While the HRRT was hesitant to dismiss two aspects of the claim due to insufficient information, they found the claims did not disclose a tenable claim of unlawful discrimination under Part 1A of the HRA. The HRRT dismissed Mr Orlov's claim.

- Orlov v Ministry of Justice and Attorney-General [2009] NZHRRT 28 (14 October 2009) (Decision on costs).

In November, the HRRT made its decisions on costs in Orlov v Ministry of Justice and Attorney-General. Costs were awarded against the plaintiff.

- Rerekura v Creative New Zealand, and Te Taura Whiri i te Reo Māori/ Māori Language Commission [2009] NZHRRT 26 (13 October 2009) (Issues relating to discontinuance and costs).

These were two separate claims by the plaintiff, dealt with in one HRRT decision. In the first claim, against Creative New Zealand, the plaintiff alleged unlawful discrimination on the grounds of race and ethnic origins. Mr Rerekura claimed he had been discriminated against in his application to Te Waka Toi (Creative New Zealand's Māori Arts Board) for funding to teach the art of whaikōrero (formal speechmaking) in the Manukau region, using the Ngāpuhi tradition. He claimed he was discriminated against and unable to access funding in the Manukau district because he was not from Tainui. Creative New Zealand denied the allegations, saying funding was refused for reasons related to an insufficiently supported application. Creative New Zealand rejected the view that the plaintiff's applications were declined because of iwi affiliation or geographical location.

In a separate claim against Te Taura Whiri i te Reo Māori – the Māori Language Commission, the plaintiff claimed the Commission's Mā Te Reo board declined his funding applications to teach whaikōrero due to discrimination on the basis of his educational qualifications. Mr Rerekura said he was treated unfairly compared to other less qualified applicants who had received funding. He referred to several earlier (and unsuccessful) applications he made for other projects. The Māori Language Commission asked for the case to be dismissed on the ground that "educational qualifications" is not a prohibited ground of discrimination under the HRA.

Complications arose relating to discontinuance and costs in both cases. In the second hearing, the HRRT concluded the plaintiff's claim against the Māori Language Commission would not be reinstated. Costs were awarded to the Māori Language Commission. The position was less clear in the Creative New Zealand case, as there were indications there may be evidence to support Mr Rerekura's claim. After examining the issues relating to discontinuance and costs, the HRRT decided the claim would not be reinstated, and costs were awarded to Creative New Zealand.

- *Alderson v Accident Compensation Corporation* [2009] NZHRRT 33 (15 December 2009) (Application by defendant to strike out).

The plaintiff came to New Zealand in 2002 as an immigrant from the United Kingdom. He said he was not made aware he should have made arrangements when his employment status changed from a salaried position to being self-employed. The plaintiff suffered an accident six months after becoming self-employed, but because of his modest earnings was only entitled to a low rate of compensation. He said if he had organised his affairs differently, he would have been entitled to much more. He claimed ACC contravened the HRA and he was a victim of discrimination because of his ethnic or national origins. He said he was disadvantaged because ACC did not take any opportunity to provide him with the relevant information. ACC applied for the claim to be struck out. The HRRT noted several difficulties with the case, but decided to strike out the plaintiff's claim, on the basis he was free to file fresh proceedings.

Priorities 2010

- Encouraging people to share stories of discrimination, harassment and abuse (in the workplace, education sector, health sector and communities).
- Countering the relatively high incidence of discrimination against Asian New Zealanders, through government, businesses, school and community action.
- Ensuring the safety of international students, including effective reporting mechanisms, through the education sector, police and local government action.
- Collecting data on racially motivated crime, as recommended by the United Nations Periodic Review and Committee on the Elimination of Racial Discrimination.
- Formally welcoming and acknowledging international students and temporary migrant workers in communities (for example, at Race Relations Day events).

5. Te Tiriti o Waitangi Treaty of Waitangi

What happened in 2009?

- A review of the Foreshore and Seabed Act 2004 recommended repealing the Act and establishing an alternative regime.
- The recommendation of the Royal Commission on Auckland's governance to establish dedicated Māori seats on the Auckland "super city" council was rejected by the Government.
- The New Zealand Geographic Board voted to change the spelling of Wanganui to Whanganui and the Minister for Land Information approved the use of both names.
- A national Māori flag for Waitangi Day was chosen following nationwide consultation hui, and the Government announced it would be flown from selected public buildings in 2010.
- The Waitangi Tribunal registered its 2236th claim; released three pre-publication reports on aspects of the Urewera, Whanganui ki Tararua district inquiries; and heard under urgency claims by East Coast claimants concerning their recognition in the Ngāti Porou settlement, on which the Tribunal is preparing its report.
- Crown-iwi hui were held to discuss how best to achieve the 2014 Treaty settlement goal.
- Six Agreements in Principle and two Deeds of Settlement for historical Treaty claims were made. Settlement legislation was passed for the Taranaki Whānui ki te Ūpoko o te Ika claims. The Ngāti Apa Settlement Bill and the Whanganui On-account Settlement Bill received their first readings.
- Waikato River co-management arrangements were reviewed and Waikato-Tainui signed a Deed of Settlement with the Crown for their river claims.
- A further two recognised iwi organisations were mandated under the fisheries settlement legislation, bringing the total to 50 out of 57.
- Consultation occurred for five new mātatai reserves on the west coast of the South Island.
- Ten iwi and the Crown signed a Deed of Settlement for commercial aquaculture claims in Hauraki and the South Island.

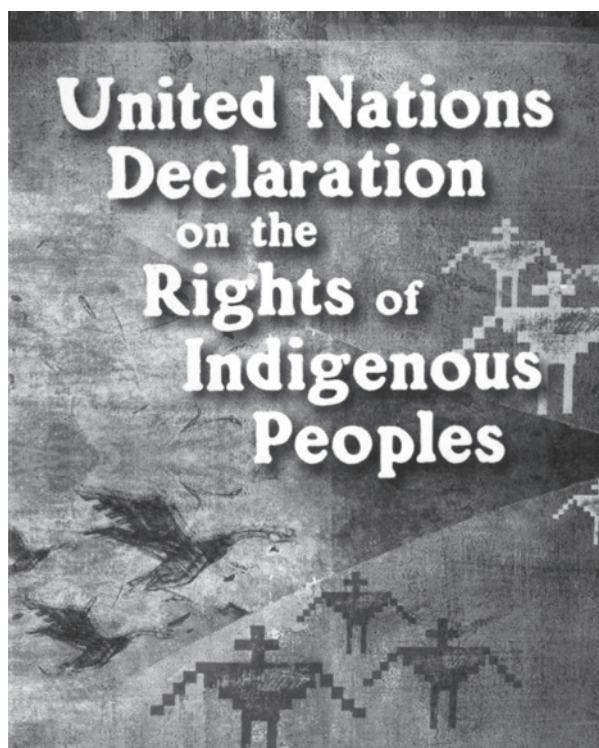
- The Māori Trustee was established as a stand-alone entity, separate from Te Puni Kōkiri.
- A Taskforce on Whānau-centred Initiatives was established to promote whānau well-being (whānau ora).
- Concessions for some iwi were included in the proposed Emissions Trading Scheme.
- A public opinion survey found the number of New Zealanders who had a good understanding of the Treaty rose from 34 per cent to 41 per cent. Fifty six per cent viewed the Treaty as New Zealand's founding document.

HUMAN RIGHTS AND THE TREATY

The United Nations Human Rights Council conducted its Universal Periodic Review (UPR) of New Zealand's human rights performance, in May 2009. Many of the recommendations from the UPR related to the Treaty of Waitangi and were drawn from the United Nations Committee on the Elimination of Racial Discrimination's (CERD) 2007 recommendations.

Among several recommendations made in its 2007 review of New Zealand, CERD recommended New Zealand:

- continue the public discussion over the status of



the Treaty of Waitangi, with a view to its possible entrenchment as a constitutional norm

- ensure the Treaty of Waitangi is incorporated into domestic legislation where relevant
- consider granting binding powers to adjudicate Treaty matters to the Waitangi Tribunal
- renew Crown-Tangata Whenua dialogue on the Foreshore and Seabed Act 2004.

In 2009, the UPR recommendations reiterated a number of the CERD recommendations. New Treaty-related recommendations in 2009 included reviewing New Zealand's stance on the Declaration on the Rights of Indigenous Peoples, and engaging with Māori on the realisation of indigenous rights.

In September, the Government indicated it was reviewing its previous position on the Declaration on the Rights of Indigenous Peoples. By the end of 2009, however, no further statement had been made.

CROWN-TANGATA WHENUA RELATIONSHIPS

The Crown-Tangata Whenua relationship took a new turn after the 2008 election, when the National Party reached a confidence and supply agreement with the Māori Party. Under the terms of that agreement, Māori Party leaders were given ministerial roles outside Cabinet, as Minister of Māori Affairs and Minister for the Community and Voluntary Sector, with associate roles in health, disability, education, corrections, social development and employment.

In 2009, the Foreshore and Seabed Act 2004 was reviewed, and plans for a constitutional review in 2010 were put in place. Initiatives, including holding hui to canvas Māori responses to the recession, establishing a Māori economic taskforce, establishing a Whānau-centred initiatives taskforce, selection of a Māori flag for Waitangi Day and agreement of concessions in the Emissions Trading Scheme were carried out.

The relationship also generated tension: over the inclusion of Māori seats in the new Auckland super city council; whether all Māori would benefit from concessions for five iwi included in the Emissions Trading Scheme; and remarks made by Hone Harawira, MP for Te Tai Tokerau, in an email to a supporter.

SOCIAL AND ECONOMIC INITIATIVES FOR MĀORI

As a result of the confidence and supply arrangement, the Government led or sponsored a range of initiatives (many of which will be discussed in greater detail in the chapters on economic and social rights, and the media). These included:

- a Māori economic workshop and a Māori jobs summit in response to the recession
- a Government summit on addressing the drivers of crime
- a bid to secure the free-to-air rights for televising the 2011 rugby World Cup by Māori Television, in conjunction with TVNZ and TV3
- the Māra Kai (community garden) programme
- Māori in Industry and Trades training
- a whānau-centred initiatives taskforce, which focuses on whānau ora (whānau well-being) to advance and improve outcomes for Māori. In November, Cabinet approved the roll-out of the policy, beginning in the health sector
- concessions relating to the transfer of over 35,000 hectares (86,500 acres) in conservation land to five iwi, to plant trees for carbon credits in the new Climate Change Response (Moderated Emissions Trading) Amendment Act.

TASKFORCE ON WHĀNAU-CENTRED INITIATIVES AS A TREATY-BASED INITIATIVE

Whānau ora is the overall aim of He Korowai Oranga – the Māori Health Strategy. It is also an important driver for whānau well-being in other social sectors, such as education, employment and housing. It can be interpreted as “Māori whānau supported to achieve their maximum health and well-being.” The Whānau Ora programme takes a holistic approach to people's lives – from the physical well-being of the family through to their housing, education and employment situations. In June, Cabinet approved the establishment of the Taskforce on Whānau-centred Initiatives. It agreed to develop Whānau Ora initiatives that advance and improve outcomes for Māori. The taskforce will report back to government in early 2010.

In November, Cabinet approved the roll-out of the policy beginning with the health sector. Te Puni Kōkiri has outlined its prioritised strategic direction for the next three years as advancing both whānau ora and tino rangatiratanga or “a

reflection of key dimensions of the Treaty of Waitangi". In its strategic plan to 2012, Te Puni Kōkiri links both priorities to the "essential bargain" contained in the Treaty – the exchange of active protection for the Crown's authority to govern. Active protection is at the heart of the holistic Whānau Ora approach to family health and well-being.

RECOGNITION OF A NATIONAL MĀORI FLAG FOR WAITANGI DAY

Since 2007 tensions have arisen over Transit New Zealand's refusal to fly the red, black and white tino rangatiratanga flag alongside the New Zealand flag on the Auckland harbour bridge on Waitangi Day. Māori groups made the request, seeking the recognition and use of a Māori flag on Waitangi Day to acknowledge and celebrate the Treaty partnership. In January, the new Minister of Māori Affairs publicly called for the flag to be flown on the bridge. The Prime Minister asked the Minister to consult with Māori on the issue. If Māori could agree on which flag should be flown on Waitangi Day, that flag could fly not only from the harbour bridge but also from a number of public buildings. The Ministry of Māori Affairs conducted 21 consultation hui around the country, asking participants to choose their preferred flag from four options: the Flag of the Independent Tribes of New Zealand (which dates back to 1834); the existing New Zealand flag; the New Zealand Red Ensign (flown by New Zealand ships and historically a common gift to Māori from the Crown that continues to have significance today); and the Māori or tino rangatiratanga flag (dating from 1989). Participants were asked whether the flag should only fly on Waitangi Day or on other national occasions as well.

There was strong interest among Māori and other interested New Zealanders, with over 1200 submissions received. There was overwhelming support for the tino rangatiratanga flag as the preferred Māori flag, with 80 per cent of respondents supporting it. In addition, 72 per cent of respondents indicated their interest in flying the preferred Māori flag on other days of national significance as well as Waitangi Day.

In December, the Prime Minister and the Minister of Māori Affairs announced the preferred Māori flag would fly from various government sites on Waitangi Day from 2010. They stressed the flag in no way detracted from the importance

of the New Zealand flag as a symbol of the country. Te Puni Kōkiri and the Ministry for Culture and Heritage have published guidelines for flying the preferred Māori flag and its relationship with the New Zealand flag.

REVIEW OF THE FORESHORE AND SEABED ACT 2004

In 2003, the Court of Appeal decision in *Ngāti Apa v Attorney-General* said legislation must be explicit if it is to extinguish customary rights to land, or, in this case, the foreshore and seabed. The subsequent controversy led to the passing of the Foreshore and Seabed Act in 2004, which vested title to the foreshore and seabed in the Crown and effectively extinguished Māori rights. It did provide for a settlement process and a few iwi reached agreements with the Crown.

A review of the widely criticised Act was conducted in early 2009. Following a series of nationwide consultation hui, the panel reported in July that the Act should be repealed and a replacement Act developed. The panel recommended that a new Act should be based on the Treaty of Waitangi partnership and should acknowledge customary rights in any particular area belong to hapū and iwi, that they are property rights and as such should not be lightly removed. Further recommendations included restoring access to the courts to determine customary rights through them, and provision for reasonable access. The panel proposed two options for the apportionment of customary and public interest: regional or national settlements or a mix of the two. The Government has indicated that the Act is likely to be repealed. Both the Government and iwi are now considering ways forward for its replacement, and a decision is expected in 2010.

MĀORI REPRESENTATION ON THE AUCKLAND "SUPER CITY" COUNCIL

The Royal Commission on Auckland Governance was established by the Government in October 2007 to respond to growing concerns about local government arrangements in Auckland. In March, the Royal Commission recommended one unitary Auckland council be established. In addition to the mayor, it recommended the council comprise 23 councillors, two of whom should be elected by voters on the Māori electoral roll, and one of whom should be

appointed by mana whenua through a specified mechanism. The Royal Commission consulted extensively with Māori on this point, taking into account Treaty of Waitangi obligations and the requirements of the Local Government Act 2002. It concluded Māori should have a certain number of specific safeguarded seats at regional level.

Legislation was drafted in response, providing for one unitary Auckland Council as the first tier of governance; one mayor for Auckland with enhanced governance powers; 20 councillors from wards, to sit on the governing body of the Auckland Council; and 20 to 30 local boards across the region as the second tier of governance. The draft legislation did not make provision for the Royal Commission's recommendations for Māori representation.

By the end of June, the select committee on Auckland Governance had received 2489 submissions on the proposed Local Government (Auckland Council) Bill. In July, a Māori subcommittee of the select committee was set up to hear submissions on the issue of Māori representation. Before the subcommittee had considered the submissions on Māori representation, Cabinet confirmed its decision not to proceed with the three Māori seats. Instead, it agreed to provide for the establishment of an independent Māori statutory board at the second level of governance.

WANGANUI OR WHANGANUI?

In February, Te Rūnanga o Tūpoho brought a proposal to the New Zealand Geographic Board (NZGB) under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 to change the spelling of Wanganui city to Whanganui. The Rūnanga's reasons for the proposal included: changing the city's name was a logical step, following the name change of the river and district, early evidence of the name's usage, and evidence of growing usage of Whanganui within the city. After hearing evidence, the NZGB provisionally decided in March to uphold the Rūnanga's proposal and change the name. Given the strong feelings about the issue, however, the NZGB held a three-month public consultation on the decision, which began in May.

There were complicating factors involved in making this decision:

- The town did not have an official name.
- There was a lack of local agreement on the appropriate spelling of the town's name. In 2006 and in 2009, referenda were held – approximately half the local body electorate supported the name Wanganui. Tangata Whenua of the local area held a different view and believed the name should be spelt Whanganui, as is the river.
- The name originally given to the town by early European settlers was Māori rather than English. This was while the written form of the Māori language was still evolving and had not yet been standardised.
- There is a general trend throughout New Zealand, particularly in respect of the settlement of historical Treaty claims, for original Māori place names to be restored or corrected.
- The name change proposed for Wanganui was more difficult than that of, for example, Taranaki – Mt Egmont, as the proposal concerns the spelling of one name rather than changing between two different names.
- The spelling of the name had become confused with the Māori pronunciation of the name, particularly as the local Whanganui dialect does not pronounce Wh as an F sound, as in other parts of the country.

After the consultation closed in August, the NZGB released the results: 444 against the spelling change and 436 in support, with nine neutral submissions. In September, the NZGB accepted the proposal that Wanganui city be spelt Whanganui. This decision was greeted with both praise and condemnation. While Tangata Whenua in the Whanganui area and Māori Party MPs welcomed the decision, a UMR research poll of 750 people found 62 per cent preferred Wanganui, 23 per cent Whanganui and 13 per cent were undecided. The last time UMR polled on the same issue, in April 2009, 59 per cent preferred Wanganui and 30 per cent wanted the H in the name.

The final decision on the naming of the city rested with the Minister for Land Information. The NZGB recommended a minimum 12-month transition period be applied – during which both names could be used – to support the name change.

The Minister announced his decision in December: the official name for the city of Wanganui is now both Whanganui or Wanganui. The Minister said this would enable people to use the spelling they prefer. Crown agencies are expected to move to the spelling Whanganui, updating signage, publications and official documents as part of their normal business cycle.

The hearing of Treaty claims

WAITANGI TRIBUNAL

The Waitangi Tribunal is an independent Commission of Inquiry, established by the Treaty of Waitangi Act 1975. It inquires into claims brought by Māori into acts and omissions of the Crown that are alleged to have breached the Treaty of Waitangi. Tribunal panels are drawn from a pool of 20 members, four of whom had their warrants renewed in 2009, and inquiries are usually presided over by a judge of the Māori Land Court.

Following the 2008 appointment of Justice Joe Williams to the High Court, in August 2009 Judge Wilson Isaac was appointed Chief Judge of the Māori Land Court and, in September, as the new chairperson of the Tribunal.

PROCESSING HISTORICAL CLAIMS RECEIVED IN 2008

The Tribunal has spent much of 2009 processing new claims it received prior to the 1 September 2008 deadline for the lodging of historical claims. More than half of the new claims came from districts preparing for or under inquiry. During the year to 31 December 2009, 715 of the pre-deadline claims were registered, bringing the Tribunal's register to 2236 registered claims. The Tribunal is working on processing the new claims.

REPORTS PUBLISHED

As at 31 December 2009, the Tribunal had reported on 15 of its 37 inquiry districts, covering 71 per cent of New Zealand's land area. In 2009, the Tribunal continued to release parts of its reports on several of its major district inquiries that had completed hearings, in pre-publication format. By reporting in stages on key claim issues, this innovation aims to assist the claimants and Crown in advancing their settlement negotiations.

Te Urewera – Part One: Tribal landscape

This was a pre-publication version of part one of the Tribunal's report into the Treaty claims of the iwi and hapū of Te Urewera. It was released in April to assist the Crown and claimants in settlement negotiations. Part one of the report examines the tribal landscape of the Urewera region, describing the tribes, their origins and settlement, their values, beliefs and ways in which they exercised authority over their lands. The Tribunal found that Te Urewera tribes did not sign the Treaty of Waitangi and were offered no real opportunity to do so. In the period to 1865, the Tribunal found the peoples of Te Urewera were not in any real sense governed by the Crown. The report also examines the confiscation of Tūhoe land in the 1860s.

Whanganui – Aspects of the Wai 655 Claim

In July, the Tribunal released a report on aspects of the Wai 655 (Ngā Wairiki) claim at the request of the claimants and in response to the imminent Ngāti Apa Settlement Bill. The claimants wanted the Tribunal to express its views on their evidence before the Bill enacting the settlement was passed. The Tribunal found that in 1849 the Crown overlooked the separate identity of Ngā Wairiki in arranging the Rangitikei-Turakina purchase. In doing so, it prejudiced the ability of Ngā Wairiki to survive as a separate group.

Wairarapa ki Tararua – Public Works

Also in July, the Tribunal released a pre-publication version of its chapter on public works from the forthcoming Wairarapa ki Tararua district inquiry report. This chapter focuses on the Okautete school lands and buildings. The Tribunal recommended the school buildings and school house also be returned, as the site had already been given back to the local Māori community. The Tribunal found public works legislation should be changed to forbid the compulsory acquisition of Māori land in all but the most extreme situations.

PROGRESS IN INQUIRIES

Of the 22 inquiry districts that have not yet been fully reported, a further 15, covering 21 per cent of New Zealand's land area, are in hearing or report writing, or are preparing for inquiry. In the remaining seven districts, major tribal groups have settled or are in settlement negotiations.

without a Tribunal inquiry. The 10 inquiries listed below – some of which combine more than one district – are currently active.

Te Paparahi o Te Raki (Northland) Inquiry

The Tribunal has held six consultative judicial conferences on inquiry process options in the Northland region since December 2005. This area comprises five inquiry districts with over 600 claims. In 2009, judicial conferences were held on 30 March and 18 May to prepare the way for the first round of hearings. The initial hearings were scheduled for October 2009 but, on the initiative of the claimants, have since been postponed until 2010. These are to focus on understandings of Te Tiriti o Waitangi and He Wakaputanga o te Rangatiratanga o Niu Tirenī (the 1835 Declaration of Independence).

East Coast Inquiry

The East Coast district Inquiry comprises well over 250 claims from Ngāti Porou and other iwi and hapū, including Uepohatu, Ruawaiipu, Te Aitanga a Hauiti and Te Whānau ā Apanui. The inquiry covers an area from Gisborne to just south of Cape Runaway in the north, and inland to the Raukumara Range and the Waipaoa River. Issues include the East Coast “civil war”; Crown and private purchases of East Coast land in the 19th century and the operations of the Native Land Court; Crown and private purchases in the 20th century and land rating issues; the provision of social services; and environmental and resource issues. The inquiry is in its research phase, with most of the research reports for the evidential casebook filed at the end of 2009.

At the end of November, the Tribunal granted the request of Te Aitanga a Hauiti, Ruawaiipu and Ngāti Uepohatu claimants in the inquiry district for an urgent inquiry. This challenged the mandate of Te Rūnanga o Ngāti Porou to represent them in negotiations for a Treaty settlement. The Wai 2190 urgent inquiry focuses on the ways their distinct identities, lands and resources are provided for in the Ngāti Porou settlement. A three-day hearing into how the Crown has recognised the three groups in the settlement took place in December.

Te Rohe Pōtae (King Country) Inquiry

The Te Rohe Pōtae Inquiry encompasses the area on the west coast of the North Island to the northwest of Lake Taupo. It involves over 250 claims from Ngāti Maniapoto and other iwi and hapū, including Ngāti Haua and Ngāti Raukawa. Major issues in the inquiry include the Crown’s relationship with the Kingitanga movement and the creation of the Rohe Pōtae; the construction of the main trunk railway through the district; the operation of the Native Land Court and the alienation of Māori land in the 19th century; the management of Māori land in the 20th century; waterways; environmental impacts; and public works takings. The research programme for the inquiry was confirmed in January 2008 and the boundary finalised in May 2008. This inquiry is in an active research phase. In July 2009, a judicial conference and a workshop for claimants’ were held in Te Kuiti. Initial hearings of claimant oral evidence will commence in the first half of 2010.



Prime Minister John Key with Ngāti Tūwharetoa paramount chief Tumu Te Heuheu, Pukawa, December 2008. ©NZPA

National Park Inquiry

The National Park Inquiry comprises about 40 claims and encompasses Tūwharetoa, Ngāti Hikairo, Ngāti Rangī, Ngāti Haua, and several other iwi and hapū. It covers an area from just south of Turangi to north of Ohakune, and from the main trunk line in the west to State Highway 1 in the east. This includes most of Tongariro National Park, including the mountains Tongariro, Ruapehu and Ngāuruhoe. The main issues in the inquiry include: the operations of the Native Land Court in the district; the alleged “gift” of the mountain

peaks by Tūwharetoa paramount chief Te Heuheu Tūkino in 1887; the management of the national park; and the Tongariro Power Development scheme. The final hearings were held in July 2007. The Tribunal indicated it expects to release the report in 2010.

Tauranga Moana Inquiry

In the Tauranga district, the Tribunal conducted a two-stage inquiry into more than 60 claims. This related to an area that extends from the Kaimai ranges to the Bay of Plenty coast, and from Athenree to Papamoa. The inquiry included claims concerning the offshore islands of Motiti and Tuhua (Mayor Island). The boundary of the inquiry almost equals that established in the Tauranga District Lands Act 1868, which defined the Tauranga lands liable to confiscation. Stage one of the inquiry investigated issues relating to the military operations in Tauranga in the 1860s, the associated raupatu (confiscations) and their immediate aftermath. A report on stage one was issued in 2004. Stage two concluded hearings of post-1886 issues in 2006, embracing claims about the administration and alienation of land returned to Tauranga Māori; development issues; urbanisation and local body rates; and the environment and local government planning. A stage two report is currently being prepared, for release in 2010.

Te Urewera Inquiry

Most of the claims in this inquiry are from Ngāi Tūhoe. Other claimant communities involved include Ngāti Whare, Ngāti Manawa, Ngāti Ruapani, Ngāti Haka Patuheuheu and Ngāti Kahungunu. The main issues in the inquiry include the military conflict of the 1860s and the ensuing raupatu; the political relationship between the Crown and Urewera Māori; land administration and alienation, including the Urewera District Native Reserve Act, Crown purchasing, and the Urewera consolidation scheme; environmental issues and the creation of the Urewera National Park; and socio-economic issues. The first part of the report was released in April 2009 and further parts are expected to be released in 2010.

The Wairarapa ki Tararua Inquiry

The Wairarapa ki Tararua Inquiry district covers the area between the Ruahine and Tararua ranges and the Wairarapa coast up to the Tararua District Council boundary north of

Cape Turnagain and Norsewood. The inquiry encompasses more than 20 claims, filed by members of Ngāti Kahungunu and Rangitāne hapū and other claimant groups. Main issues include the relationships between the Crown and Māori from 1840-1900; pre-1865 Crown purchases; native land laws and the Native Land Court; non-agrarian resources and the environment, with a particular emphasis on Wairarapa Moana (Lakes Wairarapa and Onoke/Ferry); rivers, foreshore and seabed, and environmental management and degradation; loss of land and resources in the 20th century; management of heritage sites of cultural significance; the environment; the coast; and the taking of land for public purposes. The Tribunal has released a pre-publication version of its findings on public works claims, and is expected to release its full report in the first half of 2010.

The Indigenous Flora and Fauna and Māori Intellectual Property (Wai 262) Inquiry

The Indigenous Flora and Fauna Inquiry is a claim to rights in respect of mātauranga Māori, or Māori knowledge, and indigenous flora and fauna. The claimants consider these rights are guaranteed under the Treaty of Waitangi. This claim raises complex issues of intellectual property rights, which will impact on many areas of government policy. Closing submissions were heard in 2007 and the inquiry is now in its report-writing phase. The Tribunal's report is expected to be released in the first half of 2010.

The Whanganui Inquiry

The Whanganui Inquiry encompasses over 70 claims, covering an area stretching from the mouth of the Whanganui River to just north of Taumarunui. Claims relate to the early purchase of Whanganui lands by the New Zealand Company; the Native Land Court and Crown purchasing of Māori land in the 19th and early 20th centuries; the vesting and management of land in the 20th century; takings for public works, particularly for scenery preservation; the foundation of the Whanganui National Park; the main trunk railway line; the creation and management of native townships; and issues of authority and kaitiakitanga of the environment. Hearings in this inquiry concluded in December 2009. The Tribunal released a pre-publication report on findings related to the Ngā Wairiki claim in July 2009. It also conducted a remedies process, designed to assist specific discrete claims towards

early resolution. In a further innovation, it convened an expert forum of claimant, Crown and Tribunal historians. This produced a statement of agreements and differences in June 2009, on a range of issues, designed to assist the parties in formulating their positions.

The Taihape (Wai 2180) and Porirua ki Manawatū (Wai 2200) Inquiries

The Tribunal held a regional conference in April 2009 following a number of requests from claimants in the Taihape, Rangitikei-Manawatū and Horowhenua-Kapiti inquiry districts. Most participating claimant groups indicated their support for a Tribunal inquiry. Subsequent consultation and a second judicial conference led to a Tribunal decision in September to convene two district inquiries—one to the north, in the area surrounding Taihape, and the other to the south, in the coastal corridor from Porirua to the Whangaehu River and inland to the Tararua range. Research for both inquiries has begun.

Settlement of Treaty claims

The Government has developed a number of processes for the settling of Māori claims under the Treaty of Waitangi. Those that relate to acts and omissions of the Crown before 21 September 1992 are known as historical claims and are negotiated between claimant groups and the Office of Treaty Settlements (OTS). Those relating to Crown actions on or after 21 September 1992 are known as contemporary claims and are negotiated between claimant groups and relevant government departments.

A process was established for settling claims to the foreshore and seabed under the Foreshore and Seabed Act 2004. These negotiations were suspended in 2009 while a review of the Act was conducted.

In 2004, a Māori Commercial Aquaculture Claims Settlement Act was passed. This enabled claimant groups to negotiate settlements with the Crown for the equivalent of 20 per cent of all marine farming space created around New Zealand's coasts and harbours since 21 September 1992.

PROCESS FOR ACHIEVING SETTLEMENT BY 2014

The new Government committed to the settlement of all historical Treaty claims by 2014, six years earlier than the previous Government's deadline of 2020. In 2009, work

towards achieving this goal involved consulting on and streamlining the negotiation process.

In January, the new Minister for Treaty of Waitangi Negotiations visited a number of claimant groups to discuss the various issues they faced in settlement negotiations.

In April, the Crown, OTS and representatives of claimant groups involved in the negotiations process met to discuss how to maintain and increase momentum in settling historical claims. A national hui held in Auckland – Te Kōkiri Ngātahi (Moving Forward Together) – was attended by more than 120 representatives from over 60 claimant groups, government ministers, and representatives of other parliamentary parties. The Prime Minister told the hui settling historical claims was a priority for the Government and greater flexibility in the process would assist the Crown to reach its goal. The Crown presented seven proposals to improve the negotiation and settlement process. Some of these included ways claimant groups could organise themselves and their claims, and how the Crown could assist groups to find their own solutions in areas where there could be sticking points preventing settlement (such as disputes over mandates and over-lapping claims). These proposals were discussed by claimant representatives. Feedback on those ideas, as well as input from claimant groups based on their own experiences in the negotiation process, were discussed following the Crown's presentations.

In the May budget, an increase in funding was announced for Treaty settlements of an extra \$22.4 million over the next four years, to assist the Government meet its settlement goal of 2014. This includes an increase in funding for iwi not funded by the Crown Forestry Rental Trust. It also includes resourcing to increase OTS's capacity to conduct negotiations. This will allow the Government to enlist more facilitators and chief Crown negotiators with the experience to conduct negotiations at a high level, a proposal from the first hui that was strongly welcomed by claimant groups.

A further national hui on the future of Treaty settlements attended by over 200 iwi, hapū and Crown representatives, was held in June. The hui discussed responses to a number of proposals put forward at the April hui by the Crown and

claimants about improving the settlement process. Some of the ideas are being investigated to see if they can hasten the settlement process. One of the ideas is in progress already. Te Puni Kōkiri is piloting an Iwi Secondment Programme, where staff are sent to assist iwi prepare and settle historic Treaty claims. So far, one person has been seconded to assist Te Aupouri, a member of the Te Hiku Forum.

Historical claim settlements

A Treaty settlement is an agreement between the Crown and a Māori claimant group to settle all of that group's historical claims against the Crown. OTS is responsible for negotiating settlements on behalf of the Crown and oversees their implementation. OTS also manages a portfolio of Crown properties that are available for use in future settlements.

The negotiation of a Treaty settlement follows a number of key milestones. First, a group's mandate to negotiate with the Crown is recognised. Then Terms of Negotiation are signed, which establish a framework for negotiating the settlement. Groups in negotiation then work towards an Agreement in Principle, which sets out the major details of the redress package. A settlement typically includes an historical account, acknowledgement of Treaty breaches, apology from the Crown, and a package of commercial and cultural redress. After the final details of the redress package have been agreed, a Deed of Settlement is signed by both parties. The passing of settlement legislation is the last step before a settlement is implemented.

In addition to the groups below who have reached major milestones in the settlement process, a further eight groups are working towards an Agreement in Principle, and 13 towards a Deed of Settlement.

REDRESS AND TRANSFER OF ASSETS

Central North Island Forests Land Collective Settlement

A ceremony in Turangi in July marked the transfer of approximately \$450 million in land and cash to eight central North Island iwi – Ngāti Tūwharetoa, Ngāti Whakaue, Ngāi Tūhoe, Ngāti Whare, Ngāti Manawa, Ngāti Rangitīhi, Raukawa and the Affiliate Te Arawa Iwi and Hapū – completing the largest single settlement of historical grievances by the Crown. The transfer completes the Crown's key obligations under the terms of the Central

North Island Forests Land Collective Settlement Act 2008.

The 176,000 hectares and \$280 million in cash have been transferred to CNI Iwi Holdings Ltd, owned by the eight iwi that make up the Central North Island (CNI) Iwi Collective. The Crown holds a 10 per cent shareholding on behalf of groups who are not members of the collective and may have historical claims to the land.

Affiliate Te Arawa Iwi and Hapū

In August, Prime Minister John Key delivered a formal apology from the Crown to the Affiliate Te Arawa Iwi and Hapū as part of their settlement. Te Pūmāutanga o Te Arawa represents approximately 24,000 people of 11 Te Arawa Iwi and Hapū, whose area of interest covers over 500,000 hectares.

SETTLEMENT LEGISLATION

Taranaki Whānui ki te Ūpoko o te Ika

In July, the Port Nicholson Block (Taranaki Whānui ki Te Ūpoko o te Ika) Claims Settlement Bill was enacted. Taranaki Whānui ki Te Ūpoko o te Ika is a collective of Taranaki iwi – including Te Atiawa, Taranaki, Ngāti Tama and Ngāti Ruanui – whose ancestors migrated to Wellington in the 1820s and 1830s and signed the Port Nicholson Block Deed of Purchase in 1839. The settlement covers the area of the former Port Nicholson block, an area of 271,000 hectares spanning what is now Wellington and the Hutt Valley. Their claims related to the Crown's role in the sale of land within the Port Nicholson block, the displacement of Taranaki Whānui ki Te Ūpoko o te Ika from their traditional lands, and acts and omissions that impeded establishment and administration of their tenths reserves. The redress package includes \$25 million and options to purchase a number of Crown properties in the Wellington region.

Ngāti Apa (North Island)

Legislation to give effect to the Deed of Settlement signed by the Crown and Ngāti Apa (North Island) in October 2008 was introduced into the House in August 2009. Ngāti Apa's claims relate to the Crown's purchase of the Rangitikei-Turakina block in 1849, which included the Crown's failure to protect 35,000 acres of reserves set aside from this transaction. Their claims also relate to the operation and impact of the native land laws, which contributed to the erosion of traditional tribal structures, and resulted in the

gradual alienation of nearly all Ngāti Apa's remaining land. The total package is worth approximately \$16 million and includes the transfer of a number of sites of cultural significance and the opportunity to purchase 6500 hectares of Crown land.

Whanganui Iwi (Wanganui (Kaitoke) Prison and Northern Part of Wanganui Forest) On-account Settlement Bill

In November, the Whanganui Iwi (Wanganui (Kaitoke) Prison and Northern Part of Wanganui Forest) On-account Settlement Bill was introduced into the House as a companion measure to the Ngāti Apa settlement legislation. This Bill gives effect to aspects of the on-account settlement signed by the Southern Whanganui Cluster/Tūpoho working party on behalf of Whanganui Iwi and the Crown on 31 July 2009. This Bill protects Whanganui Iwi interests in the northern part of the Wanganui Forest and the half-share in the land under the Wanganui Prison. The agreement by the Crown to enter into an on-account settlement was an outcome of discussions between North Island Ngāti Apa and the working party. These discussions addressed concerns Whanganui Iwi had with aspects of the North Island Ngāti Apa settlement. The settlement provides the working party with the opportunity to acquire a half-share in the land under the Wanganui Prison and a half-share of the Wanganui Forest not offered to Ngāti Apa. This arises only if Ngāti Apa decide to select their share of these two assets. The value of the assets transferred in this settlement will be taken into account when the Crown makes an offer of redress for the final settlement of the Whanganui historical claims.

DEEDS OF SETTLEMENT

Ngāti Whare

In December, Ngāti Whare – part of the CNI Iwi Collective – signed a Deed of Settlement with the Crown for the remainder of their claims. These claims relate to the Crown's military actions in the Urewera between 1866 and 1870; post-1865 land alienation; the impact of the Native Land Court and Crown purchasing; the failure to correctly implement the Urewera District Native Reserves Act 1896; consolidation and development schemes; Crown corporatisation and its effects; and environmental issues. The package contains mechanisms to provide cultural redress.

Ngāti Manawa

In December, Ngāti Manawa – also part of the CNI Iwi Collective – signed a Deed of Settlement with the Crown for the remainder of their claims. Ngāti Manawa claims concern the Kaingaroa Plains and the upper Rangitaikī River. They relate to the New Zealand Wars, the operation of the native land laws, Crown purchasing techniques and 20th-century land, and river and forestry development.

AGREEMENTS IN PRINCIPLE

Ngāti Whātua o Kaipara and Ngāti Manuhiri

In December, separate Agreements in Principle were signed between the Crown and Ngāti Whātua o Kaipara, whose rohe territory is located in south Kaipara, and the Crown and Ngāti Manuhiri, an iwi located in the eastern coast of North Auckland and Mangawhai to Whangaparaoa. These agreements have resulted from a regional negotiation approach to the Kaipara area.

The Ngāti Whātua o Kaipara claims relate to land lost through Crown purchasing, gifted land, public works, the operation of the native land laws, and marginalisation of Ngāti Whātua o Kaipara. Their agreement includes a \$22.1 million quantum and the offer to transfer Woodhill Forest with accumulated rentals from the Crown Forest Licence. The Crown has also offered other land, properties and cultural redress, including part of a 10-acre block in Helensville gifted to the Crown in 1864 and now no longer used for the purpose intended. The Ngāti Manuhiri agreement includes redress of \$9 million and an offer to transfer the South Mangawhai Forest.

Ngāti Porou

Ngāti Porou, located in the east coast of the North Island, signed an agreement with the Crown on 8 December for the settlement of their historical claims. The agreement includes \$110 million; co-governance of conservation lands in their rohe; the transfer of significant sites; opportunities to purchase Ruatoria and Tokomaru forests; means of recognising Ngāti Porou military service in the First and Second World Wars; and contribution to the nation's civic affairs.

Ngāti Toa Rangatira, Tainui Taranaki ki te Tonga, Kurahaupō ki te Waipounamu

These three groups from Te Tau Ihu (the northern South Island) negotiated their settlements in parallel and all three signed letters of agreement with the Crown in February. They will hold some sites in common.

The Tainui Taranaki Iwi claims relate to the Crown's failure to ensure they retained sufficient land for their future needs. This included a failure to adequately investigate their customary rights in its resolution of the New Zealand Company's transactions in the northern South Island and to provide promised tenths and occupation reserves. Their claims also relate to the Crown's land purchasing techniques, legislation, and the perpetual leasing of reserves in the 1880s. The settlement is worth \$53.69 million and includes 26 sites totalling approximately 285 hectares. The four Tainui Taranaki iwi will receive accumulated rentals and New Zealand emission units associated with the licensed Crown forest land they purchase through the settlement, which totals approximately \$45.6 million.

The Ngāti Toa Rangatira claims relate primarily to the loss of lands and resources in both the South and North Islands, their exclusion from the tenths estates in both islands and the loss of the iwi's maritime interests. The claims also relate to the Crown's land purchasing policies, failure to set aside adequate reserves and to ensure the iwi retained sufficient lands for future needs. Their longstanding grievances include a coercive military campaign against the tribe and their chiefs, Te Rauparaha and Te Rangihaeata, the kidnapping and detention of Te Rauparaha, and the sale of land while the chief was detained. The Crown has acknowledged its detention of Te Rauparaha without trial for 18 months was a breach of the Treaty. The settlement is worth \$75.35 million, and 14 sites of cultural significance are to be vested in Ngāti Toa. In addition, Ngāti Toa will receive accumulated rentals and New Zealand emission units associated with the licensed Crown forest land they purchase through the settlement, which total approximately \$45.6 million.

The Kurahaupō claims relate to the failure of the Crown to adequately recognise the customary rights of Ngāti Apa ki te Rā Tō, Ngāti Kuia and Rangitāne o Wairau in its resolution

of New Zealand Company transactions and its pre-1865 purchases of land. This impacted on the operation of the native land laws, including the exclusion of the iwi from the Nelson and Motueka tenths reserves. Their claims also relate to the Crown's failure to set aside adequate reserves and to ensure that the Kurahaupō Iwi retained sufficient lands for their future needs. The settlement is worth \$42.41 million, and 17 sites of cultural significance, totalling approximately 27 hectares, are to be vested in Kurahaupō. An additional cost to the Crown is the \$37.2 million the Crown will pay to Kurahaupō, in lieu of the ability to purchase licensed Crown forest land and to receive the accumulated rentals and New Zealand emission units associated with that land.

TERMS OF NEGOTIATION

Ngāi Takato

Ngāi Takato signed Terms of Negotiation with the Crown in July. Ngāi Takato is a Far North/Te Hiku iwi whose rohe is based around Kaitaia and the Aupouri Peninsula. It is one of five iwi participating in Te Hiku Forum – a body established to enable Te Hiku Iwi to work through shared interests. Their claims were heard by the Tribunal as part of the Muriwhenua inquiry and relate to pre-Treaty land transactions, Crown purchasing, the operation of native land laws and socio-economic impacts.

Ngā Punawai o te Tokotoru

The Crown and Ngā Punawai o te Tokotoru collective signed amended joint Terms of Negotiation with the Crown to include Ngāti Rangiteaorere. The member iwi of Te Tokotoru are the remaining groups in the Te Arawa Confederation to enter into settlement negotiations with the Crown. Ngāti Rangiteaorere joined Tapuika and Ngāti Rangiwewehi to form Te Tokotoru in early 2009. The Tapuika Iwi Authority and Te Maru o Ngāti Rangiwewehi Iwi Authority signed joint Terms of Negotiation with the Crown on 14 August 2008. Their Deeds of Mandate were recognised by the Crown on 30 October 2008. The Ngāti Rangiteaorere Claims Committee obtained Crown recognition for its Deed of Mandate in November. The claims of the iwi relate to the operation of the native land laws, the New Zealand Wars, Crown purchases of land, public works takings and impacts on the natural environment.

Ngāti Kuri

Ngāti Kuri, located in the Far North, was recognised as a mandated authority to begin settlement negotiations in April 2009. Terms of Negotiation were signed in December.

MANDATE RECOGNISED

Ngāti Tu, located in the Hawke's Bay, had their mandate recognised by the Crown in October.

Ngāti Hineuru, located in Hawke's Bay (around the Mohaka River), had their Deed of Mandate recognised by the Crown in October.

REVIEW AND SETTLEMENT OF WAIKATO RIVER CLAIMS

An independent panel was appointed to review co-management arrangements for the Waikato River. This was contained in a Deed of Settlement with Waikato-Tainui, signed in August 2008, and in proposed agreements with the Raukawa Trust Board, Te Pūmautanga o Te Arawa, the Tūwharetoa Māori Trust Board and the Maniapoto Māori Trust Board. The co-management arrangements were focused on restoring and protecting the health and well-being of the Waikato River (including its principal tributary, the Waipā River) and through co-management securing effective Treaty-based relationships with the iwi of the Waikato River that also atone for past Treaty breaches. The panel's report was commissioned to advise ministers on how effectively co-management arrangements negotiated in 2008 meet the objectives of the Waikato-Tainui Waikato River Deed of Settlement and intended agreements with other Waikato River iwi and what changes may be required. This report provided a starting point for ministers to engage with iwi and stakeholders.

A Deed of Settlement for the co-management of the Waikato River was signed between the Crown and Waikato-Tainui in December. The settlement streamlines the earlier co-governance arrangements and establishes a single entity – the Waikato River Authority – which is made up of Crown and iwi-appointed members. The \$210 million clean-up fund is retained from the earlier agreement. Further deed signings with remaining river iwi are scheduled for early 2010.

OTHER TREATY-BASED AGREEMENTS

Te Rarawa and Department of Conservation Co-Management Agreement

Te Rarawa, a Far North iwi, is enjoying a better relationship with the Department of Conservation as a result of the final settlement of its long-standing Treaty claims in 2008. More than a third of Te Rarawa lands in the Far North are conservation land. The iwi and DoC signed a deal, believed to be the first of its kind, to co-manage the lands in question. Te Rarawa are working toward a Whenua Ngahere agreement with DoC, giving it a formal say in the management of approximately 30,000 hectares of forest. Te Rarawa say the increased contact is already bringing benefits, as Te Rarawa works out how its kaitiaki role can work alongside DoC's statutory responsibilities.

Aquaculture

MĀORI COMMERCIAL AQUACULTURE CLAIMS SETTLEMENT ACT 2004

This Act provides full and final settlement of all Māori claims to commercial aquaculture (the practice of farming in water) from 21 September 1992. It provides for the allocation and management of settlement assets relating to aquaculture. The settlement does not address customary aquaculture entitlements or rights to aquaculture space created before 1992. The Act provides that coastal iwi are entitled to 20 per cent of aquaculture space created between 21 September 1992 and 31 December 2004. It sets out how space entitlements are transferred, according to two types of space created by the Act: new space – defined as space created after 1st January 2005, that can be fulfilled through setting aside 20 per cent of space as it is created; and pre-commencement space – defined as space in existence at the time of the 2004 Act, including space that had been applied for but not fully processed at the time of the Act.

The overarching aim of the 2004 Act is “to enable the sustainable growth of aquaculture and ensure the cumulative environmental effects are properly managed”. Settlements under the Act are negotiated between Māori and the Crown in a similar process to the settlement of comprehensive historical claims.

Settlement milestones

The Crown and 10 iwi (Hauraki, Ngāti Apa Ki Te Ra To, Ngāti Koata, Ngāti Kuaia, Ngāti Rārua, Ngāi Tahu, Ngāti Tama, Ngāti Toa, Rangitāne and Te Atiawa o Te Tau Ihu) signed a Deed of Settlement in May. This milestone followed the signing of an Agreement in Principle in October 2008. The Deed of Settlement is for a one-off cash payment of \$97 million in full and final settlement of the current Crown obligations for pre-commencement space or aquaculture space that was approved between 21 September 1992 and 31 December 2004. This Deed covers the majority of New Zealand's aquaculture development areas, including the Hauraki Gulf, Marlborough Sounds, Tasman Bay and remaining parts of the South Island. The Deed was signed by the Prime Minister, Minister of Fisheries, Minister for Treaty of Waitangi Negotiations, Minister of Māori Affairs, Minister of Finance and leaders representing the 10 iwi, at a ceremony at Te Papa National Museum Marae.

Māori Commercial Aquaculture Claims Settlement (Regional Agreements) Amendment Bill

The amendments to the Māori Commercial Aquaculture Claims Settlement Act 2004 provide the Crown with an additional option for complying with its aquaculture pre-commencement space obligation. The Bill addresses the limited prospects of the Māori Commercial Aquaculture Claims Settlement Act 2004 generating settlement assets for iwi by 2014, by providing the Crown with an additional option for complying with its pre-commencement aquaculture space obligation. The additional settlement option of regional agreements enables iwi aquaculture organisations or recognised iwi organisations in a region and the Crown (as well as the Te Ohu Kai Moana Trustee Limited) to agree on how to settle the pre-commencement space obligation in that region. Additionally, the Bill will give effect to an agreement between the Crown and iwi of the South Island and Hauraki for an early settlement of the Crown's pre-commencement aquaculture space obligations in those regions.

Fisheries

Te Ohu Kaimoana, the Māori Fisheries Trust, holds fisheries assets secured by Māori through an agreement with the Crown. It manages their transfer to iwi to settle Māori claims to commercial fishing under the Māori Fisheries Act 2004. Te Ohu Kaimoana has a goal to transfer all assets to iwi by 2010.

There are 57 iwi recognised in the Māori Fisheries Act 2004. When a recognised iwi organisation (RIO) has met the governance criteria set out in the Māori Fisheries Act, it is entitled to receive fisheries assets as the mandated iwi organisation (MIO) for that iwi. MIOs are responsible for the management of assets allocated to each iwi. These assets consist of cash, quota and shares in Aotearoa Fisheries Limited, and are based on the population of iwi and the length of the coastline concerned. Fifty recognised iwi organisations have now been mandated. Two iwi were mandated in 2009 – Ngāti Whare and Ngāti Toa Rangatira. More than 80 per cent of fisheries settlement assets, equalling more than \$480 million, has been allocated to iwi.

During the year, a number of MIOs completed harbour and coastline agreements and/or received coastline and harbour asset entitlements. This included Ngāpuhi, Ngāti Kahungunu, Rangitane, Ngāi Tahu, Waikato and Ngāti Whātua. Agreements for 1972 kilometres of coastline were completed during 2008-09, taking the coastline agreements to 3300km, or 48 per cent of the total New Zealand coastline. As a result, Te Ohu Kaimoana was able to transfer 60 per cent of the coastline assets to iwi.

Further progress in the transfer of fisheries assets is dependent on the remaining seven iwi gaining mandated status. Progression plans are in place for three of the seven.

PROTECTION OF SIGNIFICANT SITES

Taiapure-local fisheries and mātaimai reserves are two means of protecting significant sites for Māori. In a mātaimai reserve all commercial fishing is banned; in a taiapure-local fishery the fishing rules for the wider area remain unchanged. Local iwi representatives – known as tangata kaitiaki/tiaki – act as guardians or managers of a mātaimai reserve. They can recommend to the Minister of Fisheries regulations for the

reinstatement of commercial fishing, and bylaws for the management of fisheries resources. Taiapure-local fisheries have management committees that can recommend regulations to the Minister of Fisheries for managing fisheries resources.

Taiapure-local fisheries.

Eight taiapure-local fisheries have been established to date. No new taiapure were established in 2009, but an application to establish one over Te Wakatehau (90 Mile Beach) was agreed to in principle by the Minister of Fisheries. The Māori Land Court is preparing to conduct a public inquiry into submissions received on this proposed taiapure-local fishery.

Mātaitai reserves

A mātaitai reserve is an identified traditional fishing ground in fisheries waters, established for the purpose of non-commercial customary food gathering.

In 2009, Te Runanga o Makaawhio applied for nine mātaitai reserves on the west coast of the South Island. The Ministry of Fisheries is proceeding with five of the reserves, in addition to the 10 previously established around the country.

MĀORI FISHERIES CONFERENCE 2009

In April 2009, the Treaty Tribes Coalition hosted Te Matau a Maui Māori – the fourth Annual Māori Fisheries Conference. It is estimated that Māori exercise effective control of between a third and a half of the New Zealand fisheries industry, in the world's fourth largest fisheries area. In recognition of this, the theme of the 2009 conference was Control or Be Controlled. It was designed to provoke discussion on strategies for Māori to more actively participate in managing their fisheries. In the context of both national issues and the global recession, the conference explored successful models for effective control by Indigenous peoples, in use in New Zealand and overseas.

Land issues

LOANS FOR HOUSING ON MULTIPLY OWNED MĀORI LAND

In August, the Housing Minister announced the Government will guarantee loans to Māori building homes on multiply owned Māori land. The Kāinga Whenua scheme was established following discussions with all major banks. It involves extending the government-funded Welcome Home Loan mortgage insurance scheme to people building on multiple-owned Māori land. Until now, hapū and iwi have been unable to borrow money, because banks could not seize the land if the mortgage went into default. The new scheme, which means Housing New Zealand will supply security the banks need, is intended to address the reluctance of banks to lend against such land. The scheme started in November and is expected to provide a building and employment boost in rural areas.

Extra funding for the Māori Trustee

The Māori Trustee received increased funding from Budget 2009. This included funding and capital appropriation for the establishment of the Māori Trustee as a stand-alone entity, separate from Te Puni Kōkiri. The Māori Trustee's funding has increased from \$4.7 million in 2006-07 to \$12.6 million in 2009-10 (including capital and transitional funding).

Review of the Public Works Act 1981

A review of the Public Works Act 1981 was conducted in 2001. Māori consider the offer-back provisions prejudice Māori landowners. Land no longer required for the purpose for which it was acquired is offered back to the original owners at current market rates. Responses to the review in 2003, 2005 and 2008 were deferred. In late 2006, Land Information New Zealand (LINZ) began reviewing the existing standards relating to the disposal of public works land, gifted land, Treaty settlement land and road stopping activity. The review was completed in early 2009. In June 2009, LINZ publicly consulted on four standards and guidelines as a supplement to the Public Works Act 1981. They set out matters of compliance for LINZ-related activity when public works land is disposed of by a Crown agency; matters relating to Treaty settlements and the disposal of Crown-owned land; and matters relating to the stopping and resumption of roads.

Treaty-related legislation

Māori Trustee and Māori Development Amendment Bill

This Bill was introduced into the House in November 2007, as part of a Bill making changes to the Māori Trustee. After consideration by the Māori Affairs select committee, the Bill was divided and the Māori Trustee Amendment Bill was enacted in July 2009. The remainder of the original Bill remains on the Order Paper awaiting its second reading. It proposes to establish a new statutory corporation – the Māori Business Aotearoa New Zealand (MBANZ) – to further Māori economic development.

Māori Trustee Amendment Act 2009

This Act came into force on 1 July 2009 and amended the Māori Trustee Act 1953. It established the Māori Trustee as a corporation sole, separate from government, and with continued independence in its functions. This change was made following national consultation hui in 2007, where there was strong support for an accountable and sustainable Māori Trustee separate from Te Puni Kōkiri. The duties and responsibilities of the Māori Trustee have not changed. The provision of its services relating to the management and administration of land assets continues.

Whakarewarewa and Roto-a-Tamaheke Act 2009

Enacted in November, this Act provides for the transfer of the title of the Whakarewarewa Valley lands and the Roto-a-Tamaheke reserve to a joint trust that represents Ngāti Whakaeu and Tuhourangi-Ngāti Wāhiao. The title transfer was negotiated independently of the Treaty settlements process.

Waka Umanga (Māori Corporations) Bill

The purpose of the Waka Umanga Bill is to provide basic requirements for the incorporation, organisation and operation of waka umanga (governance entity) on behalf of a Māori collective. It defines the relationships between the waka umanga, its governors and the collective. There was considerable opposition to the Bill from submitters to the Māori Affairs select committee, particularly about the proposal for a waka umanga to gain recognition as the “legitimate representative” of a tribal group. The select committee reported back to the House in September 2008, recommending the Bill be passed with amendments. The most significant of these was the recommendation that

the process for a waka umanga to gain recognition as the legitimate representative of a tribal group be removed. This removed the representative aspect of the Bill and narrowed its focus to providing a new, off-the-shelf legal entity. At the end of 2009, the Bill remained on the Order Paper awaiting its second reading.

Select Committee Inquiry into the Māori Community Development Act 1962

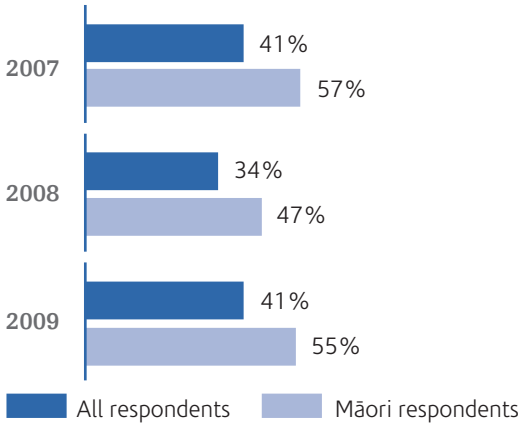
The Māori Affairs select committee announced Terms of Reference in 2009 for an inquiry into the Māori Community Development Act. The Act focuses on Māori welfare issues and provides for the establishment and functions of the New Zealand Māori Council, district Māori councils, Māori executive committees, and local Māori committees. The Act covers the appointment, roles and powers of Māori wardens and community officers. The 1962 Act was established when the Government's policy in relation to Māori was assimilation and integration. The committee believes it is time the Act is reviewed to reflect changes that have taken place since the early 1960s. The inquiry will review the Act's intent and objectives, the contemporary meaning of “Māori community development”, improvements to the New Zealand Māori Council, and the role of Māori wardens and community officers.

Public awareness of the Treaty

Research company UMR Research has conducted public opinion polling on the Treaty of Waitangi for the Human Rights Commission since 2002. The most recent survey, in December 2009, showed the following:

- Among all respondents, declared knowledge of the Treaty was up on the previous year. 41% of those surveyed said they had a reasonably high level of knowledge about the Treaty.
- This level of knowledge was higher than the low of 34% in 2008 and is comparable with previous highs of 42% in 2006 and 41% in 2007, since tracking began in 2002.
- Amongst Māori respondents, the level of knowledge was higher, at 55%. (Due to the small sample size, this result should be treated with caution.)
- Across all respondents, the level of knowledge about human rights and indigenous rights were 45% and 34% respectively.

DECLARED HIGH-LEVEL KNOWLEDGE OF THE TREATY:



This level of knowledge is defined as including the numbers 1 & 2 from a 1-5 scale, where 1 means "a lot" of knowledge.

- Approximately half of all respondents agreed with two of the three statements related to the Treaty.
 - 56% agreed with "The Treaty is New Zealand's founding document"
 - 49% agreed with "The Treaty is for all New Zealanders"
 - 28% agreed with "The Treaty relationship between the Crown and Māori is healthy".

DECLARED HIGH-LEVEL KNOWLEDGE OF HUMAN RIGHTS:



DECLARED HIGH-LEVEL KNOWLEDGE OF INDIGENOUS RIGHTS:



All respondents

- Māori respondents were more likely to agree with all three statements.
 - 70% agreed with "The Treaty is New Zealand's founding document"
 - 56% agreed with "The Treaty is for all New Zealanders"
 - 32% agreed with "The Treaty relationship between the Crown and Māori is healthy".
- With the exception of Māori responses to the third statement, positive responses to all three statements from Māori and all respondents had declined from 2008.

AGREE WITH THIS STATEMENT:

"The Treaty is New Zealand's founding document."



"The Treaty is for all New Zealanders."



"The Treaty relationship between the Crown and Māori is healthy."



All respondents Māori respondents

Agree is defined as numbers 1 & 2 from a 1-5 scale, where 1 means "strongly agree".

Waitangi Day

Waitangi Day commemorations were held throughout the country in early February. Events included marae open days, forums, debates, educational activities and opportunities for cultural exchange.

Operated by the Ministry for Culture and Heritage, the annual Commemorating Waitangi Day fund assists a range of community organisations to promote participation in events around the country. In 2009, events supported by the fund included Arts Waikato's Bring a Treaty Partner to Breakfast event, Tamaki Ngāti Kapo Inc's multicultural event, the Poonga-Tamil Community education children's Treaty workshop, and the Southland ESOL home tutors event at Te Rau Aroha marae in Bluff.

For 2010, the Ministry has approved 74 grants, ranging from \$300 to \$114,000. As in previous years, many successful applications have an inter-cultural focus. They include the Wairarapa Waitangi Day Origins Festival, celebrating ethnic origins, culture and food; Hinengakau Development Trust's multicultural festival and nationalities parade in the Whanganui area; and the Waikato Hispano Latino cultural group's cultural and art activities.



Prime Minister John Key with Māori Party co-leaders Tariana Turia and Pita Sharples, Parliament, November 2008. © Fairfax NZ Ltd

Priorities 2010

- The proposed constitutional review will look at the place of the Treaty of Waitangi in our constitutional arrangements and the place of Māori representation. The review offers an opportunity to strengthen human rights protections in New Zealand, including the rights of Indigenous peoples.
- The Human Rights Commission will promote discussion on human rights and the Treaty in the process of updating the 2004 status report on human rights in New Zealand and developing the second New Zealand Action Plan for Human Rights.

6. Tauriteritekore

Inequalities

What happened in 2009?

- A referendum on MMP was announced, raising questions about diversity in Parliament.
- Concerns were raised about the effectiveness of proposals to give voice to Māori, Pacific and ethnic communities in the new Auckland super city council.
- A Drivers of Crime summit was held and a whole-of-government approach to addressing them announced.
- Māori continued to be disproportionately represented in the prison population.
- A Pacific jobs fono and a Māori jobs summit were held, and a Māori Economic Taskforce established.
- The Social Report indicated continued ethnic inequalities in employment, standard of living, health and education.
- Māori and Pacific unemployment increased significantly.
- A five-year study on Māori in the labour market and a study on Pacific women in the labour market were released.
- A Taskforce on Whānau-centred Initiatives was established and the roll-out of the Whānau Ora policy in the health sector was approved.
- The Pasifika Education Plan was reviewed.

Civic participation

MMP REFERENDUM

In October, the Government announced a referendum on the Mixed Member Proportional Representation (MMP) voting system will be held at the 2011 general election. Since the introduction of MMP in 1996, Parliament has become more diverse and representative. Greater numbers of Māori, women and ethnic minorities have become MPs. In 1993, the year of the last first-past-the-post election, there were 99 MPs, including seven Māori, one Pacific, zero Asian and 91 European/other.

The 2008 general election resulted in the most ethnically diverse Parliament in New Zealand, although it still did not completely reflect the population of New Zealand. Although the number of Māori MPs reduced by one, the number of Pacific MPs increased from three to five and the number of Asian MPs doubled from three to six. In 2009, some MPs resigned from Parliament; their replacements have slightly altered these results – the number of Māori has increased to 21 and the number of European/other has decreased by one.

Pacific and ethnic representation in Auckland's super city council

In October 2007, the Government established the Royal Commission on Auckland Governance, to respond to

ETHNIC COMPOSITION OF THE NEW ZEALAND PARLIAMENT 1993 AND 2009

Ethnicity	Number (of 99 MPs) 1993	Percentage of Parliament 1993	Percentage of population 1993	Number (of 122 MPs) 2009	Percentage of Parliament 2009	Percentage of population (2006 census)
Māori	7	7%	13%	21	17%	15%
Pacific	1	1%	5%	5	4%	7%
Asian	0	0	4%	6	5%	9%
European	91	91%	83%	90	74%	68%

concerns about local government arrangements in Auckland. The Royal Commission recommended one Auckland council be established and suggested separate representation for specific groups (other than Māori), although effective consultation and engagement was essential. It recommended the establishment of Pacific and ethnic advisory panels.

In April, Cabinet invited the Minister of Local Government to consult with the Minister of Pacific Island Affairs and the Minister of Ethnic Affairs and report back. The Minister of Local Government recommended the status quo be maintained, while the Ministers of Pacific Island Affairs and Ethnic Affairs preferred the option for establishing advisory panels.

In December, the Government released its final decisions on Māori, Pacific and ethnic representation. Pacific and ethnic advisory panels will be established for the first term only of the new Auckland Council. After the first term, the Council may determine its own arrangements for Pacific and ethnic participation. For Māori, the Government decided to establish an independent statutory board, which will consist of up to nine members, up to seven of these from mana whenua groups.

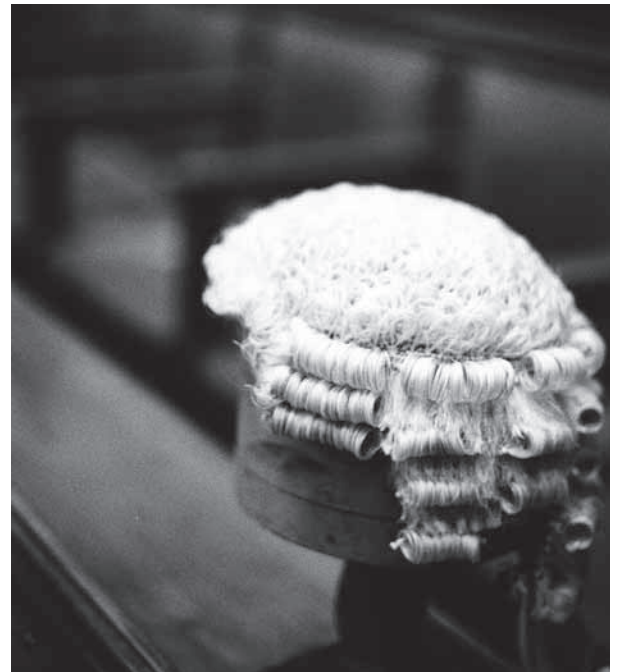
The final piece of legislation, including arrangements for local boards and their relationship with governing boards, is before the Auckland governance legislation committee.

JUSTICE SECTOR CIVIL AND DEMOCRATIC OUTCOMES REPORT

In June, the Ministry of Justice released its first periodic civil and democratic outcomes report, the New Zealand Justice Sector Civil and Democratic Outcomes Report. It presents baseline information and indicators for the justice sector's civil and democratic outcomes: effective constitutional arrangements, accessible justice services, trusted justice system, durable settlement of Treaty claims, and internationally connected.

Data relevant to race relations is voter engagement and access to justice. New Zealand has a high voter turn-out, but worrying trends in relation to voter disengagement.

Voter enrolment rates for Māori, Pacific and Asian peoples are below the national average, and voter turn-out rates, particularly for Māori, are significantly below the national average. Data on the accessibility and perceived accessibility of justice services in New Zealand indicate a mixed picture. Some of the concerns reflected those identified in the Legal Aid System Review.



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Safety and criminal justice

The 2009 Social Report found the assault mortality rate had improved since the early 1990s. The rates remained highest among males, youth 15-24 years and Māori. Thirty nine per cent of the population aged 15 and over were victims of criminal offending. Young people, Māori and Pacific peoples were more likely to have been victims of crime. Forty per cent of adults said the fear of crime had a moderate or high impact on their quality of life. Fear was highest among females, Asian, Māori, Pacific peoples and those living in deprived areas. The number of road casualties has improved, although there were high rates among men, young people, Māori and those aged 65 years and over.

REVIEW INTO INSTITUTIONAL BIAS IN THE CRIMINAL JUSTICE SECTOR

In November, the Ministry of Justice released the results of a review of bias against ethnic minority and indigenous peoples in the criminal justice system. Areas examined included: stop and search; arrest; charging; prosecution; conviction; sentencing (including decisions about legal representation, plea, bail, mode of trial, and pre-sentence reports); custodial sentence management decisions within the prison system; and parole. The review found levels of over-representation are not consistent across different areas, and vary by age, gender, location and offence type. Research has consistently shown factors such as offence seriousness, offending history, victim charging preferences, and socio-economic status account for most of the variation between different ethnic groups. The review said a comprehensive policy approach must involve:

- addressing the underlying causes of ethnic minority and indigenous offending
- enhancing cultural understanding and responsiveness in the justice sector (including improving public accountability)
- developing responses that identify and seek “to offset the negative impact of neutral laws, structures, processes and decision making criteria on particular ethnic minority groups”.

APPREHENSIONS 2008-09

Ethnic group	Number of apprehensions	Percentage (of total apprehensions)
European	102,221	43.85%
Māori	96,421	41.36%
Pacific peoples	21,113	9.06%
Asian	6882	2.95%
Other/unknown	5488	2.35%
Total	233,125	

Data from the New Zealand Police.

APPREHENSIONS

The number of Māori apprehensions (arrests) has decreased slightly in the past three years, from 42.5 per cent in 2006-07 to 41.36 per cent in 2008-09.

PRISON POPULATION

New Zealand’s rate of imprisonment per capita is 185 per 100,000, one of the highest rates in the OECD. In December 2009, there were more than 8200 prisoners in 20 prisons. In the 2008-09 financial year, the Department of Corrections managed 66,635 new community-based sentences and orders. Strong prison population growth began in 2003 and is forecast to rise to approximately 10,700 by 2016.

NEW ZEALAND PRISON POPULATION

Ethnic group	Number of prisoners	Percentage (of total prisoner population)
European	2763	33.52%
Māori	4184	50.75%
Pacific peoples	984	11.94%
Asian	204	2.47%
Other	75	0.91%
Unknown	34	0.41%
Prisoner population at 31 Dec 2009	8244	

Data from the Department of Corrections.

DRIVERS OF CRIME

In February, a symposium on “Addressing the underlying causes of offending: what is the evidence?” was held in preparation for the Ministerial Meeting on the Drivers of Crime. The goal of the forum was for researchers and practitioners to discuss evidence with policy makers and sector leaders, in order to prepare a report. Issues covered included ideas to address the disproportionate number of Māori in the criminal justice systems.

COMMUNITY-BASED OFFENDERS

Ethnic group	Total number of offenders	Percentage (of total offender population)
European	14,128	37.30%
Māori	16,722	44.15%
Pacific peoples	3626	9.57%
Asian	520	1.37%
Other	416	1.10%
Unknown	2465	6.51%
Community probation offenders at 31 Dec 2009	37,877	

Data from the Department of Corrections.

In April, a Ministerial Meeting on the Drivers of Crime, hosted by the Ministers of Justice and Māori Affairs was held. The meeting found the drivers of crime are complex, social, intergenerational, and require early intervention. Factors identified as the underlying drivers of crime were: family dysfunction; poverty; child maltreatment; poor educational achievement; harmful drinking and drug use; poor mental health; severe behavioural problems among children and young people; and the intergenerational transmission of criminal behaviour. These issues are often concentrated in socially and economically disadvantaged families and communities. Participants at the meeting also noted some aspects of the criminal justice sector can perpetuate offending.

In May, the United Nations Universal Periodic Review of New Zealand recommended efforts be made to prevent discrimination in the criminal justice system and to address overrepresentation of specific ethnic groups. The Government did not agree disproportionate representation of certain ethnic groups was due to institutional bias and drew attention to its work addressing drivers of crime. This included analysis of social and economic factors that contribute to criminal behavior, and methods to address the overrepresentation of certain groups.

In December, the Ministers of Justice and Māori Affairs announced drivers of crime will be a whole-of-government priority. The approach will have an initial focus on four priority areas:

- Antenatal, maternity and early parenting support.
- Programmes to address behavioural problems in young children.
- Reducing the harm caused by alcohol.
- Alternative approaches to managing low-level offenders and offering pathways out of offending.

The focus is on improving services for those at risk of offending or being victims in the future and their families. Drivers of crime for Māori will be a priority. The Minister of Māori Affairs said support for Māori needs to include Māori-developed and delivered initiatives. The whole-of-government approach will involve health, education, parenting support, housing, recreation, and economic, social and community development.

REVIEW OF THE LEGAL AID SYSTEM

In November, a report on transforming the legal aid system was released. The review panel found barriers to accessing legal aid included awareness about legal aid, language and literacy barriers, the availability of legal aid lawyers, and fear of repayments. The panel said the legal aid system should monitor the extent to which people face barriers, with a view to lowering them over time. In particular, the panel noted while Māori and Pacific peoples face barriers in accessing legal aid, they are most likely to experience problems requiring legal assistance. Recommendations were made to the Government to clarify funding streams for Treaty of Waitangi claims to the Waitangi Tribunal. Recommended changes are expected to be implemented in 2010.

MĀORI FOCUS UNITS AND MĀORI THERAPEUTIC PROGRAMMES EVALUATION

In April, the Minister of Māori Affairs and the Associate Corrections Minister called for the development of separate Māori prison units, to build on the success of Māori focus units (MFUs). There are five MFUs in operation around the country, with 300 beds. One element of the MFU experience is the Māori Therapeutic Programme (MTP). Other activities include courses on Māori culture, language lessons, involvement with respected Māori elders

in the unit, and participation in culturally meaningful rituals and ceremonies. Each unit has a specialist worker concerned with whānau and iwi relationships, and assists in reintegrating the offender to a supportive home environment.

A Department of Corrections evaluation report on MFUs and therapeutic programmes showed inmates have slightly lower reconviction and re-imprisonment rates than prisoners at similar risk of re-offending who did not undertake a programme. (Because of the relatively small sample size, these positive findings are indicative only.) The study found MFU participants acquire new knowledge of tikanga Māori, and MTP participants displayed positive change in attitudes and beliefs related to criminal lifestyles. Findings will contribute to the development of a Māori reintegration model (Whare Oranga Ake).

Economic and social equality

The Ministry of Social Development's Social Report 2009, published in October, assessed the social and economic well-being of New Zealanders. The following overview draws on aspects of the report as well as the Household Labour Force Survey and Education Counts data. This information shows socio-economic disparity by ethnic group, along with research or initiatives designed to address them.

EMPLOYMENT

The Social Report found higher rates of unemployment for young people, Māori, Pacific peoples and other ethnic groups, and lower rates of median hourly earnings for these groups.

Household Labour Force Survey

According to the Household Labour Force Survey of the December quarter, the number of people in employment fell by 0.1 per cent, labour force participation decreased, and the unemployment rate rose to a nine-year high of 7.3 per cent (168,000 people). The decline in the number of people employed was particularly notable in the male-dominated industries of manufacturing and construction.

There were large increases in the unemployment rates for all ethnic groups. The unemployment rate for Māori increased to 15.4 per cent from 9.8 per cent a year earlier, while the rate for Pacific peoples increased to 14 per cent from 7.8 per cent, European/Māori to 13.6 per cent from seven per cent, and the European group up to 4.6 per cent from 3.2 per cent a year earlier. The economic downturn has affected Māori and Pacific workers over the past 18 months, as these groups have more youth relative to Europeans, and tend to be employed in lower-skilled occupations.

Indicator	Ethnic group
<p>Unemployment</p> <p>Source: Statistics New Zealand, Household Labour Force Survey, September quarter 2004, December quarter 2009</p>	<p>2009 unemployment rate: Māori 15.4%; Pacific peoples 14%; European/Māori 13.6%; Asian 9.2%; European only 4.6%; Other 3.3%.</p> <p>2004 unemployment rate: Māori 8.3%; Pacific peoples 7.7%; European 2.6%; Other 6.5% (including Asian people).</p>
<p>Employment</p> <p>Source: Statistics New Zealand, Household Labour Force Survey, September quarter 2004, 2009</p>	<p>2009 employment rate: Māori 65.6%; Pacific peoples 62.4%; European 79.1%; Other 65% (including Asian peoples).</p> <p>2004 employment rate: Māori 61.7%; Pacific peoples 60.5%; European 78.4%.</p>
<p>Earnings per hour</p> <p>Source: Statistics New Zealand, New Zealand Income Survey June quarter 2004, 2009</p>	<p>2009 median hourly earnings: Māori \$18.31; Pacific peoples \$17.00; European \$21.63; Asian peoples \$19.95; MELAA \$19.39; Other \$21.58.</p> <p>2004 median hourly earnings: Māori \$16.58; Pacific peoples \$15.20; European \$20.14; Other \$17.20.</p>

Note: the 2004 ethnicity data was coded using the prioritisation method, while 2009 is based on single/combined response.

Māori Economic Taskforce established

The Minister of Māori Affairs hosted a hui on Māori responses to the recession, to ensure Māori had a chance to develop their issues before the general jobs summit in February. Iwi leaders, leaders in commerce and business, and trustees attended. The workshop looked at strategies to counter likely unemployment and loss of household income as a result of the recession. Education, training and skills development were identified as key priorities for Māori to survive and develop through the economic downturn.

A Māori Economic Taskforce was established to lead the Māori response to the economic recession and climate change. It was given a budget of \$10 million over 2009-10 and 2010-11. The Taskforce is conducting work in seven areas: tribal asset development; the primary sector; education and training; small to medium enterprises; social and community development; investment and enterprise; and economic growth and infrastructure. It has three high-level goals: protecting and supporting Māori through the economic recession (training and education, and growing employment opportunities); thinking beyond the recession and identifying economic development opportunities; promoting and utilising kaupapa Māori and Māori structures as drivers of prosperity.

Pacific Jobs Fono

In February, the Ministry of Pacific Island Affairs and Pacific leaders, industry representatives and government officials held a fono to address the disproportionate effects of the recession on Pacific peoples. Participants considered how to protect jobs, opportunities for creating jobs, and how to enhance skills and training. Concerns were raised about the proportion of young, unskilled workers, and the importance of young people staying in education. There were concerns about how extended families would be affected, many of whom exist on money sent from wages earned in New Zealand. Actions identified at the fono fell into two categories: protection – actions to support people and businesses affected by the recession; and development – actions aimed at longer term economic recovery and future growth. Proposed actions included a better alignment of existing resources, increased interagency responsiveness, and ensuring initiatives are accessible and appropriate.

Māori labour market

In December 2009, the Department of Labour released a report on Māori in the New Zealand labour market from 2004-09. It found the short-term outlook for the labour market in general remains weak and Māori are expected to remain disproportionately affected by rising unemployment. Employment growth is not expected to return until the June quarter and industries with a large share of Māori workers will remain weak. The report suggested Treaty settlements will help iwi realise their economic potential. This should improve Māori labour market outcomes by creating a demand for workers of all skill levels, including highly skilled workers to administer iwi-led projects. The report found:

- a large proportion of Māori are employed in manufacturing, retail and tourism, which are expected to experience a fall in employment over the short-term
- in September 2009, 20,900 (34.5 per cent) people receiving an unemployment benefit were Māori, following a decline in Māori unemployment beneficiaries between 2004 and 2008
- among Māori, youth had the highest rates of unemployment – in September 2009, 23.1 per cent of 15-24-year-olds were unemployed
- increased Māori participation in training and education was expected to help minimise the impact of the recession – September 2009 data shows a 17.2 per cent increase in 15-24-year-old Māori engaged in formal study, compared to 2008.

The report showed Māori have higher rates of youth not in education, employment or training (NEET) than non-Māori. In the 15-19 year age group, 14.2 per cent of Māori (an increase after a decline over the past five years) and 6.8 per cent of non-Māori were NEET. There was little difference between Māori males and females in this age group. Of 20-24-year-olds, 16.1 per cent of Māori and 9.7 per cent of non-Māori were NEET. Since December 2007, there has been a sharp rise in the Māori male rate. In September 2009, the rate for Māori males was 19.1 per cent and 14.1 per cent for Māori females.

Pacific women's participation in the labour market

In March 2009, the Department of Labour and Ministry of Pacific Island Affairs released a report on Pacific women's participation in the New Zealand labour market. The report found Pacific women have a different interaction with the labour market than Pacific men. Its key findings included:

- Two in five Pacific women were born overseas. Over 75 per cent of Pacific women born in New Zealand are under 25 years. New Zealand-born Pacific women tend to have better labour market outcomes than those born overseas – as their numbers in the labour force increase, the overall position for Pacific women is likely to improve.
- Only six per cent of Pacific women hold a tertiary qualification, compared to 16 per cent of New Zealand women in general.
- The labour market participation rate for Pacific women (59.2 per cent) is only slightly lower than the rate for all New Zealand women (62.7 per cent), but the Pacific women unemployment rate (12.6 per cent) is double the rate for women in general (5.8 per cent).
- Most Pacific peoples (57 per cent) work in semi-skilled occupations, and Pacific women are twice as likely to work as labourers compared to all New Zealand women. The most common occupations for New Zealand-born Pacific women were clerical/administrative and sales workers, while overseas-born Pacific women were most likely to work as labourers or “community and personal service” workers.
- Pacific women are most likely to work in the “health care and social assistance” and “manufacturing” industries. New Zealand-born Pacific women were spread more evenly across the industries, with relatively high numbers in the retail trade, education and training, and accommodation and food services. The over-representation of Pacific women in lower, semi-skilled occupations means they are vulnerable to unemployment at times of economic downturn.
- Only one in nine Pacific women (11.1 per cent) earned over \$40,000 in 2006, compared to nearly one in five of all New Zealand women (18.5 per cent).
- Pacific women were more likely to have four or more children. This will affect their ability to participate in the labour market.
- There were differences between sub-ethnicities. The Fijian group had the highest population growth rate from 2001 to 2006, and on average had the highest educational qualifications and the best labour market outcomes. The Cook Island Maori, Tokelauan and Tongan groups had the highest unemployment rates.

STANDARD OF LIVING

The Social Report found 14 per cent of the population lives in low-income households, though this has improved considerably since the mid-1990s. There were higher rates for children, sole-parent and large families. Housing affordability has worsened since 2004 and higher proportions of Pacific, other ethnic groups and low-income

Indicator	Ethnic group
Household affordability Source: Derived from Statistics New Zealand Household Economic Survey, cited in Social Report 2005, 2009	Year to June 2008 households spending more than 30% of income on housing costs: at least one Māori adult 28%; with any Pacific adult 35%; with any other non-European ethnicity 40%.
	Year to June 2004 households spending more than 30% of income on housing costs: with at least one Māori adult 21%; with any Pacific adult 23%; with any other non-European ethnicity 42%; European households 19%.
Household crowding Source: Statistics New Zealand, Census 2001, 2006, cited in Social Report 2005, 2009	2006 households requiring extra bedrooms: 23% of Pacific peoples; 23% of Māori; 23% of other ethnic groups; 20% of Asian peoples; 4% of Europeans.
	2001 households requiring extra bedrooms: 43% of Pacific peoples; 23% of Māori; 20% of Asian peoples; 25% of other ethnic groups; 5% of Europeans.

earners spent more than 30 per cent of their income on housing. Ten per cent of individuals live in crowded households, more common in families with young children, youth, rental housing, Māori and Pacific peoples, and in Manukau City. Pacific people and Māori were the largest groups (37 per cent and 32 per cent respectively) living in severe crowding.

Child poverty summit

The group Every Child Counts held a one-day summit on children and the recession in September. The summit aimed to address the situation of the 27 per cent of Māori, 40 per cent of Pacific and 16 per cent of Pākehā children living in poverty in New Zealand. Delegates called on the Government to develop a plan that includes targets to eradicate child poverty; investment in learning for parents and children together; child impact assessments for new policies; prioritisation of the period from conception to age 2; and raising welfare benefits.

Housing initiatives

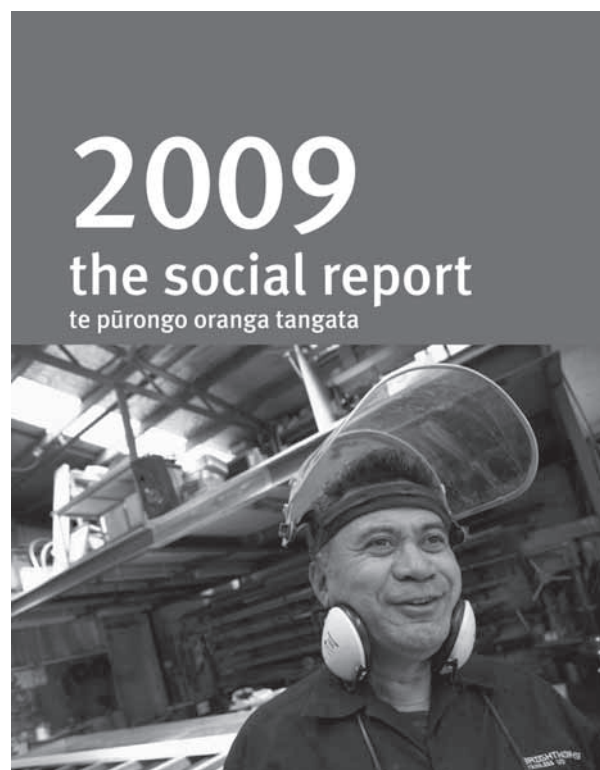
In 2008-09, Housing New Zealand Corporation (HNZC) developed Orama Nui, the Housing Strategy for Pacific Peoples, with assistance from the Ministry of Pacific Island Affairs. The goals of Orama Nui include supporting Pacific peoples into home ownership, preparing for home ownership, and developing housing initiatives with Pacific communities.

HNZC extended the Welcome Home Loan home ownership product to multiply owned Māori land from February 2010. Its aim is to assist households in accessing finance to buy or build first homes on multiply owned Māori land, which has previously been restricted.

HNZC also launched the Māori Demonstration Partnerships initiative with iwi, Māori and key stakeholders. The Government allocated \$5 million to support Māori Demonstration Partnerships in 2009-10. This will aid the development of up to seven new Māori housing initiatives, and signals a new way for HNZC to work with Māori.

HEALTH

The Social Report 2009 found that while health expectancy (number of years a person can expect to live in good



health) has improved, it is lower for males and Māori. Life expectancy (number of years a person can expect to live) had also improved, but was similarly lower for males, Māori and those living in deprived areas. Suicide deaths, which were higher than the OECD average for all ages, were higher for males, youth, young adults and Māori. Cigarette smoking rates have improved since 2003, but along with obesity rates remain higher for Māori, Pacific peoples and those living in deprived areas. Potentially hazardous drinking is higher among males, young peoples, Māori and Pacific peoples.

Differences in Pacific mortality

Statistics New Zealand research indicated differences in mortality between Samoan, Cook Island Maori, Tongan and Niuean groups. "Pacific" statistics are often presented as homogeneous, but there are differences once the data is disaggregated. The research found Cook Island Maori in New Zealand have a 21 per cent higher mortality rate than Samoans, Tongans or Niueans. Cook Island Māori also had a 66 per cent higher incidence of cardiovascular disease than Samoans, and higher than Tongans and Niueans.

Indicator	Ethnic group
<p>Health expectancy</p> <p>Source: Social Report 2004, 2009</p>	<p>2006: Māori males 62 years; Māori females 64.2 years; non-Māori males 68.8 years; non-Māori females 70.4 years.</p> <p>2001: Māori males 58 years; Māori females 59 years; non-Māori males 65.2 years; non-Māori females 68.2 years.</p>
<p>Life expectancy</p> <p>Source: Social Report 2004, 2009</p>	<p>2005-07: Māori males 70.4 years; Māori females 75.1 years; non-Māori males 79 years; non-Māori females 83 years.</p> <p>2000-02: Māori males 69 years; Māori females 73.2 years; non-Māori males 77.2 years; non-Māori females 81.9 years.</p>
<p>Cigarette smoking</p> <p>Source: Social Report 2004, 2009</p>	<p>2008 proportion of population smoking cigarettes: 41.5% of Māori males; 49.3% of Māori females; 35% of Pacific males; 28.1% of Pacific females; 23.9% of European/other males; 20.9% of European/other females; 21.5% of Asian males; 5.2% of Asian females.</p> <p>2002: 39% of Māori males; 52% of Māori females; 35% of Pacific males; 29% of Pacific females; 23.8% of European/other males; 20.6% of European/other females.</p>
<p>Obesity</p> <p>Source: Social Report 2004, 2009</p>	<p>2006-07 obese adults aged 15 and over: 43% of Māori adults; 65% of Pacific adults; 23% of European/other adults; 12% of Asian adults.</p> <p>Obese children aged 5-14 years: 13% of Māori children; 26% of Pacific children; 5% of European/other children; 6% of Asian children.</p> <p>2002-03 obese adults: 27% of Māori adult males; 28% of Māori adult females; 26% of Pacific adult males; 47% of Pacific adult females; 13% of European/other adult males; 17% of European other adult females.</p> <p>Obese children: 16% of Māori boys; 17% of Māori girls; 26% of Pacific boys; 31% of Pacific girls; 5% of European/other boys; 6% of European/other girls.</p>
<p>Potentially hazardous drinking</p> <p>Source: Social Report 2004, 2009</p>	<p>2006-07 adults aged 15 years and over with potentially hazardous drinking patterns: 46.8% of Māori males; 28.5% of Māori females; 46.6% of Pacific males; 25.8% of Pacific females; 32.1% of European/other males; 14.5% of European/other females; 12.9% of Asian males; 3.8% of Asian females.</p> <p>2002-03 adults: 42.4% of Māori males; 24.1% of Māori females; 44.1% of Pacific males; 24.3% of Pacific females; 29.9% of European/other males; 13.3% of European/other females; 11.5% of Asian males; 4.8% of Asian females.</p>

Disparities in health care

A University of Otago study suggested Māori receive poorer clinical health care in public hospitals than non-Māori. It found hospital obstetric treatment, cardiac intervention, renal disease, and care of patients with mental illness was poorer for Māori. The report concluded the care received by Māori in the health system may be contributing to their poorer health status.

Establishment of Taskforce on Whānau-centred Initiatives

Whānau ora is the aim of He Korowai Oranga – the Māori Health Strategy and is discussed in more detail in the Treaty chapter. The Whānau Ora programme takes a holistic approach to people's lives, from the physical well-being of the family through to their housing, education and employment. In June, Cabinet approved the establishment of the Taskforce on Whānau-centred Initiatives. It agreed to develop Whānau Ora initiatives to advance and improve outcomes for Māori. The taskforce will report back to government in early 2010.

Inquiry into tobacco industry

In September, the Māori Affairs select committee launched an inquiry into the tobacco industry in New Zealand and its consequences for Māori. Its aim is to investigate how the tobacco industry promotes tobacco use among Māori, the health impacts of tobacco use, and economic, cultural and developmental impacts from such health effects and tobacco use. The committee intends to consider policy and legislative measures to address the findings. A report is expected in 2010.

EDUCATION

Domestic rolls

There were 751,330 domestic students (excluding international fee-paying students) at 1 July 2009, an increase of 3138 students (0.4 per cent) since July 2008. Among domestic students, numbers of Asian, Pacific and Māori students increased since July 2008, while European/Pākehā numbers decreased. Asian students made up 9.2 per cent of the domestic roll, Pacific students 9.7 per cent, Māori students 22.2 per cent, and NZ European/Pākehā students 56.5 per cent.

Education indicators

The Social Report 2009 noted rates of participation in licensed early childhood services had improved, although they remained lower for Māori and Pacific peoples. There were lower proportions of male, Māori and Pacific school leavers with NCEA Level 1 or above. Participation in tertiary education has improved, and there were higher rates for Māori under 18 years and over 25 years. All ethnic groups experienced an increase in tertiary education participation in the first half of the 2000s, and a fall in participation between 2005 and 2008. Māori and Asian ethnic groups experienced the greatest fall. Rates of educational attainment of the adult population had also improved but are proportionally lower for older people, women, Māori and Pacific peoples. Since 1996, there have been improvements in adult literacy, although proportions are lower for the youngest and oldest age groups and ethnic groups other than New Zealand European.

Ngā Haeata Mātauranga

In February, the Ministry of Education released a report on Māori education, Ngā Haeata Mātauranga. Evidence from across the education sector showed Māori were increasingly involved in early childhood education, and gaining literacy and numeracy skills needed for a smooth transition to school. Effective home-school partnerships included initiatives such as the Parent Development and Support project. These partnerships showed successful relationships have a positive impact on Māori student outcomes. More Māori students gained NCEA Levels 1 to 3, particularly in Māori-medium education, and there was a decline in students disengaging at the Year 9 and 10 levels in English-medium schools. In 2008-09, there was a stronger emphasis on te reo Māori me ōna tikanga with the launch of the curriculum document for English-medium schools and its partner for the Māori-medium sector – Te Marautanga o Aotearoa. In 2009-10, there will be an increased focus on setting Māori language education priorities, including further work to support effective teaching and learning of and through te reo Māori, improving the supply of high-quality teachers and building the evidence base for mātauranga Māori. Overall, the report highlighted the need for system change persists and more work is needed to better support Māori learners.

Indicator	Ethnic group
<p>Participation in early childhood education</p> <p>Source: Ministry of Education, Early childhood Education statistics, 2004, 2008</p>	<p>July 2008 proportion of Year 1 students who attended an early childhood education service: 90.4% of Māori; 84.8% of Pacific peoples; 98.3% of European; 95.3% of Asian peoples; 93.8% of Other.</p> <p>July 2004: 89.3% of Māori; 84.7% of Pacific peoples; 97.6% of European; 94.1% of Asian peoples; 89.4% of Other.</p>
<p>School leavers with NCEA level 1 or higher</p> <p>Source: Ministry of Education, School statistics, 2005, 2008 (Note: figures for 2003, 2004 are not comparable with other years)</p>	<p>2008 proportion of school-leavers with NCEA Level 1 or higher: 70.4% Māori; 79.4% Pacific; 88.1% European; 84.3% MELAA/Other; 92.6% Asian.</p> <p>2005: 51.1% for Māori; 63.4% for Pacific; 78.3% for European; 68.9% for MELAA/Other; 89.2% for Asian.</p>
<p>Educational attainment of the adult population</p> <p>Source: Statistics New Zealand Household Labour Force Survey cited in Social Report, 2005, 2009</p>	<p>2008 proportion of adults 25-64 years with at least upper secondary qualifications: 64% of Māori; 49% of Pacific adults; 79% of Europeans; 72.5% of other ethnic groups (including Asian peoples).</p> <p>Proportion with tertiary qualifications to bachelor's degree or above: 9.5% of Māori; 7.2% of Pacific peoples; 21.6% of Europeans; 37.4% of other ethnic groups.</p> <p>2004 proportion of adults 25-64 years with upper secondary qualifications: 65% of Māori; 70% of Pacific adults; 81% of Europeans; 87% of other ethnic groups (including Asian peoples).</p> <p>Proportion with tertiary qualifications to bachelor's degree or above: 6% of Māori; 7% of Pacific peoples; 16% of Europeans; 37% of other ethnic groups.</p>
<p>Participation in tertiary education (age-standardised)</p> <p>Source: Ministry of Education, Tertiary education statistics, 2004, 2008</p>	<p>2008 participation in tertiary education for adults 15 years and over: 16.9% for Māori; 11.8% for Pacific peoples; 11.4% for Europeans; 12.4% for Asian peoples.</p> <p>2004: 19.8% for Māori; 12.7% for Pacific peoples; 11.8% for Europeans; 15.7% for Asian peoples.</p>
<p>Participation in tertiary education (bachelor's degree courses)</p> <p>Source: Ministry of Education, Tertiary education statistics, 2004, 2008</p>	<p>2008 proportion in bachelor's degree courses: 2.8% for Māori; 2.9% for Pacific peoples; 3.3% for Europeans; 4.9% for Asian peoples.</p> <p>2004: 3.1% for Māori; 2.8% for Pacific peoples; 3.4% for Europeans; 4.5% for Asian peoples.</p>

Pasifika Education Plan review

In December, the Ministry of Education released a report assessing the Pasifika Education Plan in 2008. It found that between 2007 and 2008, Pacific learners had shown improvements in many areas of education compared to nationwide trends. Improvements were seen across nearly all early childhood education and schooling areas, while tertiary education indicators showed minimal change.

Improving students' results in the tertiary sector report

In November, the Tertiary Education Commission released a report on educational participation, retention and achievement of students across the tertiary sector. Key findings included:

- Since 2004, the proportion of Māori students remained relatively stable, at approximately 19 per cent. There was gradual improvement in **participation rates** by Pacific peoples in tertiary education in 2008 (an increase from 7.3 per cent in 2007 to 7.5 per cent in 2008) and no improvement in Māori participation. The proportion of Pacific students has increased slightly more in private training establishments (PTEs) and other tertiary education providers (OTEPs) than in other parts of the sector.
- **Successful course completion rates** for Māori and Pacific peoples showed slight increases in 2008 but continued to be below the national average. Universities, PTEs and OTEPs showed the strongest improvement in successful course completion rates for Māori and Pacific peoples in 2008. The rate for Pacific peoples at industry training providers (ITPs) decreased slightly.
- **Qualification completion rates** for Māori and Pacific peoples are lower than the average rates for all students. Universities and wānanga have increased their qualification completion rates for Māori but there has been a steady decline in ITPs. For Pacific peoples, PTEs and OTEPs have the highest qualification completion rates and have improved in recent years. ITPs have consistently had the lowest completion rates for Pacific peoples, however, these figures did improve in 2004.
- **First year attrition rates** have increased in the past five years, and the rates for Māori and Pacific peoples continue to be higher than the average rates. This is an area of focus for 2008-2010 investment plans.

Priorities 2010

- Action by communities and ratepayer groups to increase Māori, Pacific and other ethnic representation in local government through the 2010 local body elections.
- Mechanisms to ensure Māori, Pacific and ethnic communities have an effective voice in the decisions of the new Auckland super city council at the regional and local level.
- Ensuring the new Auckland super city council continues the Treaty of Waitangi relationships, cultural diversity and settlement support programmes established by the outgoing Auckland councils.
- Reversing the increased racial inequalities that have resulted from the economic recession, particularly in relation to employment.
- Initiating long-term action with specific targets to reduce the high rate of imprisonment of Māori.

7. Te hekenga me te whakatau

Migration and settlement

What happened in 2009?

- 46,097 migrants were approved for residency in 2008-09, with the largest numbers coming from the United Kingdom, China, South Africa, the Philippines and Fiji. Australians, who do not need residence approval, formed the single largest group of migrants (14,000).
- 73,926 international students were approved to study in New Zealand.
- 136,481 permits were issued to temporary migrant workers.
- 757 people were accepted for resettlement under the Refugee Quota Programme in 2008-09, with the largest number coming from Burma/Myanmar, Bhutan and Iraq.
- The Immigration Act 2009 was passed.
- Changes were made to the Recognised Seasonal Employer scheme, a Silver Fern visa for young skilled migrants and an Entrepreneur Plus category were introduced, and changes were made to the working holiday scheme.
- The impact of the recession was felt by migrant workers in a number of industries, including hospitality, tourism and construction. Migrant advocacy groups sought meetings with the Government, hosted forums and presented a petition to Parliament.
- A passport scam targeting overstayers was exposed.
- A National Conference on Refugee Health and Well-being was held in November, to review 21 years of refugee resettlement.

Migration

MIGRATION TRENDS

The global economic downturn had a significant impact on migration. While the demand for temporary migrant workers decreased, export education continued to increase and expand into new markets. In 2008-09, approximately 1.4 million people were granted temporary visitor, student or work permits, and just over 46,000 were granted permanent residence. The following statistics provide an overview of key migration trends in 2008-09 and are primarily drawn from the Department of Labour's Migration Trends and Outlook 2008-09.

Net migration: Net permanent and long-term (PLT) migration is the difference between PLT arrivals and PLT departures. In the 2008-09 year, net migration was 12,500, the highest since 2003-04. In the year to November 2009, the net PLT migration was a gain of 20,000. This increase was driven largely by 17,300 fewer PLT departures compared to the previous year. PLT departures decreased by 1600 in November 2009, including 1500 fewer departures to Australia and 200 fewer departures to the United Kingdom. Since February 2009, PLT departures have fallen by at least 1000 each month, compared to the same month in 2008.

RESIDENCE

Residence approvals: 46,097 migrants (88 per cent of applications) were approved for residence, a slight increase from 46,077 in 2007-08. They were mostly onshore, through the Skilled/Business category. The largest group of residence approvals came from the United Kingdom (19 per cent), followed by China (15 per cent), South Africa (12 per cent), the Philippines (8 per cent) and Fiji (7 per cent). A growing number of international students stay in New Zealand permanently when they finish studying. Fifteen per cent of people who gained permanent residence in 2008-09 were previously on student permits, while another 59 per cent were previously on work permits.

Family sponsorship: In 2008-09, China was the largest source country of residence approvals in both the Uncapped Family Sponsored stream (16 per cent) and the Parent Sibling Adult Child Stream (28 per cent). For the first time, China exceeded the UK to produce the highest number of new residents from these categories. Parents can be sponsored to become permanent residents if they have half or more of their children living in New Zealand. Commentators have observed that, because of China's one-child policy, nearly every new resident from China will be able to sponsor their parents to live in New Zealand.

Australian migrants: Migrants from Australia do not need to apply for specific residence status to live in New Zealand. Statistics show 14,352 migrants from Australia moved to New Zealand in the 2008-09 year. They were the largest group to arrive in New Zealand in 2008-09, ahead of migrants from the UK and China. The number of migrants

TOP 10 COUNTRIES OF ORIGIN FOR RESIDENCE APPROVALS 2003-09 (ROUNDED PERCENTAGES)

Country of origin	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
United Kingdom	21%	31%	29%	26%	22%	19%
China	12%	10%	13%	12%	13%	15%
South Africa	7%	7%	8%	8%	9%	12%
Philippines	2%	2%	2%	6%	8%	8%
Fiji	6%	6%	5%	5%	7%	7%
India	8%	7%	7%	9%	7%	7%
Samoa	6%	5%	4%	4%	5%	5%
USA	2%	3%	4%	3%	3%	2%
South Korea	5%	4%	4%	2%	2%	2%
Tonga	5%	3%	2%	2%	2%	1%

moving to New Zealand from Australia nearly doubled in the past decade. In 1998-99, just 7468 Australians migrated to New Zealand.

Migrants from within the Realm of New Zealand: People from the Cook Islands, Niue and Tokelau do not require New Zealand residence status if they are New Zealand or Australian citizens. PLT arrivals in 2009 were: 314 from the Cook Islands, 55 from Tokelau and 53 from Niue. Net migration was 36 from the Cook Islands, 34 from Tokelau and seven from Niue.

Samoa quota: Successful applicants under the Samoan Quota Scheme are selected by ballot. In 2008-09, 1122 people were approved for residence through the Samoan quota, compared to 1202 in 2007-08 and 1106 in 2006-07.

Pacific Access Category: The Pacific Access Category (PAC) was established in 2002 for Pacific countries with close cultural and historical ties to New Zealand. Each year, up to 250 Tongan citizens, 75 citizens of Tuvalu and 75 citizens of Kiribati can migrate to New Zealand under this category. Fiji was removed from eligibility in 2007, though applications received before then are still being processed. There were 306 approvals, down from 1117 in 2007-08 (this number includes approvals through the Residual PAC Places Policy).

Temporary migrant workers

In 2008-09, 136,481 people were issued temporary work permits, two per cent more than in 2007-08. There was a 13 per cent increase between 2006-07 and 2007-08.

The top five source countries for temporary migrant workers in 2008-09 were the UK (15 per cent), China (nine per cent), India (seven per cent), Germany (six per cent) and the USA (six per cent). India and the Philippines showed increased numbers (up 10 per cent), while Japan declined by 14 per cent.

Included in the total work applications are the applications for the Recognised Seasonal Employer (RSE) scheme. In 2008-09, 7617 RSE applications were approved from a total of 7695. This is almost double the number of applications approved in 2007-08, the first year the scheme operated.

In 2008-09, there was an increase in applications approved under the long-term skill shortage category – 842, compared to 662 approvals in 2007-08. Applications were down for skilled migrants in 2008-09, with 1254 approvals, compared to 1484 in 2007-08.

International students

There were 73,926 international students approved to study in New Zealand in 2008-09, a six per cent increase from 2007-08. While China is still the source country for

the largest number international students, numbers have continued to decline. The top five source countries for international students in 2008-09 were China (20 per cent), South Korea (14 per cent), India (11 per cent), Japan (four per cent) and Fiji (four per cent).

The estimated total value of expenditure by all international students studying in New Zealand was \$1335 million for the year ended March 2009, down \$128 million from the previous year.

Settlement support offices

Since 2002, 19 settlement support offices have been established in urban centres around the country. They are operated by local government and community organisations and funded by the Department of Labour. The role of the offices is to identify local settlement support needs; connect newcomers with services that support their settlement; support local services to meet the settlement needs of newcomers; and provide a contact to newcomers for settlement information. In 2008-09, settlement support offices provided services to 9400 migrants and 887 local service providers.

Legislation and policy

Immigration Act 2009

In November, the new Immigration Act passed into law. It aims to enhance border security and improve the efficiency of immigration services. Since the review of the previous Immigration Act began in 2004, there has been extensive public consultation by the Department of Labour and the Transport and Industrial Relations Committee.

Key provisions of the new Act include:

- Facilitating passenger processing, e.g. any future government decisions regarding simplified passenger travel between New Zealand and Australia.
- A statement (Part 1) declaring the purpose of the new Act is "to manage immigration in a way that balances the national interest, as determined by the Crown, and the rights of individuals".
- Legislative ability to use future collection of specified biometric information for identity verification purposes (Part 2).
- A new classified information system for use in immigration and refugee and protection decision-making with special safeguards (Parts 2, 7) – this can only be used where the Minister of Immigration agrees and the information relates to security or criminal conduct.
- A universal visa system removing the distinction between visa, permit and exemption (Part 3).
- Interim visas for foreign nationals in New Zealand where they have applied for a further visa and their application is being considered (Part 3).
- A new refugee and protection system (Part 5), incorporating the United Nations 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. It includes a procedure for determining New Zealand's immigration-related obligations under the Convention Against Torture, and the International Covenant on Civil and Political Rights.
- A streamlined deportation process (Part 6).
- A single independent appeals tribunal, the Immigration and Protection Tribunal, to replace the four existing appeal bodies (Part 7).
- Information sharing provisions to enable personal information (including biometric) of foreign nationals to be checked with onshore and offshore agencies to manage risks to the immigration system and security of New Zealand (Part 8).
- A tiered detention and monitoring system (Part 9), that includes a greater ability to use reporting and residence requirements instead of secure detention
- Stipulating penalties for offences that undermine the integrity of the immigration system, including offences by employers, education providers and carriers (Part 10).

While there was significant support for many aspects of the new legislation, concerns remain about its human rights implications. These include issues relating to the transparency and monitoring of the policy, and the access to rules and criteria, reasons, and review proceedings.

CHANGES TO IMMIGRATION POLICY

The global economic downturn and a rise in unemployment put pressure on the Government to limit the flow of temporary migrant workers. Policy changes made in response to the recession included strengthening labour market tests and reviewing skills shortage lists. Job offers with permits to enter New Zealand through the Essential Skills programme are a pre-requisite for approval for temporary migrants. Rising unemployment in New Zealand has therefore lessened opportunities for new migrants to enter the labour market.

A key policy principle for temporary work is that opportunities for New Zealanders are protected. There are approximately 180,000 temporary migrant workers in New Zealand on work permits, with nearly 40,000 of these under the labour-tested category. Many workers have not been able to renew their permits because employers must now show that New Zealanders are unavailable to take the job.

Two skill-shortage lists administered by the Department of Labour – the Long Term Skill Shortage List (LTSSL) and the Immediate Skill Shortage List (ISSL) – are reviewed twice a year. In July 2009, 44 occupations were removed from the ISSL and eight from the LTSSL. Industry associations expressed concern that this might lead to shortages when the recession ends. Nineteen occupations were added to the skilled occupation list.

In July, a number of visa and immigration policy changes came into effect. Key changes were:

- A special Visitor policy for work-permit holders who have received a dismissal notice within the 90-day trial period – temporary migrant workers may be granted a further three months' temporary permit. Their partners and children may also be included in the application; dependent children qualify as domestic students.
- The Essential Skills work policy was amended to limit the visa and permit length to one year for lower-skilled workers.
- All working holidaymakers may now undertake more than one course of study, which must not exceed three months in total. Working holidaymakers from Canada, Germany, Japan, the United Kingdom and Taiwan may study more than one course not exceeding six months in total.

In November, the Minister of Immigration announced a new Silver Fern visa, aimed at attracting young, highly skilled workers from around the world. The new policy will be implemented in April 2010, giving people the opportunity to look for long-term work for up to nine months. Once they have a job, they can apply for a two-year working visa, with the possibility to gain residency under the Skilled Migrant category. There will only be 300 places available, with an age limit of 20 to 35 years.

The Entrepreneur Plus category for residence approval came into effect on 30 November 2009. It provides a faster route to gain residence for migrants who can demonstrate they have been active in business and contributing to New Zealand's economic development. An applicant must hold a long-term business permit and have:

- successfully established a business in New Zealand
- been self-employed in their business
- transferred at least NZ\$500,000 through the banking system to New Zealand
- invested at least NZ\$500,000 in their business
- created a minimum of three new full-time jobs for New Zealand citizens or residents (in addition to existing staff if they purchase a business)
- a minimum English language ability of IELTS 4
- met health and character requirements.

In contrast to the Entrepreneur category, there is no requirement on the length of time the business must have been in operation.

Recognised Seasonal Employers (RSE) scheme

This policy was introduced in 2007 to meet shortfalls in the fruit-picking sector, generate income for Pacific Island countries and to discourage overstaying. It allows employers in the horticulture and viticulture industries to recruit temporary workers from Pacific Island countries if there are no New Zealand workers available for those positions.

In June, the Minister of Immigration announced three changes to the RSE:

- A new Supplementary Seasonal Employment (SSE) permit.
- Deductions from RSE workers' wages will have to be the same as those for New Zealand workers.

- Employers must arrange health insurance for their workers and RSE workers must pay for health insurance.

In August, the Prime Minister announced the establishment of a pilot programme to deliver skills training to visiting Pacific workers taking part in the RSE Scheme. New Zealand's International Aid & Development Agency (NZAID) is investing \$500,000 in skills training for up to 300 RSE workers across the Bay of Plenty, Hawke's Bay and Marlborough over the next two years. Training will be outside work hours and will focus on literacy, numeracy and financial understanding.

In addition to the RSE scheme, NZAID and the Australian Government's overseas aid program have jointly funded the www.sendmoneypacific.org website. It is aimed at reducing the cost of sending money from New Zealand and Australia, by easily comparing costs exchange rates and transaction speed.

Supplementary Seasonal Employment (SSE) scheme

In July, the SSE policy replaced the Transitioning to Recognised Seasonal Employer policy. SSE allows employers to supplement their workforce with workers from overseas at times when their labour demand is greater than can be met by the New Zealand workforce. It is open only to workers already in New Zealand and they can work for no more than six months for approved SSE employers in the horticulture and viticulture industries. Employers have to prove they have attempted to recruit and train New Zealand workers first, before hiring migrant workers.

Changes to immigration policy in July, in response to the recession, mean migrant workers on supplementary seasonal employment will no longer be eligible to support their partner and children for permits under visitor, student or work policies.

Migrant experiences

Impact of the recession on migrant workers

In early 2009, suggestions that migrant workers were supplanting New Zealand workers were reported in the media. One case was the 28 New Zealand workers at MCK Metals Pacific, in New Plymouth, made redundant in October 2008 while Filipino welders kept their jobs and had temporary work permits renewed. Another case was

jet-boat manufacturer CWF Hamilton laying off 28 New Zealand workers while retaining 24 migrant workers on temporary contracts.

NGOs confirmed migrant workers are increasingly turning to unions, as they are afraid of losing their jobs to New Zealand workers as the recession sets in. Unions faced tension around how to best protect the rights of their migrant and non-migrant members. A public union meeting was held in April, attended by migrant workers, migrant advocates and union representatives from the National Distribution Union, Migrante Aotearoa, Unite Union, and Global Peace and Justice Auckland. Some people expressed fear that if the uncertainty was allowed to continue and the economic climate deteriorated, migrant workers would experience increased xenophobia and racism. A division had already started to develop in workplaces, compounded by the high skill levels of some migrants, compared to local workers.

In May, the Migrant Action Trust and Migrante Aotearoa met MPs to advocate for policy change for migrants working on temporary permits. The Trust said the Government's "Kiwi first" jobs policy made it "nearly impossible" for migrant workers to find work in the past year.

In July, Pacific Island leaders suggested an Immigration Commission be established to review contentious immigration decisions. The Institute of Policy Studies released research that found migrants are needed to care for New Zealand's aging population and identified the need for low-skill migration programmes.

In October, migrant advocacy groups asked the Government to consider the Economic Impact of Immigration report and supported a call for amnesty for migrant workers who had lost their jobs in the recession. This was followed in November by a petition to Parliament with 2000 signatories, urging the Government to provide the amnesty.

In November, the Asia-Pacific Economic Cooperation (APEC) meeting in Singapore was warned Asia-Pacific economies will face critical labour shortages if they fail to allow easier movement of temporary workers between countries. The report commissioned by the APEC Business Advisory Council urges governments to address the problem, or risk hampering business competitiveness and economic growth.

Passport scam preys on the vulnerable

In June, Māori and Pacific Island leaders warned communities about a scam around South Auckland offering false passports or residence permits for \$500.

A group calling itself Hāpu Tino Rangatiratanga Atawhai Whāngai held meetings in Manurewa and Hamilton, targeting Pacific Island overstayers.

Two people were charged with the sale of fake passports and were committed for trial. The Government ruled out offering amnesties to overstayers affected by the scam, as it did not want people to think of overstaying as an avenue to residency.

Refugees

Refugee quota

Quota refugees are people the United Nations High Commissioner for Refugees (UNHCR) has mandated as refugees overseas. They are selected for resettlement in New Zealand under the annual Refugee Quota Programme. This comprises three main sub-categories: protection cases; women-at-risk; and medical/disabled. There is also a focus on family links.

New Zealand has accepted refugees for resettlement since the end of the Second World War. In 1987, the Government established a formal annual quota, and in recent years, this has been approximately 750 places. Over the past 15 years, New Zealand has accepted more than 10,000 refugees under the resettlement programme.

NATIONALITIES OF REFUGEES SETTLED IN NEW ZEALAND 1944–2009

1944	Polish children & adults
1949 - 1952	Displaced persons in Europe
1956 - 1958	Hungarian
1962 - 1971	Chinese (Hong Kong and Indonesia)
1965	Russian Christian "old believers" (in China)
1968 - 1971	Czechoslovakian
1972 - 1973	Asian Ugandan
1974 - 1991	Bulgarian, Chilean, Czechoslovakian, Hungarian, Polish, Romanian, Russian Jews, Yugoslav
1977 - 2000	Cambodian, Lao and Vietnamese
1979 - 1989	Iranian Baha'i
1991	El Salvadorian, Guatemalan
1985 - 2002	Iraqi
1992 - 2006	Afghan, Albanian, Algerian, Assyrian, Bosnian, Burundi, Cambodian, Chinese, Congolese, Djibouti, Eritrean, Ethiopian, Indonesian, Iranian, Iraqi, Kuwaiti, Libyan, Khmer Krom (Cambodian Vietnamese), Liberian, Burmese/Myanmarese, Nigerian, Pakistani, Palestinian, Rwandan, Saudi, Sierra Leone, Somali, Sri Lankan, Sudanese, Syrian, Tanzanian, Tunisian, Turkish, Ugandan, Vietnamese, Yemeni, Yugoslav
2006-2007	Afghan, Republic of Congo (Congo-Brazzaville), Democratic Republic of Congo, Burmese/Myanmarese
2007-2009	Iraqi, Colombian, Eritrean, Ethiopian, Bhutanese, Indonesian, Nepalese

TOP FIVE COUNTRIES OF ORIGIN FOR QUOTA REFUGEES 2004-09

2004-05	2005-06	2006-07	2007-08	2008-09
Afghanistan	Burma/Myanmar	Burma/Myanmar	Burma/Myanmar	Burma/Myanmar
Sudan	Iran	Afghanistan	Bhutan	Bhutan
Burundi	Republic of Congo (Brazzaville)	Democratic Republic of Congo	Eritrea	Iraq
Ethiopia	Iraq	Sudan	Iraq	Democratic Republic of Congo
Somalia	Afghanistan	Rwanda	Afghanistan	Colombia

Of the 757 refugees accepted for resettlement in 2008-09, the main source countries were Burma/Myanmar (24 per cent), Bhutan (22 per cent), Iraq (17 per cent), Democratic Republic of Congo (8 per cent), and Colombia (7 per cent). Refugees from Bhutan, Iraq and the Democratic Republic of Congo increased, while those from Eritrea and Burma/Myanmar decreased from the preceding year.

In the past five years, 3806 people from 43 different countries have been approved for residence through the Refugee Quota Programme. The largest source countries were Burma/Myanmar (1065), Afghanistan (598), Iraq (383) and Bhutan (313).

The new Immigration Act streamlines processes for refugees. Other policy changes include the ability to detail asylum seekers for up to 20 weeks. Given the small numbers of some nationalities accepted as refugees, the planning cycle for quota composition will move to three years.

Claims for refugee status

From 1997-98 to 2008-09, 2928 people successfully claimed refugee status under the United Nations 1951 Convention Relating to the Status of Refugees. Seventy two of these were in 2008-09. The number of people claiming refugee status has fallen steadily since 2001, with claims in the past two years approximately 20 per cent of those in 2001-02.



Archbishop David Moxon and Ali Panah. © Anglican Church Aotearoa, New Zealand

Ali Panah granted refugee status

In February, Ali Panah was granted refugee status, following a third hearing by the Refugee Status Appeals Authority. After seeking asylum when he arrived in New Zealand, Mr Panah was detained for 20 months for refusing to sign documents that would lead to his deportation to Iran. Mr Panah said he would have faced persecution and possibly the death penalty in Iran as a Muslim who had converted to Christianity. He was released on bail in September 2007 after a 53-day hunger strike at Auckland's remand prison. Mr Panah's lawyer said the appeals authority recognised he was in greater peril in Iran because of the publicity surrounding his hunger strike.

Permanent residence is approved separately from claiming refugee status. In 2008-09, 207 Convention refugees were approved for residence, compared with 213 in 2007-08 and 191 in 2006-07. These new residents came from 25 countries, with the highest number of approvals from Iraq (49) and China (43).

Refugee resettlement support

The Department of Labour is the key agency for New Zealand's international obligations for resettling UNHCR refugees. It funds the non-government agency Refugee Services Aotearoa NZ to provide resettlement support for all quota refugees in their first 12 months in New Zealand. This includes housing, access to health and social services, English language tuition and education, and secure employment.

To improve services, the Settlement Division (Department of Labour) and Refugee Services Aotearoa NZ are developing a resettlement plan for all quota refugees.

Strengthening Refugee Voices

The Department of Labour also funds four Strengthening Refugee Voices (SRV) initiatives, which provide opportunities for refugees to offer their perspectives on government services for refugees, to improve settlement outcomes.

The four SRVs are:

- the Auckland Refugee Community Coalition Incorporated, with representation from nine refugee communities
- the Waikato Refugee Forum, with representation from eight refugee communities
- the Changemakers Refugee Forum (Wellington), with representation from nine refugee communities
- the Canterbury Refugee Council, with representation from 11 refugee communities.

National Refugee Resettlement Forum

Each year, the Department of Labour hosts a national forum for representatives of refugee communities, NGO resettlement service providers, government agencies, and international organisations. The National Refugee Resettlement Forum (NRRF) helps inform decision-making

for refugee resettlement policy and services, and raises issues from service providers and refugee stakeholders.

The NRRF considers issues raised at the four regional refugee resettlement forums. The regional forums are organised by local Refugee Services Aotearoa NZ and the regional SRV initiatives in Auckland, Hamilton, Wellington and Christchurch. The regional forums provide participation in resettlement discussions, which identify solutions or elevate issues to the NRRF.

Health (including specialist, culturally appropriate mental health care) was a prominent topic at all regional forums in 2009 and was the theme for the 2009 NRRF in May. Other concerns discussed at regional and national refugee forums included:

- challenges refugees face in achieving family reunification
- the lack of suitable housing available for refugee families
- the adequacy of benefit levels
- challenges in finding employment, including recognition of previous qualifications and work experience.

Quota refugees 10 years on

The Quota Refugees Ten Years On: Perspectives on Integration, Community and Identity research programme aims to explore the settlement experiences and outcomes

The image shows the cover of a report titled "Looking Back and Building Futures: Former Refugees' Views on Settling in New Zealand". The cover features a collage of black and white photographs of people, including a group of women looking at a document and a woman smiling. The text on the cover includes the IMSED logo (International Migration, Settlement & Employment Dynamics), the Department of Labour logo, and the title "QUOTA REFUGEES TEN YEARS ON SERIES". Below the title, it says "SUMMARY REPORT" and "Looking Back and Building Futures: Former Refugees' Views on Settling in New Zealand". A quote is featured at the bottom: "Because [New Zealand] helped me, it made me feel like I belong to it – made me feel like I wanted to be a part of it."

of New Zealand's quota refugees who arrived 10 or more years ago. The research builds on an earlier Department of Labour research project, *Refugee Voices: A Journey Towards Resettlement*. In contrast to this earlier study, *Quota Refugees Ten Years On* gathers knowledge about long-term integration, refugee communities, identity and citizenship.

In 2009, the Department of Labour released the results of an exploratory study commissioned as part of the wider programme. Researchers spoke to quota refugees who had lived in New Zealand for more than 10 years. Former refugees attended focus groups and participated in individual interviews. The findings helped develop questions for a nation-wide survey of people who had arrived in New Zealand through the Refugee Quota Programme between 1993 and 1999.

Participants in the study identified three important factors in the settlement process: English language ability, the role of family and being separated from family. Other important aspects were: being safe from war and violence; a reasonable level of income; having paid work; access to education; low cost or free quality health care; and being treated fairly, including having access to the same services as other New Zealanders.

Conference on Refugee Health and Well-being

In November, the Centres for Asian and Migrant Health Research and Refugee Education at AUT, and the Refugee Council of New Zealand hosted *Looking Back and Moving Forward: Refugee Health and Well-being* conference. The conference reviewed major developments and achievements since the first conference in 1988, to identify gaps and determine what needs to happen next.

There were six main themes where participants called for change:

One vision: There needs to be a single vision and policy for refugee resettlement, with national goals and standards by which to measure success, with a longer time frame than 12 months.

All types of refugees: Resettlement support should be the same for all types of refugees – quota refugees or those who come through family reunification policies.

One team: Services must be delivered on a whole-of-government basis, with different agencies working together in a consistent manner.

Rights based: Policies and services must be rights based rather than needs based. This means recognising the rights of refugees – including women, children and people with disabilities – to education, health, shelter, work, non-discrimination, adequate standard of living, language, culture and participation.

Refugee centred: Refugees need to be at the centre of policy development and service delivery. Their voice needs to be heard, and they should be supported to build their own communities and determine their own futures.

Transformational change: Government and non-government agencies need to fully include refugees in decision-making processes and service delivery, and to work in genuine partnership with refugee communities.

Top issues still to be addressed include:

- selection criteria for quota refugees
- greater provision for family reunification and improvements of administering such provision
- increased resources for resettlement, income support, education, disability and mental health services
- reinstatement of Adult and Community Education and Foundation Learning Pool funding, refugee study grants, and provision for English language teaching and school support
- recognition of qualifications and prior learning
- provision of interpreter services in education and health in all locations
- specialist services for refugees outside the main centres
- multicultural training and professional development for teachers, health workers, government officers and refugee support people
- promotion of public understanding and acceptance
- empowerment of women and youth
- local government services.

Polish refugee children

Polish refugee children and their families commemorated their arrival and life in New Zealand at a reunion in Wellington 31 October to 1 November 2009. This marked the 65th anniversary of the arrival on 1 November 1944 of 733 Polish refugee children and 105 adults from war-torn Poland.

The Polish children endured years of hardship after the ethnic cleansing of their homeland, witnessing loved ones perish, deportation in cattle trains to the Soviet gulags, and eventual forced labour. They “walked to freedom” to Iran and were transported to distant countries, including New Zealand.

The anniversary event was attended by the Governor-General, the Hon Sir Anand Satyanand, and Lady Satyanand; parliamentary representatives; Wellington mayor Kerry Prendergast; Roman Catholic Archbishop John Dew; and Rev Fr Tadeusz Przybylak from Australia.

Taxi and bus drivers' licence requirements

In a series of decisions, the District Court and High Court have overturned the approach of Land Transport New Zealand to interpret the “fit and proper person” requirements under the Land Transport Act (LTA). Three cases involved endorsement of drivers' licenses to allow applicants to become taxi or bus drivers.

Section 29A of the LTA requires applicants to demonstrate they have not been convicted of serious offences. All three applicants were refugees (from Iran, Burma and Somalia) and were unable to produce evidence from their country of origin of prior convictions. In the absence of documentary evidence, the applicants offered to provide statutory declarations as proof of compliance with s.29A, but this was not accepted by the NZ Transport Agency (NZTA).

In two of the cases, the judges noted the principle issue involved a decision about the standard of proof NZTA would accept. NZTA needed to take into account the applicants were endeavouring to prove they had not been convicted of any serious offences. They noted this was not to downgrade the public safety issues, but that aspect should not be elevated over all others. In the third case, the court endorsed the judgement of the first two cases.

Priorities 2010

- Implementing the Immigration Act, improving accessibility of the immigration service in provincial areas, and streamlining procedures to deal with applications for extensions to work and residence permits.
- Providing some flexibility for international students and others on Work to Residence permits who are affected by the economic downturn.
- Developing a whole-of-government approach to refugee resettlement, strengthening the involvement of refugee communities and increasing provision for family resettlement.
- Ensuring all school-aged children, including those without legal status, are enrolled and attend free primary and secondary schools, as required by the International Covenant on Economic, Social and Cultural Rights and raised with New Zealand by the United Nations Committee on the Elimination of Racial Discrimination.

8. Reo Language

What happened in 2009?

- Adult language learning was affected by the Budget announcement of an 80 per cent cut in funding to school adult and community education programmes.
- Surveys of government websites indicated a high level of mono-lingualism, but a number of agencies published new information in a range of languages.
- English-only workplace policies came under scrutiny.
- Final reports on the 2006 Māori language survey were completed.
- Work continued on a new Māori Language Strategy.
- Budget 2009 increased funding for iwi radio and whānau language development.
- Māori language curriculum guidelines for English-medium schools were launched.
- Māori Language Week was held in July. Timoti Karetu received the inaugural Taku Toa Takimano award for an individual contribution to the Māori language.
- Samoan Language Week was more widely celebrated.
- Work continued on a Pacific Languages Strategy.
- New guidelines for teaching Samoan and Tokelauan were completed.

NATIONAL LANGUAGES ISSUES

Cuts to adult and community education

In the 2009 Budget, the Government unveiled changes for the funding of adult and community education (ACE), which includes language classes. Government investment in ACE was reduced as were subsidies to so-called “hobby and personal interest courses”. School ACE funding will be cut by 80 per cent in 2010, and it is likely only a small number of schools will receive ACE funding for 2010 and beyond. Practitioners were concerned about the impact these cuts will have on language learning in the community.

Agencies’ language provision

The outbreak of the N1HI virus (swine flu) in April 2009 brought the provision of essential public information in community languages into the spotlight. Containment

of the virus relied primarily on public awareness, but in the important initial stages, no information was made available in languages other than English. The World Health Organisation officially declared an influenza pandemic in early June, but it was not until late July that information in a range of languages became available on the Ministry of Health’s website.

The Human Rights Commission conducted informal surveys of government websites for Samoan Language Week and Māori Language Week to determine the level of government information provided in languages other than English. The Samoan Language Week survey found that of 105 central government agencies, only 15 had information in Samoan. Nine of these were outside the core public service. A sample of local government websites identified only two that contained information in Samoan.

While searching for Samoan information, websites were also checked for other languages (including te reo Māori). Overall findings of the survey showed:

- Central and local government agency websites are mainly monolingual, with little or no use of languages other than English.
- Major government service agencies and councils in areas with a high proportion of Samoan residents have no information in Samoan at all, despite their considerable Samoan client base.
- Where Samoan language resources are provided, they are often not signposted on the organisation’s home page and are often difficult to locate.
- Although many public sector organisations subscribe to the Language Line service (which includes Samoan), this is rarely promoted on their website.

The Māori Language Week survey likewise indicated most government websites did not have much te reo Māori content. In response to the survey, officials in charge of the government web domain and the Race Relations Commissioner invited representatives from government agencies to a round table discussion. The Commissioner concluded by recommending agencies identify the particular issues for their organisations, measure their current provision of te reo, research the extent to which it meets user needs, experiment with providing more content in te reo and develop evaluative tools.

During the year, a range of government agencies and NGOs extended the information they provide into a wider range of community languages. Some examples include:

- Family Planning published six brochures in Chinese and a new booklet in Somali.
- Te Rau Matatini, the national Māori health workforce development organisation, launched Chur Chur Bro, an interactive bilingual self-help mental health website for rangatahi Māori.
- The Human Rights Commission published its complaints form in a number of community languages and provided links to government information available in Samoan for Samoan Language Week.
- The Broadcasting Standards Authority extended the range of languages its complaints information is available in and ran a multilingual poster campaign on buses in Auckland and Wellington.
- The Mental Health Foundation launched the bilingual Kai Xin Xing Dong Mandarin and English mental health website to reduce stigma and discrimination related to mental illness in New Zealand's Chinese community.
- The Parkinson's Foundation produced An Introduction to Parkinson's pamphlets in 10 languages for Parkinson's Awareness Week.
- The Office for Disability Issues commissioned and published a NZ Sign Language translation of the Convention on the Rights of People with Disabilities on its website.

The Elections New Zealand website was acknowledged by the Human Rights Commission for best practice in multilingual communication.

English-only workplace policies

A sign at a supermarket, telling staff only English was to be spoken at work, attracted media attention. The sign said the use of foreign languages made customers and staff uncomfortable. The matter was resolved quickly and a representative of the supermarket chain appeared on television to explain the sign was put up in error by a junior manager. A bus company received media attention when a similar policy was implemented around the same time.

Since 2002, the Human Rights Commission has received over 100 complaints and enquiries relating to issues of

English-only policies in the workplace. Just over half of these were from employees, most of who were concerned their employers had implemented or were planning to implement such a policy. A number of complaints were received from employees concerned languages other than English were being spoken in their workplace and they wanted further information on English-only policies. A small proportion of the enquiries were from employers or human resources officers wanting advice in implementing English-only policies.

The remainder of the complaints and enquiries were from people who wanted to discuss English-only policies in specific workplaces. There was an increase in the number of such approaches to the Commission in 2009, largely as a result of the media attention.

TE REO MĀORI

Māori language curriculum guidelines for English-medium schools launched

The first ever Māori language curriculum guidelines for mainstream schools, Te Aho Arataki Marau mō te Ako i





te Reo Māori – Kura Auraki, were launched in March at Taurua Marae, Lake Rotoiti. The curriculum guidelines are the outcome of an extensive process of consultation, development and trialling. They provide an important tool to implement Section 61 of the Education Act, which requires schools to take all reasonable steps to provide te reo Māori me ōna tikanga to students when parents ask for it.

Health of the Māori language reports completed

Te Puni Kōkiri completed a series of 13 reports on the 2006 Survey on the Health of the Māori Language. One report provides national data; four reports cover the broadcasting, education, arts and archives sectors; and eight reports present regional data.

These publications share the findings of data collected from the 2006 Survey on the Health of the Māori Language and the 2006 Survey of Attitudes, Values and Beliefs towards the Māori Language. The findings help measure Māori language health and progress towards the goals set out in the Māori Language Strategy 2003.

Review of the Māori Language Strategy

The Māori Language Strategy (MLS) was confirmed by government in 2003 and published by Te Puni Kōkiri and Te Taura Whiri i te Reo Māori. Te Puni Kōkiri and Te Taura Whiri reviewed the MLS in 2008-09. At the end of 2009, the results were under consideration by the Minister of Māori Affairs. The current MLS continues to provide direction for work in the Māori language sector.

Budget increases for language development

The 2009 Budget allocated \$4.5 million for the retention and revitalisation of Māori language and culture. This includes new funding of \$3 million, allocated to the Whānau Development Programme over three years, to provide information and advice to whānau about Māori language acquisition and use through a network of mentors.

Māori Language Week – Te Wiki o te Reo Māori

Te Taura Whiri i te Reo Māori reported increased participation across New Zealand, coupled with unprecedented demand for resources during Te Wiki o te Reo Māori in July. The theme was “Te reo i te hāpori, Māori language in the community”. Chief Executive Huhana Roxk called it the “most successful Māori Language Week ever”. Highlights included:

- TVNZ’s *Breakfast* programme using Māori language place names for weather reports
- the Montana Māori Literacy Award for 2009 to He Pātaka Kupu, the first dictionary written entirely in the Māori language
- the introduction of predictive texting and voice recognition in te reo Māori on Telecom’s new XT network
- the launch of m.Māori, a free application with 40 Māori phrases that can be downloaded on to mobile phones to help pronunciation
- the translation of *Spongebob Squarepants* into te reo Māori, episodes of which were broadcast on Nickelodeon
- Air New Zealand’s grabaseat website in te reo Māori
- the trial of Ngāi Tahu prototype online interactive Māori Language Readers.



He Huia Kaimanawa and Māori Language Awards

The first two-day Māori Language Expo, He Huia Kaimanawa, was held in Porirua in October. It featured a language symposium and the Māori Language Awards. The awards recognise commitment to Māori language

regeneration. The winner of the supreme award, Te Tohu Huia Kaimanawa, was the Raukawa Māori Trust Board. Professor Timoti Karetu, a long-time advocate and supporter of te reo was the inaugural winner of the Taku Toa Takimano award, given in recognition of an individual's efforts for the language. The language learning programme Te Ataarangi received the Te Aumangea award, which is given to a group or organisation in recognition of their efforts towards language revitalisation.

Google te reo translator toolkit

In October, Google announced te reo Māori had been added to its translator toolkit. For the past 18 months, Google had been researching how incorporating minority languages into its applications could help keep them alive and diversify access to them on a global scale. Waikato University computer science lecturer Dr Te Taka Keegan helped Google launch the toolkit. Dr Keegan spent six months at Google's headquarters, in Mountain View, California.

Me he rangi ka paruhi i te waru tō rite?

William Shakespeare's Sonnet 18, which starts with the line, "Shall I compare thee to a summer's day", was translated into te reo Māori by Tūhoe translator Te Haumihiata Mason. A copy of the sonnet (Oriori 18) was unveiled at Shakespeare's Globe, in London, in August as part of its Complete Workes 2009, celebrating the 400th anniversary of the publication of the sonnets. Actor Rawiri Paratene read the sonnet in te reo. The event featured performances from the London-based Māori club Ngāti Ranana.



Rawiri Paratene and Ian Redford reading Shakespeare's Sonnet 18 in te Reo and English, London. © Rawiri Paratene

World Linguapax Award for Māori language champion

Writer, academic and Māori language pioneer Kāterina Te Heikōkō Mataira received the 2009 Linguapax Award for her lifelong work to revive the Māori language. In the 1970s, Ms Mataira co-developed the Te Ataarangi community based programme of Māori language learning with the late Ngoingoi Pewhairangi, which trained native speakers of Māori to teach their language. Linguapax is a Spanish-based non-governmental organisation affiliated with UNESCO, dedicated to the global preservation and promotion of linguistic diversity. This is the first time a New Zealander has received the award.

NEW ZEALAND SIGN LANGUAGE

New Zealand Sign Language Week

New Zealand Sign Language (NZSL) Week was held in May with the theme "New Zealand sign language is in your hands". Activities included taster NZSL classes, toolkits for schools, the NZSL in Action Awards and the Deaf Short Film Festival. As part of the film festival, a repeat performance of the Odd Socks bi-lingual play, *Words Apart*, was held in Wellington. The play combines two of New Zealand's official languages, visual NZSL and verbal English. American performer John Maucere toured the country performing his show *Deafywood*.

Deaf People and Human Rights report launched

The release of a report on Deaf people and human rights by the Swedish National Association of the Deaf and the World Federation of the Deaf was marked by an event in New Zealand. The report highlighted New Zealand as the only country out of 93 surveyed to have a sign language-specific law. Human Rights Commissioner Robyn Hunt said access to education for Deaf children is still of particular concern because of a shortage of sign language interpreters in schools. She said the next step should be the establishment of a New Zealand Sign Language Commission, with similar aims and objectives to the Māori Language Commission.

The United Nations Convention on the Rights of Persons with Disabilities was translated into NZSL. New Zealand is only the second country in the world to translate the Convention into its own sign language.

Community-led NZSL strategy proposed

A group of Deaf community stakeholders have proposed the development of a NZSL strategy to address barriers to language rights for deaf people not addressed by the NZSL Act 2006. The group will ask the Deaf community about priorities for NZSL and will use the feedback to develop an action plan for achieving the NZSL priorities.

Project Karere launched

Te Roopu Waiora Trust launched a new initiative using remote video technology to provide an interpreting service. This allows deaf speakers of Māori to participate in forums where te reo is used. Deaf people sign to an interpreter via a web camera, and the interpreter then relays their message in speech to the hearing person. Project Karere is going to develop a digital pānui and translation service and will make internet radio programmes to provide information for the Māori blind.

PACIFIC LANGUAGES

Samoan Language Week

Samoan Language Week, held in May, expanded into the wider community, lifting the profile of the Samoan community and language.

There are over 130,000 Samoan New Zealanders. The Samoan community is the fourth largest ethnic community after NZ Europeans, Māori and Chinese, and the language is the third most commonly spoken language in New Zealand after English and Māori. Approximately 2300 students are studying Samoan language at 30 schools, mostly in the Auckland and Wellington regions.

Samoan Language Week was originally part of a series of Pacific language weeks run by Radio Niu FM in the run-up to Māori Language Week. It was taken up by FAGASA Inc (the Association for the Teaching of Samoan in New Zealand) in schools, and in 2009 further developed as a partnership with the Human Rights Commission and several other organisations.

Highlights of the week included:

- the opening at St Patrick's College, in Wellington, attended by the Minister of Pacific Island Affairs, the Race Relations Commissioner and the Samoan High Commissioner

- widespread coverage in Pacific media, particularly on *Tagata Pasifika*, Radio Samoa, Pacific Radio Network and Radio New Zealand National
- programmes of community activities run by Waitakere, Manukau and Wellington City Libraries.

Launch of Gagana Tokelau: The Tokelau Language Guidelines

Guests from the Tokelau community and education sector joined the Minister of Education to celebrate the launch of Gagana Tokelau: The Tokelau Language Guidelines at Wellington College in May. The Minister emphasised the importance of celebrating the diversity of cultures and languages in New Zealand.

Work on the guidelines began in the late 1990s when the Tokelau community wanted to have their language taught in New Zealand early childhood services and schools. Work began in earnest in December 2004, when a team of three Tokelauan writers began writing the guidelines.

Launch of Samoan language guidelines

The Minister of Pacific Island Affairs launched guidelines and a new multimedia resource for teaching and learning Samoan in September. Ta'iala mo le Gagana Samoa: The Gagana Samoa Guidelines provides a framework for early childhood services, primary and secondary schools. *Mua O! An Introduction to Gagana Samoa* is aimed at students in years 7-10 and provides a range of entry-level resources for teachers and students. The guidelines and resources will be used by schools in New Zealand to design and shape a language programme to include Gagana Samoa.

Endangered Pacific languages conference

The second Critiquing Pasifika Education @ the University conference took place in July at AUT University in Auckland. The theme was "Endangered languages and cultures: what can we do?"

Issues raised at the conference included:

- the lack of research literature on Pacific communities and languages in New Zealand
- the dominance and perceived prestige of English as a major factor in the decline of Pacific languages, and the limits of English in expressing Pacific concepts
- concern about the future policy direction of the Pacific

Languages Strategy and whether it is enough to stop language loss

- alternatives for language revival: immersion-schooling, bilingual education, multilingual education or the development of a universal, auxiliary language
- the importance of language education, from early childhood to tertiary levels
- the role of gender in language and cultural loss and preservation.

Pacific Languages Strategy

The Ministry of Pacific Island Affairs is developing a Pacific Languages Strategy, which includes a vision, key goals and specific languages to foster. The proposal awaits Cabinet consideration, after which a more comprehensive strategy will be developed in conjunction with initiatives of community groups. Challenges identified at a forum on the Pacific Languages Strategy at the New Zealand Diversity Forum in August included: declining Pacific language skills among NZ-born Pacific peoples and those whose populations in New Zealand are larger than in their home countries; negative attitudes in wider NZ society; languages seen as important only for culture and identity purposes; the lack of institutional support for Pacific languages; and the devaluation of bilingualism in relation to Pacific languages.

COMMUNITY LANGUAGES

Survey on community languages maintenance

Language Line and the Community Languages Association in New Zealand conducted a survey of preschool teachers to assess possibilities for language maintenance in early childhood education. The survey asked how they would feel about someone visiting to teach a song, read a story, or show food or other cultural traditions. Preschool teachers contacted were enthusiastic about bringing other languages and cultures into their centres. Many were already doing this and would welcome the support.

Interpreting in New Zealand: The Pathway Forward

Language Line published *Interpreting in New Zealand: The Pathway Forward*, as part of an initiative by the Office of Ethnic Affairs' Language Line team, to help interpreters keep up to date with developments. At the book launch in October, Sir Paul Reeves recalled the importance of Tūpaia,

the famous Polynesian interpreter who accompanied Captain Cook.

There have been over 175,000 sessions using Language Line in the past six years.

International Languages Week

International Languages Week (ILW), held in August, encourages New Zealanders to celebrate cultural and language diversity and promotes learning international languages. Language teachers from around the country organised school-based activities and celebrations. ILW national coordinator Kenneth Leong said, "The New Zealand we live in today is culturally and linguistically far more diverse than it has ever been. Hence, it has never been more important for New Zealanders to have an understanding of international languages and cultures."

Asian languages forum

A forum on Asian languages in New Zealand was hosted by the Office of Ethnic Affairs at the New Zealand Diversity Forum. Discussion focused on the benefits of learning and maintaining Asian languages for business (particularly China), education, tourism, art and creativity, and culture and identities. Challenges included strategies for retaining mother tongues and learning another language; funding and support to develop curriculum and resources; difficulties in sourcing qualified teachers; and lack of support from the mainstream education system. Very few high schools offer Asian languages and teacher training does not require an additional language.

The new New Zealand curriculum, stating students should learn a second language, was seen as a step in the right direction. It would require a large amount of infrastructure, resources and teachers to put it into practice. However, the Australian Government has put substantial financial resources into schools over three years to boost the learning of Asian languages.

Priority 2010

- Completing strategies for Māori and Pacific languages, and developing strategies for New Zealand Sign Language, community languages, translation and interpreting services and languages in schools.

9. Pāpāho

Media

What happened in 2009?

- Forums were held on diversity in the media.
- The Pacific Scoop diversity news website was launched by Auckland University of Technology's (AUT) Pacific Media Centre.
- Māori Television turned five, and the Māori Television Service Act was reviewed.
- Operating funding for iwi radio was boosted by \$1.2 million over 2009-10 and 2010-11.
- The Māori Television Service, together with TVNZ and TV3, was identified as the preferred free-to-air broadcaster for the 2011 Rugby World Cup.
- The New Zealand Press Council considered two race-related complaints in 2009; one was partially upheld.
- The Broadcasting Standards Authority considered seven race-related complaints; one was upheld.
- The Advertising Standards Authority received 10 race-related complaints; two of these were settled.
- Adrian Stevanon of TVNZ's *Tagata Pasifika* programme won first place in the 2009 New Zealand Excellence in Reporting Diversity Awards for young journalists.
- Radio Tarana, aimed at the Auckland Indian community, was ranked among the top 10 radio stations in the greater Auckland region.

FORUMS ON DIVERSITY IN THE MEDIA

Discussion of diversity in the media continued in a number of forums organised by the Office of Ethnic Affairs, New Zealand on Air and the Human Rights Commission.

The Office of Ethnic Affairs organised "ethnic media bus tours" in Christchurch and Auckland. In Christchurch, over 20 ethnic media and journalism students visited *The Press*, *The Star*, and radio station Newstalk ZB. A presentation provided a definition of media, the impact and influence generated by media, and ways of dealing with media in New Zealand. In Auckland, over 30 representatives of ethnic media visited Māori Television and Newstalk ZB.

The tour was preceded by a forum with members of the Press Council, the Broadcasting Standards Authority and a former editor of *The New Zealand Herald*.

Approximately 30 members of Wellington's ethnic media attended a workshop hosted by the Office of Ethnic Affairs, in Wellington. It aimed to develop stronger connections across communities, improve access to information by using ethnic media to convey information to their communities, and promote networking.

The Office of Ethnic Affairs held a forum in Auckland on the role and perception of Muslims in the New Zealand media. Participants included representatives from Muslim media, the Broadcasting Standards Authority, Māori Television, Radio New Zealand and Radio Live. The discussion focused on learning to work with the media, countering misrepresentation, the role of youth, the plurality within the Muslim community and freedom of speech. A similar forum was held in Hamilton, where guests included the editor of the *Waikato Times*, the head of the Screen and Media Department at Waikato University and an academic/practitioner from Wintec.

The Office of Ethnic Affairs held a South Asian Forum in Auckland with the theme "Connecting South Asians to the media". The event provided a platform for South Asians and the media on how to empower south Asian communities to engage more effectively with media to promote their identity, issues, events and culture.

NZ on Air held an ethnic diversity broadcasting forum with the Office of Ethnic Affairs, in Auckland. Topics included media and cultural identity, reaching ethnic audiences, and Screen and Heard – the NZ broadcast media scene in 2020, with speakers and panelists from the BBC, Australia's SBS, New Zealand's major broadcasters and writers and producers. Approximately 100 ethnic and mainstream broadcasters, decision-makers and practitioners attended the forum. Highlighted issues included the importance of catering to an increasingly diverse audience, funding for high-quality programmes to reach diverse audiences, the commercial viability of ethnic-specific programming, and the importance of drama in educating and reflecting population diversity.

The Human Rights Commission hosted the annual Media Diversity Forum at the New Zealand Diversity Forum in August. The topic, “New media, new audiences”, provided insights into Asian media channels serving an audience of 250,000 people in New Zealand. Panelists included representatives of Skykiwi.com, World TV, *Indian Weekender* and Phoebe Li, a researcher on Asian media in New Zealand from the School of Asian Studies, The University of Auckland. Ms Li spoke about her thesis “A virtual Chinatown: the diasporic mediasphere and Chinese migrants in New Zealand”. It compares the growth of Chinese language media in New Zealand to an “imagined Chinatown” and found locally based Chinese language media focused on news from China.

Representatives of Asian media channels spoke of the need to persist in a competitive media environment. They also saw part of their responsibility as preserving the culture and language of their respective homelands.

Short profiles about the media channels show strong community support and growing market share:

World TV Ltd (WTV) was launched in June 2000 in association with the SKY satellite digital service. It broadcasts 24 hours a day in seven television and two radio channels. WTV has arrangements for programming from mainstream media in China, Taiwan, Hong Kong, Japan and Korea, as well as self-production. Over 10,000 households subscribe to WTV, with the number of viewers reaching 50,000 – approximately 26 per cent of the market.

Skykiwi.com is the largest Chinese website in New Zealand, introducing New Zealand culture and lifestyle to the Chinese community. In 2007 and 2008, Skykiwi.com ranked number one in the Hitwise “News and media - community directories and guides” category (based on market share of visits among all New Zealand websites).

The *Indian Weekender* was launched in 2009. It is a weekly newspaper aimed at the estimated 110,000 people in the Auckland region of Indian descent. This includes people from the Indian subcontinent (India, Sri Lanka, Nepal, Bangladesh and Pakistan), South East Asia, Fiji, South Africa and Mauritius. The publishers, Kiwi Media Group,

print 15,000 copies of each issue and claim a readership of 60,000 a week. The newspaper is also online.

Radio Tarana, aimed at Auckland’s Indian community, was ranked in the top 10 radio stations in the greater Auckland region in 2009. Radio Tarana increased its audience by more than 50 per cent, making it the region’s ninth most listened to radio station, beating long-established mainstream stations such as Radio Hauraki and More FM. Radio Tarana is a 24-hour, free-to-air radio station broadcasting news, current affairs, sports, talkback and music. The station is the exclusive provider of BBC Hindi and Urdu Fiji News in New Zealand.

OPPORTUNITIES

AUT’s School of Communication Studies established a Graduate Diploma in Pacific Journalism, with the inaugural intake due in 2010.

AUT’s postgraduate Asia-Pacific journalism course includes an exchange between AUT and the *China Daily*. This enables a student to work on internship in Beijing, while a *China Daily* employee studies in New Zealand. Asia New Zealand provides funding support for airfares for internship students in China and Indonesia.

The AUT Pacific Media Centre (PMC) established an Asian Journalism Fellowship for the first time in 2009, with sponsorship from the Asia New Zealand Foundation. The inaugural recipient was exiled Burmese journalist Violet Cho, who is an indigenous ethnic Karen. She was sponsored by the foundation and AUT’s School of Communication Studies for a postgraduate BCS (Hons) programme and to work as a contributing reporter for the Pacific Scoop website.

A new scholarship to attract Asian New Zealanders into mainstream journalism will commence this year. The Asia New Zealand Foundation is offering up to \$5000 on completion of a successful course of journalism study for the 2010 calendar year.

AUT and community newspaper *Indian Newslink* launched a journalism scholarship to pay the fees for one student every year in the university’s one-year postgraduate journalism programmes.

TVNZ established a diversity scholarship for a Māori, Pacific or Asian student on the three-year Bachelor of Communication Studies degree at AUT University.

AWARDS AND ACHIEVEMENTS

TV One's *Tagata Pasifika* journalist Adrian Stevanon won first place in the 2009 New Zealand Excellence in Reporting Diversity Awards for young journalists. The awards were launched by Whitireia Journalism School in 2008 to recognise top work by journalists with less than five years' experience. They reward outstanding reporting of diversity in New Zealand society, focused on ethnic communities or minority groups who traditionally have not been portrayed well by the media.¹ The awards were held under the auspices of Whitireia Journalism School, the Journalists Training Organisation and the Human Rights Commission.

Fiji-born reporter Dominika White won the Māori Television Prize and AUT University Pacific Media Centre Storyboard Award for diversity journalism for her articles in *Spasifik* magazine.

Canterbury's community access station Plains FM 96.9 won a radio award for the fourth year at the New Zealand Radio Awards. Naoko Kudo won the award for best spoken/informational programme in any language for *Japanese Downunder*, which she has produced and presented since 2002.

Sunday Star Times reporter Karen Arnold was the runner-up in the Statistics New Zealand 2009 Journalism Award with her story "Culture clash as migrants isolated and ignored". The story focused on new migrants in Southland and the local government's struggles to educate the wider community about the importance of welcoming them to the province.

Pacific Media Centre

Pacific Scoop, a partnership between AUT's PMC and Scoop Media, was launched in Auckland in August. This is a news portal for the region from East Timor to Tahiti, including New Zealand. Most of the stories come from senior AUT student journalists, but also by students from Divine Word

University, Madang, Papua New Guinea; National University of Samoa; the University of the South Pacific in Fiji; and the University of Technology, Sydney. Many leading Pacific Island journalists and commentators also contribute. The website attracts 30,000 unique visitors a month.

The centre published a special edition of the Pacific Journalism Review in May on "Diversity, identity and the media". The review is a peer-reviewed journalism and media research journal.

The Pacific Development and Conservation Trust awarded a grant to the Centre's Pacific Media Watch monitoring project, which is dedicated to regional media freedom and diversity issues.

Korean drama series

The 54-episode Korean drama series *Jewel in the Palace* (Dae Jang Geum) on Triangle Television is the first multicultural, long form non-English series to be shown on New Zealand television. Set in the Chosun Dynasty 500 years ago, the series also features Korean cuisine and costumes of the period.



Jewel in the Palace. © MBC TV

¹ Other winners were Rebecca Todd, *The Press* (second); Michelle McCullough, *Dunedin Star*, and Ruth Grundy, *Southern Rural Life* and *Courier Country* (third equal); Tasha Black, *Newswire*, and Carolyn Thomas, *Western Leader* (highly commended).



Jewel in the Palace. © MBC TV

Māori Television

Māori Television celebrated its fifth birthday and the first anniversary of the Māori language channel Te Reo in March. Since its launch, Māori Television's audience reach has tripled to more than 1.5 million New Zealanders each month. As part of the fifth birthday celebrations, research into Māori Television's social and economic impact was released and its revamped website was unveiled.

An independent review panel, Te Kāhui o Māhutonga, considered the operation and effectiveness of the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003. Their recommendations aimed at ensuring the legislation governing Māori Television is updated and that Māori Television is well positioned to continue its success as an indigenous language broadcaster. Areas identified for improvement were language quality and the current funding model.

Māori Television attracted a lot of attention when it made a bid for the free-to-air broadcasting rights for the Rugby World Cup in 2011. Government ministers intervened to successfully broker a combined bid with TVNZ and TV3.

Funding boost for iwi radio

Operating funding for iwi radio was increased by \$1.2 million over 2009-10 and 2010-11 in order to maintain high-quality te reo Māori programmes and extend their community involvement. Provisions in the Budget equal an additional \$50,000 for each of the 21 iwi stations. The increased funding will come from Te Māngai Pāho and

Te Puni Kōkiri. Iwi stations deliver 61,000 hours of te reo content each year.

Māori world views and broadcasting standards

The BSA published the paper Māori World Views and Broadcasting Standards: What Should be the Relationship to provide a platform for discussion. It follows questions raised by the BSA's 2005 publication *The Portrayal of Māori and te ao Māori in Broadcasting: The Foreshore and Seabed Issue*, including whether the current standards adequately reflect Māori realities, concerns and interests.

Access to the BSA

The Broadcasting Standards Authority translated its "How to complain" information into three more languages (Niuean, Somali and Vietnamese) and ran a multilingual bus-based poster campaign in Auckland and Wellington. The posters – in Chinese, Samoan and English – reminded caregivers that AO (adults only) time begins at 8.30pm on free-to-air television.

COMPLAINTS ABOUT THE MEDIA

The Race Relations Report monitored race-related complaints made to the New Zealand Press Council (NZPC), Broadcasting Standards Authority (BSA) and the Advertising Standards Authority (ASA) for the past five years. The Press Council received the least number of race-related cases (seven) in the period 2005-09. The BSA received 19 complaints, seven of which were received in 2009. The ASA received the most complaints (45), but the ratio of race-related complaints to the total number of complaints was very low. For example, in 2009, the ASA released decisions on 647 complaints and only 10 of these were race related. Overall, the level of race-related complaints about the media to standards bodies remains very low.

Year	NZPC	BSA	ASA
2009	2	7	10
2008	0	2	10
2007	4	5	12
2006	1	2	5
2005	0	3	8

Print

There were two race-related complaints to the NZPC in 2009; one was partially upheld.

- A complaint was received about the accuracy of words in a Bromhead cartoon published in the *Sunday Star Times* in January. The complainant said errors he pointed out went uncorrected. The cartoon depicted an Israeli soldier firing a machine gun with a speech bubble: "Ten innocents, one Hamas... Twenty innocents, Two Hamas... Thirty innocents..." The complaint was not upheld.
- A complaint was received about a *Taranaki Daily News* article in which a Māori warden was reported as saying the Parihaka peace festival was the scene of drug abuse. The complainant said the article "Parihaka drug shock for warden" presented the opinion of one woman, comprised "unsubstantiated conjecture", and breached Press Council principles. He added the article was "the latest in a string of incidents" with "a gratuitous focus on the negative for Māori". Its effect was to "defame" Parihaka and the festival activities. The Press Council partially upheld the complaint on the ground of lack of balance.

Broadcasting

The BSA considered seven race-related complaints; one was upheld.

- In March, a complaint was considered about an interview on Radio New Zealand's *Morning Report*. The host interviewed the South African Rugby Union President about the possibility of a rugby game between the New Zealand Māori team and the South African team. The guest commented New Zealand has a problem of racism with reference to Māori, and the host responded by saying South Africa has a bigger problem with apartheid. The complainant said the host failed "to draw out the issues at hand... and to gauge the mood and cultural differences of his interviewee". The broadcaster claimed the interviewee had ample opportunity to express his opinions, and the host's response about New Zealand not having apartheid was a statement of fact and not provocative. The BSA did not uphold the complaint.
- In April, the BSA issued a decision on a complaint about the *Paul Holmes Breakfast* show, aired on The Radio Network. The host discussed the terrorist attacks in Mumbai and made comments about Muslims and terrorism. The complainant said the host was biased and targeted Islam and Muslims. He contended the broadcast contained offensive comments, biased discussion, incorrect information and discriminatory statements which would have "offended all Muslim listeners". He alleged the broadcast breached accuracy, fairness and denigration standards. The BSA did not uphold the complaint, although it accepted some of the host's comments were provocative. Since the overall tenor of the piece had been modified by the end of the programme, the authority found that the host's comments were not unfair to Muslim people.
- In the July-September quarter, a complaint was received about a Radio Tarana programme, *Zindagi Forever*, claiming it breached standards of discrimination and denigration and responsible programming. The complainant alleged the radio host ridiculed and denigrated Hindu concepts and the Hindu religion while promoting Christianity. The BSA concluded the broadcast did not encourage discrimination or denigration of Hindus or the Hindu religion and declined to uphold the complaint.
- In the July-September quarter, the BSA considered a complaint about Radio New Zealand's *Nine to Noon* programme in which the host spoke to women about their experiences with dowry abuse in New Zealand. The complainant alleged it was unbalanced, because it discussed a matter of Indian culture in New Zealand, without presenting a countering response. He also felt it was offensive to men, particularly fathers. The BSA said the programme did not breach accuracy or discriminate against anyone and did not uphold the complaint.
- In the October-December quarter, the BSA considered a number of complaints about TV3's *Nightline* programme, concerning Māori Television's bid for the free-to-air broadcasting rights to the Rugby World Cup. The item included a satirical sketch about what Māori TV's coverage would look like. The complainants said it breached the standards on good taste and decency,

controversial issues, accuracy, fairness, discrimination and denigration and responsible programming. The BSA found it was legitimate satire and was not denigrating of Māori. It did not uphold the complaints.

- In the October-December quarter, the BSA considered a complaint about TVNZ's *Breakfast* programme. The host interviewed a professor of Māori history about 21 hui selecting a "Māori" flag to be flown on Auckland's harbour bridge on Waitangi Day. Both the host and interviewee commented the process was a waste of time and money. The complainant considered the comments were in breach of the standards of good taste and decency, accuracy, fairness, discrimination and denigration, and responsible programming standards. The BSA did not uphold the complaint, saying alternative viewpoints had been presented the previous evening. It said although the comments reinforced stereotypes, they did not encourage denigration.
- In the October-December quarter, the BSA considered a complaint from Kerry Bolton. He said sociologist Dr Scott Hamilton described him inaccurately on Radio New Zealand's *Sunday Morning* with Chris Laidlaw as a holocaust denier. Members of the BSA were unable to establish whether the accusations were accurate. However, they said because the accusations were extremely serious and were made in a pre-recorded factual programme, the broadcaster should have made reasonable efforts to assess their credibility.

Advertising

Complaints about nine advertisements were made to the ASA relating to race. Two of the complaints were declared settled and none were upheld.

- In January, a complaint was made about an advertisement for Mitre10, showing two young boys in a sandpit discussing, in the manner of adults, a construction programme for putting up a retaining wall. One of them addressed a third boy and asked if he would "Give us a hand on Saturday". He responded in an Australian accent: "Mate, you're dreamin'." The other two boys said, "Aussies. No surprise there" and a message on screen said, "DIY. It's in our DNA". The complainant viewed this as racist towards Australians. (Complaint 09/006; no grounds for ruling.)
- In May, a complaint was received about a newspaper advertisement headed "Israel: the missing truth" published in *The New Zealand Herald*. It said, "In 1948, the UN proposed two states for two peoples from the British mandate of Palestine. The division was along demographic lines, with the Jewish portion (most of which was the Negev desert) containing a Jewish majority and the Arab portion an Arab majority. The Jews accepted the partition, the Arabs did not". The advertisement was paid for by Kiwis for Balanced Reporting on the Middle East. The complainant said the advertisement was racially biased and designed to promote racial prejudice and violence, and should not have been published. (Complaint 09/272; no grounds to proceed.)
- In June, a complaint was received about a newspaper advertisement for South Auckland Motors. Part of the advertisement said, "Our Demo Sale... saves you from a Korean car". The complainant felt the advertisement "denigrates a country and its people" and was "a racist advertisement". In response, the advertiser clarified they had no intention of denigrating Korea and its people and discontinued the advertisement. (Complaint 09/330; settled.)
- A complaint was received in July about a billboard advertisement for Tui Beer, containing the message "We shouldn't tease ginga's. Yeah right". The complainant found the statement to be "a race and physical attribute attack on a section of the community", and challenged why it was acceptable to single out redheads. (Complaint 09/402; no grounds to proceed.)
- In July, a complaint was received about a poster advertisement by the Public Service Investment Society. The poster contained the heading "Our nation was built on pitching in and helping each other. We built a place to bank the same way". Wording below said, "Imagine a different way of banking. A cooperative way. Where the aim is to help every one of our customers to get ahead, no matter who they are, or where they are starting from". The complainant said the advertisement was offensive to Māori and was untrue, as "New Zealand history demonstrates New Zealand was built on the dispossession of the Māori people". (Complaint 09/429; no grounds to proceed.)

- In August, a complaint was made about an editorial styled advertisement in a community newspaper *Hamilton This Week*. The advertisement criticised the provision of Māori seats for Auckland's super city by making statements such as "Māori candidates promoting racist policies make themselves unattractive to the wider electorate and make their electoral failure a self-fulfilling prophecy", and "Those promoting policies that discriminate on race are ... scuzzy little racists". The complainant objected to the "denigrating tone of the advertisement", saying the name-calling amounted to hate speech. (Complaint 09/371; not upheld.)
- In August, a complaint was received about a radio advertisement for Hell Pizza. It promoted their 30-minute delivery special and featured a delivery boy with an exaggerated accent. There was a reference to spray-painting his windscreen and putting bricks on the driveway. The customer who answered the door to accept delivery of the pizza says: "Good work team" with cheering in the background. The complainant saw the advertisement as racist. In response to this complaint The Radio Network agreed "this advertisement is entirely inappropriate. It should never have gone to air and has been withdrawn." (Complaint 09/462; settled.)
- A complaint was received in August about a television advertisement for Sanitarium Health Food's Marmite. It showed a couple watching television. The woman talked in an exaggerated Australian accent. Her partner gave her a slice of bread with Marmite on it and the woman changed channels to watch a rugby test. The commentary for the rugby game included: "...and the home side have stolen it! Here's trouble for the Wallabies!" A visual said, "What makes Kiwis Kiwis?" and a jar of Marmite was shown. The complainant said, "As an Australian I find this ad demeaning and offensive." (Complaint 09/491; no grounds to proceed.)
- Two complaints were received in September about a billboard advertisement for Hell Pizza. It featured a cartoon of two angels, one in red with white wings and the other in white with red wings and horns. A speech bubble from the red angel said, "Lighten up" and another speech bubble from the white angel said, "Hell pizzas

are 90% fat free". Also pictured next to the red angel was a dog with a speech bubble that said, "(Like dog)". The complainant said the billboard was offensive and racist, as it referred to a recently reported news story of a Tongan man who had cooked and eaten a dog. (Complaint 09/551; no grounds to proceed.)

Priorities 2010

- Undertaking a further survey of diversity in newsrooms and journalism schools.
- Exploring opportunities and challenges for diversity and harmonious race relations presented by the internet and social media.

10. Rerekētanga whakapono

Religious diversity

What happened in 2009?

- New Zealanders participated in international forums on religious diversity in Istanbul, Perth and Melbourne.
- Guidelines on religion in schools and the second edition of the Statement on Religious Diversity were launched at the annual Religious Diversity Forum in August.
- Guidelines on religion in the workplace were initiated.
- The National Interfaith Forum, Women's Interfaith Forum and Youth Interfaith Forum were held in Auckland in February.
- UNESCO approved the establishment of a chair in interreligious understanding and relations at Victoria University of Wellington.
- New resources were published, including a Wellington Libraries DVD, a further series of the "My God" television programme, a photo book on Muslims in New Zealand, a school resource on religious diversity, and a second edition of the New Zealand Police's Practical Reference to Religious Diversity.
- A Charter for Compassion was launched in December.

ALLIANCE OF CIVILISATIONS

A New Zealand government delegation participated in the second forum of the Alliance of Civilisations (AOC) in April in Istanbul.

The AOC was launched by Turkey and Spain in 2005, in response to concerns the rise of religious extremism and terrorism were causing a growing rift between different cultures and faiths.

New Zealand has been actively involved in the AOC, hosting an Asia-Pacific Regional Symposium in 2007 and participating in both global forums. Attendees in Istanbul in April included heads of state, ministers, business leaders, academics and civil society representatives.

Among priorities identified by the forum:

- Enlarging the global scope of the alliance and consolidating national plans and regional strategies for intercultural dialogue.
- Making education and youth top priority areas of action.
- Strengthening the role of civil society and the private sector in addressing cultural diversity and developing closer cooperation.
- Developing joint projects, especially through initiatives aimed at promoting better intercultural understanding and preventing mounting tensions and the rise of extremism.

The Ministry of Foreign Affairs and Trade (MFAT) is the lead agency for the AOC programme, supported domestically by the Office of Ethnic Affairs.

ASIA-PACIFIC REGIONAL DIALOGUE ON INTERFAITH COOPERATION

The fifth Asia-Pacific dialogue was held in Perth in October on the theme "Future faith leaders: challenges and cooperation". The dialogues are co-sponsored by the governments of Australia, Indonesia, New Zealand and the Philippines. The Perth dialogue was attended by 14 countries in South East Asia and the Pacific. New Zealand's delegation was led by the Minister of Ethnic Affairs, the Hon Pansy Wong, and comprised members of the Buddhist, Christian, Jewish, Muslim, Hindu and Sikh faiths and the Human Rights Commission.

The Perth session focused on fostering interfaith projects, the development of future faith leaders, educational resources on religious diversity, involvement of faith community leaders in conflict resolution, and religious diversity and the media. Key practical follow-up actions for New Zealand were identified as:

- The development of an interfaith environmental project, to be recommended to the National Interfaith Forum in February 2010.
- A leadership development project for future interfaith leaders, to be discussed with the National Youth Interfaith Forum in February 2010.
- Teachers' workshops to promote and develop curriculum resources on religious diversity.
- A workshop for faith leaders and media on religious diversity and the media, in conjunction with the 2010 New Zealand Diversity Forum.
- A commitment to involve more women in interfaith activities and future delegations.

PARLIAMENT OF THE WORLD'S RELIGIONS

The fourth Parliament of the World's Religions was held in Melbourne 3-9 December. Delegates from 220 religious, spiritual and philosophical traditions were present, from over 80 countries. The theme for the 2009 parliament was "Making a world of difference, hearing each other, healing the earth". Priorities included global poverty, environmental change, youth education, spirituality and the arts, and reconciliation among Indigenous peoples. Hundreds of workshops, films and activities demonstrated the wealth of interfaith dialogue around the world, providing inspiration and challenges for those involved in interfaith dialogue in New Zealand.

ESTABLISHMENT OF A UNESCO CHAIR AT VICTORIA UNIVERSITY OF WELLINGTON

New Zealand's first UNESCO chair has been approved at Victoria University of Wellington. The Chair in Interreligious Understanding and Relations, Professor Paul Morris, will focus on religious diversity and dialogue in New Zealand and the Pacific. The position is part of a global network of chairs.

NATIONAL RELIGIOUS DIVERSITY NETWORK

Te Korowai Whakapono, the national religious diversity network, is facilitated by the Human Rights Commission and continues to grow. The Commission produced monthly e-newsletters on developments in religious diversity and interfaith activities and programmes that contribute to religious tolerance, public understanding and interfaith cooperation for security and harmonious relations.

The network's annual Religious Diversity Forum took place in Wellington in August, as part of the New Zealand Diversity Forum, with a focus on religious diversity in the workplace. A panel of employers and employees discussed issues and initiated the development of guidelines on religious diversity in the workplace. The guidelines will be completed in 2010.

The Roman Catholic Archbishop of Wellington, Most Reverend John Dew, launched the second edition of the Religious Diversity Statement at the Religious Diversity Forum. The statement has been endorsed by many groups, including the Salvation Army, Soka Gakkai International of New Zealand, Anglican and Catholic bishops, Federation of Islamic Associations of New Zealand (FIANZ), National Spiritual Assembly of the Bahá'is of New Zealand, Waikato Interfaith Council, New Zealand Council of Christian and

Jews, Conference of the Methodist Church of New Zealand, General Assembly of the Presbyterian Church of New Zealand, the Sikh Centre and Hindu Council of New Zealand. The second edition includes an introduction by the Prime Minister, the Hon John Key.

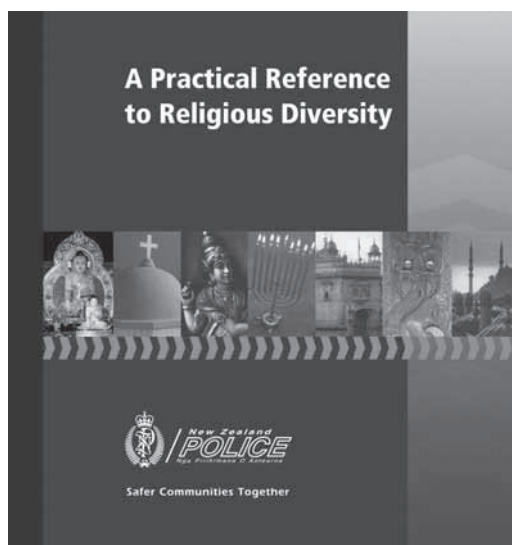
The Commission also launched its joint publication with Victoria University of Wellington: Religion in New Zealand Schools, Questions and Concerns, which followed discussion at the 2008 Religious Diversity Forum. The publication provides guidance to Boards of Trustees and school communities on how to accommodate religion in schools, consistent with the Education Act, the Bill of Rights Act and the Human Rights Act.

Interfaith activities

Interfaith activities in 2009 included:

- The Christchurch Interfaith Council held the inaugural Rafea Antoun Memorial Lecture, delivered by Rev Dr Jonathan Inkpin on "Receiving the gift – sharing in diversity" in June. Rafea Antoun died in December 2008 at the age of 42. She was active in many social, cultural, religious and political groups in Christchurch and beyond, in the field of ethnic, interfaith and women's issues.
- The Wellington Interfaith Council hosted a session on grassroots interfaith activities at the New Zealand Diversity Forum. Recent case studies were presented, followed by a panel discussion on future grassroots interfaith activities.
- The Auckland Interfaith Council held a multi-faith service with a wide range of religions.

A Charter for Compassion was launched in November at a meeting in Auckland organised by the Rasheed Memorial Trust, the New Zealand Jewish Council and the Union for Progressive Judaism. The charter is a short document reinforcing the importance of the golden rule: treat others as we wish to be treated ourselves. The charter is the brainchild of Dr Karen Armstrong, a former British nun who won the TED Prize in 2008 to grant "one wish to change the world". Her wish was to bring together a group of leading inspirational thinkers from Judaism, Christianity and Islam to craft a Charter for Compassion based on the principles of universal justice and respect. Over 1000 people collaborated online to write the charter, which is being launched worldwide through a series of events and religious services.



POLICE AND FAITH COMMUNITIES

The New Zealand Police launched a second edition of *A Practical Reference to Religious Diversity*. It covers seven major religious faiths, including Māori spirituality, Buddhism, Christianity, Hinduism, Islam, Judaism and Sikhism. The book provides information to help frontline police gain basic awareness and understanding of religious diversity. It explains how religious beliefs and customs may impact on their role as police officers. A specialised workshop was held at the police college to train selected staff on Islam, and a Memorandum of Understanding was signed with the Federation of Islamic Association of New Zealand.

Discrimination & cultural misunderstanding

Cases of alleged discrimination and cultural misunderstanding reported in the media included:

- A Muslim woman was barred from entering the Hastings District Court because she was wearing a headscarf. She lodged a complaint with the Human Rights Commission. The judge involved indicated he had made a mistake and the Chief District Court Judge reassured the Muslim community that judges are sensitive to the Bill of Rights provisions against discrimination.
- People refused entry into Cosmopolitan clubs because of rules about no headwear included a Muslim woman wearing a burka and Sikh men wearing turbans. One case

The NZ Police once again supported the Bahá'í secondary schools Race Unity Speech Awards in March. The theme for the speech awards and the youth conference was "Good neighbours come from all races and cultures". The competition, initiated by the NZ Bahá'í community in 2001, is held in support of Race Relations Day each year.

BUILDING BRIDGES

Building Bridges is an Office of Ethnic Affairs project, in partnership with the Federation of Islamic Associations of New Zealand. The project aims to build capacity to foster a unique New Zealand Muslim identity.

Building Bridges activities in 2009:

- A Young Muslims Leadership Development Conference, in conjunction with Auckland University's Islamic Studies Research Unit, was held in April. The conference was part of ongoing work aimed at promoting the positive integration of young Muslim New Zealanders in wider society, and encouraging training and leadership development.
- A forum on civic participation and belonging was held with the Muslim community in Christchurch. Its aim was to challenge and rethink concepts of civic participation and belonging in the Muslim community, and to explore the different ways these might be translated into policy and practice.

was still the subject of a complaint with the Human Rights Commission at the end of 2009.

- A dispute between neighbours and monks in Wainuiomata was settled in last-ditch mediation before a council hearing. Four Buddhist monks set up the Wat Dhamma Prateep monastery on a three-acre lifestyle block. Visitors driving to the property along a shared private road prompted a complaint from a neighbour to the Hutt City Council. The council deemed the house a place of assembly, requiring resource consent, which cost the monks \$3000. The monks and neighbours agreed no more than 12 cars could enter and leave the property a day and the monks must give two weeks' notice of larger gatherings to the neighbours

- Discussion forums were held in Auckland and Hamilton about the role and perception of Muslims in the New Zealand media. Participants in Auckland included Muslim media, the Broadcasting Standards Authority, Māori Television, Radio New Zealand and Radio Live. The discussion focused on learning to work with the media, countering misrepresentation, the role of youth, the plurality within the Muslim community and freedom of speech. Guests at the Hamilton forum included the editor of the *Waikato Times*, and academics from Waikato University and Wintec.
- An online directory of New Zealand Muslim women's organisations was launched.

FORUMS AND CONFERENCES

National Interfaith Forum

The sixth National Interfaith Forum was held in February by the Auckland Interfaith Council. It was attended by over 200 people at various religious venues around Auckland. The goals for the forum were to bring people of different faiths together to learn about interfaith activities around the country, to consider important questions of interfaith infrastructure, and to be spiritually uplifted. A semi-formal email network was established among local interfaith groups, for consultation and connectedness.

Women's National Interfaith Forum

The keynote speaker at the fourth Women's National Interfaith Forum in February was Dr Maureen Sier, from Scotland. The 100 participants included women from Hindu, Sikh, Christian, Latter Day Saints, Bahá'í, Jewish, Zen Buddhist and Muslim backgrounds. The forum was the largest gathering of women to have taken place at a Women's Interfaith Forum in New Zealand.

National Youth Interfaith Forum

The second National Youth Interfaith Forum was held in Auckland in February. Participants shared aspects of their religions and explored issues, such as interfaith communication, common values and beliefs, and environmental concerns faiths can contribute to solving.

Hindu Council of New Zealand

The Hindu Youth Foundation, a division of the Hindu Council of New Zealand Inc, organised the first NZ Hindu Youth Conference in Auckland in May. The theme was

"Living in modern New Zealand with traditional values". The New Zealand Hindu Students Forum for university students was launched during the conference.

The first Hindu elders conference was held in October and was attended by over 160 delegates. The aim was "to facilitate and empower the community so Hindu elders live with confidence and are productive and participating citizens of New Zealand".

EVENTS AND WORKSHOPS

The Ministry of Social Development's Settling In programme hosted a workshop on "Understanding Islam from a rights perspective" at the New Zealand Diversity Forum in August. The workshop addressed the knowledge gap of Muslim women, human rights advocates, academics and policy makers in relation to policymaking, women's rights and fundamental liberties.

The theme of Islam Awareness Week 2009 was "Al-Mizan – finding a balance in life". This annual event, organised by FIANZ, is a week of information and activities to increase awareness of Islamic beliefs, values and practices, and to tackle misinformation in a positive way. It provides an opportunity to engage with Muslim communities around New Zealand.

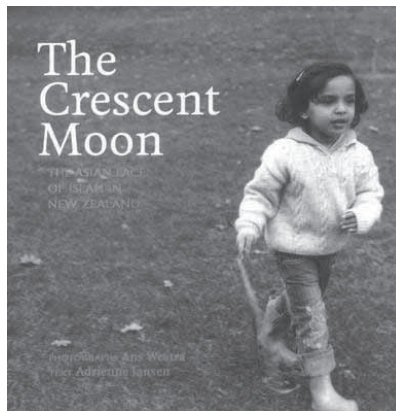
The Rasheed Memorial Da'wah Trust organised a workshop on "Islamic/Muslim cultures, a primer for service providers". This was a response to the growing Muslim community and the complications and potential impact a lack of awareness can have on service provision for Muslim clients. Seventy people from over 40 organisations attended.

The University of Auckland ran a symposium on Islam to explore and discuss aspects of Islamic religion and culture and the challenges faced.

FIANZ held the first National Muslim Convention in Auckland. The aim was to establish an annual event for Muslim New Zealanders, to come together as families, socialise with Kiwi Muslims and participate in sports, religious activities, meetings and forums. The theme for the convention was "Building strong New Zealand Muslim families".

RESEARCH AND RESOURCES

Asia New Zealand published *The Crescent Moon: The Asian Face of Islam in New Zealand*. Written by Adrienne Jansen, the book includes interviews with Muslims of Asian descent in New Zealand and photographs by Ans Westra. It was launched with an accompanying exhibition at Pātaka Museum, in Porirua, in February.



© Asia New Zealand Foundation.

A further series of “My God” was broadcast on Television New Zealand. The 10 profiles of well known New Zealanders of different faiths was produced by Pacific Screen and fronted by broadcaster Chris Nichol. DVDs of previous series were released.

The Wellington City Libraries has developed a visual resource as part of its engagement with the Muslim community. “Our place, your place” talks about what Wellington City Libraries has to offer new Muslim communities. The DVD was directed and produced by



Ans Westra image from “The Crescent Moon”. © Asia New Zealand Foundation.

Helen Donnelly, and gives a brief history of the Muslim community in Wellington and New Zealand.

The University of Auckland’s Network for Islamic Studies (NISA) was upgraded to a research unit. The Islamic Studies Research Unit (ISRU) represents staff and students whose research and teaching intersect with the study of Islam (e.g. history, philosophy, theology, etc). NISA aims to develop a resource base for students, academics and professionals interested in researching or learning more about the cultures and politics of Muslim societies.



Ans Westra image from “The Crescent Moon”. © Asia New Zealand Foundation.

The Centre for Applied Cross-cultural Research at Victoria University of Wellington undertook research on “Being Muslim in New Zealand”. It examined attitudes of New Zealanders towards Muslim immigrants, major issues confronting Muslim youth and how well Muslim youth integrate and adapt in New Zealand. The study found while young Muslims in New Zealand faced threats to their development, their adjustment was within a supportive context.

Pearson Education published *Discovering Diversity: How Diverse Values and Beliefs of World Religions are Shaping Our Identity*, by educationalist Jocelyn Armstrong. It is a textbook for Level 5 Social Studies, examining Judaism, Christianity, Islam, Hinduism, Buddhism and Sikhism. It looks at the beliefs and values underpinning these religions, including stories and traditions.



Ans Westra image from "The Crescent Moon". © Asia New Zealand Foundation.

COMPLAINTS ABOUT DISCRIMINATION TO THE HUMAN RIGHTS COMMISSION

In the past three years, the Human Rights Commission has received 249 complaints on the grounds of religious and/or ethical belief. Approximately half (53 per cent) were complaints from people alleging specific incidents of discrimination because of their religion.

Thirty eight per cent of complaints were of a more general nature, and included 33 relating to employment. These included enquiries from employers about accommodating the religious requirements of their staff or potential employees, and complaints from people who were asked about aspects of their religious belief during job interviews. In a number of these cases, the issues involved the person not being of a certain religion (for example, non-Catholics working in Catholic schools), rather than discrimination because of their specific religious beliefs.

RELIGION	NUMBER
Muslim	34
Christian	26
Sikh	14
Jewish	13

More complaints of discrimination on the grounds of religious belief were received from Muslims than any other group.

Appearance

The most common complaints from Muslims related to appearance. Nine complaints related to headscarves, burkas or hijabs, six of which were received in 2009. One involved a group that was asked to leave a restaurant in a club because one of them was wearing a burka and would not remove it when asked. The club agreed to mediation and the matter was successfully resolved.

Three matters involved problems experienced by people wearing headscarves in the workplace. The complainants were provided with information to assist them in resolving the matters independently. A further matter, relating to the treatment of a shop employee, is in progress.

The case of a Muslim woman barred from the Hastings District Court because she was wearing a headscarf received media attention. The Race Relations Commissioner contacted the Chief District Court Judge and the Federation of Islamic Associations to discuss the issue. The Chief District Court judge issued a statement, affirming judges are aware of the Bill of Rights Act provisions on discrimination and that the judge concerned had made a genuine error. The Human Rights Commission facilitated a meeting with the complainant, the president of FIANZ and the Race Relations Commissioner at the first National Muslim Convention.

One other complaint related to a Muslim school boy who was required to shave for school. This matter is still in progress.

Although the number of complaints from Sikhs was much lower than from Muslims, the majority of these also related to appearance. Eleven of the 14 complaints from Sikhs were about turbans; the other three complaints were about wearing ceremonial daggers, or kirpans. One matter involving a taxi driver prohibited from wearing a turban was successfully resolved via mediation.

Holy days and prayer

Six complaints were received in 2009 from people saying their observance of religious days was not accommodated by their workplace. Four were from Christian religions, one from a Seventh Day Adventist and one from an unspecified religion.

Religious diet

Ten complaints in the last three years related to the accommodation of religious diet: five Islamic, five Jewish and eight related to prison inmates. Three of the 10 complaints were received in 2009, all relating to prison inmates.

Karakia and prayer in school and workplace settings

Fourteen complaints in the last three years were about karakia and/or prayer in workplace or school settings. Five of these related to the recitation of Christian prayers in Council meetings, one of which is still in progress. Two complaints in 2007 related to the same council and were successfully resolved by the complainants themselves.

Three complaints in 2007 and two in 2009 related to workplace settings, including educational establishments. Four of these involved karakia in the workplace, and the fifth involved a person of a different religious belief forced to participate in a Christian observance at work.

Three complaints related to educational settings and the recitation of karakia in schools. One further complaint was received from a prison inmate who complained he was required to sing a waiata that had references to God, which he objected to as an atheist.

Priorities 2010

- Working towards establishing a National Interfaith Council to strengthen the work of the various local interfaith councils.
- Developing and promoting curriculum resources on religious diversity.

11. Te rangahau whānui o te rerenga kētanga

Diversity research

Contributed by the Centre for Applied Cross-cultural Research (CACR), Victoria University of Wellington, and introduced by CACR Director Professor Colleen Ward.

While the following list of 2009 diversity-based conferences, seminars and projects is not exhaustive, it illustrates trends that reflect continuity and change over time. As in previous years, health, employment and well-being in New Zealand's ethnic populations are common research themes, as is the continued emphasis on applied research. In some cases, applied research leads to best practice in programme development. The joint venture between Victoria University of Wellington's School of Applied Linguistics, recruitment company The Johnson Group and the Rotary Club of Wellington represents an innovative initiative. It examines language in the workplace and assists immigrants to gain entry to the workforce,

Academic-government partnerships, particularly for the dissemination of research findings, continue to make major contributions to our knowledge base. For example, the collaboration between Waikato University's Population Studies Centre and the Department of Labour. In 2009, their annual Pathways, Circuits and Crossroads conference focused on "International migration in uncertain times". Similarly, collaborations between research centres and NGOs (non-government organisations) have been effective in addressing issues of concern. The Centre for Asian and Migrant Health Research's strong links with Changemakers and Refugee Services have produced important research on ethnic women at risk.

Despite the amount of research in 2009, five issues underpin the limitations of diversity research: 1) the lack of multi-ethnic perspectives; 2) the need for greater power sharing in research activities; 3) the limitations of a deficit approach; 4) the challenges of ensuring timely research; and 5) insufficient research funding.

The importance of multi-ethnic perspectives

The majority of diversity research on intergroup relations in New Zealand and internationally investigates perspectives of majority groups on minority groups. For example, research in 2009 provided insight into New Zealanders' attitudes toward international students and Muslim

immigrants. Very little is known about how various minority groups view each other. How do Asians view Māori and Pacific peoples? Do Melissa Lee's comments on South Auckland criminals represent a common perception? How do Pacific peoples view Māori as tangata whenua? The relationship between indigeneity and multiculturalism is an aspect that has seen some political leadership. However, research into these relationships is significantly lacking. Ethnic relations cut across all ethnic groups, and reciprocal perceptions represent a priority research topic in coming years.

Power sharing in research initiatives

The methodological challenges that arise from working with minority communities were a point of major discussion at the 2009 forum on diversity research. The duty of care researchers have to these groups should be expressed more forcefully. For example, it is important to involve communities in the process of research, including developing questions together, and to ensure they see the outcome of the study. An excellent example of this is the collaboration between CACR and the New Zealand Federation of Multicultural Councils in their collaborative research *Settling In: Parent-Adolescent Family Dynamics in the Acculturation Process*. Initiatives like this create challenges, but researchers should strive towards increasing power sharing in the development and implementation of research as well as the dissemination of findings.

Positive perspectives: acknowledging the benefits of diversity

In many cases, diversity research concentrates on the challenges of diversity and tends to highlight problems that arise for individuals, ethnic groups and society. It is important that researchers adopt a more balanced perspective, incorporating positive views on New Zealand's diverse ethnic and cultural groups. Jaimee Stuart's work on Pathways to Positive Development in Muslim Youth is an example of how this can be achieved. UK economist Philippe Legrain's visit in 2009 generated considerable interest in the economic benefits that accrue from a diverse ethnic workforce. New Zealand's position as a small society with a strong interest in exporting and innovation makes it a particularly suitable recipient for this message.

Timeliness of diversity research

Unlike many other research areas, diversity research has a high level of public relevance and addresses concerns of wide interest. As a result, an overarching issue is the lag time between issues becoming apparent and public presentation of a research response to them. Developing and conducting research takes a significant amount of time. This has consequences beyond making timely answers difficult. Where were the diversity researchers during the controversy over Hone Harawira's inflammatory comments? Contemporary social events challenge diversity researchers to pay close attention to trends in New Zealand and comparable societies elsewhere, in order to anticipate new issues. For example, ethnic incidents in Australia, like the violence against Indian students, may be seen as indicators of potential problems for New Zealand in the future.

Funding issues

Perhaps the most serious issue to confront diversity researchers in New Zealand in 2010 and onwards is insufficient funding for research. New Zealand already lags behind most OECD countries in terms of investment in research funding, investing approximately one per cent of GDP on science research and spending only 75 per cent of the international average on publicly funded research¹¹.

A serious blow to diversity researchers this year is the loss of two major funding sources. The Foundation for Research, Science and Technology's (FRST) Building an Inclusive Society portfolio will not be contested in 2010. And the original funding of \$8 million awarded by the Tertiary Education Commission for Building Research Capability in the Social Sciences (BRCSS) came to an end in mid-2009. This is likely to have a serious negative impact on diversity research in the future.

CONFERENCES, FORUMS AND SEMINARS

A new venture in 2009 was a seminar series offered by the Office of Ethnic Affairs (OEA) and CACR. Emerging postgraduate researchers and staff from CACR were given the opportunity to present their research to an audience of key public sector stakeholders, such as the policy makers at the OEA. The monthly seminars were well attended and it is hoped they will return in 2010.

In June, the BRCSS network held the Social Sciences Research: A Celebration conference. This included contributions from the Māori, Pacific and new settlers streams of BRCSS research, with a large number of presentations relating to diversity themes. Full details of the conference proceedings are on the BRCSS website: www.brcss.net.nz. BRCSS also delivered a series of presentations on the "access grid" video-conferencing facility, representing work by established and emerging researchers across the breadth of BRCSS activity.

In August, CACR coordinated the fourth annual national forum on diversity research at the Diversity Forum, entitled "Diversity research in New Zealand: where we are, and where we're going". Government, academic and community stakeholders attended the forum. The discussion addressed issues of diversity, discrimination, and how to link community, research and policy needs. A report on the session is available from the CACR website: www.victoria.ac.nz/cacr.

The Centre for Asian and Migrant Health Research, AUT University, hosted a workshop at the Diversity Forum, chaired by Ruth DeSouza. It examined the potential of a cultural safety approach for working with a multicultural population. Panellists discussed whether cultural competence paradigms could complement cultural safety by providing guidance for practitioners and organisations. Cultural safety is an indigenous response from the health sector, calling on health professionals and institutions to reflect on their own behaviour and practices rather than focus on users of services. The primary focus of cultural safety is on ethnicity, with an emphasis on Māori, and debate about the applicability to other marginalised groups.

In 2009, the Population Studies Centre's (University of Waikato) annual Pathways, Circuits and Crossroads conference was held at Te Papa, in Wellington, in November. The conference was hosted in collaboration with Monash University, Australia, Massey University's Integration of Immigrants Programme, and the Department of Labour. The theme was "International migration in uncertain times". Abstracts and presentations from the conference are available at www.waikato.ac.nz/wfass/populationstudiescentre.

¹¹ <http://www.odt.co.nz/news/national/1486/scientists-decry-lack-research-funding>

In November, the Refugee Health and Well-being conference at AUT focused on “Looking back and moving forward”. Over 180 attendees participated in workshops and presentations, covering subjects such as: culturally responsive services for refugee youth recovering from mental health problems; the benefits of bilingual ESOL; health care access for refugees; the complexities of interpretation; and the abuse risks that exist for resettled women and girls. Feedback from the conference showed it was a valuable event and should be held regularly. The feedback evaluated New Zealand’s progress in refugee resettlement since the last major conference 21 years ago.

Overview of Diversity Research

Adrienne Girling from CACR compiled the following material. It is based on enquiries sent to associates of CACR, including university, governmental and non-governmental research groups, and database searches. Descriptions of projects and research activities are presented according to the corresponding organisation. It is not an exhaustive list but highlights the themes of New Zealand’s diversity research for 2009. Emerging projects and papers on cultural diversity in New Zealand can be accessed on the CACR website: www.vuw.ac.nz/cacr.

TERTIARY EDUCATION INSTITUTIONS

Centre for Applied Cross-cultural Research, Victoria University of Wellington

Youth voices, youth choices: identity, integration and social cohesion in culturally diverse Aotearoa/New Zealand

YVYC broadly addresses three issues for Chinese, Pacific and Muslim youth: 1) What are the indicators of participation and success for these youth; 2) how do these youth maintain social and cultural connectedness; 3) what strategies can be used to promote positive identity, leadership and capacity building within Chinese, Pacific and Muslim communities?

With funding support from FRST, this project combines the resources of CACR and Va’aomanū Pasifika, of Victoria University of Wellington. This includes experienced and internationally renowned researchers, strong relationships

with government and excellent links with community groups. They are supported by a range of government agencies and NGOs, including the Ministries of Social Development, Youth Development, Pacific Island Affairs, the OEA, the New Zealand Chinese Association, the Federation of Islamic Councils of New Zealand and the New Zealand Federation of Multicultural Councils.

The Muslim youth component is described separately below.

The Chinese youth component involves collaboration with the New Zealand Chinese Association (NZCA), which began a Leadership Development Camp. The camp has since become a conference, attended by 30-50 young delegates each year, aimed at enhancing cultural identity and developing leadership potential. Interviews and focus groups were conducted with youth delegates and older leaders. The older leaders in the NZCA (aged 40-70) said they had felt prejudice and discrimination growing up, and tended to maintain a low public profile while developing their professional careers. They were motivated to contribute to NZCA activities because they wanted to provide a forum for young people to meet, socialise and express their sense of being Kiwi Chinese. The younger generation had more varied experiences, with multigenerational Kiwi Chinese saying they did not feel much prejudice or discrimination, and recent Chinese migrants saying they felt distanced from mainstream New Zealand culture and more established Kiwi Chinese.

Language and habits were primary barriers to smooth interaction between multigenerational and first generation Chinese in New Zealand. The older generations experienced a glass ceiling on leadership opportunities, whereas the young generation of Kiwi Chinese adopted a mainstream Westernised view.

Contact: Colleen Ward

Integration and adaptation of Muslim new settlers

Funded by FRST, BRCSS, Victoria University of Wellington Research Fund and the Sasakawa Young Leaders Fellowship, the research programme is a series of inter-linked studies concerning Muslim immigrants in New Zealand.

These include:

• **Attitudes toward Muslim immigrants**

A random sample of 302 New Zealand adults completed surveys about attitudes toward immigrants and toward Muslim immigrants specifically. Findings included:

- Settlers from the United States, United Kingdom, Australia, Korea, Philippines, India, China, South Africa, Samoa, Tonga, and Fiji are viewed more positively than those from predominantly Muslim countries (Malaysia, Indonesia, Pakistan, Iraq, Iran, Afghanistan and Somalia).
- There is a moderate to moderately high level of perceived threat in relation to Muslim immigrants.
- More positive attitudes toward Muslims are associated with greater contact with Muslim people, lowered perceived threat, a stronger multicultural ideology and liberal religious attitudes.

Contact: Colleen Ward and Jaimee Stuart

• **Identity, acculturation and adaptation**

The research examined identity and acculturation in first generation immigrants in New Zealand and how these factors impact on adaptation. Comparisons across religious groups were also conducted (no religion, Christian, Muslim, and Asian religious, including Buddhism, Hinduism and Sikhism). Findings included:

- 61 per cent of Muslims agreed immigrants should maintain their original culture while also adopting the New Zealand culture. This was not significantly different from immigrants in other religious groups.
- 62 per cent of Muslim immigrants disagreed that immigrants should give up their own culture for the sake of adopting New Zealand culture. This was not significantly different from immigrants from other religious groups.
- There were no differences in socio-cultural adaptation (cultural competency) or symptoms of psychological distress across the four groups.
- There were no differences in perceived discrimination across the four groups.

The findings indicate strong similarities between Muslim immigrants and immigrants from other religious backgrounds.

Contact: Colleen Ward and Larissa Kus

• **Psychological well-being in Muslim women**

This study investigated the nature and extent of perceived religious discrimination in 153 Muslim women in New Zealand and its impact on their psychological well-being. Key findings included:

- Discrimination
 - Reports of perceived discrimination were generally low.
 - Discrimination occurred more often in subtle, rather than overt, forms.
 - Religious discrimination was associated with visibility, i.e. wearing hijab, but at the same time, women spoke of the meaningful, positive and protective aspects of traditional, modest Muslim dress.
- Well-being
 - Women who wore hijab more frequently and to a greater degree reported greater life satisfaction and fewer symptoms of psychological distress.
 - Discrimination exerted a negative effect on psychological well-being for those with a strong Islamic identity, but traditional Islamic practices buffered the negative consequences of discrimination.

Contact: Marieke Jasperse and Colleen Ward

• **Pathways to positive development for Muslim youth**

This qualitative, exploratory study examined the question “What are the indicators and determinants of participation and success for Muslim youth?” Self-selected “successful” young Muslim migrants were interviewed and focus groups were carried out. The 24 participants, ranging in age from 19 to 27, came from a variety of ethnicities and lengths of

time living in New Zealand. The data showed a series of themes, clustered under six major categories: discrimination; acculturation; individual characteristics; family, friends and community; New Zealand society; and adaptation.

The study found while young Muslims in New Zealand faced a variety of threats to their development, their adjustment was supported, leading to positive outcomes and diminished risks.

Contact: Jaimee Stuart

• **Identity, acculturation and adaptation in Muslim youth**

As part of the Youth Voices, Youth Choices project, this research examined how Muslim youth (aged 13-19) preserve traditional values and practices, how they negotiate identity issues, and how well they adapt socially and psychologically to life in New Zealand. One hundred and eighty Muslim youth participated (75 per cent born overseas, mainly in the Middle East, Asia and the Pacific). Findings included:

- Strong Islamic identity and engagement in Muslim practices are associated with greater life satisfaction, better school adjustment, less antisocial behaviour and fewer symptoms of psychological distress.
- Support from family members is associated with better social and psychological outcomes.
- The frequency of perceived discrimination is moderately low, but is associated with poor adaptation outcomes.
- Muslim youth reported greater life satisfaction, fewer behavioural problems and fewer symptoms of psychological distress than Māori and Pākehā youth.

Contact: Colleen Ward and Jaimee Stuart

Testing a culture-sensitive model of intergroup forgiveness

Funded by the BRCSS network in 2008, this project tested a model of intergroup forgiveness. The intergroup contexts consisted of two post-conflict comparisons: 1) German-Russian/French/Polish post-Second World War relations; and 2) Japanese-Chinese/Taiwanese/Filipino post-war relations. There was considerably lower forgiveness in the Asian post-Second World War context compared to the European. Mainland Chinese were less forgiving of Japanese than any of the other groups, and the French were more forgiving

of Germans for Second World War wrongdoings than any of the other groups. Work in New Zealand has shown historical negation (treating the past as closed) reduces support for bicultural policies.

Contact: James Liu

Settling in: parent-adolescent family dynamics in the acculturation process

This report, released in April 2009, was based on results from a qualitative study of the experiences of migrant and refugee families, examining ways parents and adolescents understand and negotiate their acculturation experiences. The report showed these migrant parents are coping well in general. However, they tended to think they were the only ones having problems and would lose respect and bring shame on the family if others knew of their difficulties. The report is available on the Families Commission website: www.familiescommission.govt.nz.

Contacts: Jaimee Stuart, Paul Jose and Colleen Ward

Attitudes toward international students

The project examined attitudes toward international students from students, teachers and the community. The findings demonstrated direct contact with international students led to decreased anxiety about interacting with them, less perceived threat and more positive attitudes. Findings indicated increasing proportions of international students were associated with more positive attitudes until enrolments reached 11 per cent. After this, further increases were linked to more negative attitudes for both teachers and domestic students.

See: Ward, C, Masgoret, A M, & Gezentsvey, M (2009). Investigating attitudes toward international students: Program and policy implications for social integration and international education. *Social Issues and Policy Review*, 3, 79-102.

Contact: Colleen Ward

Developing intercultural sensitisers

In 2009, two students started developing intercultural sensitisers – a tool to help individuals from one cultural group make isomorphic attributions similar to those made by another cultural group. One student is developing a

sensitiser aimed at “increasing intercultural understanding between Māori and Pākehā within education”. The second student is developing a Chinese intercultural sensitiser, to improve New Zealanders’ understanding of the behaviours, affect and cognitions of Chinese international university students.

Contact: Taciano Milfont

Developing cultural identity: what is important for young Māori offenders?

A strong cultural identity for young Māori can encompass knowing whakapapa, connections to rohe (place), te reo, tikanga and participation in Māori activities. Compensatory programmes incorporating Māori cultural activities aim to increase access to Māori culture and strengthen participant identity. This study described what is of value to young Māori offenders and their whānau, to determine how well the cultural components of youth offender programmes are able to address any cultural shortfall.

Contact: Patricia Te Wairere Ahiahi Young

An integrative framework on the antecedents and outcomes of perceived discrimination in the workplace

The research examined the nature and consequences of perceived discrimination, using focus groups with Chinese, Indian, Filipino, German and Zimbabwean immigrants to New Zealand. The findings helped construct a new measurement – the Immigrants’ Perceptions of Discrimination in the Workplace Scales (IPDWS). Subsequent research found perceived discrimination was linked to lower job satisfaction, lower life satisfaction and greater psychological distress.

Contact: Maria Socorro D. Mendoza, Ronald Fischer and Astrid Podsiadlowski

Ancient ways in current days: ethno-cultural arts and acculturation

This research investigated the benefits of traditional/ ethnic arts participation on well-being for immigrant and ethnic minority groups. Migrant and minority artists were asked how their arts practices affected their lives and acculturation processes. There was strong evidence for a distinction between ethnic and contemporary/Western

arts for ethnic peoples in the areas of cultural knowledge, connectedness and ethnic identity development. Data from a longitudinal study of New Zealand youth (the Youth Connectedness project), studied differences based on arts participation for Māori and Pacific youth. Results showed youth who participated in any arts reported greater connectedness and well-being over those who participated in no arts. Youth who participated in traditional Polynesian cultural arts had the highest ethnic identity scores. These studies demonstrate individual and group benefits of participation in traditional arts. The results suggest public support for such arts and programmes, which would lead to better adaptation outcomes for immigrant and ethnic minority groups.

Contact: Stephen Fox and Colleen Ward

Organisational diversity in New Zealand: national employer survey 2009

Conducted with the OEA, this study examined cultural diversity and diversity management in businesses in New Zealand. This was part of a large cross-national study (involving Austria, the Netherlands and New Zealand) funded by the Research Commission of the European Union. One hundred and forty one New Zealand managers were asked about their attitudes towards diversity in the workplace. The majority reported positive attitudes, which was mirrored in their attitudes towards employing migrants. The research found the more diverse an organisation is, the more likely there are diversity management practices in place. Organisations that manage diversity actively reported higher performance of their migrant staff members. The results of this research indicated organisations benefit from a culturally diverse staff, and diversity management practices enhanced diversity in the workplace.

Contact: Astrid Podsiadlowski

School of Linguistics and Applied Language Studies, Victoria University of Wellington

Language in the Workplace (LWP)

In 2008, LWP began tracking the socio-pragmatic performance of students in the classroom and at work placements. Focus was on the enactment of requests and small talk, and ways that would aid the construction of the

migrants' professional identity. The pilot research is funded by a University Research Fund grant. Two related projects are planned for 2010, including investigating the effect of contrasting cultural norms on workplace interaction.

Contact: LWP Director Janet Holmes. For more information, visit the LWP website: www.victoria.ac.nz/lals/lwp.

Workplace communication for skilled migrants

A focus for LWP in 2009 was analysing the discourse of skilled migrants, particularly those enrolled in the Workplace Communication for Skilled Migrants Course at the School of Linguistics and Applied Language Studies. The programme aims to help migrants develop appropriate communication skills in professional workplaces, to improve cultural understanding of New Zealand workplaces and to gain New Zealand workplace experience. It draws on LWP data in activities designed to develop pragmatic awareness and competence in a New Zealand workplace setting. Topics are small talk, requesting, refusing, disagreeing, making complaints and making suggestions.

The course won Highly Commended in the Tomorrow's Workforce Award category of the 2009 EEO Trust Work & Life Awards. The programme benefits the New Zealand community and workplaces, by ensuring a speedy and positive entry into productive work. A cost-benefit analysis showed the programme returns \$98 to the New Zealand economy for every dollar spent. Conservative estimates indicate a productivity improvement of \$30,000 per graduate per year of employment in 2009 values. The programme also received special commendation from the New Zealand Human Rights Commission in June 2009.

For more information, visit www.victoria.ac.nz/lals/eli/skilled-migrant-programme.aspx.

Va'aomanū Pasifika, Victoria University of Wellington Samoan language lives on abroad

A new Samoan language course book, *Gagana Samoa: A Samoan Language Coursebook*, written by Victoria University senior lecturer Galumalemana Afeleti Hunkin, shows the growing prominence of the Samoan language in New Zealand and the world. The Samoan language is the third most spoken language in New Zealand and is used in a

number of government and community services, as well as being taught in New Zealand classrooms.

Militarism and gender in the Pacific

Dr Teresia Teaiwa organised a two-day workshop on militarism and gender in the Pacific as part of her Faststart Marsden project. An internationally renowned scholar in the area, Professor Cynthia Enloe, contributed to the workshop and gave a public lecture on militarism and gender in the Pacific.

Roy McKenzie Centre for the Study of Families

Youth connectedness in European New Zealand and Māori teenagers

The Youth Connectedness project, led by Associate Professors Jan Pryor and Paul Jose, has collected data from approximately 1800 adolescents, their parents and principals from 2006-2008. They were asked how well connected youth feel to their family, their peer group, their school and their community. The results showed youth who feel better connected in those areas reported greater psychological well-being. Other findings included:

- Connectedness to family proved to be the most powerful influence on young people, stronger than peer, school, or community connectedness.
- The four areas of connectedness seemed to exert similar influences for both Māori and Pākehā youth.
- Māori youth reported higher levels of home/school dissonance (i.e., the teenager believed family and school want somewhat different outcomes) than Pākehā youth.

Contact: Paul Jose or Jan Pryor

Indigenous Research Group, School of Psychology, Victoria University of Wellington

Kia whakakotahi

This project, funded by the Prison Fellowship, focused on Māori students and their whānau. Emerging Māori researchers from the Indigenous Research Group collected data from students and their whānau, school staff and community organisations. The results provided recommendations to improve connectedness between

students, whānau, the school, and the community; student-teacher relationships; mentoring of at-risk students; and crisis intervention and management.

Population Studies Centre, University of Waikato

Members of the Population Studies Centre published numerous articles and books relating to population dynamics, structures and processes in Australasia, Asia and the Pacific Islands, and contributed to many national and international conferences. Thirteen papers were presented at the Population Association of New Zealand Biennial Conference in Wellington, where Professor Richard Bedford gave a keynote address on the impact of the economic recession on international migration in New Zealand. For more information on projects and publications, visit the Population Studies Centre website: www.waikato.ac.nz/wfass/populationstudiescentre.

Institute of Development Studies, Massey University

Positive representations and expressions of parenting by single mothers: a Pacific Island perspective

This qualitative study will draw on in-depth interviews with 12 to 15 women and four to six informant interviews. Research will explore the parenting experiences of Pacific Island single mothers and the importance of culture in framing these experiences. The report is due for publication in 2010.

Contact: Dr Rochelle Stewart-Withers

Integration of Immigrants Programme, Massey University and Waikato University

The Integration of Immigrants Programme (2007-2012) has two major objectives. 1) Using data from the census and the Longitudinal Immigration Survey (LisNZ), this study aims to develop an econometric model of the demand and supply factors in labour market outcomes. Professor Poot is studying the over-qualification of Dutch immigrants and innovations in the analysis of immigrant labour market outcomes. 2) Using census and LisNZ data, and information from surveys and case studies, this outcome aims to provide evidence of immigrants' economic incorporation in ethnic businesses and informal ethnic-related settings.

Reports from a survey of 200 migrant employers and

employees from China, Korea, India, South Africa and the UK will be published in 2010. A visual record of the impact of immigration on the "linguistic landscape" of "ethnic enclaves" in metropolitan Auckland will be analysed. Reports have been published on Chinese businesses in Auckland (for the Asia:NZ Foundation); migrants and sporting organisations in Auckland (for the Auckland Regional Physical Activity & Sport Strategy) and English language learners (for English Language Partners New Zealand). This work has been presented at a number of conferences in New Zealand and overseas and in several publications. Most of these can be found at <http://integrationofimmigrants.massey.ac.nz>.

Contact: Dr Carina Meares, Research Manager

Centre for Asian Health Research and Evaluation (CAHRE), University of Auckland

CAHRE's research programme concentrates on five aspects of Asian health. Below is a list of some of the projects being conducted by CAHRE, according to the research area they represent. (N.B. there are no current projects for service accessibility issues.)

Mental health issues

Building evidence for better practice in support of Asian migrant and refugee mental well-being (funded by Te Pou).

Triple R project – services to work with refugee youths recovering from mental health problems (funded by Te Pou – the National Centre of Mental Health Research, Information and Workforce Development).

Lifestyle issues

South Asian Healthy Eating Healthy Action programme (funded by Auckland District Health Board, Ministry of Health).

Asian stream, Development of New Zealand guidelines for management of overweight and obesity with implementation plan (funded by Ministry of Health).

Settlement and integration

Impacts of the work experiences of Asian immigrants on family well-being (funded by Families Commission).

AIM Families: Asian Immigrant Families research (funded by

Families Commission; due for publication March 2010).

Development issues and sector advice

Asian stream, longitudinal study Growing Up in New Zealand (funded by Ministry of Social Development and other Agencies).

Centre for Asian and Migrant Health Research, Auckland University of Technology

The experience and special needs of women at risk: an evaluation to create best practice support systems

The Centre worked with Refugee Services, Changemakers, Canterbury Refugee Council and Auckland Refugee Coalition to organise focus groups with refugee women. The groups involved women from Ethiopia, Afghanistan, Assyria, Sudan, Somalia and Democratic Republic of Congo. The length of time the women had lived in New Zealand varied from five months to 16 years. All 31 women in the study indicated their appreciation for the support they have received and expressed the benefits of living in New Zealand. This included education for children, feeling safe and opportunities to learn new skills. An initial analysis of the data revealed common themes in the settlement experiences of "women at risk": 1) family reunification – the difficulties that arise when it is delayed; 2) barriers to gaining employment and the impact this has on providing for the family; and 3) limited cultural support outside their communities to guide and support children and future generations.

Contact: Ruth DeSouza

GOVERNMENT AGENCIES

Department of Labour

The International Migration, Settlement, and Employment Dynamics (IMSED) research team

IMSED Research carries out programmes that contribute to an understanding of diversity in a New Zealand and international context, for example:

- Longitudinal Immigration Survey: New Zealand (LisNZ)
- Quota Refugees 10 Years On: Perspectives on Integration, Community and Identity
- Migrant and Refugee Youth Settlement and Social Inclusion.

For more information, visit the IMSED website: www.immigration.govt.nz/research.

Contact: Lachlan McKenzie

Department of Labour with the Ministry of Pacific Island Affairs

Pacific Women's Work Report

This report provides evidence of the skills, training and labour market participation of Pacific women. It will inform the development of policies to increase the contribution of Pacific women in New Zealand's economy. The report was produced by the Department of Labour in partnership with the Ministry of Pacific Island Affairs and with support from the Ministry of Women's Affairs and the Ministry of Social Development.

Families Commission

Three Pacific Families Now and in the Future research reports were released at the Families Commission Pacific Forum "Our home our future" in November 2009.

Changing Pacific household composition and well-being 1981-2006

Census data was used to describe changes in Pacific well-being and household composition over the 25-year span. It provided an evidence base to inform policies for strengthening Pacific families and a baseline against which those policies can be assessed.

Living the Tokelauan way in New Zealand: teenagers' perspectives on extended-family living and the evaluation of a purpose-built, extended family house

This qualitative study involved focus groups of Tokelaun teenagers and in-depth interviews with children before and after they moved into purpose-built extended family homes. The report presents findings about how Tokelaun youth feel about living in extended family households, how they describe their experiences and what impact they believe this has on their health and well-being.

Pasifika youth in South Auckland: family, gangs, community, culture, leadership and the future

This qualitative project examined the relationship between “family and home” and “the gang and the street” for Mangere and Otara Pacific youth. It included analysis between the perceptions of Pacific youth who are and are not involved with gangs, perceptions of Pacific ex-gang members, and a literature review of knowledge about Pacific youth and gangs in relation to Pacific families.

For more information on these reports, visit www.familiescommission.govt.nz/publications-resources/research-publications.

Ministry of Health

A focus on the health of Māori and Pacific children: key findings of the 2006-07 New Zealand health survey

This publication was released in December 2009. It reports findings from the 2006-07 New Zealand health survey and expands on the highlights published in 2008 in *A Portrait of Health: Key Results of the 2006-07 New Zealand Health Survey*. The findings presented in the report confirm disparities in health outcomes and the exposure to risk and health behaviours between Māori and non-Māori children and between Pacific and non-Pacific children. These findings support the ongoing prioritisation of these two groups of children in monitoring and policy development. The report can be found on the Ministry of Health website: www.moh.govt.nz.

Ministry of Social Development

In a place I call my own: support networks of older people ageing in the community

This report examined the services available to older people that enable them to continue living at home. The report offers vignettes of five older people (whose findings were representative of the broader sample of individuals studied), including people of New Zealand European, Māori, Pacific Island and Asian backgrounds. Of great importance was the ability to maintain a sense of value, independence or interdependence with family, and to maintain lifetime habits and preferences. Individuals reported having either strong family or community focused networks. Those in family networks relied on family for daily support, whereas those

with community networks sought support from friends and community contacts. However, all individuals required some formal, state-funded support. This report highlights important concerns and considerations for the future of New Zealand's ageing population.

The report can be found on the Ministry of Social Development website: www.msd.govt.nz.

Office of Ethnic Affairs

Literature review on capacity building of NGOs

As part of its Strengthening Ethnic NGOs project, OEA conducted a literature review on “capacity building” of NGOs. The literature review provided an overview of trends and models used in the NGO sector globally and in New Zealand. The review aims to identify gaps in knowledge and research for ethnic community organisations.

Understanding the employment issues of the New Zealand Muslim community

OEA is conducting research to investigate whether the New Zealand Muslim community faces particular employment issues. In December 2009, a survey obtained information about what has helped or hindered New Zealand Muslims find suitable jobs. The research will build on efforts by OEA and other government departments to address employment issues in the New Zealand Muslim community.

Te Puni Kōkiri

Kia eke ki ngā taumata, kia pakari ngā kaiako – he tirohanga akoranga: an exploration of in-service support and professional development provision for Māori-medium teachers

Te Puni Kōkiri released a report in 2009 about the availability and effectiveness of in-service support and development for Māori-medium teachers. The report highlights gaps in the provision of such support and identifies barriers to access. Teachers and principals felt professional support for Māori should ideally be provided by Māori, and that most development programmes are not specifically targeted to Māori-medium. Information and resources from mainstream professional development needed to be translated into Māori in order for teachers and principals to use them in the classroom. The full report

can be found on the Te Puni Kōkiri website:
www.tpk.govt.nz/en.

NON-GOVERNMENTAL ORGANISATIONS, INDEPENDENTS AND NON-PROFITS

Asia New Zealand Foundation (Asia:NZ) Research

Asia: NZ conducted extensive research in 2009 on New Zealand's Asian populations. The two key reports were Outlook 09 – Asians in Dunedin: Not a New Story, and Outlook 10 – Asians in Wellington. Asia: NZ also released the first in a series of papers examining New Zealanders' diaspora populations in Asia: Outlook 11 – Intersections: Southeast Asia and Diaspora Engagement. Two other social research reports commissioned by Asia: NZ were: Asia New Zealand Foundation Tracking Study, Perceptions of Asia (an ongoing annual survey); and The Impact of the Beijing Olympics on New Zealanders' Perceptions of Asia.

Asia: NZ released four business research reports – Next Stop Japan: A Guide for New Zealand Business; A Global City: Chinese Owned and Operated Businesses in Auckland; South Korea: An Opportunity for New Zealand Business; and Asian Business Graduates in New Zealand.

Asia: NZ also released a key education publication, Asia Aware: Why Asia Matters to New Zealand.

All Asia: NZ research can be found at www.asianz.org.nz.

Contact: Andrew Butcher, Director, Policy and Research

Equal Employment Opportunities Trust

People management in tough economic times: employers' responses to recession

EEO Trust surveys in May and June 2009 explored how employers were responding to the economic downturn. Many employers were endeavouring to maintain their long-term competitive advantage by investing in training and development, health and wellness initiatives, and flexible work options. The report shows the majority of employers did not make changes to their diversity programmes and that changes employers did make were in favour of diversity.

The report can be found on the EEO Trust website:
www.eeotrust.org.nz.

Motu Economic and Public Policy Research

Housing ownership

Motu is looking at whether home ownership leads to better individual and community outcomes. Researchers collected data on Pacific peoples' home ownership, contributing to the Ministry of Pacific Affairs Pacific Housing Workshop. The research uses the longitudinal Survey of Family, Income and Employment (SoFIE) to estimate the impact of home ownership on labour market outcomes, health status, wealth, educational status and employment for youth. By examining the effects of home ownership, Motu aims to provide evidence for debates on the importance of home ownership.

Contact: Dr Arthur Grimes

Migration

Motu's research on migration examines migrant outcomes in New Zealand and Australia, and the impacts of immigration for the New Zealand born population. Research in 2009 compared immigrant employment outcomes to those born in New Zealand and looked at the impact of immigration on innovation. Further research on migration examined the association between migration and improved mental health.

Contact: Steven Stillman and David Maré

Priority 2010

- Ensuring sufficient funding to continue major diversity research programmes following the loss of the FRST (Foundation for Research, Science and Technology) inclusive society portfolio in 2010 and the cessation of BRCSS (Building Research Capability in Social Sciences) funding.





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